

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
October 26, 2016**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF OCTOBER 12, 2016

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

1401 & 1415 Kearns Blvd., 1415, 1635, 1665, 1685, & 1705 Bonanza Dr., 1420 & 1490 W Munchkin Rd., – Bonanza Park North East Master Planned Development (MPD) Pre-Application determination in the General Commercial (GC) District. Project consists of a mixed-use development containing commercial space on the first floor and office or residential
Public hearing and continuation to date uncertain

PL-15-02997 37
*Planner
 Astorga*

7520-7570 Royal Street East- Deer Valley MPD 12th Amendment to combine Lots D, F, G, and H of the Silver Lake Community, into one development parcel. No changes to the approved density assigned to these parcels are proposed.
Public hearing and continuation to November 9, 2016

PL-16-03155 41
*Planner
 Whetstone*

7520-7570 Royals Street East- Amendment to the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision combining Lots D F, G, and H into one lot.
Public hearing and continuation to November 9, 2016

PL-15-02966 42
*Planner
 Whetstone*

7520-7570 Royal Street East- Conditional Use Permit for 34 residential units on Lot 1 of the Amendment to the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision.
Public hearing and continuation to November 9, 2016

PL-15-02967 43
*Planner
 Whetstone*

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

515 Main Street – Conditional Use Permit application to allow current and future tenants of 515 Main Street to install a tent a maximum of 15 times per year, for durations no longer than fourteen (14) days each, within the private courtyard to the north of the building.
Public hearing and possible action

PL-16-03266 45
*Planner
 Scarff*

324/328 Woodside Avenue, 313 Park Avenue – Plat Amendment application to combine Lot B (328 Woodside) and Lot C (324 Woodside) of the 315 Park Avenue Subdivision Amended plat to create one (1) legal lot of record. Lot A (313 Park) is to remain as currently platted.
Public hearing and possible recommendation to City Council on November 17, 2016

PL-16-03290 67
*Planner
 Scarff*

7700 Stein Way – A Conditional Use Permit for an addition to the Stein Eriksen Lodge for ski lockers and guest recreational amenities, as well as improvements to the exterior pool and deck area and remodel of existing interior ski locker rooms and skier services.	PL-16-03176	91
<i>Public hearing and possible action</i>	<i>Planner</i>	
	<i>Whetstone</i>	

7700 Stein Way - Amendment to the Stein Eriksen Lodge Common Area Supplemental plat to identify additional ski lockers and guest recreational amenities as common area.	PL-16-03175	139
<i>Public hearing and possible recommendation to City Council on November 17, 2016</i>	<i>Planner</i>	
	<i>Whetstone</i>	167

Land Management Code (LMC) amendments- Various administrative and substantive amendments to the Park City Development Code, <i>Planning Director Erickson</i> specifically amending Land Management Code Chapter One – General Provisions- regarding Appeals and Reconsideration Process; creating standards for continuations of matters before Boards and Council; zoning clarifications; Chapter 2 – Historic Zones - Clarifying that where there are footprint restrictions, the footprint formula does not include prescriptive rights of way or roads; and when existing subdivisions are amended additional density is dis-favored; Chapter 6 MPDs and Chapter 7 Subdivisions -when existing MPDs or subdivisions are re-opened or amended additional density is dis-favored - Chapter 11 Historic Preservation - timing of hearing Determination of Significance applications; Chapter 15-6 Master Planned Developments – removing requirements for Pre-Application Public Meeting and Determination of Compliance;	PL-16-03348	
<i>Public hearing and possible recommendation to City Council</i>	<i>Planning</i>	
	<i>Director</i>	
	<i>Erickson</i>	

WORK SESSION – Discussion items only, no action taken

Planning Staff and Planning Commission discussion regarding the use of gravel mulch in Landscaping LMC Section 15-5-5 (M) LANDSCAPING, and Parking in side yards (all Zones). No decisions will be made at this Work Session.	<i>Planning</i>	201
<i>Discussion item only, no action taken. Public input may be taken</i>	<i>Director</i>	
	<i>Erickson</i>	

ADJOURN

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

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
SANTY AUDITORIUM
PARK CITY LIBRARY
OCTOBER, 12, 2016

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney; Jody Burnett, Outside Counsel

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

September 28, 2016

Commissioner Joyce referred to page 4, the second item under Continuations, a changed "The appellant had request" to correctly read, "The appellant had **requested**".

Commissioner Joyce referred to page 5, and noted that it was Chair Strachan who opened and closed the public hearing, and not Vice-Chair Joyce as reflected in the Minutes.

Commissioner Joyce referred to page 6, the paragraph beginning with Commissioner Phillips, and added the inserted the word **know** to correctly read, "Commissioner Phillips wanted to **know** what was left to do on the Comstock Mine."

Commissioner Joyce referred to page 11, third paragraph, second sentence, and changes between1 and 1 to correctly read, **between 1 and 2**.

Commissioner Joyce referred to page 12, fourth paragraph, line 6, and changed off-site to correctly read **on-site**.

Commissioner Joyce referred to page 16, second paragraph from the bottom, and changed "View the came on TV" to correctly read, "View the **game** on TV".

Commissioner Band noted that the Chateaux at Deer Valley is spelled C-h-a-t-e-a-u-x

MOTION: Commissioner Joyce moved to APPROVE the minutes of September 28, 2016 as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed. Commissioner Band abstained since she was absent from the September 28th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson reported that due to the Thanksgiving holiday, the Planning Commission would hold their second meeting in November on November 30th at the Marsac Building. It would be a work session to discuss LMC Amendments regarding transportation and energy.

The next meeting on the Treasure Hill project would be November 9th. It would be a work session format to discuss the project and to work with Sketch-up. Public input would be taken.

Chair Strachan asked if the work session would be held at the Santy Auditorium or at their regular location in Council Chambers at City Hall. Mr. Erickson addressed the pros and cons of both locations. The Commissioners agreed that the visual equipment in Council Chambers was better for both the public and the Planning Commission and they would prefer that location if possible. Director Erickson agreed.

Chair Strachan assumed that public turnout would be higher for Treasure Hill meetings when they start discussing traffic and other major issues. At that point the meetings may move back to the Santy Auditorium.

Director Erickson clarified that the work session on Treasure Hill would be held at the Marsac Building on November 9th.

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

1. 8680 Empire Club Drive – A Conditional Use Permit for a 1,094 sf. Addition to the Talisker Tower Club restaurant and expansion of the basement locker room
(Application PL-16-03177)

Planner Astorga stated that Kirsten Whetstone was the project planner and she requested that the Planning Commission continue this item to November 9th.

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

MOTION: Commissioner Phillips moved to CONTINUE the CUP for 8680 Empire Club Drive to November 9, 2016. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-Station Sites – Sweeney Properties Master Plan. (Application PL-08-00370)

Planner Francisco Astorga noted that the applicant had provided additional information in addition to the packet that was provided at the site visit last month. Copies were provided for the public on the table in the hall.

Planner Astorga reported that the Staff report focused on Criteria 8, 11 and 15 related to mass, scale, volume and excavation. Regarding building mass bulk and scale, he believed the items were related and should not be discussed separately.

Planner Astorga referred to page 90 of the Staff report, which were the visualization sheets from various viewpoints that were previously submitted by the applicant. It was identified as Exhibit Y. He commented on a number of the exhibits that were important enough to be included in the Staff report rather than as a hyperlink. The second set, identified as Exhibit Z, were the S Exhibits, which were the cross sections sheets previously submitted by the applicant. Since they were discussing the excavation, mass and scale, Planner Astorga thought it was appropriate to provide that information in the Staff report.

Planner Astorga remarked that Exhibit AA on page 106 of the Staff report was not part of the submitted application. It was found on the applicant's website. It was a computer rendering produced by the applicant. Using their rendering he added a label identifying each building such as 5C, etc. He also added measurements that were taken directly from the building elevations as submitted on the application. Planner Astorga believed that was appropriate because it is difficult to look at one façade and one elevation at a time and try to understand what is there. However, he recognized that it may not be complete and he could add additional measurements if necessary.

Planner Astorga noted that the Staff report indicates the issues that the Planning Commission addressed at a meeting on September 23, 2009. He believed the Planning Commission held a follow-up meeting, which was a simple iteration of the September 23rd, 2009 Staff report. Those were the last two meetings and public hearings regarding this Conditional Use Permit. At that time the same issues were addressed that are currently being addressed in Criteria 8, 11 and 15.

Planner Astorga reported that the Staff will continue to agree with the comments made by the Planning Department in 2009 regarding the specific buildings that the Staff found were not in compliance in terms of mass, scale, and design. He noted that it was a result of the massive excavation that is currently being proposed.

Planner Astorga did not believe the issues listed under Criteria 8, 11 and 15 in the Staff report was a complete list. For example, there are other items regarding the excavation, Criteria 15, that could be added for that specific mitigation. That still needs to be addressed and the Staff is working with the applicant. He noted that the Planning Commission was currently charged with the ability to determine whether or not a proposal complies with the mitigation of the CUP criteria.

Commissioner Band asked when the Spiro Drinking Source Water Protection Zone was created. Planner Astorga did not have that information available, and offered to provide it for the next meeting.

Stephen Perkins, stated that he is a Land Planner and Landscape Architect with MPE, Inc. in connection with the application for a conditional use permit for Treasure Hill. Mr. Perkins stated that he has appeared before the Planning Commission on many occasions during earlier hearings. He stated that as in past meetings, the key members of the MPE team were present this evening and were available to answer questions throughout the evening.

Mr. Perkins stated that his presentation this evening would touch on many aspects of the CUP Criteria 8, 11 and 15. The presentation would be from his perspective as a land planner and he hoped to provide some insight into the thinking that went into the development of the plans and is part of the CUP application.

Mr. Perkins stated that in his presentation he would not be using the computer graphic Sketch-up that was described in the Staff report. However, he would present a preview of the Sketch-up slides in anticipation of the work session on November 9th. Mr. Perkins stated that in addition to his presentation, the applicant had prepared a position statement in response to issues that were raised in previous Staff reports.

Mr. Perkins intended to speak about his experience with the Treasure Hill project planning, describe the planning and development challenges they faced in creating the Treasure Hill plan, provide a planning perspective on the Woodruff drawings, explain their design approach, briefly discuss excavation and cliffscapes, and offer a preliminary review of the Sketch-up massing model.

Mr. Perkins stated that from the early 1980s to the 1990s he was working as a Senior Associate with a firm and he had the opportunity to work on number mixed-use mountain resort projects throughout North America. In the mid-1990s they were hired by a partnership headed by Harry Reed and the Sweeney Family to create a town lift mater plan for several parcels on lower Main Street, currently known as the Marriott Summit Watch, the Town Lift Base and the Caledonian.

Mr. Perkins stated that the two Sweeney Family properties, the Coalition East and West parcels were part of the 1986 MPD. In conjunction with the Sweeney's and other project members, they proposed a major change to the approved MPD, which resulted in the extension of skiing to Main Street. He noted that many current residents may not have been in Park City at that time, but the Creole Run terminated at the Mid-Station parcel above lower and Norfolk Avenue where there was a loading platform. Skiers who wanted to get back to Main Street took off their skis and walked down in ski boots. Mr. Perkins remarked that in order to allow the extension of ski runs to the town lift base, the Sweeney's and the PCMR removed existing houses, and the Sweeney's significantly reduced their approved density on the west side of the Park Avenue Coalition West Parcel in MPD. With the City's cooperation, Woodside Avenue between 7th and 8th Street was re-routed, and prior to the 2002 Olympics, PCMR purchased the Coalition West Property and with the financial assistance of the Coalition of nearby property owners that included the Sweeney's, allowed the Town Bridge across Park Avenue and all the associated improvements necessary to allow ski access.

From a Planning perspective, Mr. Perkins believed it was a big deal to connect the mountain directly to Main Street because it would benefit Main Street businesses and Park City residents. It should have been an easy approval; but proposed changes are very controversial. During the many Planning Commission hearings for the Town Lift Master Plan, opponents claimed that this change would ruin the character of the Historic District, snarl traffic, encourage crime, and endanger public safety.

Mr. Perkin noted that the project was ultimately approved. The Mountain and Main Street are connected and the Town Bridge has become a landmark in the Historic District. He believed that Park City and the Historic District, in particular, were made better by this change to the MPD.

Mr. Perkins felt this narrative was important because it sets the stage for understanding the planning process for Treasure Hill. He began working with the Sweeney's in the late 1990s on a plan for the Mid-Station and Creole sites. Mr. Perkins reiterated that he spent most of his career working on mixed-use mountain resort projects, and most of them had similar characteristics. These include warm beds in the form of hotel rooms and condominiums intended for short-term rental, maximizing ski in/ski out opportunities for guests, providing a pedestrian orientation where guests could arrive by car or other vehicular transportation, and be able to ski, shop, dine, recreate, etc., without the need of a car. Mr. Perkins stated that these projects also have a broad range of on-site guest amenities.

Mr. Perkins stated that the Sweeney's heard this as they were looking to develop a top quality hotel/condo/resort base type project with characteristics similar to the ones mentioned above.

Mr. Perkins remarked that the 1986 MPD approval also anticipated this type of project. He noted that page 12 of the revised MPD Staff report states, "The predominant land uses envisioned at the time are transient oriented residential development with some limited support commercial. Building forms and massing, as well as the location, lend themselves to hotel type development. Although future developers of the project within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these will likely be geared toward the visitor looking for more of a destination type accommodation. The property involved in the Master Plan is directly connected to the Park Ski Area as such, and provides ski to/ski from access".

Mr. Perkins stated that many at recent Planning Commission hearings have been questioning the original approval of the 1986 MPD. However, in his opinion as a land planner, it represents a very sound approach for the community because the MPD greatly reduced the original overall permitted density. It stopped the proliferation of single family homes, roads, bridge and utilities, and other structures that could likely be built in areas above and beyond. Mr. Perkin noted that the remaining density was clustered into an area that was within walking distance of the Historic District. It supported the concept of creating nightly rental accommodations. It minimized the extension and cost of public roads and other infrastructure, snow removal and public services. It created opportunities for ski in/ski out residential units. It preserved over 100 acres of valuable open space. Mr. Perkins stated that in his mind that is good planning whether the year is 1986 or 2016.

Mr. Perkins stated that land planners play the role of the problem solver. They look at the site and identify the opportunities and constraints. They understand and analyze the project zone, approvals and Codes. They work with the client to craft a vision of what is desired within those parameters, and then working with a team of other consultants to create a comprehensive plan that satisfies all those criteria in a creative and workable

manner that reasonably mitigates the impacts to the community. Mr. Perkins admitted that in all his planning experience the Treasure project has been one of the most complex and challenging projects he has worked on. Based on ongoing reviews of the Treasure project over many years he was certain that the Planning Staff, the Planning Commission and the public were well aware of those complexities.

Mr. Perkins presented a list of planning issues, and acknowledged that it was not a complete list. However, it highlights what he believes are important challenges to the planning of the Treasure project. Mr. Perkins stated that MPD established a single point of vehicular access from Lowell to Empire Avenue. All vehicles, including shuttles, taxis, service vehicles, emergency, etc., are required to access the project at this point. This was a condition of the MPD approval. He pointed out that no secondary access point was identified or approval.

Mr. Perkins commented on the steep slopes generally ranging from 20 to 50%. He stated that one has only to look at the grading and excavation that takes place in Park City for the construction of just one single-family home on a similar sloped site to realize that the significant project of Treasure will require a large amount of site disturbance, grading and excavation. Mr. Perkins remarked that the MPD approval requires a minimum of 70% of the Creole and Mid-Station parcels remain as open space. The building footprints above finished grade must fit within the remaining 30% of the parcel, or approximately 150,000. Mr. Perkins stated that this was an important planning consideration for building height, mass and volume. Building footprints could not be enlarged this restriction in order to lower height, conversely giving a fixed building volume, and pushing building height down in one location and increasing building heights in another location.

Mr. Perkins noted that the MPD established maximum height limits that are strictly defined and are measured from existing grade. The configuration of the allowable building height limit places the greatest building height when it is measured above existing grade, along the front areas of two parcels, immediately adjacent to the Historic District. This means that in order to place taller buildings further back in the Creole Gulch, it will require more excavation. Mr. Perkins stated that early on in the process, this was identified to the Planning Commission as an inherent challenge of the MPD approval. He read from the October 13, 2004 Planning Commission Minutes, "Commissioner Bruce Erickson questioned whether the height restriction put in place by the Development Agreement might cause some difficulty, since the tallest buildings are not against the hillside. In this case the highest, tallest building is away from the mountain and more visible than it should be".

Mr. Perkins stated that while the MPD approval imposes no specific requirements or conditions for ski runs or lifts, as previously stated the site by location has good potential

for ski in/ski out access. The Sweeney's and the project planners concluded that good skiing for all skier buildings, expansion and improvements of the ski runs on the resort, and lift improvements were essential. Mr. Perking stated that to that end the Sweeney's entered into an agreement with PCMR related to ski improvements, and that agreement continues today with Vail Resorts. In concert with the agreement the Sweeney undertook preliminary lift engineering work for a new high speed lifts from the Mid-Station on top of Pay Day; and for a cabriolet from the Town Lift base to the Mid-Station. Both the development of ski runs and the engineering required for the lifts have significant implications for grading and excavation.

Mr. Perkins commented on the fire protection plan. He explained that this agreement was developed and signed immediately prior to the CUP application. He stated that the Planning Staff and some Commissioners have implied that the fire protection plan is not relevant to review of the current application; however, from a planning and design standpoint the opposite is true. Mr. Perkins remarked that this was not a typical project. It consists of high rise buildings that are sited on steep slopes with a single point of vehicular access. Any project with these characteristics will face fire protection issues. As a result of the fire protection discussion, the pre-application plans were modified to suit the agreed upon fire protection plan. Mr. Perkins noted that the site plan attached to the final page of the Fire Protection Plan is the same site plan that was submitted for the CUP application. Mr. Perkins stated that the fire protection parameters have a significant impact on not only building design, but also on building site and ground floor elevations; and in turn, on the amount of grading and excavation.

Mr. Perkins noted that there has been significant public comment regarding neighborhood concerns related to traffic, proximity, height and scale throughout the CUP process. Mr. Perkins agreed that the concern is real and justified. The MPD approval is for a large project located above the Historic District. Building height, massing and arrangement are of vital importance to the neighbors. Lowell and Empire as the single access point raises traffic concerns related to pedestrian safety and snow removal issues. Mr. Perkins stated that efforts to reasonably mitigate these impacts is a critical challenge for a project.

Mr. Perkins stated that when they began working with the Sweeney's on the Treasure project they reviewed the drawings prepared by Architect Gene Woodruff, which were attached as part of the MPD. Mr. Perkins reminded everyone that the Woodruff drawings were preliminary in nature, and simply used to develop a volumetric approved in the MPD. He thought it was clear in the discussions with the Planning Staff prior to the submittal of the CUP application, that the Woodruff plans were neither approved nor preferred. In addition, the 1986 MPD revised Staff report was very clear on this as well. It states, "The applicant requested that only general development concept and density be approved at this juncture. Final unit configuration and mix may be adjusted by future developers at the time

of the Conditional Use Permit review. Also, future developers of projects within the master plan has the flexibility to build a variety of unit types in different combinations or configurations". Mr. Perkins stated that within that context there were several issues with the Woodruff plan that they felt needed to be addressed from a planning design standpoint. The buildings depicted in the Woodruff plan had five very large footprints and were very tall from nine to 13 floors. They were generally positioned so that the greatest height was located adjacent to the neighboring areas of the Historic District. When viewed from the lowest exposed level to the top of the highest level, most reach heights well over 100 feet. Mr. Perkins noted that the buildings depicted in the Woodruff drawings also had no architectural diversity. There was a limited variety of building size, scale, and mass, that is in contrast to the eclectic mix of architectural scale and architecture found in the Historic District.

Mr. Perkins remarked that many of the building arrangements in the Woodruff plan create difficult and inefficient circulation and service issues. The Woodruff drawings were never tested to see if they would satisfy fire and safety parameters. Mr. Perkins did not believe they would.

Mr. Perkins stated that the ski run pattern and resulting ski experience shown on the Woodruff drawings was unacceptable. It consists of a very narrow ski trail leading from 10+ story buildings with no provision for skier pullouts, no ski in/ski out access for guests, and no ski access from nearby neighborhoods. Mr. Perkins noted that the Woodruff plan shows no guest amenity areas. From a competitive and market standpoint, a project of this type must offer amenities on a level similar to other resort properties. Mr. Perkins pointed out that the Woodruff drawings did not show pedestrian connections to Main Street. In an effort to be fair to Mr. Woodruff, Mr. Perkins reiterated that these drawings were not intended to address many of the issues. They were simply intended to illustrate a volumetric for the MPD.

Mr. Perkins stated that he wanted to clear the air on an issue that had upset him at the last Planning Commission meeting. He felt obligated to point out that the Woodruff drawings were used to utilize a very serious misconception contained in Staff reports dating back to 2009, regarding the amount of excavation and grading that was anticipated in the MPD approval. He presented an exhibit created by then project planner, Katie Cattin, and shown on page 27 of the September 23rd, 2009 Staff report.

The exhibit showed a section from Building D from Sheet 18 of the Woodruff drawings with two heavy colored lines that were added to represent the existing grade in green and final grade in red. Mr. Perkins stated that the implication of this exhibit is that the Woodruff plans anticipated minimal excavation and grading, except for the underground parking. He believed this conclusion and the exhibit itself were both inaccurate and misleading. Mr. Perkins presented sheet 24 of the Woodruff drawings, and noted that

the elevation of the same Building D clearly shows a dashed line labeled “existing grade”. He pointed out that the existing grade line is clearly located well above the re-established final grade of the building, and shows that significant excavation and grading was anticipated for Building D. He had added a green line to show the existing grade and a red line to show the final grade.

Mr. Perkins remarked that the excavation required to achieve finished grade for Building D extends the entire length of the building and reaches to almost 55’ feet in depth. In addition, Sheet 24 shows excavation of Building C to a depth of approximately 38 feet, and the elevation of Building E to approximately 40’ below existing grade. Mr. Perkins pointed out that the numbers did not include the additional excavation that would be required for building foundations, utilities, etc.

Mr. Perkins stated that the inaccurate representation shown on the 2009 exhibit was extremely frustrating because he and Pat Sweeney had personally approached Katie Cattan after the September 23rd, 2009 meeting and provided her with the same building elevation he was presenting this evening, showing the correct location of the existing grade. Mr. Perkins pointed out that neither the Staff report nor the public record have been corrected. The exhibit was often cited in comments by former Planning Commissioners regarding excavation. He stated that this misrepresentation has been perpetuated. This same exhibit and supporting text were copied verbatim and were included in the last Staff report. Mr. Perkins did not believe it was realistic to believe that there would be minimal excavation and grading during construction of a project of this type on steep slopes. Significant site disturbance, removal of vegetation, grading and excavation should be anticipated for much of the project area, and possibly into some adjacent areas of the MPD. Mr. Perkins noted that this is typically followed by regrading and landscaping as in most construction projects.

Mr. Perkins stated that the Treasure plan that was submitted as part of the CUP in January 2004 took several years to define and develop. They were mindful of the difficulty of the site itself and the adverse conditions imposed by the MPD. Their approach to the land design of the plans submitted for CUP review in 2004 included several key plan objectives. One objective was to reduce the general size of the large building footprints and volumes shown on the Woodruff plan, and create a greater number of building footprints of varying sizes that are consistent with the footprint sizes found in the Historic District.

Mr. Perkins noted that a member of THINC presented a photo at the July Planning Commission meeting that showed a view from Lower Main Street circa 1985-1986 and looking up towards the Treasure Hill project site. In that presentation, much was said about the fact that the photo showed nothing in this area. Mr. Perkins presented a

photograph of the same scene dated five years earlier showing the Silver King Coalition Building that was built in 1901 and stood along Park Avenue approximately in the location of the current Town Lift. The building was a terminus of the aerial tramway and its towers are still in existence today. It was operated until the early 1950s and burned down in 1981. The building was located on a railroad spur that ran along Park Avenue; one of two railroad lines that came to this location. It functioned as the rail transfer station for coal and ore used in the mining operations. Mr. Perkins remarked that the Coalition building stood longer after it had ceased operation, and was an iconic architectural landmark in the historic district. It has a footprint area of approximately 6500 square feet and it rose to a height of almost 85 feet at its peak. Mr. Perkins stated that the proportion of this tall building volume is not unlike several of the buildings that have been proposed for the Treasure Hill project. He remarked that if the Coalition building were still standing today, it would be significantly taller than either the Summit Watch or the Sky Lodge Buildings.

Mr. Perkins stated that along with the footprint size, another objective was building proportions, architectural styles and roof forms. Lower buildings were generally to have pitched roofs like adjacent residential structures, and taller buildings were to have flat roofs similar to the larger commercial buildings found on Main Street. The flat roofs on the taller buildings comply with fire protection requirements, snow management issues, and are less tall without the addition of the pitched roof. Mr. Perkins noted that building proportions were to be varied as well, with some buildings having vertical proportions and others having a horizontal orientation. Rather than following a singular architectural style or theme, they set out to create a varied collection of different building type, sizes and architectural influences that range from historic mining to contemporary and variations in between. Mr. Perkins stated that this random pattern of eclectic building types is characteristic of the Historic District. He hoped that a later meeting, the project architect, David Eldridge could speak to the architectural diversity and variation, and provide example of similar buildings within the Historic District, as well as proposed variations in the choice of exterior colors and materials.

Mr. Perkins stated that they also sought to arrange buildings so as to layer the height and mass within the project by placing lower smaller buildings along the front of the project in an effort to mitigate the transition the scale from existing nearby residences. Larger buildings were to be placed back into the site. The lower buildings were intended to create a visual foil to the taller building behind them, particularly when viewed from below along lower Main Street. Mr. Perkins pointed out that this was in contrast to the Woodruff drawings that placed five tall buildings front and center on the site, with a few smaller, lower buildings at the peak. He noted that pushing the building height and mass back into Creole Gulch, along with the improvement of skiing through

the project and fire safety considerations, have implications for the amount of excavation and grading necessary to make the pieces work together.

Mr. Perkins remarked that another key objective was to create a first class ski experience throughout the project, which included developing a large ski trail network that would serve all levels of skiers and broaden the ski experience for the town side of the Resort. They also wanted to facilitate the convenience of ski in/ski out access.

Mr. Perkins commented on the need to ensure that they could provide for fire protection and safety. An internal fire access route up Lowell Avenue was incorporated, which satisfied their requirements and conformed with the fire Protection plan. Mr. Perkins outlined the requirements that were met. Mr. Perkins stated the vehicle access criteria was important because it drove finished grade and building floor elevations within the center of the project. He presented a photo and pointed to the fire truck turnaround and access to all the buildings on the interior of the project. He indicated the second fire access and the exterior location for fire-fighting access. Mr. Perkins remarked that those two routes function as cul-de-sacs for fire protection.

Mr. Perkins stated that another objective was to place all service areas in underground structures in a thoughtful manner, as required by the MPD. He noted that service access and activities were located to best mitigate noise, odor, and initial impacts on the neighborhood.

Mr. Perkins remarked that the last objective was to create a great experience for guests. He noted that very little of the discussion at Planning Commission hearings over the years has focused on the guest experience. It is a critical element to ensure the long-term success of the project. To this end they wanted to create a vibrant and animated experience that includes guest oriented support commercial and resort services that would be located on an internal pedestrian street that connects via a walkway to the new lifts.

Mr. Perkins pointed to Building 4 and stated that the desire was to develop a signature high-end hotel facility that would be the center of the guest experience with meeting, accessory and guest services that are competitive with similar projects in Park City and other resorts. They also wanted to create an outdoor amenities area for all guests adjacent to the main hotel building and similar in size and scope to other competing hotel resort properties in Park City. Mr. Perkins indicated how they linked all the uses together with a network of pedestrian walks, stairs, elevators and a connection to units located on the opposite of the ski run, and to link the entire project to Main Street with the pedestrian oriented cabriolet.

Mr. Perkins stated that the planning objectives he mentioned guided the development of the existing CUP submittal plans. During Planning Commission reviews that occurred from 2004 to 2009, numerous revisions were made to the at the suggestion of the Planning Staff, Planning Commissioners and the public, as well as from the project team and a hotel operator. Mr. Perkins noted that the planning objectives outlined have remained consistent to this day.

Mr. Perkins commented on the amount of excavation required to create the proposed Treasure projects on this steep. He agreed that that the amount of excavation proposed is significant; however, it is necessary to achieve the fundamental project goals of great skiing, fire protection and safety, outdoor amenity space, pedestrian accessibility, and underground parking and service. More importantly, the excavation allows building volumes to be set further back in Creole Gulch. Mr. Perkins stated that the proposed excavation would result in ski slopes adjacent to the project, which they have termed "cliffscares". In some cases, they will be over 100 feet tall. A number of geo-technical reports have been prepared for the project site. Based on those studies, they believe that the quality of underlying rock and the direction of the different strides within the rock formation will allow for stable, steep cut slopes in many locations. In some cases, they may need to build retaining wall structures at the toe of the slopes to reduce heights and to create less steep areas for tree planting. In addition, they intend to literally sculpt the cuts to make them appear natural. They also intend to plant them with grasses, perennials, shrubs, and trees. Mr. Perkins stated that the project team will be working the geo-technical engineer. They are very concerned about the appearance of the cliffscares areas. They will be most visible from the units in the Treasure Hill project; however, portions of the cliffscares will be visible from vantage points in the Historic District. Mr. Perkins disagreed with the public comments about the cliffscares being ugly scars because they will sculpt these spaces working with the natural characteristics and revegetate them with appropriate plant materials. He believed the proposed cliffscares will be part of the Treasure experience.

Mr. Perkins stated that a primary consideration of this large excavation is the disposal of the excavated material. If hauled off site, the disposal of excavated material would create traffic impacts on local roads. However, it is the applicant's intent to place the majority of this material on-site within the MPD boundaries, and without transporting the material on public roads. He explained that excavated material with high levels of potentially hazardous minerals will be deposited and capped in strict accordance with State and Federal Laws. They propose to use the excavated material to build new ski runs and improve existing runs. The material will be put in place and compacted at the direction of the geo-technical engineer. This approach will mitigate off-site traffic impacts and concerns regarding hazardous materials; and at the same time improve skiing.

Mr. Perkins provided a preview of the Sketch-up computer model that will be utilized at the Planning Commission work session on November 9th. He pointed out that these were simple volumetric studies. There are no building details or exterior material color contrasts between individual buildings. And because there is no grading plan for the Woodruff buildings, some portions of those buildings appear below existing grade and are partially obscured.

Mr. Perkins presented Sketch-up views of the proposed project from 9th Street, the Aerie, the Marsac Building, North Star, Ontario Ridge, looking down the ski run from the proposed project, and the ski run entrance under the building on the Woodruff drawings.

Mr. Perkins reiterated that the project team was prepared to answer any questions.

Planner Astorga stated that he would have a prepared rebuttal to Mr. Perkins' presentation at the next meeting. However, he wanted to clarify that in looking at the comparisons between the 2009 plan and the Woodruff plan, everything in red on the Woodruff drawing was shown in the site plan and the cross sections without any mitigation. He explained that this was the conditional use permit process and the purpose of the process is to mitigate impacts. Planner Astorga offered to relook at the sample elevations that were included in the packet for the Sweeney Property MPD, as well as the cross sections. In addition to the green line and the red line, he could add a blue line to show the excavation proposed by the applicant. He would have that illustration the next meeting.

Chair Strachan opened the public hearing.

Charles Stormont, legal counsel representing THINC, re-emphasized a few points from previous meetings. He understood that the focus was on Criteria 8, 11 and 15, but he thought many of the issues within those criteria were driven by issues of size and density. Mr. Stormont noted that there have been numerous comments from the Planning Commission and the applicant with respect to what square footage is justified, what square footage was approved, and what might be approved. Mr. Stormont returned to the basics of the MPD, which is 197 unit equivalents of residential and 19 commercial unit equivalents. He thought Commissioner Joyce had made an interesting comment at the last meeting about whether those 19 commercial unit equivalents might be an absolute maximum. Mr. Stormont remarked that THINC found that comment to be interesting and persuasive. However, they also recognize that Jodi Burnett had drawn conclusions about additional space provided for by Section 10.12 of the 1985 Land Management Code.

Keeping the conclusions of Mr. Burnett in mind, Mr. Stormont emphasized that the additional space allowed is 5% of hotel floor area for specific uses, support commercial and meeting rooms. It also provides for circulation spaces. Those are the limits on the types of spaces that are allowed without counting toward unit equivalents. Mr. Stormont stated that the MPD approval included 203,695 square feet of parking with acknowledgements that there could be some minor variations in the parking square footage. Mr. Stormont pointed out that when combining the 5% of hotel floor area, the unit equivalents approved, and the parking provided for, the total is 628,435 square feet. Additional circulation space may be added without counting toward unit equivalents, but otherwise that is the maximum. Anything else must count towards unit equivalents.

Mr. Stormont noted that the applicant has not only requested the 19 commercial unit equivalents, but also an additional 49,539 square feet of support commercial and meeting space. The 5% of hotel floor area is 11,740 square feet provided for without counting toward unit equivalents. Mr. Stormont stated that the applicant was proposing 37,799 square feet in excess of the 5% allowed in the support commercial/meeting space category. Add to that an additional 136,301 square feet of what has been dubbed accessory space. Mr. Stormont noted that the accessory space does not exist in the MPD approval that was obtained, and it does not exist in the 1985 LMC. Using Mr. Burnett's conclusions, every bit of that \$136,301 square feet, and 37,799 square feet of meeting space and support commercial should count toward the unit equivalents.

Mr. Stormont commented on the large number of accessory spaces being proposed. He noted that there are certain limitations on those spaces in terms of what can be counted and what can be had without counting core unit equivalents. Under the 1985 Code, everything else counts as unit equivalents. When they start talking about 136,000 square feet of accessory space for service elevators, receiving spaces, maintenance space, storage, lift ticket sales, offices, employee housing, pool building, laundry facilities, and a tremendous number of others uses that are being requested not to count toward unit equivalents, under the 1985 Code each and every one of them must be counted.

Mr. Stormont commented on an additional 173,210 square feet of circulation space that the applicant was requesting outside of the unit equivalents, and much of that circulation space ties into these numerous not approved accessory uses. The excess adds up to a tremendous amount. Mr. Stormont stated that requesting 185,840 square feet in addition to the 19 commercial unit equivalents, equates to 186 unit equivalents that have been requested without any recognition that the limit is 19. Mr. Stormont

believed those excesses were driving tremendous issues with respect to the mass and bulk that both the Staff and THINC have commented on at previous meetings.

Mr. Stormont pointed out that by asking for so much excess space, they also have to engage in tremendous excavation. He suggested that cliffscapes in excess of 100 feet would squarely fall under CUP Criteria 15, which considers slope retention and the appropriateness of the proposed structure to the topography of the site. Mr. Stormont stated that according to this proposal, many slopes are eliminated, not retained. For that reason, it does not comply with Criteria 15. He noted that a tremendous volume of materials would be excavated, not just within the building area, but on to other parts of the mountain. That amount of excavation clearly demonstrates that this proposal is not appropriate to the topography of this site. If it was, that much excavation would not be required. Mr. Stormont highlighted that the 1986 MPD approval Staff report states, "The Staff has included a condition that an exhibit be attached to the master plan approval that further defines building envelope limitations and architectural considerations. While the Woodruff drawings are preliminary and conceptual in many respects, one of those drawings highlight and imposes limitations on what was approved. The Staff report goes on to state, "We recommend that the building envelopes proposed for the Coalition properties be limited in accordance with the exhibits prepared and made a part of the approval documents". Mr. Stormont pointed out that these recommendations by Staff were approved by the City Council. The limitation on building envelopes was shown on a slide he provided. The red boundary is from Sheet 22 of the Woodruff drawings. The red outline reflects the building area boundary from the Woodruff drawings, and the limits that were imposed by Staff and approved by the City Council. Mr. Stormont pointed to the tremendous excavation outside of the building area boundary.

Mr. Stormont referred to a letter from the applicant attached to the Staff report for this meeting, which states that limits of disturbance will be defined during the CUP phase. He pointed out that the same statement appears in the 1986 MPD approval. The problem is that the applicant's argument about limits of disturbance and the building area boundary are two different issues. What can be built is limited expressly by the MPD. It has to be constructed within the red outline. Mr. Stormont stated that under the 2003 LMC that applies to this application, the limits of disturbance are a construction concept. The areas that are outside of the building area have to be restored. This is the difference between a temporary disturbance of the land and a permanent disturbance of the land. As heard from Mr. Perkin's presentation this evening, these excavation scars or cliffscapes will include additional retaining walls, additional fence, and a variety of other permanent structures. He suggested that the Woodruff drawings expected much of this to be restored, even within the building area boundary. Mr. Stormont referred to the exhibit Mr. Perkins showed with the green and

the red line, and he noted that the green and the red line met at the back of the building. There was not a cliffscape behind it. He thought a demonstration of that with a blue line as Planner Astorga suggested would be helpful. Mr. Stormont believed a small amount of excavation was envisioned by the Woodruff drawings, but not this type of excavation, and certainly not excavation outside of the building area boundary that would be permanent and never restored it the prior condition.

Mr. Stormont noted that the letter submitted by the applicant and contained in the Staff report includes a rehashing of history that he against suggested was incomplete. He highlighted some of the issues mentioned at previous meetings. In 2006 the project changed significantly and more than 167,000 square feet were added to the project. In addition, they have the benefit of Mr. Burnett's analysis in 2009. Mr. Stormont pointed out that the applicant suggests that those changes were not substantive; however, he would argue that 167,000 additional square is substantive. He stated that there is also a dispute over whether or not that was part of the prior submission. In an earlier meeting the applicant implied that the information came about as a result of a request from Staff for more detail. Mr. Stormont stated that regardless of the source, they have additional detail, and to ignore it to make a finding regarding vested rights is not how the vested rights doctrine works in Utah. He remarked that the portrayal of historic based on limited information and findings of Staff from 2005 to suggest that somehow the applicant is being denied a due process right or an entitlement that is vested is simply improper. Mr. Stormont quoted from Utah Law, "A landowner is entitled to building permit or subdivision approval if his proposed development meets the zoning requirements in existence at the time of his application, and if he proceeds with reasonable diligence absent a compelling countervailing public interest". Mr. Stormont stated that the ordinances in place must be satisfied. They should not look at the Staff findings, and they should not look at Staff findings that are made on incomplete information to argue that a vested right exists. They must analyze whether the zoning ordinance is satisfied. That is the issue; not what someone said five or ten years ago. Mr. Stormont read a second provision from Utah Law, "Subject to section 10-0A-509, nothing in this section, and no action or inaction of the Land Use Authority relieves an applicant's duty to comply with all applicable substantive ordinances and regulations". Similarly, the LMC states with respect to CUP Applications, "A permit shall not issue unless the Planning Commission concludes that all the requirements of the Land Management Code are met, and that differences in use and scale have been fully mitigated". Mr. Stormont reiterated that statements by Staff do not give the applicant vested rights. THINC requested that the Vested Rights Doctrine be read as the Utah Code recites it and clarifies it.

Mr. Stormont stated due process is about following the law. It is not about creating rights where no approval or vote by the Land Use Authority has been made. Due

process applies to all the citizens of Park City and not just the applicant. The citizens have the right to have this review according to the ordinance that are in effect and that apply. Mr. Stormont remarked that this was not a negotiation with the applicant. The 1986 MPD approval provides for certain things, and it does not provide for the excesses that this application request. The same is true for the LMC. While they appreciate that the applicant has expressed some willingness to make concessions and further revise their application, the concessions needed are not small. Significant concessions need to be made in order to bring the current proposal in line with what was actually approved and what the Land Management Code permits. THINC appreciates that the Planning Commission and Staff have been paying careful attention to the limitations found in the original approval and the LMC. Mr. Stormont understood that architectural details will be discussed at a later meeting. The Historic Design Guidelines are a great concern to THINC and its members, and he requested as much advanced notice as possible when that topic will be discussed.

Kyra Parkhurst asked Planner Astorga to put up the slide Mr. Perkins had reviewed showing the fire access. Ms. Parkhurst thought the applicant had given a lot of thought in making sure that everything worked well. She pointed to a street that would allow trucks to come and go; however, if there is ten feet of snow on both sides and two families of eight to ten are walking up and down the street while a large delivery truck is trying to go down at the same time another delivery truck is trying to come up, she questioned safety and how this fits into the surrounding historic area. Ms. Parkhurst understood the applicant's concerns for their guests, but all the homes in the neighborhood will have 24-hour access of laundry trucks and people coming and going. In addition, people walk those streets at night coming back from the bars and the restaurants. People walk and play on the street. It is like trying to fit a square peg into a round hole. Ms. Parkhurst remarked that they have been doing this for 12 years and they keep going round and round on the same issues and it is not working. She felt like those considerations seem to be ignored. Ms. Parkhurst stated that she was involved in this years ago during the first talks when they were a smaller group. Over that time the project has grown larger and the rows of advisers and attorney have also increased.

Ms. Parkhurst presented a slide showing some of the homes that would be affected by this project. She thought it was clear that this project did not meet Criteria 8, 11 or 15 in size, mass and scale. When she looks at it, she just wants to say, keep it simple because it does not fit. Ms. Parkhurst presenting another slide showing how this project would impact the entire area and not just Old Town. She noted that Park City wins awards for easy access, but Park City Mountain will not be easy access with all the trucks and vehicles that will be going up and through there.

Ms. Parkhurst commented on excavation. She referred to the cuts that were taken on the way to Sundance, and wondered how tall they are in comparison. She did not believe the walk-through gave a good visual of the reality of the size and scale. She pointed out that the Woodruff drawings did not have these cuts. It had a cut that went along the buildings and not behind the buildings. Mr. Parkhurst did not think it was fair that the applicant could cut the mountain away in order to accommodate a large project. On the density issues, she believed there was great importance for establishing a maximum allowable density on this project. MPE was very specific and the applicant was trying to gain a bigger project and more than they are entitled to. Ms. Parkhurst noted that in a past meeting Commissioner Suesser calculated the maximum allowable density to be no greater than 628,435 square feet, with parking, and the Planning Commission should not consider any square footage beyond that. There is no reason valid or legal argument to allow anything greater. Ms. Parkhurst stated that THINC, through their attorney, have provided the Planning Commission with ample evidence and legal standing to limit the maximum allowable density to this number. She remarked that after this amount is reached, they still have to mitigate down so that all the 15 CUP Criteria can be met.

Ms. Parkhurst asked the Planning Commission to say no to the Treasure project and the destruction of Old Town, and to say yes to the preservation of Park City. She implored the Sweeney family and suggested that their attorneys should give them legal advice to go back and find a way to work with the City or to buy-out the density so this can be resolved, instead of continuing to fight another 12 years.

Keith Gold stated that he has been a land use planner for over 30 years. Since Treasure Hill is such a massive project, he wanted to know if the Planning Commission had asked for an environmental, traffic and economic impact study. He was unsure whether that was a requirement, but it would be interesting to see the impacts. He had attended the site visit last month and he believed this project would have a horrendous impact on the City. From a land use perspective, it is completely out of scale with the Historic District and all of Park City. He has never seen such a massive structure in all of his years working as a land use planner. Concessions need to be made and he suggested the possibility of adding an affordable housing concept. He urged the Planning Commission to look at the overall impacts associated with the Treasure Hill project.

Keith Dorsky stated that he has been involved with Park City since 1961 and he has watched Park City develop. He referred to Criteria 15 regarding the volume of the excavation identified in the Staff report as 960,000 cubic yards. Mr. Dorsky understood that those were banked cubic yards, and if that is the case, the expansion will be

nothing less than 125% and possibly 1-1/2 times the expansion. Mr. Dorsky asked for clarification on whether it was loose cubic yards or banked cubic yards.

Director Erickson stated that the 960,000 yards was an estimate based on the cross section through the excavation. It was a profile of what was expected compared to what the applicant has suggested. He pointed out that it was a raw calculation at this point.

Mr. Dorsky asked if the estimate was calculated based on bank yards.

Director Erickson replied that it was based on a section of the cut slope.

Steve Swanson was glad Mr. Dorsky raised the issue of the excavation volume. He intended to address some of those points in his comments because it is a huge number. He stated that in doing a rough calculation by volume, the material expands. He noted that much of this material is rock so it may not expand as much, but it is still heavy. When they pull it out of the ground and transport it, it grows in volume. Mr. Swanson stated that for purposes of illustration he would use 1 million square yards for his calculation. He noted that it would be equivalent to the volume of all the buildings in Redstone and Newpark. It could possibly be equivalent to all of the excavations done in Park City since the year 2000. Mr. Swanson stated that the Glen Canyon Dam is a lot of volume, and this project would be one-quarter of the structure of Glen Canyon Dam, which is approximately 800 feet tall. That would not include the impacts of moving and transporting the material. He commented on the impacts of the proposed ski run and the ground and vegetation that would have to be stripped off before reaching the soils. Mr. Swanson pointed out that the real threat of any excavation is not from the mining material, loose rock or mining waste, but it is actually the soils themselves. According to studies there is anywhere from 6" to 30" on average of organic material, including mineral deposit material, on top of the rock. The rock would be removed by means of blasting and other mechanical means. Mr. Swanson wanted to know how the process would be mitigated, because according to some of the studies, there is up to 12000 ppm of viable available lead contained in the soils. Mr. Swanson noted that they were talking about rough numbers and the amounts could be higher.

Mr. Swanson asked Planner Astorga to put up a plan of the project showing the building outline and footprints. He understood this was a huge project with a lot of factors and constraints. He pointed out where he thought some of the components of the plan look organic. Regardless that it cuts into the hillside, he would say it follows the topography and different zones are created where buildings can make use of adjacencies. However, after that it becomes geometric. Mr. Swanson stated that solar orientations

are difficult in Park City, particularly in the winter, and this project sits on the northeast facing slope. He thought it appeared that the plaza and the pool component had been forced in to meet certain requirements of the hoteliers and certain required amenities. Mr. Swanson asked the applicant to respond to that question, and whether it was part of the substantive design process.

Mr. Swanson stated that his second question goes to the idea of creating a link to Main Street. He asked the applicant to respond to the charge that they were moving the base of the Resort from its current location to the new Sweeney project, including restaurants, shops, ticketing, rentals, etc., and in fact separating the new base from Main Street. In the broader vision, Mr. Swanson thought it was important to understand what they were really looking at in its final form; and whether the new base would be the Treasure project and separated from Main Street

Neals Vernagaard, a resident at 22 Lowell, asked the applicant to answer two questions at the next meeting. He noted that Mr. Perkins had stated that most of the excavation material would stay on the Mountain. He asked the applicant to define "most". He saw one estimate where 300 dump trucks per day for 20 years would be required to remove all the soil. He wanted clarification on "most" and what that would mean in terms of trucks and years. Mr. Vernagaard wanted to know how much dynamite would be required and how many days of explosions the neighbors would have to endure. He asked how the applicant intended to mitigate the dust and the dirt. He also wanted to know how the explosions would affect the people living next to the excavation site.

Mary Whitesides requested that the 3-D model of Treasure Hill be made available for the public and the Planning Commission to view once again. She believed the 3-D model would tell more than the flat drawings and renderings.

Peter Marth, an Old Town resident, commented on the number of construction vehicles that will be required due to the size and scale of this project. He wanted the Planning Commission to understand that diesel based fuels from construction vehicles are toxic fuels that will be put into the air in this community. They are inorganic compounds that are metabolized by people when it is in the air. Certain kinds of chemicals that come out of toxic fuels such as diesel fuel and gasoline are considered seeds of cancer because of how the chemicals are metabolized in the body. The more construction, the more excavation, and the number of diesel trucks going in and out of this project for ten years is directly responsible for increasing the PAHs in the air. Mr. Marth remarked that toxic fuels are more dangerous than metals in the soil, and it needs to be considered in the discussions about square footage and size.

Kyra Parkhurst remarked that this summer there was construction on the top of Empire and trucks were using air brakes going down Empire, which is prohibited by Code. She called the City and the person who answered told her that it is part of the Code and it is in the contract that the developer signs; however, it is up to the developer to notify every subcontractor and that message needs to be passed down the line to every driver. She was told that it was a requirement that was difficult to control. Ms. Parkhurst wanted to know how the applicant would reassure the residents that they would not have to experience that for ten years.

Chair Strachan closed the public hearing.

Commissioner Joyce appreciated the presentation this evening because it was helpful to hear the logic that went through the process. He also appreciated the public comments. Commissioner Joyce addressed public comments about the size of the project and that it does not fit. Regardless of how they feel, it is important to understand that in 1985 and 1986 the City specifically agreed to approve a large project on an 11-acre parcel in Old Town. Per the approved Master Plan, that is where this project belongs.

Commissioner Joyce referred to the letter submitted by the applicant included in the Staff report, and their concerns about being consistent with what was done in the past. He understood the applicant's position, but he asked that they at least consider being more careful when comparing what this Planning Commission is doing with what was done in the past. Commissioner Joyce thought the applicant was confusing the role of the Planning Staff with the role of the Planning Commission. He emphasized that the Planning Staff does not approve anything, yet throughout their presentations, they talk about things that were approved by a Planner and cite comments made in a Staff report. Commissioner Joyce clarified that since 1986 nothing else has been approved.

Commissioner Joyce commented on remarks that the applicant's representatives have made on things that were done in 2005 and the concept that certain things were agreed to and approved. He pointed out that since 2005 they have added 150,000 square feet to this project. In his mind some things are similar but it is not the same project. The 2005 plan no longer exists because it has been significantly changed. Commissioner Joyce commented on the number of times in their presentation that they use the words "approved by staff", and he could not understand why that continues to occur.

Commissioner Joyce thought there were still two or three different reads on what is permitted for the actual square footage of the project. The one presented this evening as 628,000 square feet. Going back to the 1985 LMC and using just the hotel space and 5% additional for meeting and commercial space, that 628,000 still does not

include circulation. If that is their logic, he would suggest that 628,000 plus circulation is the real number.

Commissioner Joyce appreciated the comments from THINC; however, he comes down on a different side regarding the square footage. He noted that the 1985 said Code said that if there are things that allow for additional space when the applicant actually applies for the CUP, they could take advantage of those. Commissioner Joyce believed that everyone agreed that the 2003 LMC applies to this project, and it allows for 5% meeting space and commercial space, and it addresses the accessory space.

Commissioner Joyce noted that he had raised the issue of support commercial being limited to 19 UEs at the last meeting. He thought his comments were clear that they get 5% for meeting space, but nothing else beyond the 19 UEs. He acknowledged that he could be wrong, but he had read all of the previous meeting minutes and Staff reports from 1985 and 1986, and the same from 2005. He has found nowhere in those discussion where the 5% was talked about. Commissioner Joyce stated that if the applicant believes they deserve more than the 19 UEs of commercial space, they need to explain why. He emphasized that the answer could not be that someone from the Planning Staff said they could. Commissioner Joyce remarked that while other things are vague, the number of UEs and the 5% for meeting space is black and white. He could not justify an additional 5% for commercial space. Commissioner Joyce stated that this was an opportunity for the applicant to convince him that 5% for commercial is allowed; but the argument has to be something more substantial than someone said they could 11 years ago.

Commissioner Joyce commented on the site excavation. He understood the applicant's perspective for having pools, a much wider ski path, etc.; however, he did not believe that was considered when this plan was approved in 1985 and 1986. He was able to find documentation to substantiate his opinion, including the Woodruff drawings and discussions about alternatives of different site locations. He found nothing that even closely contemplated the type of excavation proposed. Commissioner Joyce referred to the exhibit on page 78 of the Staff report. He pointed out that after going through all the different drawings and side cuts, it consistently starts at grade ends at grade. Commissioner Joyce referred to the exhibit on page 98. He noted that the big difference was a huge cut down the hill and gap behind the building. Commissioner Joyce remarked that the Woodruff drawings did not have cliffscapes because everything went back with the flow of the hill and terminated in towards the top. That is consistent with all of the site plan drawings. Commissioner Joyce pointed out that instead of using the backside of the building as the retaining structure, they cut way up and left a gap. He assumed the only reason for doing that was to put windows on the back side of the building.

Commissioner Joyce commented on the volume difference of how much is being cut out of the hill versus existing grade, versus the sliver that was cut out in all of the Woodruff drawings. Commissioner Joyce pointed out that the Woodruff drawings were more than just a sketch. A lot of work went into looking at each of the different alternatives for site location, density, and how to split between the Creole site and Mid-Station site. The Woodruff plans to not have architectural details, but he thought the square footage was drawn out in fairly good detail. Commissioner Joyce disagreed with the applicant's assertion that the City Council knew there would be excavation. He read from the Staff report, "Cut and fill should be balanced and distributed on site whenever practical". He believed the applicant was using that language to justify that the City Council knew what they were getting into. However, the buildings do not show it, the discussions do not back it up, and even what the applicant points out as terminology does not begin to discuss the scope of what they are proposing. Commissioner Joyce struggled with the idea that the City Council understood what they were approving in terms of excavation, as implied by the applicant.

Commissioner Joyce commented on the discussion regarding the fire plan. He understood that the fire plan is a significant piece of the development plan; but it is only one piece. He disagreed with the explanation that the project was built around traffic and everything else fits in place because traffic has been addressed. The same applied to the fire plan. When the applicant received approval for the fire plan, it said that the site as presented, complies with the fire requirements. It did not say anything about it being the only site or the best site, or that traffic, excavation, mass and scale were acceptable. Commissioner Joyce pointed out that the fire plan is one piece of a larger puzzle.

Commissioner Joyce commented on places where the applicant intended to mitigate height by digging the buildings into the ground and setting them back into the Gulch. When he looks at the existing grade he sees a place where they could build a five or six story building. He noted that the proposed plan drops 60 feet into the ground so they can build a 12 story building. This allows them to build a much larger building than what they could have building off of existing grade. Commissioner Joyce was unsure how that would mitigate visual impacts over following the natural grade and the topography and building a six story building. He asked the applicants to address that question at the next meeting.

Commissioner Joyce addressed the issue of the building area boundary versus the limits of disturbance. He did not understand how they could have a 100' cliffscape outside of the building area. Commissioner Joyce was looking forward to a very explicit answer as to why the applicant believes that would be allowed. He pointed out that

scraping and revegetating at the end of the project is not the same as building a permanent 130' foot wall.

Commissioner Joyce referred to a statement in the applicant's letters on page 63 of the Staff report, "Staff has already identified and approved conditions for mitigating the effects of excavating and regrading. He reiterated that the Staff does not approve anything. Commissioner Joyce had seen the excavation plan. It is six pages long and two pages are pictures. The plan basically says that there are four areas that can be excavated one at a time or all at once. Primary areas account for about half the dirt to be moved, and secondary areas that can be used on-site and would hopefully account for the remainder. Commissioner Joyce remarked that they were talking about the biggest cut ever seen in Park City, and impacts to people who live all around the area. If the only excavation plan is to cut the mountain and make it pretty again, that was unacceptable.

Commissioner Joyce referred to the exhibit on page 119 of the Staff report which showed the scale and mass of the project. He was trying to better understand the transition from the surrounding neighborhoods to the project. Commissioner Joyce noted that the exhibit blurred out all the houses and anything that was not part of the project. He asked the applicant to change the exhibit to show the actual houses or provide another exhibit to help him evaluate the transition from existing neighborhoods into the development.

Commissioner Joyce liked the step-back on the buildings looking up the hill. He also favored the idea of mixing architectural styles and colors. He thought the applicant was going in the right direction with the buildings, but he still had major concerns with the excavation. He emphasized his previous comment that he could find no evidence that the Planning Commission and the City Council envisioned that amount of excavation in 1985 and 1986. He believed it was a dramatic departure from what was agreed to. Commissioner Joyce was not convinced that there were no other ways for the applicant to accomplish most of their goals without excavating 950,000 cubic yards of dirt out of the side of the hill. He stated that the Planning Commission was trying to find something that the applicant could rightfully build as part of the MPD. However, it has to go through the conditional use permit process and mitigate all the impacts; and it also has to conform with the original plan. He suggested that the applicant begin thinking about how they could do better than the Woodruff plan to accomplish the amenities, without excavating so far behind the buildings as currently proposed.

Commissioner Thimm appreciated hearing the Mr. Perkins perspective as the land planner. It helped him understand more of the nuances and he thanked Mr. Perkins for his presentation this evening.

Commissioner Thimm stated that the Planning Commission had been tasked with looking at Criteria 8, 11 and 15. Criteria 8 addresses mass, bulk and orientation. He there reiterated a comment he had made at a previous meeting that there is a direct correlation between building mass and building area. Commissioner Thimm stated that there is significant amount of square footage in this plan that the Planning Commissioner was trying to understand. He hoped the applicant had been listening to their comments in terms of what is included, was it not included, and the lens they need to look through in terms of the area. Commissioner thought that was made clear by each Commissioner in prior meetings.

Commissioner Thimm stated that if there are reasons for what appear to be inefficient areas, and he would be interested in understanding what that might be. For example, why do they need 578 square feet per parking stall. He would like to have those types of questions answered. There might be viable reasons but the Planning Commission would not know that without having additional information. Commissioner Thimm stated that understanding how that correlates will speak to what the building massing. He noted that during the discussion at one of the first meetings, they talked about various building heights and floor to floor elevations. He thought the heights that were provided seemed to make sense. In his mind, they were starting with a good multiplier. However, the question is the other side of that equation and it was important to address that properly.

Commissioner Thimm stated that they were excavating to such a depth that the buildings are taller. He believed consistency with the Woodruff Master Plan has been lost. The applicant was asking them to discount the Woodruff plan because it was only intended to create volumetrics and it was not a true guideline. Commissioner Thimm had looked at older Staff reports and the evolution of the project starting with the 1985 and 1986 approval. The Woodruff concept was the basis of the MPD approval and it needs to be considered. Some of the building heights and volumetrics proposed are not consistent with the Woodruff concept and they need to look closer at that.

Commissioner Thimm stated that having an eclectic collection of buildings and structures and building heights was the right intent. A themed resort would not play well and it is not appropriate. He encouraged the applicant to follow that path and to keep it in mind in terms of the overall detail.

Commissioner Thimm stated that Criteria 11 speaks to compatibility with the surrounding structures. He referred to page 107 of the Staff report which showed the corner of Lowell and Empire Avenue. He asked Planner Astorga to zoom in starting at Lowell Avenue up to the height of Building 4A. Commissioner Thimm remarked that

building something compatible all comes down to streetscape. He believed what the LMC tells them to do in terms of compatibility is to understand what is going on in the surrounding area. He has walked up and down the streets, and in his opinion, from a pedestrian standpoint the Treasure development appears to be closed off and uninviting. They have lost some of the character and scale that needs to be there from a pedestrian standpoint.

Criteria 15 addresses environmentally sensitive areas and slope retention. Commissioner Thimm stated that this criterion concerned him the most with respect to the proposed plan and its differentiation from the Woodruff. As he looked at the drawings there appears to be an attempt to step up the hill. He referred to page 100 of the Staff report and indicated the creation of a huge bench that runs through. He was very interested in seeing the blue line that Planner Astorga would add to the green and red lines that starts to show where the excavation is. Commissioner Thimm stated that in terms of being sensitive to the hillside, the Code tells them to step it up the slope rather than benching it out and building up on the platform. He wanted to see more sensitivity to that as this process moves ahead.

Commissioner Thimm was trouble by the massive excavations that go beyond the limits of disturbance. He requested that Planner Astorga provide some background and foundation on what is acceptable under the LMC for disturbance beyond what is defined as the limit of disturbance. He believed they were looking at the applicable LMC to guide the MPD approvals that occurred in 1985 and 1986.

Commissioner Phillips asked Mr. Perkins to walk them through the excavation depths on Building E, and actually show them the depths of the cuts. Chair Strachan thought it was better for Mr. Perkins to answer his question during the work session on November 9th when they would have Sketch-up to refer to. Commissioner Phillips agreed.

Commissioner Phillips noted that in his presentation, Mr. Perkins talked about specific depths and he clearly disagreed with them. Mr. Perkins stated that those were taken from the Woodruff elevations. Commissioner Phillips asked Mr. Perkins to provide a better demonstration of what he was talking about to help the Commissioners understand his perspective.

Mr. Perkins remarked that the excavation will extend beyond the building footprints. In looking at the Woodruff drawings, significant excavation will be required just to construct those buildings on the steep hillside.

Commissioner Phillips stated that in looking at the big picture looking back, he agreed with the people who were originally involved in the process about condensing the density to this area. He believed it would be positive for the community in the end.

Commissioner Phillips agreed with Commissioner Joyce's request to see the houses in the neighborhood. He did not believe the applicant needed to recreate the houses, but he would like to see the general massing of similar size buildings in massing blocks on the same model. Planner Astorga thought the size and scale of the adjacent buildings would be shown on the physical model that was built in the past. He did not believe the applicant had faded out those houses. It was pulled up on Google Earth and it showed a specific angle. Commissioner Phillips agreed.

Regarding Criteria 8, Commissioner Phillips was concerned about the facades and the orientation of the buildings. He agreed with Commission Thimm that the buildings were going in the right direction.

Commissioner Phillips commented on Criteria 15, the appropriateness of structures to the topography. He had nothing new to add and agreed with what had already been stated.

Commissioner Phillips agreed with previous comments that grading increases the mass. He commented on the cliffscape and noted that the applicant has stated that the cliffscape won't be visible from a lot of different points because it will be mitigated by the buildings in front of it. He still had concerns; however, Mr. Perkins described it was also encouraging.

Commissioner Phillips looked forward to hearing from the architect on the philosophy on what it took to create this project. He assumed it was very challenging. Commissioner Phillips stated that he does the same on a very small scale in town. He lives in it and he works in it and it is not easy. One of the major challenges is not being able to have things as large as the norm. Commissioner Phillips thought it would be interesting if the architect could talk about some of the challenges he faced and the sacrifices that had to be made.

Commissioner Band concurred with the comments made by her fellow Commissioners. She would still like to see something that shows a little more neighborhood compatibility. Commissioner Band requested to hear the Staff's opinion regarding the building area boundary and the cliffscapes that were discussed this evening. She would also like to know how much soil was proposed to be taken off-site.

Commissioner Band read from the Staff's opinion under Criteria 8 on page 52, "The Master Plan was clear that the height measurement would occur from natural grade and were within height envelopes. By modifying natural grade over 100' the height envelopes do not serve the purpose for which they were created". She agreed with the Staff that the level of excavation proposed was never anticipated. She understood that they were not talking about specific mitigations this evening, but they were talking about environmentally sensitive lands under Criteria 15. That was her reason for asking when the Spiro Drinking Source Water Protection Zone was created. Commissioner Campbell had looked it up and it was after this MPD was approved. Commissioner Band thought it was more important now because they have the Water Protection Zone.

Commissioner Band commented on Exhibit M, and the high levels of arsenic and lead for the Southeast Adit, Northwest Adit, Creole Shaft and Creole Adit. She thought the levels were substantially high and scary with respect to soils. Whether they move it off the mountain or keep it on-site, she would like to see extensive mitigation and a mitigation plan, particularly because of the Water Protection Zone.

Commissioner Band referred to page 119 of the Staff report. In terms of physical compatibility, she could see how Buildings 1C and 1A were sensitive to the neighborhoods below it. However, the buildings by the curve at Lowell and Empire look nothing like the neighborhood and are not compatible. She would like to see something more similar to 1A and 1C at that curve.

Commissioner Campbell agreed with most of the comments made by the other Commissioners. He reiterated that the 3D model is very important and it should be displayed where everyone can see it.

Commissioner Campbell stated that it would be critical for the Planning Commission to understand how Criteria 8 and 11 can be met. It could be as simple as taking an average of the size of the houses on Lowell and Empire and show it in blocks. He believed the first two or three blocks north of Lowell and Empire will be critical in the model.

Commissioner Campbell thought Criteria 15 was most important because it leads to mitigation. He had a number of questions to help the applicant with their preparation. Commissioner Campbell believed that once the Treasure project is built, it will fit in and be less intrusive than what many people think. His concern is the time between now and when it is completed. He wanted an estimate on how long it will take to reach complete buildout. His second question was how much is blasted, how much is hammered and the impacts of both. Commissioner Campbell wanted to know how many trucks they anticipate would be going up and down Lowell and Empire on an average

work day over the next ten years, and how many workers would be on-site on an average day. Commissioner Campbell wanted to know how they plan on protecting the houses and the streets. The runoff during construction will be a real challenge and he wanted to see more detail on how it will impact the houses below. Commissioner Campbell wanted to know long term how many visitors will be there during different times of the year and different seasons, and how many vans will be coming up SR224 that are not there now. Commissioner Campbell asked about the projected water use. He would like to see more detail on the infrastructure. He wanted to know the amount of electricity they would need and where it would come from. In his opinion the water, sewer, power, and gas impacts on the streets need to be considered.

Commissioner Campbell stated that his questions were long-term mitigation issues that the Planning Commission was responsible for, and they need to see more details. He was giving the applicant the heads-up that he would be asking those types of questions as they move forward.

Commissioner Suesser stated that they keep hearing a lot about the guest amenities that need to be offered at this type of a resort base project. However, there has been no mention about this project bringing business to Main Street, which was the past focus. Commissioner Suesser pointed out that the Woodruff drawings did not contemplate guest amenities of outdoor seating and dining, and she did not believe that was anticipated for the project. She believed that what was anticipated at the time of the MPD approval was focused on bringing people to the project and bringing a lot of business to Main Street.

Commissioner Suesser addressed some of the statements made in the October 7th memo from the applicant that was included in the Staff report. Regarding the statement that the Planning Staff previously concluded that the CUP application complied with the density conditions criteria and other mass and volume criteria, she stated that the applicant exclusively references Staff reports from 2005 but completely ignores other Planning Staff and Planning Commission comments on this project since 2005.

Commissioner Suesser noted that Commissioner Joyce had mentioned Section 3.3 in the October 7th memo states that the Staff had already identified and approved conditions for mitigating the effects of the necessary excavation and regrading. She pointed out that the Staff specifically stated in the March 9th, 2005 Staff report that certain mitigation measures be necessary at the time of approval, and that specific conditions would be required to address the impacts of the excavation and re-grading. She emphasized that there was no prior approval of the excavation and re-grading.

Commissioner Suesser stated that the current proposal has significantly since 2005. The changes include more than 167,000 square feet that were not part of the CUP submittal in 2004 and 2005. The applicant has said that this Planning Commission is bound by the comments of the prior planning Staff and prior Planning Commissions on this application, even though the current proposal has changed significantly from the application that was presented in 2005. Commissioner Suesser remarked that the Planning Commission needs to look at the current proposal to make their findings.

Commissioner Suesser concurred with Commission Thimm regarding the Woodruff drawings.

Regarding Criteria 8, Commissioner Suesser stated that the project as currently designed modifies the existing grade beyond what was anticipated in the MPD. The change in grade is possibly 52' to 115' as shown on Sheets S1 and S9. By creating a lower final grade, the buildings visual impacts are magnified. They are taller from the re-defined grade, and the bulk and the massing becomes larger. She believed it was a significant departure from what was approved.

Regarding Criteria 11, Commissioner Suesser agreed that the master plan anticipated the difficulty of designing a higher density adjacent to the Historic District. There are significant visual impacts due to the massing of Buildings 3D and 5A, which will be visible from Main Street and Heber Avenue. She reiterated the comments by Commissioners Joyce and Thimm that Building 4A is extremely close to the adjacent residential neighborhood and advised compatibility with the adjacent residential streetscape. Commissioner Suesser stated that the heights for Building 4A range from 45 to 64 feet. That is not compatible with the adjacent HR-1 District, which has a maximum building height of 27' from existing grade. She did not believe consideration was given to the heights of the surrounding neighborhood.

Regarding Criteria 15, Commissioner Suesser agreed with the Planning Staff that the proposal is not compliant with the concept approved in the 1986 MPD. The exhibits to the MPD showed the buildings largely stepping with the existing grade, and requiring far less excavation than what is now being proposed. Commissioner Suesser stated that an environmental impact study was needed to determine impacts of the project on the Water Protection Zone and to determine the extent of mitigation measures.

Chair Strachan stated that there will be many more meetings and he was certain that the applicant would respond to the comments made by the Commissioners at future meetings. He wanted it clear for the public and the applicant that there was still a long road ahead and that the Planning Commission was not considering anything specific at this time and that many issues that still need to be addressed.

Chair Strachan generally agreed with all the comments, and he wanted to incorporate Commissioner Campbell's questions, particularly related to construction. Chair Strachan asked if the excavation mitigation plan shown on Sheet A16 was the full and final extent of their excavation mitigation plans. If there is any other mitigation that is not in the plan, it is imperative that they show it to the Planning Commission. He asked the applicant to provide a clean answer on that question. Chair Strachan reiterated the same comment regarding Sheet A18, the project mitigators. If there is anything else, the applicant should bring it forward. He also wanted to know which of those project mitigators apply direction to Criteria 8.

Chair Strachan wanted to know whether the applicant agreed with or disputed Planner Astorga's measurements shown on pages 106 through 122 of the Staff report.

Chair Strachan had read the applicant's position statements, and on the limits of disturbance, they cite that other projects around Park City have been allowed to build outside of the building area limits. The Montage was used as an example. Chair Strachan asked if Montage restored the land after the building was completed. He thought the Commissioners had valid questions about whether it could be disrupted outside the limits of disturbance, but it could not be permanently disrupted. He would like to see an analysis on that.

Planner Astorga stated that his next Staff report would be heavy on exhibits just to make sure they were all looking at the same things. He believed the work session would give everyone the opportunity to make sure they understand each other.

Commissioner Campbell noted that some of the information is older than 25 years. He would be looking for updated calculations on the infrastructure currently in place, and what the applicant is proposing. He also wanted more specificity on how far beyond the project those changes would create impacts.

Chair Strachan stated the applicant was not bound to provide plan updates or to answer their questions; however, if the applicant chooses not to do that, they should let the Planning Commission know so they will not expect that evidence and information.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Application public hearing to November 9, 2016. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 8:45 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Bonanza Park East Master Plan
Development Pre-Application
Author: Francisco Astorga, AICP, Senior Planner
Project #: PL-15-02997
Date: 26 October 2016
Type of Item: Master Plan Development Pre-Application Conference

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing and continue the discussion of the preliminary compliance with the General Plan and the General Commercial (GC) District for the Bonanza Park East Master Planned Development (MPD) Pre-Application to a future date. The application is for a mixed-use development consisting of approximately 277,000 sf. The proposal includes commercial space, business (office) use, residential (market rate and affordable housing) with surface and underground parking.

Description

Applicant: JP's Nevada LLC, Bonanza Park LLC, and Maverick, Park City LLC represented by Mark Fischer, Rory Murphy, and Elliott Workgroup Architecture, Craig Elliott

Location: 1401 & 1415 Kearns Blvd., 1415, 1635, 1665, 1685, & 1705 Bonanza Dr., 1420 W. & 1490 W. Munchkin Rd.

Zoning: GC District

Adjacent Land Uses: The City Cemetery is located to the north (across Kearns Blvd./SR-248). A strip mall and commercial/retail shops are located immediately to the west. Resort storage and parking lot of the Park City Mountain is located to the south (across Munchkin Rd.) Two strip commercial malls are located to the east (across Bonanza Dr.)

Reason for Review: MPD Pre-Applications require Planning Commission review and findings of compliance with the Park City General Plan and Zoning District prior to submittal of the full MPD application. Any residential project with ten (10) or more residential unit equivalents (20,000 square feet) or ten (10) or more commercial unit equivalents (10,000 square feet) requires a Master Planned Development in this District.

Background

Staff recommends that the MPD Pre-Application review and Planning Commission conference be continued to a future date. Staff met with the applicant in September and October 2016. On October 11, 2016 Staff received an updated Conceptual Master Plan, see Exhibit A, which includes an updated landscape plan, the removal of the pull-out off Bonanza Drive (as presented during the August 2016 meeting), and the incorporation of street bio-swales. Also on October 11, 2016, the applicant presented exhibit identified as the Regional Bus Stops Locations. The purpose of such submittal was to show to staff the current bus stops and to indicate that the applicant is willing to work with the Park City Public Works Department to identify any future necessary bus stops. See Exhibit B.

The applicant is still working on Staff and Planning Commission comments that applies to the Bonanza Park Neighborhood General Plan (Volume II) Goals & Policies outlined in the August 24, 2016 staff report [GP-BoPa section](#). Applicant also working on the Transportation Master Plan Goals outlined in the August 24, 2016 staff report [Transportation Master Plan section](#) identified by the City Engineer and Transportation Planning Department that need to be addressed during the MPD Pre-Application process. Staff has also asked the applicant to address the General Plan Volume I, Goals & Objectives also outlined as [Exhibit E of the August 24, 2016 staff report](#)).

Exhibits

Exhibit A – Conceptual Master Plan (updated 11 Oct 2016)

Exhibit B – Regional Bus Stops Locations (submitted Oct 2016)

Exhibit C – [24 Aug 2016 Planning Commission Staff Report](#) (*hyperlink*)

Exhibit D – [24 Aug 2016 Planning Commission Meeting Minutes](#) (*hyperlink*)

Exhibit A



Exhibit B



Bus Stops 

Bonanza Park
Regional Bus Stops Locations
EWG 10-11-16

Planning Commission Staff Report



Application#: PL-16-03155
Subject: Twelfth Amended Deer Valley Master Planned Development (MPD)
Author: Kirsten A Whetstone, MS, AICP – Senior Planner
Date: October 26, 2016
Type of Item: Administrative – Master Planned Development Amendment

Summary Recommendations

Staff recommends Planning Commission opens and continues to November 9, 2016, a public hearing on the Twelfth Amended Deer Valley MPD application, to allow staff and the applicant time to address issues raised by the Commission and public at the September 28, 2016 meeting.

Description

Applicant: Steve Issowits, representing Deer Valley Resort
Location: Deer Valley- Silver Lake Village Lots D, F, G, and H
Zoning: Residential Development (RD-MPD) subject to the Deer Valley Master Planned Development
Adjacent Land Uses: Residential Condominiums, Fire Station, Commercial, Deer Valley Resort
Reason for Review: Master Planned Development Amendments require Planning Commission review and approval.

Proposal

This is a request to amend the Large Scale Master Planned Development Permit for Deer Valley (aka Deer Valley MPD) to combine Silver Lake Village Lots F, G, and H of the Silver Lake Community into one MPD parcel to be called Silver Lake Village Lot I and to transfer 843 square feet of residential density from Silver Lake Village Lot D to proposed Lot I. The amendment parcels, Lots D, F, G, and H are addressed as 7570, 7520, 7530, and 7540 Royal Street East respectively. No changes to the overall density or allowable building height of these parcels are proposed. The proposal will amend Exhibits 1, 2 and 3 of the MPD document.

Planning Commission Staff Report



Application: PL-15-02966
Subject: 2nd Amendment to the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision – Goldener Hirsch
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: October 26, 2016
Type of Item: Legislative- Plat Amendment

Summary Recommendation

Staff recommends the Planning Commission opens and continues to November 9, 2016, a public hearing for the 2nd Amendment to the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision for Lots D, F, G, and H, located at 7520-7570 Royal Street East, to allow staff and the applicant time to address issues raised at the September 28, 2016 meeting.

Description

Applicant: EccKids LLC, owner, represented by Christopher M. Conabee and Silver Lake Village HOA
Location: 7520-7570 Royal Street East, Deer Valley Resort, Silver Lake Village Lots D, F, G and H
Zoning: Residential Development (RD) District subject to the Deer Valley MPD, as amended.
Adjacent Land Uses: Deer Valley Resort, Park City Fire District Station, and residential and commercial condominiums such as Royal Plaza, Mount Cervin, the Inn at Silver Lake, Stein Ericksen Lodge, Chateaux at Silver Lake, and Black Bear Lodge.
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The applicants request to amend the Re-subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision plat to:

- 1) Combine Lots F, G and H into one (1) development lot- Lot I.
- 2) Amend Lot D to reflect the as-built conditions of the existing Goldener Hirsch Inn.
- 3) Provide a bridge easement for the proposed bridge connecting the existing Inn with the proposed multi-unit residential building on Lot I.

A Deer Valley MPD amendment application to combine these same MPD parcels, and to transfer 0.4215 UE of density from Lot D to Lot I, was submitted for concurrent review. A Conditional Use Permit application for a multi-story residential building with a total of 68,843 sf (34.4215 UE) of residential uses was also submitted for concurrent review. Staff recommends both of these associated applications also be continued to November 9th.

Planning Commission Staff Report



Application: PL-15-02967
Subject: Goldener Hirsch Inn CUP
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: October 26, 2016
Type of Item: Administrative- Conditional Use Permit

Summary Recommendations

Staff recommends Planning Commission opens and continues to November 9, 2016, a public hearing on the Goldener Hirsch Inn Conditional Use Permit application, to allow staff and the applicant time to address issues raised by the Commission and public at the September 28, 2016 meeting.

Description

Applicant: EccKids LLC, owner, represented by Christopher M. Conabee
Location: 7520-7570 Royal Street East, Deer Valley Resort, Silver Lake Village Lots D, F, G and H
Zoning: Residential Development (RD) District subject to the 11th Amended and Restated Large Scale Master Planned Development Permit (Deer Valley MPD).
Adjacent Land Uses: Deer Valley Resort, Park City Fire District Station, and residential and commercial condominiums such as Royal Plaza, Mount Cervin, the Inn at Silver Lake, Stein Ericksen Lodge, Chateaux at Silver Lake, and Black Bear Lodge.
Reasons for Review: Conditional Use Permits require a public hearing and Planning Commission review and final action.

Proposal

The proposal, known as the Goldener Hirsch Inn CUP, consists of 1) amendments to the existing Goldener Hirsch Inn located at 7570 Royal Street on Silver Lake Village Subdivision Lot D and 2) construction of 38 residential condominium units within a multi-story building on proposed Silver Lake Village Lot I, currently known as Silver Lake Village Lots F, G and H. A Deer Valley MPD amendment to combine Silver Lake Village Lots F, G and H into a new Lot I and to transfer 0.4215 UE of density from Lot D to Lot I, was submitted for concurrent review by the Planning Commission. A plat amendment application was also submitted for concurrent review by the Planning Commission. The plat amendment combines Lots F, G and H into one 1.17 acre lot to be known as Lot I (See Exhibit E).

The CUP application proposes a total of 68,843 sf (34.4215 UE) of residential uses, for 38 residential units ranging in size (area) from 576 sf to 2,350 sf. The total residential floor area includes the 843 sf (0.4215 UE) transferred from the existing Inn (on Lot D) and the 68,000 sf (34 UE) entitled with the Deer Valley MPD for Lots F, G, and H.

Planning Commission Staff Report



Subject: 515 Main Street Tent
Conditional Use Permit (CUP)
Project Number: PL-16-03266
Author: Ashley Scarff, Planning Technician
Date: October 26, 2016
Type of Item: Administrative - CUP

Summary Recommendation

Staff recommends that the Planning Commission review the request for a Conditional Use Permit (CUP) for the installation of a tent at 515 Main Street, hold a public hearing, and consider granting approval based on the Findings of Fact, Conclusions of Law, and Conditions of Approval provided in this staff report.

Description

Applicant: SSI Venture, LLC, represented by Michael Sweeney
Location: 515 Main Street
Zoning: Historic Commercial Business (HCB) District
Adjacent Land Uses: Commercial to the north, east, and south (Main Street);
Historic Residential – Low Density (HRL) District to west
Reason for Review: Planning Commission must review CUP requests for installation of tents for durations longer than fourteen (14) days, or for more than five (5) times per year on same Property

Proposal

This application is a request for a CUP to allow current and future tenants of 515 Main Street to install a tent a maximum of fifteen (15) times per year, for durations no longer than ten (10) days each, within the private courtyard to the north of the building.

Background

On August 2, 2016, the Planning Department received a complete application for a CUP to allow for the installation of tents, the use of outdoor speakers, live outdoor music, catered parties, and the outdoor display of merchandise within the private, enclosed courtyard on the north side of 515 Main Street, which currently houses The North Face store.

The subject property falls within the Historic Commercial Business (HCB) District, which allows Outdoor Events and Uses, specifically outdoor grills and/or beverage service stations, outdoor events and music, and the display of merchandise with the issuance of an **Administrative CUP**. **Because the Planning Commission does not need to review Administrative CUP applications, Staff separated activities covered under those designations from the tent request, which does require Planning Commission review if the applicant is seeking approval for an extended duration and/or frequency beyond 14 days at a time, 5 times per year:**

Land Management Code (LMC) §15-4-16 Temporary Structures, Tents, and Vendors:

Prior to the issuance of an Administrative Permit for any temporary Structure, tent, or vendor, the following requirements shall be met: (...)

7. DURATION. *Unless approved by the City Council as part of a Master Festival, in no case shall a tent be installed for a duration longer than fourteen (14) days and for more than five (5) times per year on the same Property or Site, unless a longer duration or greater frequency is approved by the Planning Commission consistent with Conditional Use Criteria in Section 15-1-10.*

The application does not specify requested durations or frequencies for the tent as the tenant has not identified definitive programming for the courtyard at this point, but staff recommends the frequency of 15 times per year, for durations no longer than 10 days each. In addition, the tent is not to increase the existing occupancy allowance for the building of 49 people.

Within the HCB District, the installation of a tent is classified as a Temporary Improvement, defined below:

Land Management Code (LMC) §15-15-1.272 Temporary Improvement:

A Structure built, or installed, and maintained during construction of a Development, or during a Special Event or activity and then removed prior to release of the performance Guarantee. Does not include temporary storage units, such as PODS or other similar structures used for temporary storage that are not related to a Building Permit for construction of a Development and are not part of an approved Special Event or activity.

Due to the nature of a tent's design and installation method, they are considered Structures, defined below:

LMC §15-5-1.264 Structure:

Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building".

The Administrative CUP allowing the Outdoor Events and Uses of outdoor grills and/or beverage service stations, outdoor events and music, and the display of merchandise was approved, conditioned accordingly, and issued on October 3, 2016. All uses within the proposed tent will be limited to these permitted activities, as conditioned.

Each time the tent is to be erected, the Applicant will be required to provide structural calculations, wind load information, and fire rating to the Building Department as part of a fire permit application. It is during the fire permitting process that the Planning Department will be notified that the Applicant is utilizing the tent, so yearly usage can be tracked by Staff on a specific tent CUP log sheet.

Due to the private courtyard's area of approximately 652.5 square feet (14.5 feet in width fronting Main Street x 45 feet in depth), Building Department staff indicated that the applicant may have difficulty procuring a tent with adequate levels of fire rating with such little physical separation between adjacent structures. The Applicant Representative decided to proceed with this tent request because he feels that the Applicant is willing and able to work with the City Fire Marshall to design and purchase a custom tent to meet requirements of a fire permit. The tent's size and specific placement within the courtyard will be restricted by the applicable Building and Fire codes, as well as additional conditions that staff recommends, outlined below.

Planning Department staff realizes the importance of mitigating any potential negative impacts that the Temporary Improvement may have on the Main Street corridor, historic buildings, and adjacent uses. As conditioned, the proposed tent shall be rectangular in shape, solid in color, and no more than 15 feet (15') in height from the ground level of the courtyard to the tallest peak of the tent. If the applicant wishes to include logos or other forms of branding on the tent, it will be considered signage and must be permitted via sign permit application. The final design of the proposed tent must be reviewed by Planning staff before installation.

As for placement requirements beyond those required by applicable building and fire codes, the tent shall be set back behind the western edge of the existing tree planter box, and have no physical connections to historic buildings. The tent's installation shall not require machinery such as cranes or backhoes. In the case that there are any complaints to the City regarding the tent structure, this CUP shall return to the Planning Commission for re-review.

Analysis

This proposal is subject to the review criteria found in LMC §15-4-16(C) for the installation of tents on private property. In addition, as quoted above from LMC §15-4-16(A)7, *in no case shall a tent be installed for a duration longer than fourteen (14) days and for more than five (5) times per year on the same Property or Site, unless a longer duration or greater frequency is approved by the Planning Commission consistent with Conditional Use Criteria in Section 15-1-10.*

Again, the Applicant is requesting a CUP to allow tenants of 515 Main Street to install a tent a maximum of fifteen (15) times per year, for durations no longer than ten (10) days each, within the private courtyard to the north of the building. This will allow them to have the tent up for a total of 150 days out of the year, but they will have to take it down every 10 days. The tent's use is limited to activities allowed under the permitted Administrative Conditional Uses of outdoor grills and/or beverage stations, outdoor events and music, and outdoor display of merchandise, as approved on October 3, 2016. These Administrative Conditional uses run with the land.

LMC §15-4-16 Temporary Structures, Tents, and Vendors

C. REVIEW CRITERIA – PRIVATE PROPERTY

- 1. The proposed Use must be on private Property. The Applicant shall provide*

written notice of the Property Owner's permission.

Complies. The proposed tent will be located within the private courtyard to the north of the building at 515 Main Street, and the owner has provided consent for this application.

2. *The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.*

Complies. The Applicant Representative has indicated that no outdoor use will exceed the structure's current occupancy limit of forty-nine (49) people; thus, the proposed uses will result in a minimal increase in cars attending the event in the temporary structures.

According to the Main Street Improvement District map, the lot occupied by 515 Main Street was current in the parking assessment as of January 1, 1984. The site is exempt from the parking obligation for a floor area ratio (FAR) of 1.5 according to LMC §15-2.6-9(D). The current structure's FAR is below 1.5.

3. *The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.*

Complies as Conditioned. Consistent with Condition of Approval #1, all temporary structures must be inspected by the building department prior to occupancy. The building department will inspect circulation, emergency access, and all other applicable public safety measures. The location of the proposed temporary structure will be determined by applicable building and fire codes, and will not impede pedestrian circulation. A floor plan layout is required for each building inspection. As the seasons change the building department will inspect appropriately.

4. *The Use shall not violate the City Noise Ordinance.*

Complies as Conditioned. Consistent with Condition of Approval #11, the use shall not violate the City noise and nuisance ordinance. Any violation of the City noise and nuisance ordinance may result in the Conditional Use Permit becoming void.

5. *The Use and all signing shall comply with the Municipal Sign and Lighting Codes.*

Complies. Signs to the interior of a project are not regulated under the sign code. Any exterior signs must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code. If the Applicant wishes to affix logos or other branding to the tent structure itself, this must be permitted via sign permit.

6. *The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.*

Complies. All uses within the temporary structure must be permitted. The property owner is responsible for obtaining the correct permits for each proposed use, including Building Permits, Summit County Health Code permits, Fire Code permits, Single Event Liquor Licensing and permits issued by the State of Utah.

7. *The Use shall not violate the International Building Code (IBC).*

Complies as Conditioned. Consistent with Condition of Approval #1, all temporary structures must have all required building and fire permits and be inspected by the building department prior to occupancy. The building department will inspect the temporary structure for compliance with the IBC and the permit will be recorded with the Planning Department log to track tent frequencies and durations.

8. *The Applicant shall adhere to all applicable City and State licensing ordinances.*

Complies. All commercial activities within the temporary structure must be licensed. The property owner is responsible for obtaining the correct City and State licensing for each proposed use within the temporary structure.

LMC §15-1-10 Conditional Use Review Process

E. REVIEW. *The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:*

1. *Size and location of the Site;*

No Unmitigated Impacts. The tent is to be located within the private courtyard to the north of the structure at 515 Main Street. The courtyard is approximately 652.5 square feet in area (14.5' x 45'), and the size and placement of the tent will be determined by applicable building and fire codes, as well as additional conditions of approval recommended by Planning Department staff. Disregarding building and fire codes, staff estimates that the largest possible tent footprint that could fit within the site is 490 square feet. As conditioned, this approval would also limit the height of the structure to 15 feet (15'), measured from the ground level of the courtyard to the highest peak of the structure, and require that the structure is set back behind the western edge of the existing tree planter box near the front of the lot.

2. *Traffic considerations including capacity of the existing Streets in the Area;*

No Unmitigated Impacts. Guests and patrons using the temporary structure would have to abide by the same parking and access restrictions as other visitors to Main Street and The North Face at 515 Main Street. As outlined above, no additional parking needs will be spurred by the permitted courtyard uses, as the building's current occupancy limit of 49 persons will not be exceeded.

3. *Utility capacity, including Storm Water run-off;*

No Unmitigated Impacts. The existing infrastructure at 515 Main Street is adequate to accommodate the additional guests and demand on utilities, if there are any.

4. Emergency vehicle Access;

No Unmitigated Impacts. Emergency vehicle access will not be impacted by the proposal as the temporary structure is located within the interior private courtyard.

5. Location and amount of off-Street parking;

No Unmitigated Impacts. The proposed use will result in minimal increase in vehicular traffic attending the event in the temporary structure, as no use will increase the structure's existing occupancy limit. As stated above, the lot occupied by 515 Main Street was current in the parking assessment as of January 1, 1984. The site is exempt from the parking obligation for a floor area ratio (FAR) of 1.5 according to LMC §15-2.6-9(D). The building's FAR is below 1.5.

6. Internal vehicular and pedestrian circulation system;

No Unmitigated Impacts. There is no internal vehicular circulation at the site. The building department will inspect the temporary structures for pedestrian circulation requirements prior to issuance of a certificate of occupancy and fire permit each time the tent is installed.

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

No unmitigated impacts. The temporary structure will be entirely located within the private interior courtyard to the north of the structure at 515 Main Street. The adjacent uses are commercial to the north, east, and south (Main Street), and residential to the west. The courtyard is partially screened from Main Street by an existing rock wall and entry gate, as well as a mature tree located near the front of the space. Staff has conditioned this approval so the tent must be set back behind the western edge of the existing tree planter box. The space is enclosed at the rear by a building wall and stone fireplace, blocking activity from the residential uses to the west.

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

No unmitigated impacts. The temporary structure will be entirely located within the private courtyard and screened from the residential district to the west. The courtyard is partially screened from Main Street view by a short stone wall and gate, as well as a mature tree toward the front of the lot.

As conditioned, the tent structure shall have no physical connections to adjacent historic buildings.

9. Usable Open Space;

No unmitigated impacts. The proposed temporary structure will be entirely located within gated private property that is not utilized as open space.

10. Signs and lighting;

No unmitigated impacts. Signs to the interior of a project are not regulated under the sign code. Any exterior signs must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning and Building Departments and comply with the Land Management Code. If the Applicant wishes to affix logos or other branding to the tent structure itself, they must be permitted via sign permit.

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

No unmitigated impacts. The proposed temporary structure will be of simple design, and may include side walls. The tent shall be rectangular in shape, solid in color, and no more than 15 feet (15') in height from the ground level of the courtyard to the tallest peak of the tent. If the applicant wishes to include logos or other forms of branding on the tent, it will be considered signage and must be permitted via sign permit application. The final design of the proposed tent must be reviewed by Planning staff before installation.

The size and placement of the tent will be determined by the small area of the private courtyard, applicable building and fire codes, and recommended conditions of approval provided in this report. The courtyard is enclosed on two sides by two-story structures with 0-foot setbacks, which will shield the tent from view. There is also an existing rock wall and gated entry, and mature tree, fronting the Main Street right-of-way that will partially screen the structure. The rear of the courtyard is enclosed, blocking off activity from the residential uses to the west.

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

No unmitigated impacts. Consistent with Condition of Approval #11, the use shall not violate the City noise and nuisance ordinance. Any violation of the City noise and nuisance ordinance may result in the Conditional Use Permit becoming void.

In addition, the tent shall not require machinery such as cranes or backhoes to erect or disassemble.

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

Not applicable as the same delivery areas, loading and unloading zones, and trash pickup Areas will be used for the temporary structures as the current retail use of the

building.

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

Not applicable as the ownership and management does not change with this CUP.

15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the topography of the Site.

No unmitigated impacts. The site is not located within Environmentally Sensitive Lands and the site topography and location will be inspected for safety measures by the building department.

Process

Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review

This project has gone through an interdepartmental review. Issues raised have been addressed with conditions of approval.

Notice

On October 12, 2016, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on October 12, 2016.

Public Input

As of this date no public input has been received by Staff. Public comment will be taken at the regularly scheduling meeting on October 26, 2016.

Alternatives

1. The Planning Commission may approve the CUP as proposed and conditioned; or
2. The Planning Commission may deny the CUP and direct staff to prepare findings supporting this recommendation; or
3. The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The applicant will need to apply for an Administrative CUP with adequate time provided for the ten-day noticing period each time they wish to install a tent structure at 515 Main Street. Tents cannot be installed for durations longer than 14 days at a time, or more than 5 times per year.

Recommendation

Staff recommends that the Planning Commission review the request for a Conditional Use Permit (CUP) for the installation of a tent at 515 Main Street, hold a public hearing, and consider granting approval based on the Findings of Fact, Conclusions of Law, and Conditions of Approval provided in this staff report:

Findings of Fact:

1. On August 2, 2016, the Planning Department received a complete application for a CUP to allow for the installation of tents, the use of outdoor speakers, live outdoor music, catered parties, and the outdoor display of merchandise within the private, enclosed courtyard on the north side of 515 Main Street, which currently houses The North Face store.
2. The subject property falls within the Historic Commercial Business (HCB) District, which allows Outdoor Events and Uses, specifically outdoor grills and/or beverage service stations, outdoor events and music, and the display of merchandise with the issuance of an Administrative CUP.
3. Staff separated activities covered under those designations from this tent request, which requires Planning Commission review if the applicant is seeking approval for a duration beyond 14 days at a time, or frequency beyond 5 times per year.
4. Staff recommends a tent installation frequency of a maximum of 15 times per year, for no more than ten days at a time.
5. An Administrative CUP for the use of outdoor grills and/or beverage service stations, outdoor events and music, and the display of merchandise was approved and issued on October 3, 2016.
6. All uses within the proposed tent will be limited to these permitted activities, as conditioned.
7. The tent will not increase the occupancy limits of the existing building of 49 people.
8. Within the HCB District, the installation of a tent is classified as a Temporary Improvement.
9. Each time the tent is to be erected, the Applicant will be required to provide structural calculations, wind load information, and fire rating to the Building Department as part of a fire permit application. It is during the fire permitting process that the Planning Department will be notified that the Applicant is utilizing the tent, so yearly usage can be tracked by Staff on a specific tent CUP log sheet.
10. Due to the private courtyard's area of approximately 652.5 square feet (14.5 feet in width fronting Main Street x 45 feet in depth), Building Department staff indicated that the applicant may have difficulty procuring a tent with adequate levels of fire rating with such little physical separation between adjacent structures. The Applicant Representative stated that the Applicant is willing and able to work with the City Fire Marshall to design and purchase a custom tent specific to meet requirements of a fire permit.
11. The size and placement of the tent will be determined by applicable building and fire codes, as well as conditions of approval recommended by Planning staff.
12. The courtyard is partially screened from Main Street by an existing rock wall and gate, as well as a mature tree located near the front of the space. The courtyard is enclosed at the rear by a building wall and stone fireplace, blocking activity from residential uses to the west.
13. No additional signs or lighting are proposed with this application.

14. The proposed tent will be located entirely within the private courtyard to the north of the building at 515 Main Street.
15. The proposed use will result in a minimal increase in cars attending events within the temporary structures.
16. Guests and patrons using the temporary structure would have to abide by the same parking and access restrictions as other visitors to Main Street and The North Face at 515 Main Street.
17. According to the Main Street Improvement District map, the lot occupied by 515 Main Street was current in the parking assessment as of January 1, 1984. The site is exempt from the parking obligation for a floor area ratio (FAR) of 1.5 according to LMC §15-2.6-9(D). The building's FAR is below 1.5.
18. On October 12, 2016 the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on October 12, 2016.
19. The Findings in the Analysis Section are incorporated herein.
20. This application is reviewed under Land Management Code Section 15-1-10 (E) and Section 15-4-16 (C).

Conclusions of Law:

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned is consistent with the Park City General Plan.
3. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval:

1. All temporary structures require a permit issued by the Building Department. All temporary structures must be inspected by the Building Department prior to occupancy. The Building Department will inspect the structure, circulation, emergency access, and all other applicable public safety measures.
2. The tent is not to increase the existing occupancy allowance of the building of 49 people.
3. Planning Department staff must review and approve the final design of the tent structure before installation.
4. The tent shall be rectangular in shape and solid in color. If the applicant wishes to include logos or other forms of branding on the tent, it will be considered signage and must be permitted via sign permit application.
5. The tent shall not exceed fifteen feet (15') in height, measured from the ground level of the courtyard to the highest peak of the tent.
6. The tent shall be located in a way that it is set back behind the western edge of the existing tree planter box, and have no physical connections to historic buildings.
7. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes or backhoes.

8. Prior to installing a temporary structure, the Planning Department must sign off on a fire permit and record the date within the CUP application folder.
9. A maximum of fifteen (15) outdoor events which include a temporary structure per year are allowed.
10. A maximum duration of the installation of a temporary structure is ten (10) days.
11. The use shall not violate the City noise or nuisance ordinance. Any violation of the City noise or nuisance ordinance may result in the CUP becoming void.
12. Additional exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.
13. Operation of the temporary structure with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to operate the temporary structure.
14. In the case there are any complaints to the City regarding the use of a tent structure at 515 Main Street, this CUP shall return to the Planning Commission for re-review.

Exhibits

Exhibit A – Original Requested Project Scope

Exhibit B – Scope of Tent Request

Exhibit C – Examples of Tent Designs

Exhibit D – Schematic Drawing of Courtyard Area

Exhibit E – Site Imagery and Dimensions

Exhibit F - Administrative CUP Action Letter dated October 3, 2016

Project Description for 515 Main Street "The North Face Store"

General Description

Permit the use of 515 Main Street's 652.5 square foot (side enclosed courtyard "courtyard") for year round use to allow commercial and private activities associated with "The North Face Store" also conducting business pursuant to its current business license "B-014855" outdoors. In the past, this courtyard was used for outdoor dining by Talisker on Main Restaurant. Since the remodel of 515 Main Street to The North Face Store the courtyard has not been used. Due to the small size and configuration of the courtyard, the largest size tent that could be put into the courtyard could not exceed 10 foot x 20 foot, which does not require a Park City Tent Permit. It is possible to put up two separate tents in the courtyard. Use of the current outdoor speakers (part of Talisker's outdoor dining setup) are requested, as well as having live music played within the courtyard and will comply with the LMC noise ordinance. Parties with catered food are requested, as well as, the display of merchandise within the courtyard, same as Park City Clothing Company located at 558 Main Street.

1. How will the proposed use "fit-in" with surrounding uses? Remain the same as it is has in the past and present. The intensity of the courtyard uses will be less than the approved use of outdoor dining. By obtaining a Conditional Use Permit for the courtyard will eliminate the necessity to acquire, on an on going basis, applying for Administrative Conditional Use Permits.
2. What type of service will it provide to Park City? Remain a historic commercial building with a courtyard on Main Street, pursuant to existing zoning and allowed uses of the HCB Zone.
3. Is the proposed use consistent with the current zoning district and with the General Plan? Yes.
4. Is the proposed use similar or compatible with other uses in the same area? Yes.
5. Is the proposed use suitable for the proposed site? Yes.
6. Will the proposed use emit noise, glare dust, pollutants and odor? There will be people talking in the courtyard and at times music playing. There should be no "glare dust" or pollutants associated with the uses. There could be odors that are typically associated with outdoor commercial uses allowed within this zone, e.g., aroma from food.
7. What will be the hour of operation and how many people will be employed? The hour of operation will be during The North Face Store normal store operation and extend to as late as 10:00 pm per the current LMC as amended from time to time, when all outside business activities in the Historic Main Street District are to cease. The number of employees in the courtyard will vary from 0 maybe up to 10 depending on the activity within the courtyard.
8. Are other special issues that need to be mitigated? The applicant knows of none.

North Face Tent CUP

This is 515 Main St. supplemental information for the CUP tent application. The height and size restrictions are: height will not exceed 15 feet (legs not to exceed 10 feet high and leg to top of tent not to exceed 5 feet for a total height of 15 feet). The tent width and length can not exceed 12 feet and 35 feet respectfully given the size of the Courtyard. The tent will require at least two openings to allow for ingress/egress from the street through the gate and building. The tent will be a traditional frame tent with and with out side walls, windows etc. The material of the tent will meet the Park City Fire Marshals requirements.



Few of front of store.

The top of awning is approximately 15 feet high on grade at the center of the red picket gate.

North Face Tent CUP



Courtyard view from Main Street looking West.

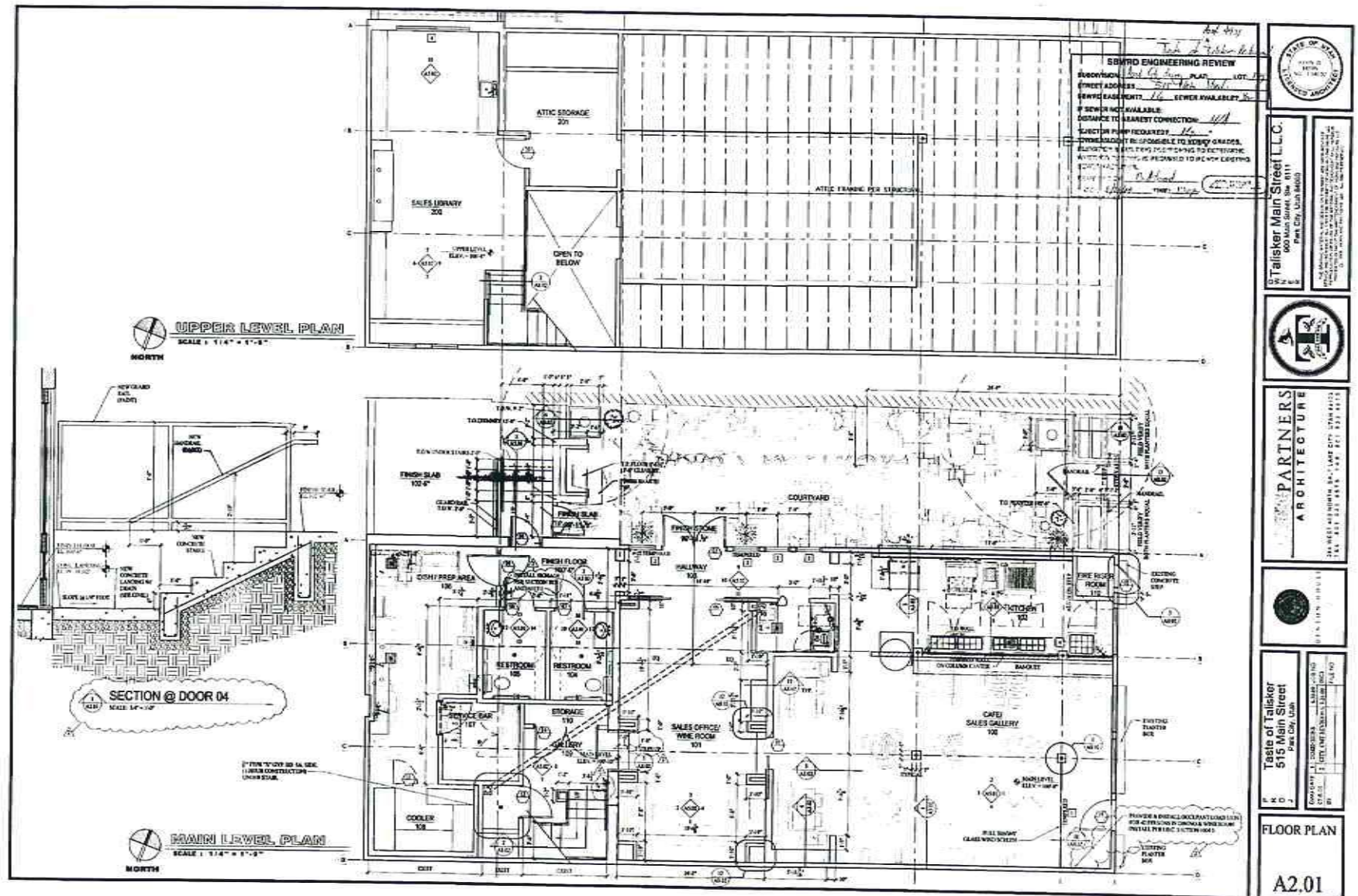


The tent in this view is approximately 13 feet high.

North Face Tent CUP

Traditional Frame Tents





Top down view of The North Face with Courtyard

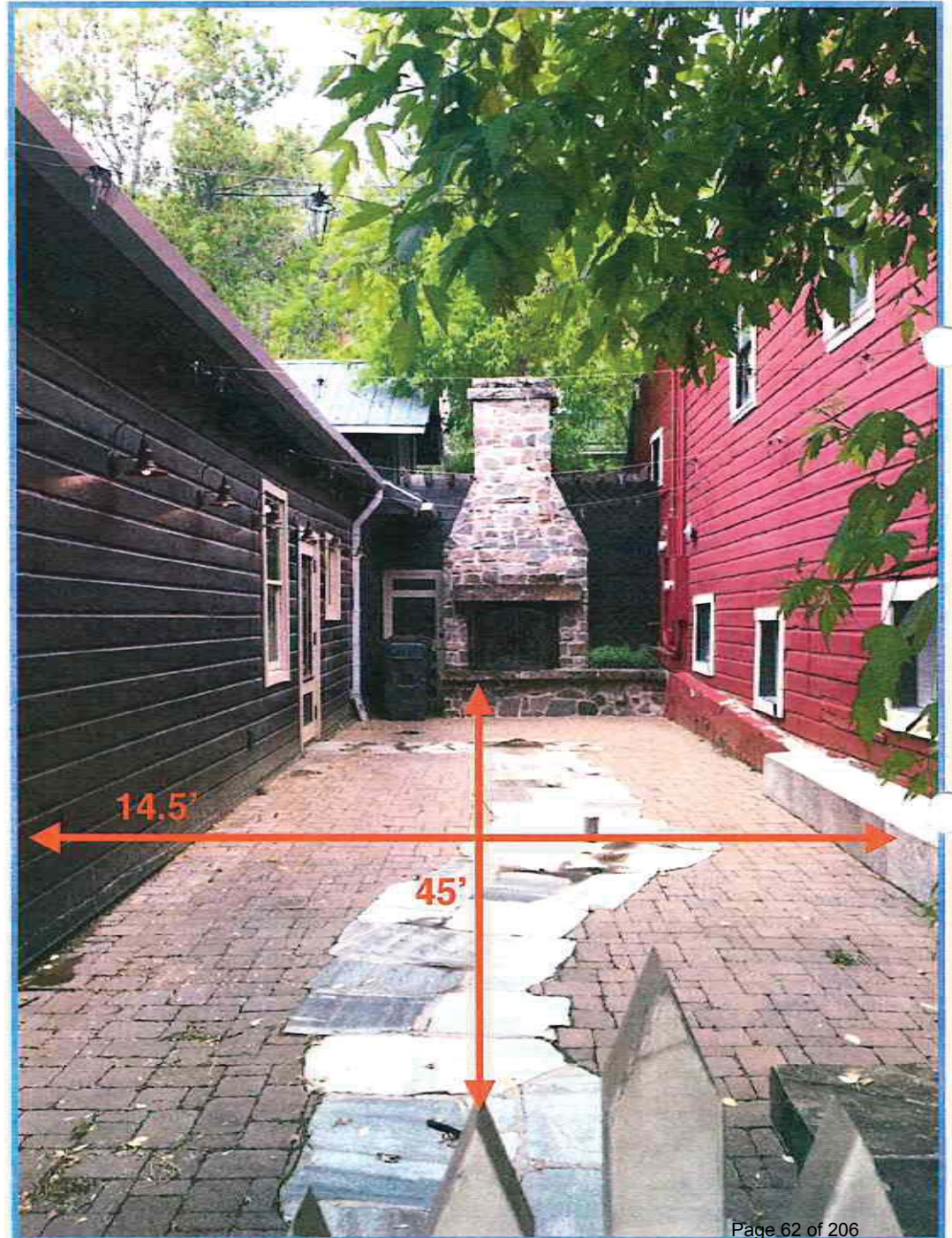


515 Main Street Property
Courtyard

The North Face Courtyard



Maximum Sq. Ft. from fence to fire place is $45' \times 14.5' = 652.5$ sq. ft.





October 3, 2016

SSI Venture, LLC
390 Interlocken Crescent, Suite 660
Broomfield, CO 80021

CC: Michael Sweeney, New Ideas Company, Inc.

NOTICE OF PLANNING DEPARTMENT ACTION

Application #: PL-16-03307
Subject: 515 Main Street Administrative Conditional Use Permit (CUP)
Description: Admin. CUP for use of outdoor speakers; live outdoor music; catered parties; and outdoor display of merchandise
Action Taken: Approved

On October 3, 2016, the Park City Planning Department Staff made an official determination of Approval of your application based on the following:

Findings of Fact:

1. The proposed use is located at 515 Main Street, which currently falls within the Historic Commercial Business (HCB) District.
2. Per Land Management Code (LMC) §15-2.6-12(B), the following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit:
 - Outdoor Grills/Beverage Service Stations;
 - Outdoor Events and Music;
 - Display of Merchandise

Conditions of Approval, by Use:

1. Outdoor Grills/Beverage Service Stations:
 - The Use must be located on private Property, and must not diminish parking or landscaping;
 - The Use must be only for the sale of food or beverages in a form suited for immediate consumption;
 - The Use must be Compatible with the surrounding neighborhood;

- The proposed service station(s) must not impede pedestrian circulation;
- The proposed service station(s) must not impede emergency Access or circulation;
- Design of the service station must be Compatible with the adjacent Buildings and Streetscape;
- There shall be no violation of the City Noise Ordinance, Title 6;
- There shall be full compliance with the City Sign Code, Title 12.

2. Outdoor Events and Music:

- There shall be no violation of the City Noise Ordinance, Title 6;
- There must be no impact on adjacent Residential Uses;
- There shall be no impedance of emergency Access or circulation;
- There shall be no more than fifteen (15) outdoor events with/without outdoor music at this location within a calendar year; a higher frequency will require a full CUP granted with Planning Commission approval.

3. Display of Merchandise:

- The merchandise must be immediately available for purchase at the Business displaying the item;
- The merchandise must be displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association;
- The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director;
- The display must not diminish parking or landscaping;
- The Use must not violate the Summit County health Code, the Fire Code, or International Building Code. The display must not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.
- The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.
- The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

- No inflatable devices other than decorative balloons smaller than eighteen inches (18”) in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.
- No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City’s Licensing Code, Municipal Code Title 4, and all other requisite City codes.

If you have any questions regarding your project or the action taken please don’t hesitate to contact me at (435) 615-5063 or ashley.scarff@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ashley Scarff', with a stylized flourish at the end.

Ashley Scarff
Planning Technician

Planning Commission Staff Report



Subject: 315 Park Avenue 2nd Amended
Subdivision
Author: Ashley Scarff, Planning Technician
Project Number: PL-16-03290
Date: October 26, 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 315 Park Avenue 2nd Amended Subdivision and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Thaynes Capital Park City, LLC, represented by Gus Sharry, P.E., of Canyon Engineering
Location: 313 Park Avenue, 324 & 328 Woodside Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining Lot B and Lot C of the 315 Park Avenue Subdivision to create one (1) legal lot of record. The third lot (Lot A) will remain as currently platted. The applicant owns all lots and requests to combine Lot B and Lot C by removing the property line which separates them.

Background

On August 26, 2016, the City received an application to amend the 315 Park Avenue Subdivision, which currently consists of 313 Park Avenue (Lot A), 328 Woodside Avenue (Lot B), and 324 Woodside Avenue (Lot C). The application was deemed complete on September 1, 2016. The applicant wishes to combine Lot B and Lot C as shown on the 315 Park Avenue Subdivision Amended plat (Exhibit C); it is proposed that Lot A will remain as currently platted. Summit County recognizes 324 Woodside Avenue as Parcel 315-PA-C-AM, 328 Woodside Avenue as Parcel 315-PA-B-AM, and 313 Park Avenue as Parcel 315-PA-A-AM (Tax IDs).

All three (3) lots are currently vacant and undeveloped, with the exception of a concrete retaining wall that runs along the frontage of Lots B and C; a stacked rock wall located entirely within Lot B; rock walls that encroach onto Lot C from adjacent Lot 30 (320

Woodside Avenue); a railroad tie retaining wall that encroaches onto Lot A from adjacent Lot 6 (323 Park Avenue); a portion of a shed roof that also encroaches onto Lot A from adjacent Lot 6; and concrete walls located entirely within Lot A.

The encroachments between Lot A and Lot 6 were resolved during the last plat amendment process via Notice of Encroachment on file at the Summit County Recorder's Office (Exhibit E). The encroachment between Lot C and Lot 30 was resolved via recorded Encroachment Agreement (Exhibit E).

Constructed across the underlying Park City Survey lot lines, a house once stood at 315 Park Avenue. On May 10, 2007, the Historic Preservation Board made a determination that the house was not a historically significant structure. On June 6, 2007, a demolition permit was issued and the structure was removed. The house was not listed on the Park City Historic Sites Inventory.

The proposed plat amendment would be the second amendment for the subject property. The first subdivision plat created the three-lot 315 Park Avenue Subdivision with a re-plat of Lots 4, 5, 6, 27, 28, and 29, Block 3 of the Park City Survey. The created Lot A had frontage on Park Avenue, and Lots B and C had frontage on Woodside Avenue. Lots A and B contained sufficient area for a single family dwelling; Lot C had enough area to house a duplex structure. The 315 Park Avenue Subdivision was approved by the City Council on March 16, 2006, extended on June 28, 2007, and recorded at Summit County on September 24, 2007 (Exhibit F).

The first plat amendment created the 315 Park Avenue Subdivision Amended (current), and reconfigured the property lines of the three (3) lots to make them more equal in size. 225 square feet of land was transferred from Lot A to Lot B, and the property line separating Lots B and C was redrawn so each lot could potentially house a single family dwelling. The 315 Park Avenue Subdivision Amended was approved by the City Council on March 21, 2013, and recorded at Summit County on April 4, 2014 (Exhibit C).

A Historic District Design Review (HDDR) pre-application was submitted on May 3, 2016, proposing the development of a single-family home on the combined lot; however, this application is not vested in any way, and the applicant's plans could change in the future. If this plat amendment is approved, the middle portion of the combined lot has approximate slopes greater than 30 percent (30%); thus, a Steep Slope Conditional Use Permit (SS CUP) would be required prior to the issuance of a building permit if more than 200 square feet (sf) of the building footprint is proposed to be located in those areas.

Purpose

The purpose of the HR-1 District is to:

- (A) Preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) Encourage the preservation of Historic Structures,

- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) Define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The proposed plat amendment combines two (2) existing parcels to create one (1) lot of record consisting of 5,850 square feet. A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for a single-family dwelling. A duplex dwelling is a conditional use in the HR-1 District. The minimum lot area for a duplex dwelling is 3,750 square feet. The proposed lot also meets the minimum lot area requirements for a duplex dwelling.

The minimum lot width in the HR-1 District is twenty-five feet (25'). The proposed plat amendment will combine Lots B and C, with current lot widths of 37.50 feet each, to create one (1) lot of record with a width of 75 feet (75'). The proposed lot meets the minimum lot width requirement. The proposed plat amendment meets the lot and site requirements of the HR-1 District described below:

Land Management Code (LMC) Regulation	Existing	Permitted
Lot Size	5,850 square feet combined	1,875 square feet minimum for Single Family Dwelling/3,750 square feet minimum for Duplex
Building Footprint	N/A	2,105.5 square feet maximum (based on proposed lot area)
Front/rear yard setbacks	N/A	12 feet minimum, 25 feet total (based on lot depth of 85 feet)
Side yard setbacks	N/A	5 feet minimum, 18 feet total (based on lot width of 75 feet)
Height	N/A	27 feet above existing grade, maximum
Height (continued)	N/A	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling

		joists or roof rafters.
Final Grade	N/A	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.
Vertical Articulation	N/A	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.
Roof Pitch	N/A	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
Parking	N/A	Two (2) parking spaces per dwelling unit.

No changes are proposed to the access points, as the combined lot fronts Woodside Avenue. The potential density would be reduced or maintained, as the subdivision as currently platted allows for two (2) single family dwellings, and the combined lot could accommodate either one (1) single family dwelling (a reduction in potential density), or one (1) duplex structure (maintenance of potential density). Similarly, off-street parking requirements would be maintained or reduced, as each single family dwelling requires the provision of two (2) off-street parking spaces, and duplexes require two (2) off-street spaces per unit (4 total).

As noted above, there are existing encroachments onto the 315 Park Avenue Subdivision properties that were resolved prior to recordation of the last plat amendment, which was approved by City Council on March 21, 2013. There are rock walls that encroach onto Lot C from adjacent Lot 30 (320 Woodside Avenue). There are also railroad tie retaining walls and a portion of a shed roof that encroach onto Lot A from adjacent Lot 6 (323 Park Avenue). Please refer to attached Encroachment Notice and Agreement (Exhibit E).

The proposed plat amendment does not create any non-conformities or remnant parcels. This plat amendment is consistent with the LMC and applicable State law regarding plat amendments. Any new structures proposed at the site must comply with

applicable LMC requirements and Design Guidelines for Historic Districts and Historic Sites. A Steep Slope CUP may be required for development on the amended lot.

The property is not within the soils ordinance boundary. In the event that mine wastes or impacts are encountered, the applicant is responsible for handling the material properly.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the parcels will allow the property owner to develop either a single family dwelling or duplex, and will create one (1) legal lot of record out of the existing two (2) parcels. The plat amendment will also utilize best planning and design practices while preserving the character of the neighborhood and of Park City, while furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undue harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code, as well as applicable Historic District Design Guidelines requirements and Steep Slope CUP requirements.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements of the LMC on October 12, 2016. Legal notice was also published in the Park Record on October 12, 2016, and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled City Council public hearing.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures may require a Steep Slope CUP and will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for approval of the 315 Park Avenue 2nd Amended Subdivision as conditioned or amended; or

- The Planning Commission may forward a negative recommendation to the City Council for the 315 Park Avenue 2nd Amended Subdivision and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the existing lots would not be adjoined and would remain as is. The parcels at 324 and 328 Woodside Avenue would remain vacant and would need to comply with the current LMC requirements for any new structures built in the HR-1 District.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 315 Park Avenue 2nd Amended Subdivision and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Survey of Existing Conditions
- Exhibit C – 315 Park Avenue Subdivision Amended Plat
- Exhibit D – Vicinity Map/Aerial
- Exhibit E – Notice of Encroachment & Encroachment Agreement
- Exhibit F – 315 Park Avenue Subdivision Plat

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 16-

AN ORDINANCE APPROVING THE 315 PARK AVENUE 2ND AMENDED SUBDIVISION, LOCATED AT 313 PARK AVENUE, 324 AND 328 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the 315 Park Avenue Subdivision, located at 313 Park Avenue, and 324 and 328 Woodside Avenue, have petitioned the City Council for approval of the 315 Park Avenue 2nd Amended Subdivision; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 26, 2016 to receive input on the proposed subdivision;

WHEREAS, on October 26, 2016 the Planning Commission forwarded a ____ recommendation to the City Council; and,

WHEREAS, on November 17, 2016 the City Council held a public hearing on the proposed 315 Park Avenue 2nd Amended Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 315 Park Avenue 2nd Amended Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 315 Park Avenue 2nd Amended Subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The 315 Park Avenue Subdivision is located within the Historic Residential (HR-1) District.
2. On August 26, 2016, the City received an application to amend the 315 Park Avenue Subdivision, which currently consists of 313 Park Avenue (Lot A), 328 Woodside Avenue (Lot B), and 324 Woodside Avenue (Lot C). The application was deemed complete on September 1, 2016.

3. The applicant wishes to combine Lot B and Lot C as shown on the 315 Park Avenue Subdivision Amended plat; it is proposed that Lot A will remain as currently platted.
4. All three (3) lots are currently vacant and undeveloped, with the exception of a concrete retaining wall that runs along the frontage of Lots B and C; a stacked rock wall located entirely within Lot B; a rock wall that encroaches onto Lot C from adjacent Lot 30 (320 Woodside Avenue); a railroad tie retaining wall that encroaches onto Lot A from adjacent Lot 6 (323 Park Avenue); a portion of a shed roof that also encroaches onto Lot A from adjacent Lot 6; and concrete walls located entirely within Lot A.
5. Encroachments between Lot A and Lot 6 were resolved during the last plat amendment process via Notice of Encroachment on file at the Summit County Recorder's Office (Entry No. 987095).
6. The encroachment between Lot C and Lot 30 has been resolved under an Encroachment Agreement on file at the Summit County Recorder's Office (Entry No. 987096).
7. Constructed across the underlying Park City Survey lot lines, a house once stood at 315 Park Avenue. On May 10, 2007, the Historic Preservation Board made a determination that the house was not a historically significant structure. On June 6, 2007, a demolition permit was issued and the structure was removed. The house was not listed on the Park City Historic Sites Inventory.
8. The first subdivision plat for the subject property created the three-lot 315 Park Avenue Subdivision with a re-plat of Lots 4, 5, 6, 27, 28, and 29, Block 3 of the Park City Survey.
9. The 315 Park Avenue Subdivision was approved by the City Council on March 16, 2006, extended on June 28, 2007, and recorded at Summit County on September 24, 2007.
10. The first plat amendment created the 315 Park Avenue Subdivision Amended (current), and reconfigured the property lines of the three (3) lots to make them more equal in size.
11. The 315 Park Avenue Subdivision Amended was approved by the City Council on March 21, 2013, and recorded at Summit County on April 4, 2014.
12. The proposed plat amendment combines two (2) existing parcels to create one (1) lot of record consisting of 5,850 square feet.
13. The amended lot will have access fronting Woodside Avenue.
14. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single-family dwelling. The proposed lot area meets the minimum lot area for a single-family dwelling.
15. The HR-1 zone requires a minimum lot area of 3,750 square feet for a duplex structure, a conditional use in the zone. The proposed lot area meets the minimum lot area required for a duplex structure.
16. The minimum lot width allowed in the district is twenty-five feet (25'). The proposed plat amendment will create one (1) lot with a width of 75 feet.
17. The minimum front/rear yard setbacks for a lot with depth of 85 feet is 12 feet minimum, 25 feet total.
18. The minimum side yard setbacks for a 75 foot wide lot are 5 feet minimum, 18 feet total.

19. The maximum footprint allowed in the HR-1 zone is 2,105.5 square feet for the proposed lot.
20. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations, or any remnant parcels.
21. Any new structures must comply with applicable LMC requirements and Design Guidelines for Historic Districts and Historic Sites.
22. A Steep Slope CUP may be required for development on the amended lot.
23. The property is not within the soils ordinance boundary. In the event that mine wastes or impacts are encountered, the applicant is responsible for handling the material properly.
24. The property does not fall within the 100 or 500 year flood plains.
25. The proposed plat amendment will not cause undo harm to adjacent property owners.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work on the new lot shall be issued until the plat is recorded and until the Historic District Design Review and Steep Slope CUP, if required, applications are submitted and approved for the lot.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. All applicable notes and conditions of approval of the 315 Park Avenue Subdivision and 315 Park Avenue Subdivision Amended, recorded as Entry Nos. 826141 and 992668 in the office of the Summit County Recorder, continue to apply.

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

PASSED AND ADOPTED this ____ day of _____, 2016

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



LEGEND

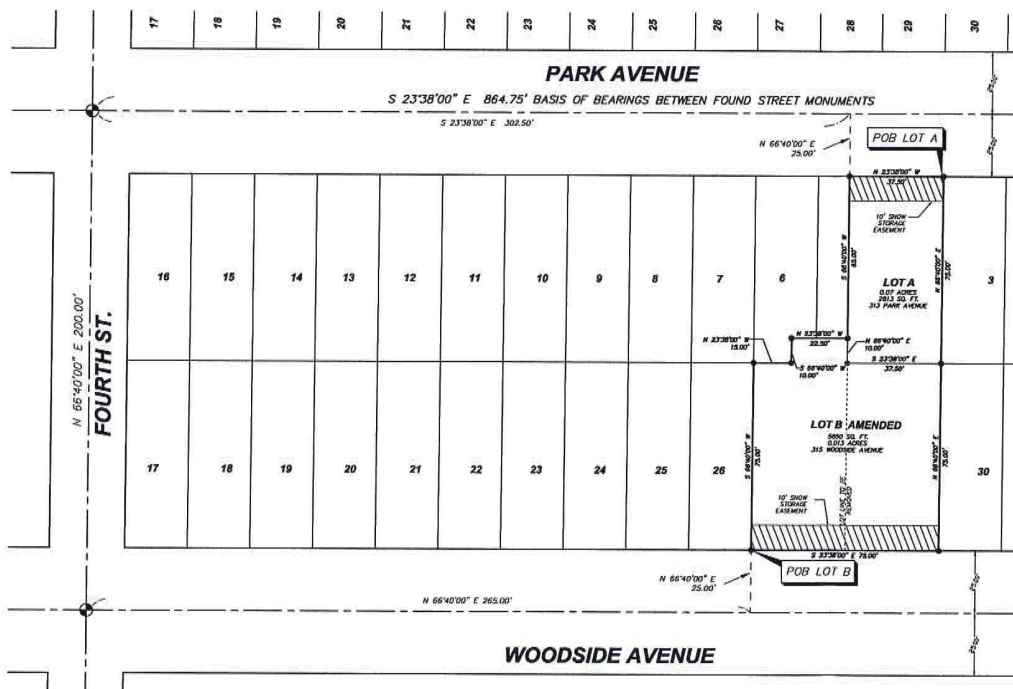
- STREET MONUMENT
- FOUND SURVEY MONUMENT (AS DESCRIBED)

315 PARK AVENUE 2ND AMENDED SUBDIVISION LOT A AMENDED & LOT B AMENDED LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

PLAT NOTES

1. THE PURPOSE OF THIS PLAT AMENDMENT IS TO COMBINE AMENDED LOT B AND AMENDED LOT C INTO ONE LOT. AMENDED LOT A REMAINS THE SAME AS IN 315 PARK AVENUE SUBDIVISION AMENDED OF RECORD.
2. FOR HISTORICAL PLAT REFERENCE, SEE ENTRY 88341, 315 PARK AVENUE SUBDIVISION, RECORDED 09-24-2007 AND ENTRY 99260, 315 PARK AVENUE SUBDIVISION AMENDED, RECORDED 04-04-2014.
3. SEE 5-2008 RECORD OF SURVEY & TOPOGRAPHIC MAP OF LOTS A, B & C OF 315 PARK AVENUE SUBDIVISION AMENDED. THIS SURVEY WAS PERFORMED IN JULY 2008.
4. ENTRY NUMBER 88306, ENCROACHMENT AGREEMENT BY AND BETWEEN THAMES CAPITAL PARK CITY LLC AND MARION LUTHER, RECORDED 01-13-2014, THIS AGREEMENT IDENTIFIES 315 PARK AVENUE, PARK CITY.
5. ENTRY NUMBER 88306, ENCROACHMENT AGREEMENT BY AND BETWEEN THAMES CAPITAL PARK CITY LLC AND MARION LUTHER, RECORDED 01-13-2014, THIS AGREEMENT IDENTIFIES 315 PARK AVENUE, PARK CITY.
6. THE BOUNDARIES SHALL BE REQUIRED FOR ALL NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS AS DETERMINED BY THE PARK CITY BUILDING DEPARTMENT DURING BUILDING PERMIT REVIEW. THE RESIDENCE SHALL CONTAIN 13-15 SLEEPING AREAS AS PER UTAH AS OF DISTANCE 8-14, DATED JUNE 11, 2016.

AND, PLAT NOTES HERE...



OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the herein described tract of land, do hereby declare that the foregoing plat is a true and correct representation of the same, and I hereby consent to the recording of this plat.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET OUR HANDS THIS ____ DAY OF _____, 20__.

SIGNED AND DELIVERED:

THAMES CAPITAL, LLC

BY _____

CITY OF SUMMIT

COUNTY OF SUMMIT

STATE OF UTAH

BY _____

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LEGAL DESCRIPTION

LOT A AMENDED

BEGINNING AT THE NORTHEAST CORNER OF LOT 3, BLOCK 3, PARK CITY SURVEY, AND THE SOUTHWEST CORNER OF LOT A, 315 PARK AVENUE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AND THENCE NORTH 66°40'00" WEST, ALONG THE SOUTHWEST BOUNDARY OF 315 PARK AVENUE SUBDIVISION AMENDED, A DISTANCE OF 75.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT A, THENCE NORTH 23°38'00" WEST, A DISTANCE OF 25.00 FEET, THENCE NORTH 66°40'00" EAST, A DISTANCE OF 75.00 FEET, THENCE SOUTH 23°38'00" EAST, A DISTANCE OF 25.00 FEET, THENCE SOUTH 66°40'00" WEST, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2813 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

LOT B AMENDED

BEGINNING AT THE SOUTHWEST CORNER OF LOT 36, BLOCK 3, PARK CITY SURVEY AND THE NORTHEAST CORNER OF SAID LOT B, SAID 315 PARK AVENUE SUBDIVISION AMENDED, THENCE NORTH 66°40'00" EAST, A DISTANCE OF 75.00 FEET, THENCE SOUTH 23°38'00" EAST, A DISTANCE OF 25.00 FEET, THENCE NORTH 66°40'00" EAST, A DISTANCE OF 75.00 FEET, THENCE SOUTH 23°38'00" EAST, A DISTANCE OF 25.00 FEET, THENCE SOUTH 66°40'00" WEST, A DISTANCE OF 75.00 FEET, THENCE NORTH 23°38'00" WEST, A DISTANCE OF 25.00 FEET, THENCE NORTH 66°40'00" EAST, A DISTANCE OF 75.00 FEET, THENCE SOUTH 23°38'00" WEST, A DISTANCE OF 25.00 FEET, THENCE SOUTH 66°40'00" WEST, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2820 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MARTHA NELSON, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8910023, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THIS PLAT WAS PREPARED UNDER MY SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THE PROPERTY BOUNDARIES AS SHOWN ARE CORRECT.

MARTHA NELSON
PLS 8910023

DATE

PLAT v1 08-01-2016
SHEET 1 OF 1

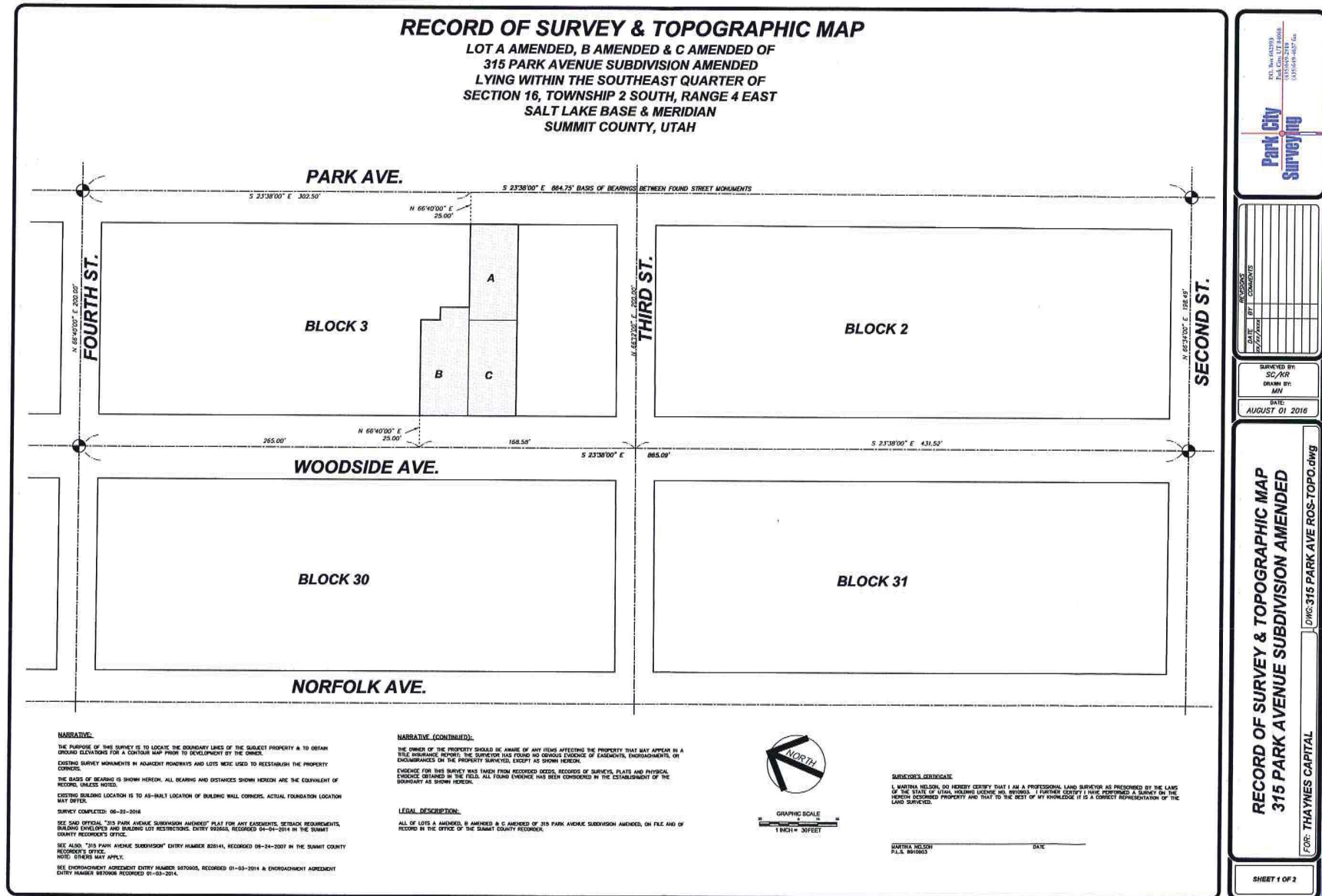
Park City
Surveying

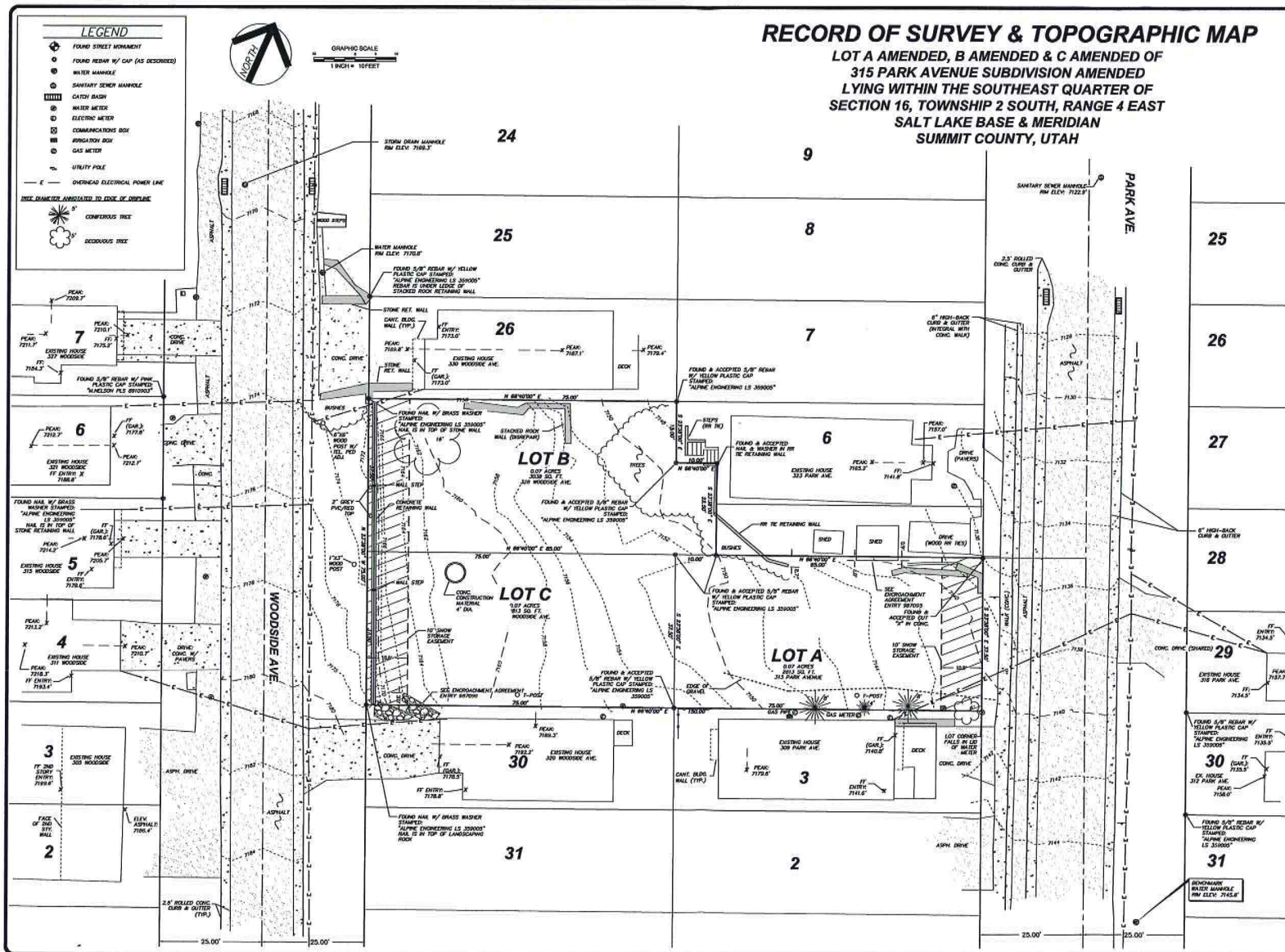
2016 AUG 26 2016
PARK CITY
PLANNING DEPT.



PARK CITY PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF ____ 2016 A.D. CHAIRMAN _____	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL ON THIS ____ DAY OF ____ 2016 A.D. BY _____ PARK CITY RECORDER	SHYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SHYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ____ 20__ A.D. BY _____ S.B.W.R.D.	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE INFORMATION ON FILE IN MY OFFICE ON THIS ____ DAY OF ____ 20__ A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS ____ DAY OF ____ 20__ A.D. BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS ____ DAY OF ____ 20__ A.D. BY MAYOR _____	RECORDED STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE: _____ TIME: _____ BOOK: _____ PAGE: _____ ENTRY NO.: _____ FEE: _____ RECORDER: _____
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Exhibit B





RECORD OF SURVEY & TOPOGRAPHIC MAP
315 PARK AVENUE SUBDIVISION AMENDED

CWC-315 PARK AVE ROS-TOPO.dwg

FOR: THAYNES CAPITAL

SHEET 2 OF 2

DATE: 08/01/2018

DESIGNED BY: SC, RVP

DRAWN BY: MN

CHECKED BY: MN

DATE: 08/01/2018

DATE: 08/01/2018

COMMENTS:

NO. 100-10000

700 GOS. UT 10000

10000-10000

10000-10000

Park City Surveying

RECEIVED
AUG 26 2016
PARK CITY
PLANNING DEPT.

Exhibit C

315 Park Avenue Subdivision Amended A replat of Lots A, B & C Block 3, Park City Survey

NARRATIVE

1. Survey requested by: Thayne Capital Park City LLC.
2. Basis of survey: found street monuments as shown.
3. Date of survey: September, 2012 & July, 2013.
4. Property monuments set or found as shown.
5. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
7. Based on the previous Plat of 315 Park Avenue Subdivision recorded as Entry No. 826141 in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

I, J.D. Golley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.



OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned is director of Thayne Capital Park City LLC, a Delaware limited liability company, the owner of the hereon described 315 Park Avenue Subdivision, Block 3, Park City Survey, and having caused this Plat Amendment to be made, does hereby consent to the recordation of this Record of Survey Plat, on behalf of said Thayne Capital Park City LLC, in the office of the County Recorder of Summit County, Utah, in accordance with Utah Law. Also, the owner hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication. In witness whereof, the undersigned has set his hand this 14th day of March, 2014.

By: Damon Navarro, Director
Thayne Capital Park City LLC.

ACKNOWLEDGEMENT

STATE OF UTAH, County of Summit.

On this 14th day of March, 2014, Damon Navarro personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is director of Thayne Capital Park City, LLC, that he has signed the above Owner's Dedication and Consent to Record on behalf of said Thayne Capital Park City LLC, and that he has executed this document in his capacity as director on behalf of Thayne Capital Park City LLC, for the purpose set forth herein.

My commission expires: 02/14/19

NOTARY PUBLIC

RESIDING IN SUMMIT COUNTY, UT



Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS
ON THIS 14th DAY OF MARCH, 2014.

BY: [Signature]
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 13th
DAY OF FEBRUARY, 2013 A.D.

BY: [Signature]
CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 14th
DAY OF MARCH, 2014 A.D.

BY: [Signature]
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 14th
DAY OF MARCH, 2014 A.D.

BY: [Signature]
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 14th DAY
OF MARCH, 2014 A.D.

BY: [Signature]
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 21ST DAY OF MARCH,
2013 A.D.

BY: [Signature]
MAYOR

RECORDED #992668

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF COALITION TITLE

DATE 4-1-14 TIME 11:03 AM BOOK PAGE

533.00 FEE [Signature] RECORDER



LEGAL DESCRIPTIONS

315 Park Avenue Subdivision Amended

Beginning at the Northeast corner of Lot 3, Block 3, Park City Survey and the Southeast corner of Lot A, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence S 66°40' W, along the Southern boundary of said 315 Park Avenue Subdivision, 150.00 feet to the Southwest corner of said 315 Park Avenue Subdivision; thence N 23°38' W, along the Western boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Northwest corner of said 315 Park Avenue Subdivision; thence N 66°40' E, along the Northern boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Northeast corner of Lot B of said 315 Park Avenue Subdivision; thence S 23°38' E, along the Eastern boundary of said 315 Park Avenue Subdivision, 15.00 feet; thence N 66°40' E, along the Northern boundary of said 315 Park Avenue Subdivision, 10.00 feet; thence S 23°38' E, along the Eastern boundary of said 315 Park Avenue Subdivision, 22.50 feet; thence N 66°40' E, along the Northern boundary of said 315 Park Avenue Subdivision, 65.00 feet to the Northeast corner of said 315 Park Avenue Subdivision; thence S 23°38' E, along the Eastern boundary of said 315 Park Avenue Subdivision, 37.50 feet to the point of beginning, containing 8,662.6 square feet, more or less.

LOT A AMENDED

Beginning at the Northeast corner of Lot 3, Block 3, Park City Survey and the Southeast corner of Lot A, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence S 66°40' W, along the Southern boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Southwest corner of Lot A of said 315 Park Avenue Subdivision; thence N 23°38' W, 37.50 feet; thence N 66°40' E, 75.00 feet to the Northeast corner of said 315 Park Avenue Subdivision; thence S 23°38' E, along the Eastern boundary of said 315 Park Avenue Subdivision, 37.50 feet to the point of beginning, containing 2,812.5 square feet, more or less.

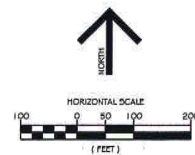
LOT B AMENDED

Beginning at the Southwest corner of Lot 26, Block 3, Park City Survey and the Northwest corner of Lot B, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence N 66°40' E, along the Northern boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Northeast corner of said Lot B, 315 Park Avenue Subdivision; thence along the boundary of said 315 Park Avenue Subdivision the following 3 courses: 1) S 23°38' E, 15.00 feet; thence 2) N 66°40' E, 10.00 feet; thence 3) S 23°38' E, 22.50 feet; thence S 66°40' W, 85.00 feet to the Western boundary of said 315 Park Avenue Subdivision; thence N 23°38' W, along the Western boundary of said 315 Park Avenue Subdivision, 37.50 feet to the point of beginning, containing 3,037.5 square feet, more or less.

LOT C AMENDED

Beginning at the Northwest corner of Lot 30, Block 3, Park City Survey and the Southwest corner of Lot C, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence N 23°38' W, along the Western boundary of said 315 Park Avenue Subdivision, 37.50 feet; thence N 66°40' E, 75.00 feet; thence S 23°38' E, 37.50 feet to the Southeast corner of said Lot C, 315 Park Avenue Subdivision; thence S 66°40' W, along the Southern boundary of said 315 Park Avenue Subdivision, 75.00 feet to the point of beginning, containing 2,812.5 square feet, more or less.

Exhibit D

[illegible]

REFERENCES

2. AERIAL PHOTO SOURCE: GOOGLE EARTH; DATE: 7.8.16

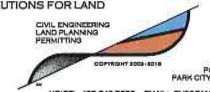
DRAWING ISSUED FOR

☐ PLANNING ☐ CONSTRUCTION
☒ PERMIT ☐ CONSTRUCTION
RECORD

SEE DESIGN NOTES FOR DETAIL. THIS DRAWING MAY NOT SHOW
CONSTRUCTION DETAILS AND SPECIFICATIONS FOR ALL
PROPOSED IMPROVEMENTS, AND MAY NOT IDENTIFY ALL
CONSTRUCTION MATERIALS AND AREAS OF CONTRACTOR
RESPONSIBILITY.

NO.	DATE	BY	CHK	REVISION DESCRIPTION

CANYON ENGINEERING
SOLUTIONS FOR LAND



VOICE: 435.640.7373 EMAIL: GUS@CANYONENG.COM
WWW.CANYONENG.COM

PLAT AMENDMENT

AERIAL OVERVIEW

324 & 328 WOODSIDE AVE
PARK CITY, UTAH

PREPARED FOR:
THAYNES CAPITAL PARK CITY, LLC
PARK CITY, UTAH

RECEIVED
AUG 26 2016
PARK CITY
FIRE DEPT.

DES. BY: AFS	DATE: AUGUST 2016	JOB 16011	1 OF 1
CHK. BY: AFS			

THAYNES CAPITAL PARK CITY LLC
PO BOX 681849
PARK CITY, UT 84068

NOTICE OF ENCROACHMENT

THIS NOTICE is made by THAYNES CAPITAL PARK CITY LLC (TCPCLLC) TO MARION LINTNER (Owner(s)) to set forth the terms and conditions under which TCPCLLC will permit the Owner(s) to build, maintain, and use certain improvements within the TCPCLLC property located at 313 Park Ave., Park City, UT (Parcel # 315-PA-A; Lot A, 315 Park Avenue subdivision; according to the official plat on file in the Summit County Recorders office CONT 3037.5 sq. ft. or 0.07 AC 2133-658). Subject to the following terms and conditions of this notice, Owner(s) shall have the right to maintain the railroad tie and retaining wall and the larger shed (see enclosed survey map) within the TCPCLLC property.

1. This encroachment notice shall be appurtenant to the following described property:
323 Park Avenue, Park City, Utah (Parcel # PC-39; COM NE COR LOT 6 BLK 3 PARK CITY TOWNSITE TH W'LY 75FT, S 15FT; E 10FTS 11 FT; E 65FT; N 26FT TO BEG A PART OF LOT 5 BLK 3 PARK CITY SURVEY, DESC AS BEG 1 FT S 23°26' E ALG E LINE LOT 5 FRNE COR SD LOT 5 BLK 3, TH 11.5 FT S 23°26'E TH 65FT S 66°40' W; TH 11.5FT N23°26'W; TH 65FT N 66°40' E TO BEG IWD-32-228 OWD-503 M55-274 M57-73-74M 7-37-38 (SEE M68-590)
(SEE QCD 1300-352 EZEKIEL R DUMKE JR TRTO KZ INVESTMENTS TRACT 2)

This notice is not transferable to other property or owners.

2. The improvements permitted within the TCPCLLC property shall consist of the railroad tie and retaining wall and the larger shed. Attached is a scaled drawing showing the improvements and the location of all related elements. No modifications to the improvements may be made without prior written permission from TCPCLLC. In the event of a future building permit(s) being approved to do additional work on the adjacent property (323 Park Avenue), the walls and the shed would have to be removed.
3. No permanent right, title, or interest of any kind shall vest in the Owner(s) in the TCPCLLC property by virtue of this notice. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.
4. The Owner(s) shall maintain the improvements in a good state of repair at all times, and upon notice from TCPCLLC, will repair any damaged, weakened, or failed sections. The Owner(s) agree(s) to hold TCPCLLC harmless and indemnify TCPCLLC for any and all claims which might arise from third parties, who are injured as a result of the Owner's use of the easement for private purposes, or from the failure of the Owner's improvements.

ENTRY NO. 00987095

01/03/2014 09:24:52 AM B: 2223 P: 0433

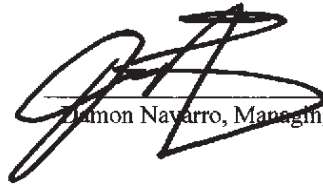
Notice PAGE 1/2

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER
FEE 12.00 BY THAYNES CAPITAL PARK CITY LLC



DATED this 12 day of Dec, 2013

THAYNES CAPITAL PARK CITY LLC


Damon Navarro, Managing Member

STATE OF SOUTH CAROLINA)

ss

COUNTY OF ~~CHARLESTON~~)

Berkeley

On the 12th day of Dec., 2013,
personally appeared before me Damon Navarro who, being first duly sworn and upon oath,
and in full recognition of the penalty for perjury in the State of South Carolina, did acknowledge to me that she/he is
the Owner(s) of the property or, if the Owner(s) is a Corporation or LLC, that she/he is an authorized representative
of the Corporation or LLC, and that she/he signed the foregoing instrument on their behalf.

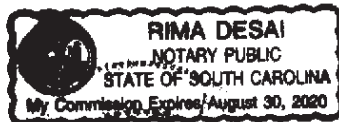
WITNESS my hand and official seal:



Signature of Notary Public

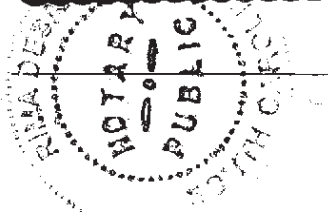
Rima Desai

Printed name of Notary Public



My commission

expires:



THAYNES CAPITAL PARK CITY LLC
PO BOX 681849
PARK CITY, UT 84068
candice.silverii@thaynescapital.com

ENCROACHMENT AGREEMENT

THIS AGREEMENT is made by and between THAYNES CAPITAL PARK CITY LLC (TCPCLLC) AND JB TOYS LLC (Owner(s)) to set forth the terms and conditions under which TCPCLLC will permit the Owner(s) to build, maintain, and use certain improvements within the TCPCLLC property at Lot C, Park City, Utah. Subject to the following terms and conditions of this agreement, Owner(s) shall have the right to maintain the rock walls (see enclosed survey map) within the TCPCLLC property.

1. This encroachment agreement shall be appurtenant to the following described property:
320 Woodside Avenue, Park City, Utah.

This agreement is not transferable to other property.

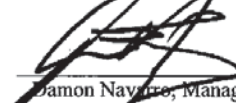
2. The improvements permitted within the TCPCLLC property shall consist of the rock walls. Attached is a scaled drawing showing the improvements and the location of all related elements. No modifications to the improvements may be made without prior written permission from TCPCLLC.

3. No permanent right, title, or interest of any kind shall vest in the Owner(s) in the TCPCLLC property by virtue of this agreement. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

4. The Owner(s) shall maintain the improvements in a good state of repair at all times, and upon notice from TCPCLLC, will repair any damaged, weakened, or failed sections. The Owner(s) agree(s) to hold TCPCLLC harmless and indemnify TCPCLLC for any and all claims which might arise from third parties, who are injured as a result of the Owner's use of the easement for private purposes, or from the failure of the Owner's improvements.

DATED this 4th day of December 2013

THAYNES CAPITAL PARK CITY LLC


Damon Navarre, Managing Member

Attest:


Candice Silverii

Owner(s) Signature(s)

3999 LA PLAYA LANE

Mailing Address

ORCHARD LAKE, MI. 48324

JOHN BULL/JB'S TOYS LLC
Owner(s) Name(s) (Printed)

JOHN.BULL@SEAUTO.COM
Email Address or Phone #

ENTRY NO. 00987096

01/03/2014 09:24:52 AM B: 2223 P: 0435

Encroachment PAGE 1/5

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER

FEE 19.00 BY THAYNES CAPITAL PARK CITY LLC



Property Descriptions:

Thaynes Capital Park City LLC property: 324 Woodside Ave, Park City, UT

Parcel #: 315-PA-C

Description: LOT C, 315 Park Avenue subdivision; according to the official plat on file in the Summit County Records office CONT 3750 sq ft or 0.09 AC 2133-658

JB Toys LLC property: 320 Woodside Ave, Park City, UT

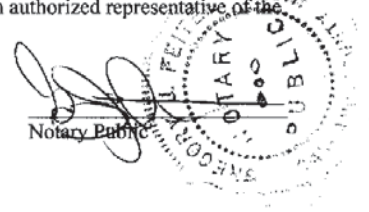
Parcel #: PC-50

Description: Lot 30 Blk 3 Park City Survey IQC-389 1950-9 M60-79 285-518 501-447 1300-352 1377-366 1737-1025 2139-1548 2151-1676

00987096 Page 2 of 5 Summit County

STATE OF Michigan)
)
COUNTY OF Oakland)
)

On the 30th day of Dec, 2013, JOHN BULL (JBS TOYS LLC)
personally appeared before me GREG PEITEN who, being first duly sworn and upon oath,
and in full recognition of the penalty for perjury in the State of Michigan did acknowledge to me that she/he is the
Owner(s) of the property or, if the Owner(s) is a Corporation, that she/he is an authorized representative of the
Corporation, and that she/he signed the foregoing instrument on their behalf.



00987096 Page 3 of 5 Summit County

STATE OF South Carolina)
COUNTY OF Charleston ^{SS})

On the 4th day of Dec, 2013, Damon Narea (Thaynes Capital Park City) personally appeared before me Bernadette E Dewitt who, being first duly sworn and upon oath, and in full recognition of the penalty for perjury in the State of South Carolina, did acknowledge to me that she/he is the Owner(s) of the property or, if the Owner(s) is a Corporation or LLC, that she/he is an authorized representative of the Corporation or LLC, and that she/he signed the foregoing instrument on their behalf.

WITNESS my hand and official seal:



Bernadette E. Dewitt
Signature of Notary Public

Bernadette E. Dewitt
Printed name of Notary Public

My commission expires: 12 August 2020

315 Park Avenue Subdivision
A Portion of Block 3,
Park City Survey



NARRATIVE

1. Survey requested by Denise Huxman.
2. Purpose of survey: locate the topographic relief.
3. Basis of survey: Record Street documents as shown. Most dimensions are from the Park City Monument Central Map by Bush & Gadsell, Inc. Recorded as Entry No. 109580 in the Office of the Summit County Recorder. Subdivision of Block 3 into the Map of Park City by Gadsell & Shivers, Engineers, traced from the original map of May, 1922.
4. Date of survey: July 25, 2012 and points added December 20, 2012.
5. Property monuments located as shown.
6. Located in the Southwest Quarter of Section 16, Township 2-South, Range 4 East, Salt Lake Base & Meridian.
7. All corners of the property should be shown on any future platting the property that may appear in a title insurance report.
8. Elevations are based on an elevation of 7089.68 feet at the Street Monument found at the intersection of Park Avenue and 4th Street, from the Park City Monument Central Map.

DEED DESCRIPTIONS

Lots A, B & C, 315 Park Avenue Subdivision, according to the official plat thereof, on file and of record in the Summit County Recorder's Office.

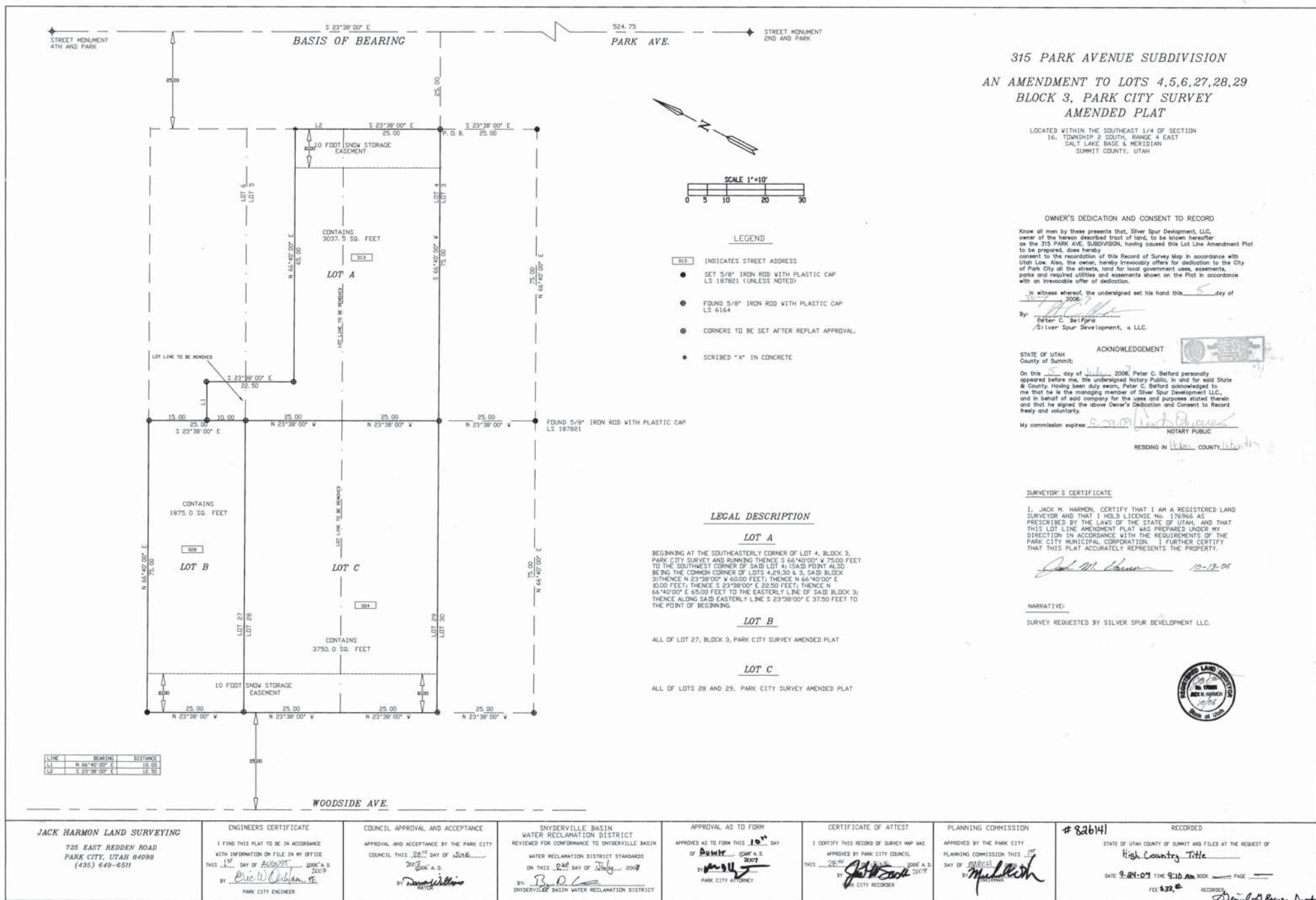
SURVEYOR'S CERTIFICATE

I, J.D. Geller, a Registered Land Surveyor as provided by the laws of the State of Utah and holding License No. 23900, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.

Date: 11/20/2012



00987096 Page 5 of 5 Summit County



Planning Commission Staff Report



PLANNING DEPARTMENT

Application: PL-16-03176
Subject: Stein Eriksen Lodge CUP
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: October 26, 2016
Type of Item: Administrative – Modification to Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for proposed modifications to the Stein Eriksen Lodge Conditional Use Permit (CUP) and consider approving the CUP modifications based on the findings of fact, conclusions of law and conditions of approval as found in this staff report.

Description

Applicant: Stein Eriksen Lodge Owners Association, Inc.
represented by Russ Olsen, CEO Stein Eriksen Lodge
and Ron Jones, WPA Architects
Location: 7700 Stein Way
Zoning: Residential Development (RD) District as part of the
Deer Valley Master Planned Development (MPD)
Adjacent Land Uses: Deer Valley Resort, condominiums, single family
houses, and support commercial uses.
Reason for Review: Conditional Use Permits and modifications to CUPs
require Planning Commission review and approval

Proposal

The Stein Eriksen Lodge is located at 7700 Stein Way in the Silver Lake area of Deer Valley. As part of the Deer Valley Master Planned Development, each parcel is subject to a Conditional Use Permit (CUP). The Stein Eriksen Lodge Owners Association requests approval of a modification to the Stein Eriksen CUP for an addition consisting of approximately 3,000 sf of guest ski locker room space, 3,500 sf for guest amenities (entertainment center, recreational amenities, game room, restrooms) and 918 sf for an owner/ guest and employee video viewing room, as well as improvements to existing ski lockers, restrooms, and exterior pool and deck area. The new exterior pool and deck area have been reduced from the initial submittal from 7,266 sf to 3,850 sf. The guest entertainment area has been reduced from 4,050 sf originally proposed to the 3,500 and the outdoor patio area has been significantly reduced to minimize disruption of the existing wooded slope on the east side of the Lodge.

The proposed additions are for residential accessory uses for the exclusive use by owners, guests and employees. No expansions are proposed to the spa, restaurant,

bar, or any other support commercial areas. Proposed changes are to areas identified on the plat as common area. No changes are proposed to any residential uses or residential condominiums. A condominium plat amendment amending the common area was submitted on May 17, 2016, for concurrent review (See separate staff report).

Planning Commission review on September 28, 2016

On September 28, 2016 the Planning Commission reviewed amendments to the Stein Eriksen Lodge CUP (Exhibit E- minutes). The applicant presented a revised plan shortly before the meeting which Staff handed out to the Commission. Planning Commission conducted a public hearing and received input from adjacent property owners, one in support and one expressing concerns about late night noise from the existing outdoor pool area. The Commission continued the item to October 26th to allow the applicant time to address concerns raised at the meeting, including the following:

1. Provide revised plans and a report that reflect the changes.
2. Provide revised site plan that shows adjacent building and setbacks.
3. Include a condition of approval that restricts use of the video viewing room as a guest amenity that is not part of the allowable Support Meeting space and that is not included in conference or meeting bookings for use as a separate meeting room or break out room.

Background

The original Stein Eriksen Lodge was constructed in 1981 based on a Conditional Use Permit (CUP) approved in 1980. Expansion to the Lodge occurred in 1996, 1999, 2009, and 2012. The property is currently subject to 11th Amended Deer Valley Master Planned Development (MPD) that identifies a permitted density of 66.75 Unit Equivalents (UE) or 65 units. The developed density is 65 "Deer Valley" units (197,860 sf of residential uses), not 66.75 UE per the LMC formula. The Deer Valley MPD allows this choice for the parcel.

As part of the Deer Valley Master Planned Development, each parcel is subject to a CUP. Substantial amendments to a CUP are required to be reviewed and approved by the Planning Commission. An amendment to the condominium is also requested to identify the proposed addition as improvements to the common area.

On May 17, 2016, the Planning Department received a complete application for modifications to the Stein Eriksen Lodge Conditional Use Permit (CUP) requesting approval for an addition to the Stein Eriksen Lodge (Exhibit A). On September 27th and October 10th the applicant provided revised plans for an addition consists of approximately 3,000 sf for additional owner and guest ski lockers/restrooms, 3,500 sf for owner and guest entertainment center (game room, snack room, restrooms, recreational amenities), 918 sf for owner, guest and employee video viewing room, as well as 868 sf of hallways and stairway circulation, and improvements to existing ski lockers, restrooms, and an addition to the exterior pool and deck area.

These additions are considered residential accessory uses for exclusive use by owners, guests and employees. No expansions are proposed to the spa, restaurant, bar, or other support commercial or support meeting areas (Exhibit B- Plans). Staff recommends a condition that no further expansion of support commercial or meeting space will be permitted based on this additional expansion. Staff also recommends a condition that limits the video viewing room for exclusive use by owners, guests and employees and that the room may not be included in a conference/meeting booking as a separate meeting room or as a break out room.

The Stein Eriksen Lodge is located at 7700 Stein Way in the Silver Lake area of Deer Valley (see Exhibits C and D) . The proposed changes are to areas identified on the plat as common area. No changes are proposed to any private residential condominium areas. The condominium plat amendment was also submitted on May 17, 2016 for concurrent review (see separate staff report and exhibits).

Purpose

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

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

Analysis

The Stein Eriksen Lodge is located on 10.86 acre lot in the Residential Development zoning district. The following standards apply:

	Permitted	Proposed
Height	28' - 35' per the MPD	19' to 25' from existing grade
Front setback	20'	No change with proposal (approximately 80')
Rear setback	15'	No change with proposal

		(approximately 70')
Side setbacks (See Exhibit F)	12'	12' minimum to addition at the closest and 13'5" minimum for new retaining wall and plaza (see site plan for further details)
Lot size	No minimum	10.86 acres
Open Space	60% (6.52 acres)	62.64% (6.82 acres)
Residential accessory uses (for use by guests and/or employees)	No specified maximum square footage, no UE required for residential accessory uses. Support Commercial (5% of total floor area allowed (4.96% exist- 17,095 sf)) and Support Meeting (5% of residential floor area allowed (5% built- 9,927 sf)) 9,927 sf (The difference in the 5% for support commercial versus the 5% for support meeting is due to a change in the Deer Valley MPD and LMC and how these areas were to be calculated.)	Additional 7,418 square feet of residential accessory uses. Additional 3,850 sf of outdoor pool and deck area. Additional 868 sf of hallways and stairway circulation. No changes to existing support commercial or support meeting space are proposed. No changes to residential density. 5,000 sf of new footprint (918 sf of additional non-landscaped plaza area counts against open space)
Parking	None required for residential accessory uses.	No additional parking is proposed.

The proposed addition and uses are considered residential accessory uses that do not require the use of Unit Equivalents according to the LMC (Section 5- 6-8 (F) as outlined below. These areas are for the exclusive use of owners and residential guests of the Lodge and not for commercial/retail use, or support commercial use, such as the spa, restaurant and bar. These areas are not leased out and are not commercial areas per the LMC Section 5-6-8 (F):

(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

Conditional Use Permit Review

The Planning Commission must review the application for a Conditional Use Permit based on criteria in Land Management Code Section 15-1-10 as follows:

(1) Size and location of the Site.

No unmitigated impacts. The site is 10.86 acres in area and is one of the largest parcels within the Deer Valley Master Planned Development. The property is located in the Silver Lake Community within walking distance of the Silver Lake Village and with ski-in and ski-out access to Deer Valley Resort.

(2) Traffic considerations including capacity of the existing Streets in the Area.

No unmitigated impacts identified. The Stein Eriksen Lodge has two access drives to Royal Street. As this expansion is for accessory residential uses for the exclusive use of guests and employees, no additional traffic will be generated from the users and minimal additional traffic will be generated by additional employees. The applicants indicate that the areas will generate 2 to 3 additional employees during the winter season. Parking requirements are based on the size and number of residential units. No changes are proposed to any of the residential units or density.

(3) Utility capacity.

No unmitigated impacts identified. All utilities were installed with the initial construction. The City Department of Public Utilities has reviewed additional water needs and finds them within the current capacity. Utility and fire protection issues are being coordinated with the adjacent property owner, SBWRD, utility service providers,

and the City Engineer. A revised fire protection and utility plan was submitted on July 29, 2016 in association with the Silver Lake Village project. A final utility plan will be provided with the building permit plans for final approval by the City Engineer, SBWRD, and the Fire District. Upgrades to the internal sewer service, including grease traps, are a requirement of the SBWRD.

(4) Emergency vehicle access.

No unmitigated impacts identified. The two access drives to the project provide emergency access from Royal Street. Enhanced fire protection and emergency access for the east side of the property were coordinated with developers of the adjacent property (Goldener Hirsch CUP) and will be reflected on the final utility and fire protection plans to be submitted with building permit plans. Final sign off on the fire protection plan is required prior to Certificate of Occupancy for the addition.

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

No unmitigated impacts identified. No additional parking is required for the residential accessory uses that are for the exclusive use of guests and employees. Parking is based on the number and size of residential units and no changes are proposed to those units.

(6) Internal vehicular and pedestrian circulation system.

No unmitigated impacts identified. The renovation and expansion of the locker rooms, pool deck, and recreation area are internally connected to the rest of the Lodge. Enhanced pedestrian pathways along the eastern property line are proposed, as well as pedestrian pathways and outdoor plazas between the spa pool area and the recreation area and ski locker rooms.

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

No unmitigated impacts identified. Existing landscaping (lawns and trees) will be removed for the expansion. Natural vegetation on the eastern portion of the site includes aspens, evergreen trees, and an assortment of understory shrubs. Several existing trees are in poor health and there is dead and downed vegetation that should be removed to meet defensible space requirements for fire prevention. Additional new landscaping with trees and shrubs is proposed along the perimeter of the site to provide separation and buffering from adjoining uses (behind the Mount Cervin condominiums building). Staff recommends a condition of approval that the final landscape plan submitted with the building permit application include a tree preservation plan that identifies the type and health of all significant vegetation proposed for relocation and or replacement.

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

No unmitigated impacts identified. The existing locker room, pool and recreation areas are located along the east side of the Lodge. The expansion will maintain the same orientation and use of materials as existing. The adjoining lot to the northeast of

the project is currently vacant. Staff is reviewing an application for a CUP for expansion of the Goldener Hirsch onto the vacant lots. The area of the addition is directly west of the existing Mt. Cervin Condominiums, a three story residential building. Four existing buildings to the east, accessing off of Sterling Court (Goldener Hirsch, Royal Plaza, The Inn, and Mt Cervin) generally have a north-south orientation and are similar in height and scale to the existing Stein Eriksen Lodge.

The proposed addition is located at the garage level of the existing lodge, with the roof of the addition located below the level of the lower residential units and decks on the east side of the Lodge. The addition is setback 36' to 88' from the east property line, with the new retaining wall and outdoor plaza setback 17'. Required setbacks along this property line are 12'. Proposed building heights are between 19' and 25' from existing grade, less than the 28-35' allowed by the MPD.

(9) Usable Open Space

No unmitigated impacts identified. Approximately 62.64% of the site remains as open space (6.8 acres) with the proposed addition. The previous plat amendment for expansion of the Conference Center in October 15, 2012, included a finding that open space following the addition was 61.90% of the total lot area. This finding was erroneous and based on a re-review of the entire site it has been determined that the open space prior to this current addition is 62.84%.

This proposed amendment, as revised, maintains a minimum of sixty percent (60%) open space at 62.64% due to the viewing room footprint. This is not new footprint as it is over garage and driveway; however it is currently landscaped area.

Landscaped areas, including common landscaped plazas over the parking structure and addition, are considered useable open space consistent with the original and amended Conditional Use Permit. No private deck areas are included in the open space calculations. The area of the addition is an existing lawn area with some planted trees and shrubs and will be re-landscaped deck or lawn area after construction.

As revised, the plans show the sloped, wooded area to the east of the proposed addition to be maintained as is, with dead and downed trees removed, diseased trees removed, and new trees and shrubs planted to enhance this natural buffer area.

(10) Signs and lighting

No unmitigated impacts identified. All exterior lights and signs must comply with the applicable Park City ordinances and code. Exterior lights must be identified on the building permit plans and shall be down-directed and shielded. No additional signs are proposed with this permit. Approval of a sign permit is required prior to installation of any new regulated signs.

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

No unmitigated impacts identified. The style of the existing building is maintained with the addition using the same materials and architectural detailing. The ski locker and recreation amenity areas are attached to the existing Lodge at the lowest level and are constructed into the existing slope. Overall building height from existing grade (on the east elevation) is 19' to 25', less than the 28' to 35' allowed by the MPD. A landscaped roof over the addition reduces the overall massing.

The addition is below the lowest floor of the residential condominium units and on the east elevation, and not highly visible from the public ROW, however the Goldener Hirsch expansion will block the view of this expansion from Royal Street. The adjacent lot to the east is developed with the Mt Cervin Condominiums, a three story residential condominium building setback 12' from the shared property line.

The proposed addition is setback a minimum of 12' from the eastern property line, with the majority of the addition setback between 80 and 90 feet from the shared property line. See Site Plan Exhibit H for setback details. The Stein Eriksen Lodge is the largest project on the largest lot in the Silver Lake area. Additional trees and shrubs are proposed to enhance the landscape buffer between the proposed addition and adjacent Mt. Cervin property. A meandering pathway within the setback area will provide circulation between the Stein Lodge and Silver Lake Village.

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

No unmitigated impacts identified. No mechanical factors will affect people and property off-site. Expansion of the pool may create additional noise that will be mitigated by management of pool hours and common courtesy and etiquette as is currently maintained at the existing outdoor pool area.

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

No unmitigated impacts identified. Service and delivery routes will remain as they currently exist.

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

No unmitigated impacts identified. The addition and improvements are on common area owned by the Owner's Association. An amended Condominium Plat to identify these improvements as common area was submitted for concurrent review. Staff recommends a condition of approval that prior to building permit issuance for the addition that the amended plat be approved and recorded at Summit County.

(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site

No unmitigated impacts identified. The Deer Valley MPD is not subject to the requirements of the Sensitive Lands Overlay. The site is sloping to the east towards the Silver Lake Village (Mont Cervin, Goldener Hirsch, Inn at Silver Lake, etc). The eastern portion of the construction area is a mix of native and planted aspen and evergreen trees and understory brush in various states of existence. Prior to building permit issuance a final landscape plan and a tree preservation and mitigation plan shall be submitted for review and approval by the Planning and Building Departments. A report from a certified arborist describing the type, size, and health of all trees to be removed or relocated and how removed trees will be mitigated, shall also be submitted. The landscape plan shall comply with the City's adopted wildland interface (defensible space) ordinance for fire prevention. Dead and downed trees and undergrowth should be cleared from the site.

Process

Approval of this CUP application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Approval of a condominium plat amendment is required to show these improvements/structures in the common area. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up that have not been addressed or conditioned.

Notice

On August 10, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on August 10, 2016 in the Park Record and on the Utah Public Notice Website for the August 24, 2016 meeting. The hearing was opened and continued to September 28, 2016. No public input was provided. Notice was re-published on September 9, 2016 and the property was reposted on September 14, 2016.

Public Input

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

Alternatives

- The Planning Commission may approve the modification to the Stein Eriksen Lodge Conditional Use Permit as conditioned or amended; or
- The Planning Commission may deny the modification to the Stein Eriksen Lodge Conditional Use Permit and direct staff to make findings for this decision; or
- The Planning Commission may continue discussion on the modification to the Stein Eriksen Lodge Conditional Use Permit and request specific additional information necessary to make a decision.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The building would remain as is or the applicant could modify the application to address any concerns raised.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the modification to the Stein Eriksen Lodge Conditional Use Permit (CUP) and consider approving the CUP modification based on the findings of fact, conclusions of law and conditions of approval as found in this staff report.

Findings of Fact:

1. The property is located at 7700 Steins Way, a private road accessed off of Royal Street East.
2. The zoning is Residential Development within the Deer Valley Master Planned Development (RD-MPD).
3. The original Stein Eriksen Lodge was constructed in 1981 based on a Conditional Use Permit (CUP) approved in 1980. Expansion to the Lodge occurred in 1996, 1999, 2009 (spa expansion), and 2012 (conference center expansion).
4. The property is currently subject to 11th Amended Deer Valley Master Planned Development (MPD) that identifies a permitted density of 66.75 Unit Equivalents (UE) or 65 units on the 10.86 acre site.
5. The developed density is 65 "Deer Valley" units (197,858 sf of residential), not 66.75 UE per the LMC formula. The Deer Valley MPD permits this choice for the parcel.
6. No Commercial Unit Equivalents are assigned to the Stein Eriksen Lodge by the Deer Valley MPD.
7. Based on the original approvals it was determined that the total floor area of the Lodge is 345,007 square feet, excluding parking. Using the 5% formula, a total of 17,250 square feet of support commercial was allowed, based on the language in the DV MPD in effect at the time.
8. In 2009, with the spa expansion, the Lodge had a total of 17,095 square feet of support commercial, including the spa, restaurant, bar and lounge, and retail space within the Lodge. These areas are considered Support Commercial as defined by the Deer Valley MPD and consist of 4.96% of the total floor area.
9. In 2012, with expansion of the conference center, it was determined that 5% of the total residential floor area was allowed for support meeting space, based on the amended DV MPD in effect at that time. With the completed conference center the total support meeting space is 9,927 sf (5% of the residential floor area).
10. On May 17, 2016, the Planning Department received an application for modifications to the Stein Eriksen Lodge Conditional Use Permit (CUP) requesting approval for an addition to the Stein Eriksen Lodge.
11. The addition, per revised plans submitted on September 27th and revised again on October 10th, consists of approximately 3,000 sf of guest ski locker room space,

3,500 sf for guest amenities (recreation and entertainment center, game room, snack bar, restrooms) and 918 sf for an owner/ guest and employee video viewing room, as well as improvements to existing ski lockers, restrooms, and exterior pool and deck area. The new exterior pool and deck area have been reduced from the initial submittal from 7,266 sf to 3,850 sf. The guest entertainment area has been reduced from 4,050 sf originally proposed to the 3,500 and the outdoor patio area has been significantly reduced to minimize disruption of the existing wooded slope on the east side of the Lodge.

12. The proposed amendments are considered residential accessory uses for the exclusive use of owners, guests and employees per Section 5-6-8 (F) of the Land Management Code.
13. The proposed additions do not increase the total support commercial area which remains at 4.96% of the total floor area.
14. The proposed additions do not increase the total meeting support area which remains at 5% of the residential floor area.
15. The Deer Valley MPD requires a minimum of 60% open space on this parcel.
16. The previous plat amendment for expansion of the Conference Center in October 15, 2012, included a finding that open space following the addition was 61.90% of the total lot area. This finding was erroneous and based on a re-review of the entire site it has been determined that the open space prior to this current addition is 62.84%.
17. This proposed amendment, as revised, maintains a minimum of sixty percent (60%) open space at 62.64%.
18. Maximum Building Height per the Deer Valley MPD is 35' for this parcel. The addition complies with the maximum height allowance and has a proposed height of between 19' and 25' above existing grade.
19. The east side of the property has a minimum required side yard setback of 12 feet. The addition has a minimum setback of 12' at the furthest southern point, well over a 100' south of the southernmost corner of the Mount Cervin building. The setback to the face of the entertainment addition area is greater than 80' to the property line shared by the Mount Cervin building. The minimum setback from the property line to the retaining wall and pool deck is 13'5".
20. There are no changes to the front or rear yard setbacks with the proposed addition.
21. Parking requirements are based on the size and number of residential units. No changes are proposed to any of the residential area with this permit.
22. A final utility plan will be provided with the building permit plans for final approval by the City Engineer, SBWRD, and the Fire District. Upgrades to the internal sewer service, including grease traps, are a requirement of the SBWRD.
23. The two access drives to the project provide emergency access from Royal Street. Enhanced fire protection and emergency access for the east side of the property were coordinated with the adjacent property and will be reflected on the final utility and fire protection plans submitted with the building permit plans.
24. Parking is based on the number and size of residential units and no changes are proposed to those units. No additional parking is proposed.

25. Enhanced pedestrian pathways along the eastern property line are proposed, as well as pedestrian pathways and outdoor plazas between the spa pool area and the recreation area and ski locker rooms.
26. Existing landscaping (lawns and some trees) will be removed for the expansion; however the revised plan preserves much of the sloped wooded area between Steins and Mt. Cervin that includes both natural and planted vegetation on the eastern portion of the site. Trees are primarily aspens and evergreens, with an assortment of understory shrubs. Several existing trees are in obvious poor health. There are dead and downed vegetation that will be cleared to meet defensible space requirements for fire prevention and to clean up the area.
27. Additional new landscaping of trees and shrubs is proposed along the perimeter of the site to provide separation and buffering from adjoining uses (behind the Mount Cervin condominiums building) and to mitigate removal of existing significant vegetation.
28. The expansion will maintain the same orientation, architectural character, and use of materials as the existing building.
29. The area of construction is directly west of the existing Mt. Cervin Condominiums, a three story residential building with a 12' setback to the shared property line.
30. Four existing buildings to the east, access off of Sterling Court (Goldener Hirsch, Royal Plaza, The Inn, and Mt Cervin) generally have a north-south orientation and are similar in height and scale to the existing Stein Eriksen Lodge.
31. The addition is setback a minimum of 12' from the east property line, with the new retaining wall and outdoor pool deck setback a minimum of 13'5". Required setbacks along this property line are 12'. Proposed building height of the addition is 19' to 25' from existing grade, which is less than the 28' to 35' allowed by the MPD.
32. All exterior lights and signs must comply with the applicable Park City ordinances and code. Exterior lights must be identified on the building permit plans and shall be down-directed and shielded. No additional signs are proposed with this permit. Approval of a sign permit is required prior to installation of any new regulated signs.
33. The style of the existing building is maintained with the addition using the same materials and architectural detailing. A landscaped roof over the guest recreation addition reduces the overall massing. The addition is completely below the lowest floor of the residential condominium units and on the east elevation, and not highly visible from the public ROW of Royal Street East.
34. Additional trees and shrubs are proposed to enhance the landscape buffer between the proposed addition and adjacent Mt. Cervin property. A meandering pathway within the setback area will provide circulation between the Stein Lodge and Silver Lake Village.
35. Expansion of the pool may create additional noise that will be mitigated by management of pool hours and common courtesy and etiquette. Exterior doors require room keys to access.
36. Service and delivery routes will remain as they currently exist.
37. The addition and improvements are on common area owned by the Owner's Association.

38. An amended Condominium Plat application, to identify these improvements in the common area, was submitted for concurrent review with the Conditional Use Permit application.
39. The Deer Valley MPD is not subject to the requirements of the Sensitive Lands Overlay.
40. The site is sloping to the east towards the Silver Lake Village (Mont Cervin, Goldener Hirsch, Inn at Silver Lake, etc). The eastern portion of the construction area is a mix of native aspen and evergreen trees and understory brush in various states of health and existence.
41. The site is within the area subject to the urban wildland interface (defensible space) ordinance area.
42. Prior to building permit issuance a final landscape plan and a tree preservation and mitigation plan shall be submitted with a report from a certified arborist describing the type, size, and health of all trees to be removed or relocated and how removed trees will be mitigated. Dead and downed trees and undergrowth should be cleared to comply with the defensible space requirements.
43. On August 10, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on August 10, 2016 in the Park Record and on the Utah Public Notice Website for the August 24, 2016 meeting.
44. On August 24, 2016, the hearing was opened and continued to September 28, 2016. There was no public input provided at the hearing.
45. Notice was re-published on September 9, 2016 and the property was reposted on September 14 2016.
46. At the September 28, 2016 meeting the public hearing was opened and continued to October 26, 2016.
47. The applicant stipulates to the conditions of approval.

Conclusions of Law:

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

Conditions of Approval:

1. The application and plans submitted for a Building Permit must be in substantial compliance with the plans reviewed by the Planning Commission on September 28, 2016.
2. Prior to building permit issuance for the addition the condominium plat shall be approved and recorded at Summit County.
3. Prior to building permit issuance for the addition, a final landscape plan and a tree preservation and mitigation plan shall be reviewed and approved by Planning and Building Departments. A report from a certified arborist describing the type, size,

and health of all trees to be removed or relocated, and how removed trees will be mitigated, shall also be submitted for review.

4. The final landscape plan shall comply with the City's adopted urban wildland interface fire prevention defensible space ordinance and regulations.
5. The ski lockers and recreation amenity areas are for the exclusive use by owners, guests, and employees of the Lodge.
6. All conditions of approval of the Deer Valley Master Planned Development, as amended, and the Stein Eriksen Lodge CUP, as amended, shall continue to apply.
7. All exterior lights and signs must comply with applicable Park City ordinances and codes. Exterior lights must be identified on the building permit plans and shall be down-directed and shielded.
8. Approval of a sign permit is required prior to installation of any new regulated signs.
9. A final utility plan shall be provided with the building permit plans for final approval by the City Engineer, SBWRD, and the Fire District. Upgrades to the internal sewer service, including grease traps, are a requirement of the SBWRD.
10. A final fire protection plan must be submitted to and approved by the Chief Building Official prior to Certificate of Occupancy.
11. The proposed video viewing room is considered residential accessory space intended as a guest amenity for exclusive use by owners, guests and employees of the Stein Eriksen Lodge. This room is not considered part of the allowable Support Meeting space for the hotel and therefore it shall not be included in, or leased as part of, any conference or meeting bookings as a separate meeting room or break out room for conferences.
12. No further expansion of support commercial exceeding 17,250 square feet and no further expansion of support meeting space exceeding 9,893 square feet will be permitted based on the additional floor area of this expansion.
13. Standard conditions of approval apply.

Exhibits

- Exhibit A – Applicant's submittal and photos
- Exhibit B – Plans (site plan, floor plans, sections, elevations)
- Exhibit C – Aerial photo of the site
- Exhibit D – Existing conditions survey
- Exhibit E – Minutes of 9.28.16 Planning Commission meeting
- Exhibit F – Setbacks

Stein Eriksen Lodge
PCMC Plat Application: Project Description

May 16, 2016

The Stein Eriksen Lodge is a combination of multiple condominium plats that define the private areas of ownership as well as the common elements owned by the association of unit owners. In 2010 and 2013, the Stein Eriksen Lodge made improvements to common areas including a spa and pool addition and conference center expansion. The enclosed common area building space and exterior pool and deck common areas were defined by two Common Area supplemental plats recorded and included in the current Stein Eriksen Lodge plat application.

The purpose of the Stein Eriksen Lodge Common Area Third Supplemental Sheet for all Phases is to define the proposed guest amenity common area that includes an expansion to the ski lockers and a deck above, an entertainment center building addition with a planted roof, and an expansion to the pool, deck and plaza area on the east side of the Stein Eriksen Lodge. The proposed improvements also include an addition of a Guest Viewing Room located within the main entry into the lodge, adjacent to the porte cochere.





March 31, 2016
Revised October 5, 2016
Revised October 18, 2016

Kirsten A. Whetstone
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060

RE: Preliminary Review of
Stein Eriksen Lodge Phase VI-A
Expansion & Remodel

Kirsten:

Attached you will find applications for Plat Amendment (Condominium and Conditional Use Permit (Amendment) for the Phase VI Expansion and Remodel of Stein Eriksen Lodge. You will recall that we have discussed this project several times over the past couple of years.

PROJECT DESCRIPTION

The majority of the project involves an addition at the northeast side of the main lodge building. *(Please see the attached SEL - Overall Site Plan)* The project includes:

- Addition of approx. 3,000 sq. ft. of Ski Locker Room space on two levels.
- Remodel of approx. 11,000 sq. ft. of existing space for Ski Locker Room and Skier Services on two levels. No change from current use.
- Addition of approx. 3,500 sq. ft. of Entertainment Center. This space will include a game room, snack bar and support facilities.
- Addition of approx. 782 sq. ft. of Exterior Pool. Also an addition of approx. 3,068 sq. ft. of pool deck.
- Addition of approx. ~~900~~ 918 sq. ft. of a Guest Viewing Room to host events such as movie showings and family video times for hotel guests.

In our discussions, you mentioned that we needed to address several issues, including: A. Permitted Uses, B. Setback, and C. Open Space. We respectfully ask that you consider the following information as well as the attached exhibits:

(A) Permitted Uses

All of the Uses indicated above are in the categories of "Residential Accessory Uses" or "Resort Accessory Uses" as outlined in the Park City Municipal Code - Title 15 LMC, Chapter 6 - Master Planned."

(B) Setback

In a previous "Planning Commission Staff Report," for the Spa Expansion, dated May 13, 2009 (see attachment), it was established that the setback for east property line is a "side setback" and the permitted minimum setback is 12 feet. Please refer to the attached drawings, Sheets A01 Site Plan. You will note that the closest building setback is 23'-3" from the property line at the very south end of the of the Locker Room addition to the project (near Grids J & 1). The closest Pool Deck addition (open to the sky) to the east property line is near Grid 15e and is 13'-5". The closest portion of any improvements to the east property line is the existing pool deck at the north end, near Grid 19e which is 12'-5".

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(C) Open Space

Per the Park City Municipal Code, the required minimum Open Space is 60% of the overall area of the site. In the proposed project, the majority of new building space is either underground, underneath open decks or with planted roofs which qualify as "Open Space." The only exception is the Guest Viewing room of 914 sq. ft. You will note on the attached drawing for Open Space Area Calculations that overall site, including past developments and the present proposed project, there remains an Open Space Area of 62.64%.

Please note that when an application was submitted for the Conference Center Expansion in 2011, the map for "Open Space Area Calculations" indicated 61.90% open space; however since then, several errors were discovered in that drawing. Please find attached the corrected drawing for "Open Space Area Calculations" which indicates the 62.84% open space.

Also discussed in our previous conversations was the requirement that we show compliance the Planning Commission Staff Report prepared by Brooks Robinson on May 19, 2009 when the Spa Expansion project was submitted. The following are our comments concerning the potential impacts described in that report:

(1) Size and Location of the Site:

8,286

The proposal includes an addition of approximately ~~10,300~~ square feet of building space on the northeast side of the Main Lodge and along the east side of existing condominiums.

- The existing locker rooms are to be expanded on two levels by an addition along the northeast side of the Main Lodge and will be topped with an expanded deck that currently exists around the Main Lodge.
- Approximately 11,000 square feet of existing space will be remodeled for locker rooms, ski store, and coffee shop.
- An Entertainment Center will be constructed along the east side of existing condominiums and will step down the hillside. The east wall of this addition will open to the east side, while the remaining portions will be built into the hillside and will be covered with a planted roof.
- The existing Pool of the Spa will be expanded southward towards the new Entertainment Center. It will include special features such as: [jaccuzi](#), coves, rock [rockscaping](#), waterfalls, etc.
- An Unfinished Space at the basement level which will be used for storage and [pool equipment](#).

(2) Traffic Considerations Including Capacity of the Existing Streets in the Area:

Stein Eriksen Lodge has two access drives to Royal Street. As all facilities in this expansion are being created to enhance the experience for owners and guests who are already staying at the lodge, no additional traffic will be generated.

(3) Utility Capacity:

All utilities were installed with the initial construction. Although some new plumbing fixtures will be installed in this expansion, they are being installed to enhance the experience for owners and guests who are already staying at the lodge. Any additional water and sewage requirements for this project should be within the current capacity.

(4) Emergency Vehicles Access:

The two access drives to the project provide emergency access from Royal Street.

(5) Size and Amount of Off-Street Parking:

No additional parking is needed as the new facilities are for owners and guests already staying at Stein Eriksen Lodge.

(6) Internal Vehicular and Pedestrian Circulation System:

Internal vehicular circulation will use the existing parking garage that runs from the entrance at Royal Street and exits at the Deer Valley Service Road. Internal pedestrian circulation will be connected to existing facilities and the parking garage by way of newly constructed doorways, passageways, stairways, elevators and sidewalks.

(7) Fencing, Screening and Landscaping to Separate the Use from Adjoining Uses:

Some existing landscaping will be removed for the expansion. Additional landscaping will be installed along the asphalt path at the east property line, at the Lower Level Patio and at the Main Level Planted Roof. No fencing will be installed as none currently exists. This Use will be separated from adjoining Uses by stone retaining walls with railings and landscaping.

(8) Building Mass, Bulk, Orientation and the Location of Buildings on the Site; including Orientation to Buildings on Adjoining Lots:

The main expansion will be constructed on the northeast side of the Main Lodge and will extend from the Main Lodge to the existing pool at the Spa. The Guest Viewing Room will be constructed in an alcove between the Phase I and Phase III condominiums. The adjoining lots of the Silver Lake subdivision are adjacent to the expansion area. Mont Cervin is located east of the proposed expansion area and is oriented north-south and is similar in height and scale. The expansion will utilize the same materials as existing. Much of the new facilities will be constructed underground or into the hillside in order to protect views from existing condominium units.

(9) Usable Open Space: 62.64%

The enclosure of the plaza reduces the open space to ~~62.84%~~ of the 10.86 acre lot, above the minimum required 60%.

(10) Signs and Lighting:

All exterior lights and signs will comply with the applicable Park City ordinances and code. Exterior lights will be down directed and shielded.

(11) Physical Design and Compatibility with Surrounding Structures in Mass, Scale, Style, Design and Architectural Detailing:

The style of the expansion facilities will be maintained with the use of the same materials as existing. The additional facilities will be attached to the existing Lodge and Condominiums. They will step down the hill from the existing buildings and will be constructed on site space that is currently vacant. The Lodge is the largest project on the largest lot in the Silver Lake area.

(12) Noise, Vibration, Odors, Steam or Other Mechanical Factors that Might Affect People and Property Off-Site:

The proposed project will be connected to existing boiler and chiller equipment. No mechanical factors will affect people and property off-site.

(13) Control of Delivery and Service Vehicles, Loading and Unloading Zones and Trash Pickup Areas:

Services and delivery routes will remain as they currently exist and will be at the existing loading dock on the south side of the Lodge at the Deer Valley Service Road.

(14) Expected Ownership and Management of the Project as Primary Residences, Condominiums, Time Interval Ownership, Nightly Rental, or Commercial Tenancies, How the Form of Ownership Affects Taxing Entities:



The new expanded facilities will be common area owned by the Stein Eriksen Lodge Owners' Association. An amended record of survey will be provided and will be a condition precedent to Certificate of Occupancy of the Plaza Enclosure.

(15) Within and Adjoining the Site, impacts on Environmentally Sensitive Lands, Slope Retention, and Appropriateness of the Proposed Structure to the Topography of the Site:

The Deer Valley MPD is not subject to the requirements of the Sensitive Lands Overlay. The site is sloping to the east and the Silver Lake subdivision (Mont Cervin). The site has very limited natural vegetation as much of the site was disturbed by earlier construction and has been landscaped.

We are asking that the Park City Planning Department review the drawings and information herein. We also ask that the process begin for approval by the City.

If you need additional information, please feel free to contact me at rjones@wpa-architecture.com or call our office at 801-374-0800.

Sincerely,

A handwritten signature in blue ink that reads "Ronald B. Jones".

Ronald B. Jones, Principal
WPA Architecture

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Alan R. Poulson, Architect
Ronald B. Jones, Architect
Bruce T. Fallon, AIA, LEED® AP



EXISTING AND PROPOSED DEVELOPMENT

LOT AREA	473,006 SF	10.86 ACRES	% OF TOTAL
BLDG AREA	136,218 SF	3.11 ACRES	28.80%
ROAD AREA	40,484 SF	0.93 ACRES	8.56%
OPEN SPACE AREA	296,304 SF	6.82 ACRES	62.64%

STEIN ERIKSEN LODGE
OPEN SPACE AREA CALCULATIONS

March 28, 2016



Stein Eriksen Lodge – looking south



Stein Eriksen Lodge – looking north



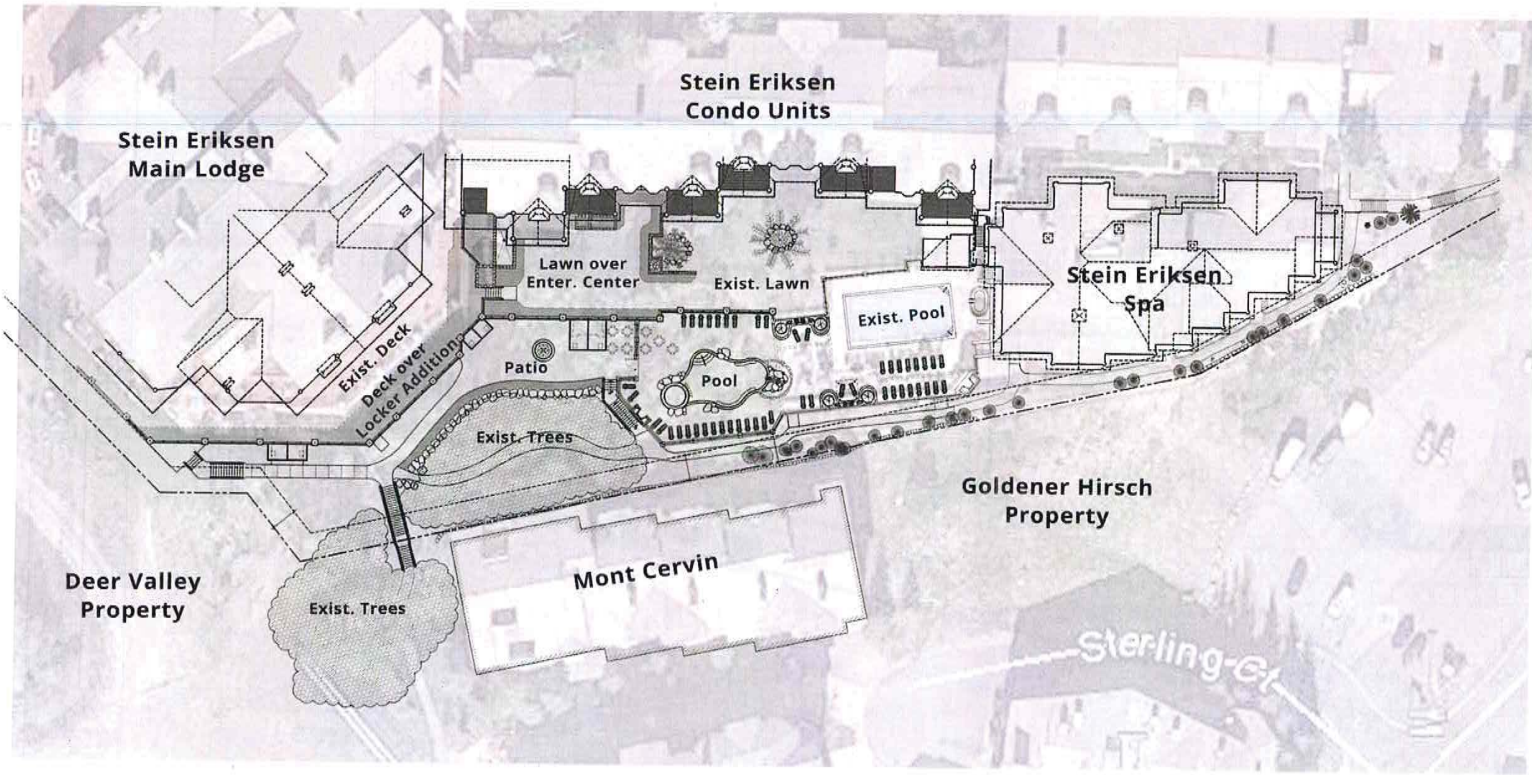
Stein Eriksen Lodge – looking southeasterly



Stein Eriksen Lodge – looking southwesterly



EXHIBIT B



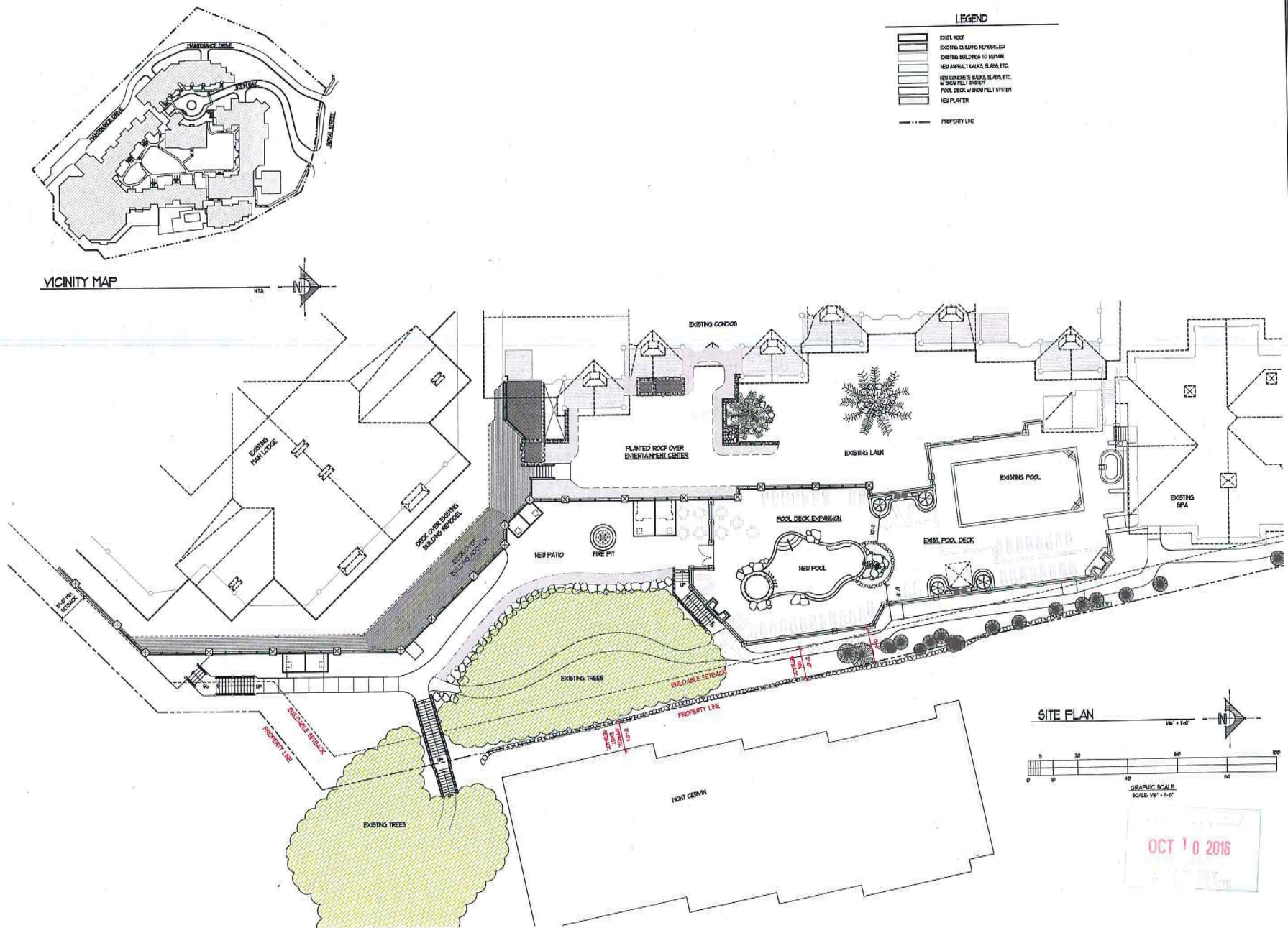
LOCAL SITE PLAN



VICINITY MAP

VED
OCT 10 2016





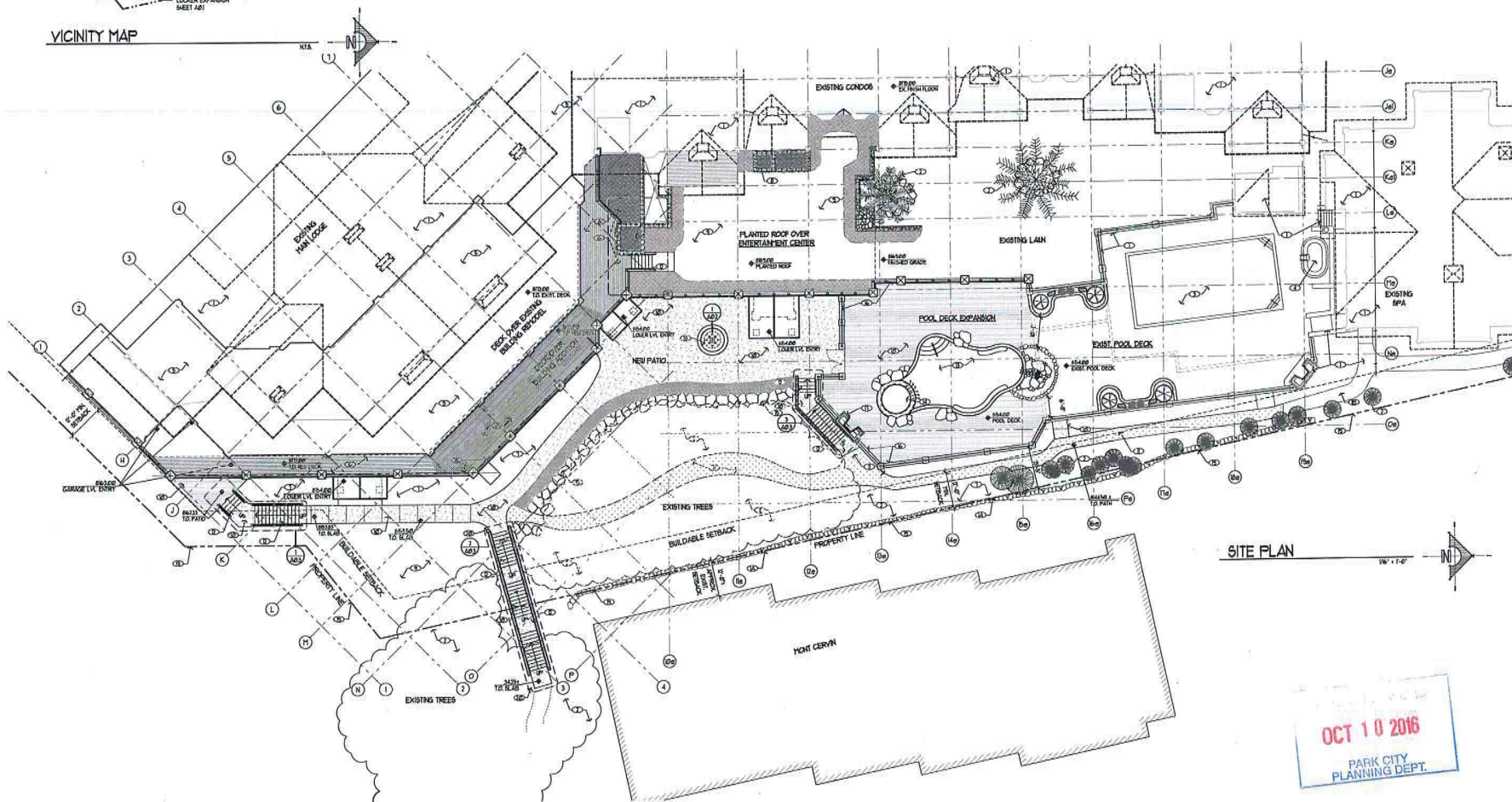
Date: September 29, 2016
Revision:

ALAN R. POULSON
RONALD B. JONES
BRUCE T. FALLON

WPA
WPA
7700 STEIN WAY
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**STEIN ERIKSEN LODGE
PHASE VI EXPANSION & REMODEL**
7700 STEIN WAY
PARK CITY, UTAH 84000

A0.1
SITE PLAN



LEGEND

- | | |
|---|--|
|  | EXIST. ROOF |
|  | EXISTING BUILDING REMODELED |
|  | EXISTING BUILDINGS TO REMAIN |
|  | NEW ASPHALT WALKS, SLABS, ETC. |
|  | NEW CONCRETE WALKS, SLABS, ETC.
w/ DRUG MELT SYSTEM |
|  | POOL DECK w/ DRUG MELT SYSTEM |
|  | NEW PLANTER |
|  | PROPERTY LINE |

SHEET NOTES

- ① EXISTING CONSTRUCTION
- ② EXISTING ROADSIDE
- ③ EXISTING ASPHALT PATH
- ④ PROTECT EXISTING TREE DURING CONSTRUCTION
- ⑤ EXISTING POOL
- ⑥ EXISTING HOT TUB
- ⑦ EXISTING AREA TO BE RECYCLED
- ⑧ NEW BUILDING ADDITION
- ⑨ NEW TREES/SHRUBS/1' GROUND COVER - SEE LANDSCAPING PLANS
- ⑩ NEW PLANTER - SEE LANDSCAPING PLANS
- ⑪ NEW CONCRETE DRIVEWAY - SEE DETAIL DM002
- ⑫ NEW CONCRETE SLUGGAT AT ENDS/PER SYSTEM - SEE DETAIL DM003
- ⑬ NEW ASPHALT PATH
- ⑭ NEW CONCRETE STAIR & SNOW MELT SYSTEM
- ⑮ NEW POOL
- ⑯ NEW HOT TUB
- ⑰ NEW DOCKER WALL
- ⑱ GUARDRAIL TO MATCH EXISTING - SEE DETAIL DM002
- ⑲ FIRE PLACE TO MATCH EXISTING
- ⑳ FIRE PIT - SEE DETAIL DM003
- ㉑ PROPERTY LINE
- ㉒ TRAIL SIGN

Date: October 11, 2016



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Bruce T. Fallon

Fax: (801) 374-0826

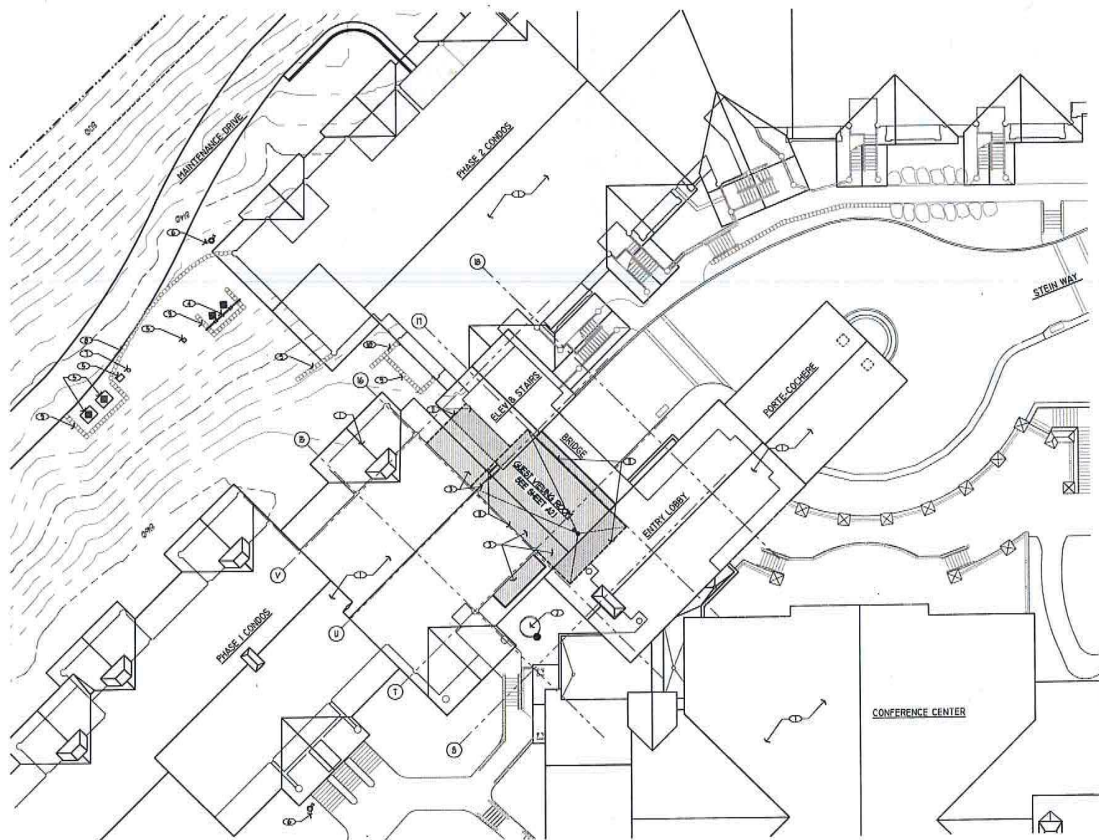


STEIN ERIKSEN LODGE
PHASE VI EXPANSION & REMODEL
7700 STEIN WAY
PARK CITY, UTAH 84060

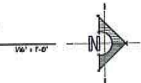


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SITE PLAN



SITE PLAN - GUEST VIEWING ROOM



SHEET NOTES

- EXISTING BUILDING, ROOF LINES SHOWN
- PROTECT EXISTING TREE DURING CONSTRUCTION
- NEW BUILDING ADDITION UNDER EXISTING ROOF
- EXIST GAS PIPING - FIELD VERIFY LOCATION ON SITE
- EXIST ELECTRICAL DISTRIBUTION EQUIPMENT - FIELD VERIFY LOCATION ON SITE
- EXIST FINE HYDRANT - FIELD VERIFY LOCATION ON SITE
- EXIST FINE PROTECTION STAND PIPE - FIELD VERIFY LOCATION ON SITE
- EXIST BOLDEN RETAINING WALL - FIELD VERIFY LOCATION ON SITE
- EXIST CONCRETE RETAINING WALL WITH STONE VENEER - FIELD VERIFY LOCATION ON SITE
- EXIST GUTTER DRAIN - FIELD VERIFY LOCATION ON SITE
- ROOF LINES OF NEW ADDITION SEE SHEET A01

Date: September 28, 2016
Revision:



Alan R. Poulson
Ronald B. Jones
Bruce T. Fallon



STEIN ERIKSEN LODGE
PHASE VI EXPANSION - GUEST VIEWING ROOM
PARK CITY, UTAH 84060
7700 STEIN WAY



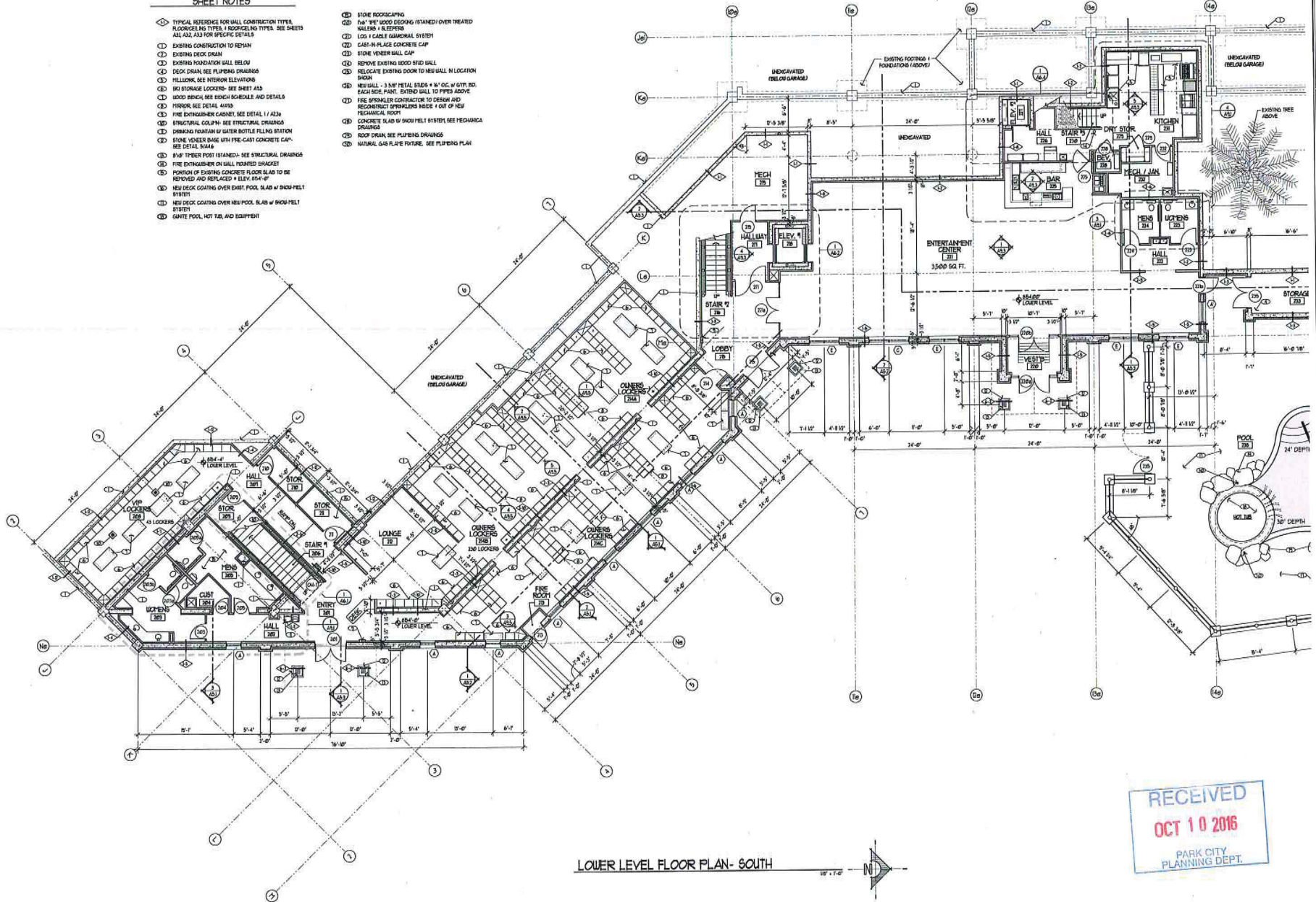
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SITE PLAN



SHEET NOTES

- (1) TYPICAL REFERENCE FOR WALL CONSTRUCTION TYPES, FLOORING TYPES, ROOFING TYPES, SEE SHEETS ALL AS3 FOR SPECIFIC DETAILS
- (2) EXISTING CONSTRUCTION TO REMAIN
- (3) EXISTING DECK DRAIN
- (4) EXISTING FOUNDATION WALL BELOW
- (5) DECK DRAIN, SEE PUMPING DRAWINGS
- (6) MILLWORK, SEE INTERIOR ELEVATIONS
- (7) (8) STORAGE LOCKERS - SEE SHEET AS3
- (9) WOOD BENCH, SEE BENCH SCHEDULE AND DETAILS
- (10) FINISHES SEE DETAIL 4440
- (11) FIRE EXTINGUISHER CABINET, SEE DETAIL 11423N
- (12) STRUCTURAL COLUMN - SEE STRUCTURAL DRAWINGS
- (13) DRINKING FOUNTAIN W/ WATER BOTTLE FILLING STATION
- (14) BONE DRYER BASE WITH FIRE-CAST CONCRETE CAP - SEE DETAIL 3444
- (15) 8"X16" THIRDS POST (STANDARD) - SEE STRUCTURAL DRAWINGS
- (16) FIRE EXTINGUISHER ON WALL (MOUNTED)
- (17) PORTION OF EXISTING CONCRETE FLOOR SLAB TO BE REMOVED AND REPLACED - ELEV. 854'-0"
- (18) NEW DECK COATING OVER EXIST. POOL SLAB W/ SHOU-PELT SYSTEM
- (19) NEW DECK COATING OVER NEW POOL SLAB W/ SHOU-PELT SYSTEM
- (20) GATE POOL, HOT TUB, AND EQUIPMENT
- (21) STONE ROOFSCAPING
- (22) 1/2"X4" WOOD CEILING (STAINED) OVER TREATED RAFTERS + SLEEPERS
- (23) LOGS + CABLE + GUARDRAIL SYSTEM
- (24) CAST-IN-PLACE CONCRETE CAP
- (25) STONE VENER WALL CAP
- (26) REMOVE EXISTING WOOD STUD WALL
- (27) RELOCATE EXISTING DOOR TO NEW WALL IN LOCATION SHOWN
- (28) NEW WALL - 3 1/2"X4" METAL STUDS + 1/2" OC W/ GYPSUM BOARD EACH SIDE, PAINT, EXTEND WALL TO FLOOR ABOVE
- (29) FIRE SPRINKLER CONTRACTOR TO DESIGN AND RECONSTRUCT SPRINKLERS INSIDE 1' OUT OF NEW MECHANICAL ROOM
- (30) CONCRETE SLAB W/ SHOU-PELT SYSTEM, SEE MECHANICAL DRAWINGS
- (31) ROOF DRAIN, SEE PUMPING DRAWINGS
- (32) NATURAL GAS FLEX PIPING, SEE PUMPING PLAN



LOWER LEVEL FLOOR PLAN - SOUTH

Date: October 11, 2016

Revision:



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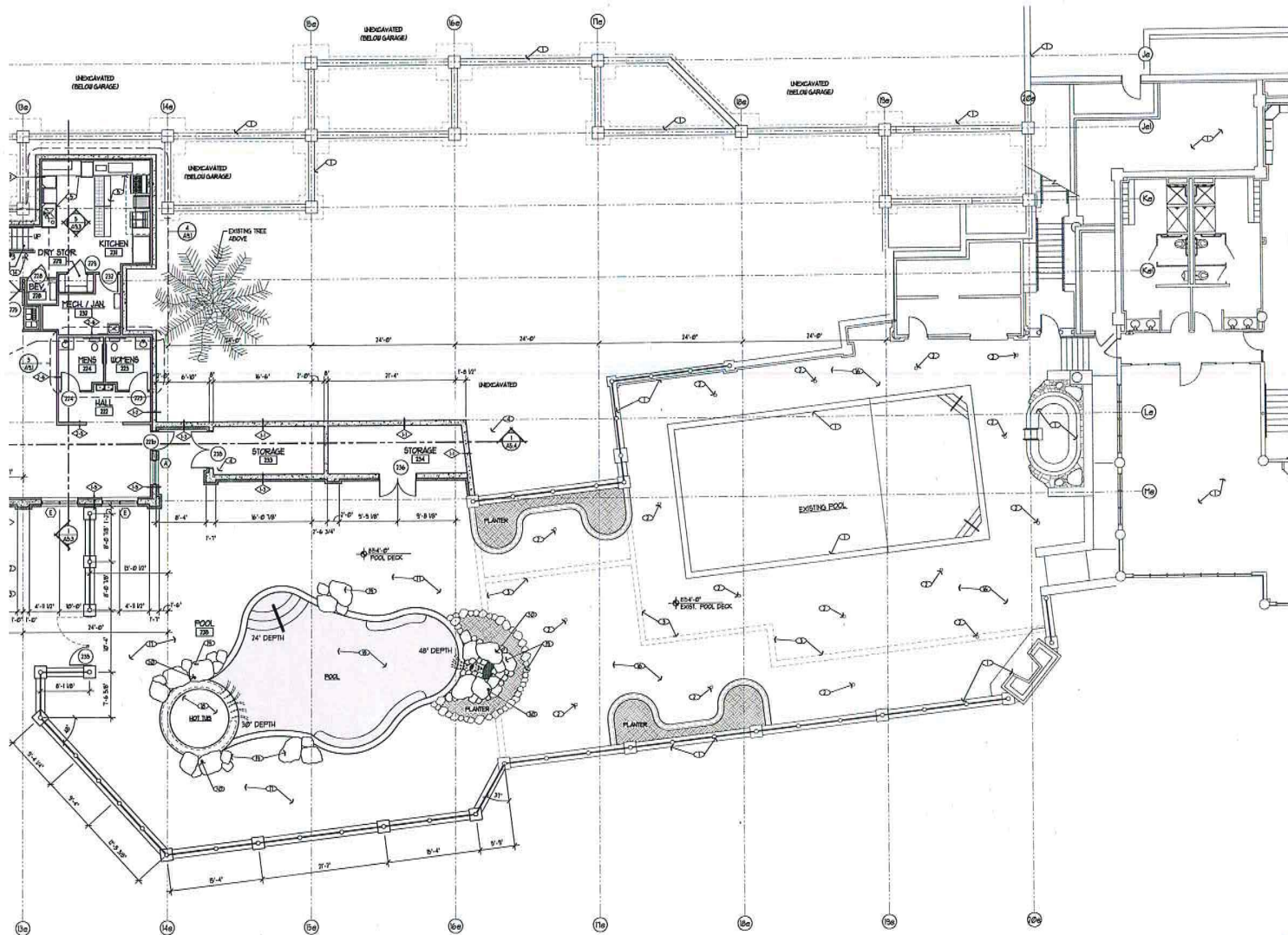
STEIN ERIKSEN LODGE
PHASE VI EXPANSION & REMODEL
7700 STEIN WAY
PARK CITY, UTAH 84060



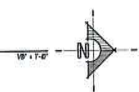
A2.2a

LOWER LEVEL FLOOR
PLAN / LOCKER
PLAN





LOWER LEVEL FLOOR PLAN - NORTH



- SHEET NOTES**
- 1. TYPICAL REFERENCE FOR WALL CONSTRUCTION TYPES, FLOORING TYPES, & ROOFING TYPES. SEE SHEETS ALL ADD FOR SPECIFIC DETAILS
 - 2. EXISTING DECK DRAIN
 - 3. EXISTING FOUNDATION WALL BELOW
 - 4. DECK DRAIN, SEE PUMPING DRAWINGS
 - 5. FILLWORK, SEE INTERIOR ELEVATIONS
 - 6. NO STORMWATER LOCATIONS. SEE SHEET A2.2
 - 7. WOOD BENCH, SEE BENCH SCHEDULE AND DETAILS
 - 8. FLOOR, SEE DETAIL A4.3
 - 9. FIRE EXTINGUISHER CABINET, SEE DETAIL 1/1 A2.3
 - 10. STRUCTURAL COLUMN, SEE STRUCTURAL DRAWINGS
 - 11. DRINKING FOUNTAIN W/ WATER BOTTLE FILLING STATION
 - 12. STONE VENEER BASE WITH FIRE-CAST CONCRETE CAP, SEE DETAIL A4.4
 - 13. 8"X12" TRESS POST (STAINED), SEE STRUCTURAL DRAWINGS
 - 14. FIRE EXTINGUISHER ON WALL MOUNTED BRACKET
 - 15. PORTION OF EXISTING CONCRETE FLOOR SLAB TO BE REMOVED AND REPLACED - ELEV. 884'-4"
 - 16. NEW DECK COATING OVER EXIST. POOL SLAB w/ 3000-PSI STRENGTH
 - 17. NEW DECK COATING OVER NEW POOL SLAB w/ 3000-PSI STRENGTH
 - 18. GATE POOL, HOT TUB, AND EQUIPMENT
 - 19. STONE ROOFING
 - 20. 1/2"X1" WOOD DECKING (STAINED) OVER TREATED WALKERS & SLEEPERS
 - 21. LOG & CABLE GUARDRAIL SYSTEM
 - 22. CAST-IN-PLACE CONCRETE CAP
 - 23. STONE VENEER WALL CAP
 - 24. REMOVE EXISTING WOOD STED WALL
 - 25. RELOCATE EXISTING DOOR TO NEW WALL IN LOCATION SHOWN
 - 26. NEW WALL - 3 1/2"X12" METAL STUDS @ 16" O.C. w/ 5/8"X12" EACH SIDE PLATE. EXTEND WALL TO PIPES ABOVE
 - 27. HIRE SPECIALIST CONTRACTOR TO DESIGN AND RECONSTRUCT SPRINKLER RISERS 1 OUT OF NEW MECHANICAL ROOM
 - 28. CONCRETE SLAB w/ 3000-PSI STRENGTH, SEE MECHANICAL DRAWINGS
 - 29. WOOD CHAIR, SEE PUMPING DRAWINGS
 - 30. NATURAL GAS FLARE FIXTURE, SEE PUMPING PLAN



Date: October 11, 2016

Revision:

REGISTERED ARCHITECT

UTAH

STATE OF UTAH

Alan R. Poulsen

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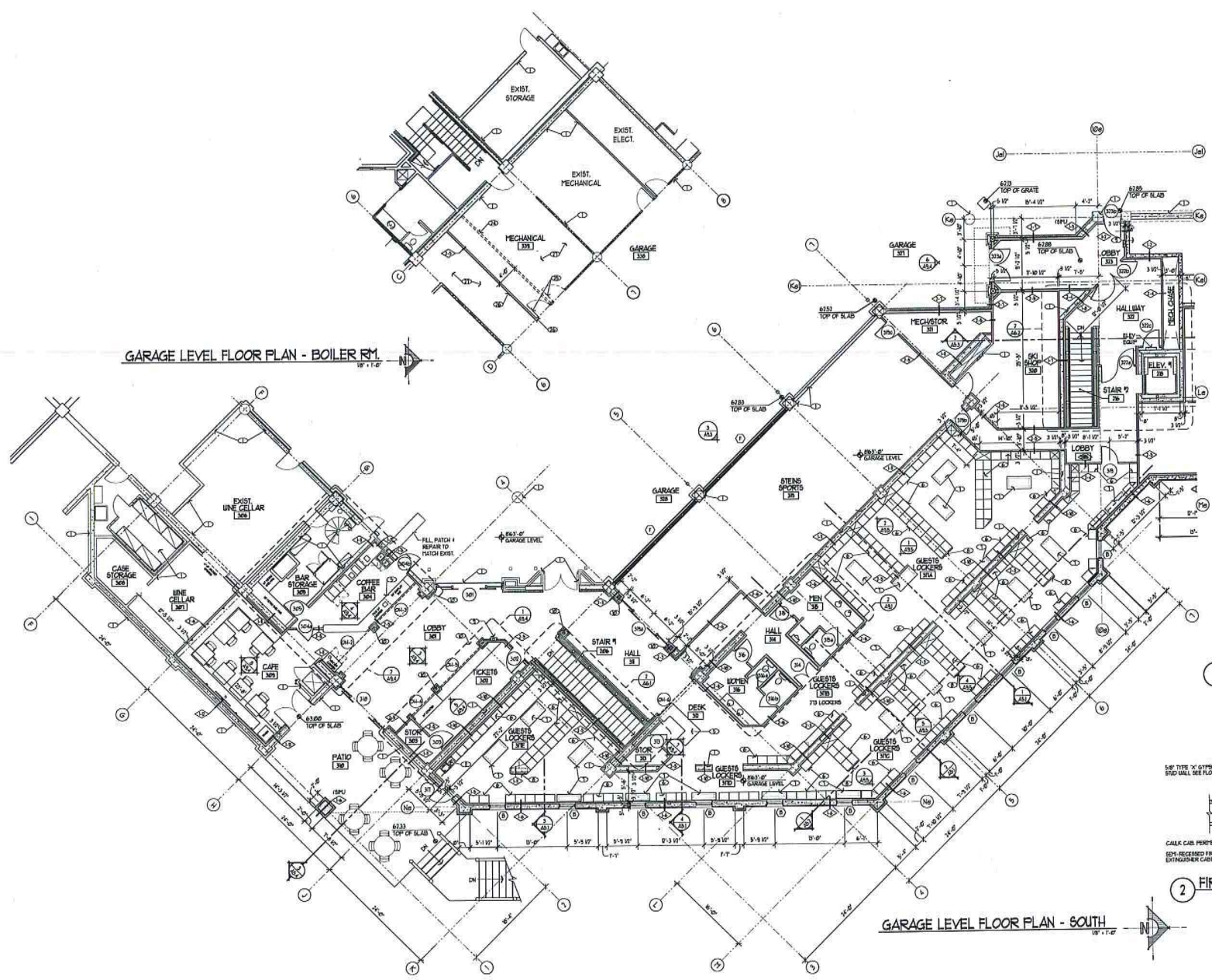
PHASE VI EXPANSION & REMODEL

7700 STEIN WAY

A2.2b

LOWER LEVEL PLAN - NORTH

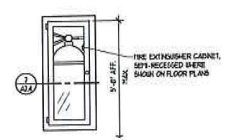
GARAGE LEVEL FLOOR PLAN - BOILER RM.



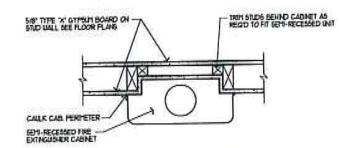
GARAGE LEVEL FLOOR PLAN - SOUTH

SHEET NOTES

- ① TYPICAL REFERENCE FOR WALL CONSTRUCTION TYPES, FLOORING AND TYPES, & ROOFING TYPES. SEE SHEETS A31, A32, A33 FOR SPECIFIC DETAILS
- ② EXISTING CONSTRUCTION TO REMAIN
- ③ EXISTING DECK CRAN
- ④ EXISTING FOUNDATION WALL BELOW
- ⑤ DECK DRAIN, SEE PLUMBING DRAWINGS
- ⑥ FILLWORK, SEE TYPICAL ELEVATIONS
- ⑦ NEW AIRWAY LOCKERS, SEE SHEET A45
- ⑧ WOOD DECK, SEE BIDDING SCHEDULE AND DETAILS
- ⑨ FINISH, SEE DETAIL A41A
- ⑩ FIRE EXTINGUISHER CABINET, SEE DETAIL 1/1 A31A
- ⑪ STRUCTURAL COLUMN, SEE STRUCTURAL DRAWINGS
- ⑫ DRINKING FOUNTAIN W/ WATER BOTTLE FILLING STATION
- ⑬ STONE VENEER BASE WITH PRE-CAST CONCRETE CAP, SEE DETAIL S40A
- ⑭ 8" x 8" TYPICAL POST (STANDARD), SEE STRUCTURAL DRAWINGS
- ⑮ FIRE EXTINGUISHER ON WALL MOUNTED BRACKET
- ⑯ PORTION OF EXISTING CONCRETE FLOOR SLAB TO BE REMOVED AND REPLACED, SEE ELEV. 25-4"
- ⑰ NEW DECK COATING OVER EXIST. POOL SLAB W/ 3/4" THICK STYRENE
- ⑱ NEW DECK COATING OVER NEW POOL SLAB W/ 3/4" THICK STYRENE
- ⑲ GUNITE POOL, HOT TUB, AND EQUIPMENT
- ⑳ STONE ROOFSCAPING
- ㉑ 1/4" x 1/4" WOOD DECKING (STANDARD) OVER TREATED HULLERS & JOISTS
- ㉒ LOG & CABLE GUARDRAIL, STYRENE
- ㉓ CAST-IN-PLACE CONCRETE CAP
- ㉔ STONE VENEER WALL CAP
- ㉕ REMOVE EXISTING WOOD STUD WALL
- ㉖ RELOCATE EXISTING DOOR TO NEW WALL IN LOCATION SHOWN
- ㉗ NEW WALL - 3 1/2" METAL STUDS @ 16" O.C. W/ 1/2" GYPSUM BOARD, PAINT, EXTEND WALL TO PIPES ABOVE
- ㉘ FIRE SPROKELER CONTRACTORS TO DESIGN AND RECONSTRUCT SPROKELERS INSIDE & OUT OF NEW MECHANICAL ROOM
- ㉙ CONCRETE SLAB W/ 3/4" THICK STYRENE, SEE MECHANICAL DRAWINGS
- ㉚ ROOF DRAIN, SEE PLUMBING DRAWINGS



1 FIRE EXT. CABINET ELEVATION



2 FIRE EXT. CABINET DETAIL



Date: October 11, 2016

Revised:

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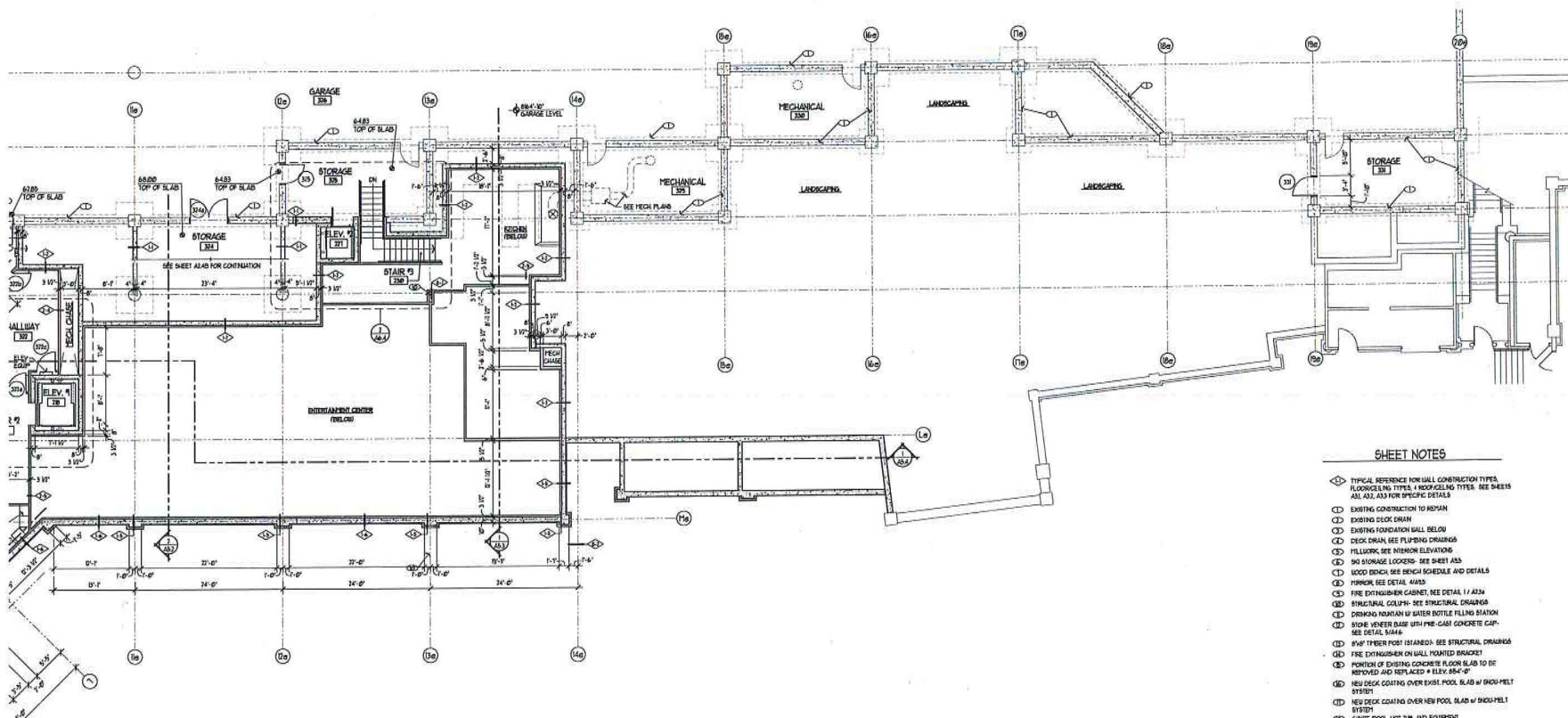
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7700 STEIN WAY

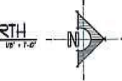
PARK CITY, UTAH 84303

A2.3a

GARAGE LEVEL PLAN - SOUTH



GARAGE LEVEL FLOOR PLAN - NORTH



SHEET NOTES

- 1. TYPICAL REFERENCE NON WALL CONSTRUCTION TYPES, FLOORING TYPES, & ROOFING TYPES. SEE SHEETS A11, A12, A13 FOR SPECIFIC DETAILS.
- 2. EXISTING CONSTRUCTION TO REMAIN.
- 3. EXISTING GLASS DRINK.
- 4. EXISTING FOUNDATION WALL BELOW.
- 5. DECK DRAIN, SEE FLOORING DRAWINGS.
- 6. FLOORING, SEE INTERIOR ELEVATIONS.
- 7. NO STORAGE LOCATED. SEE SHEET A15.
- 8. WOOD BENCH, SEE BENCH SCHEDULE AND DETAILS.
- 9. FORMER, SEE DETAIL A14.
- 10. FIRE EXTINGUISHER CABINET, SEE DETAIL 11, A15.
- 11. STRUCTURAL COLUMNS, SEE STRUCTURAL DRAWINGS.
- 12. DRINKING FOUNTAIN W/ WATER BOTTLE FILLING STATION.
- 13. STONE VENEER BASE WITH FIVE-CAST CONCRETE CAP, SEE DETAIL A16A.
- 14. NEW DECK COATING OVER EXIST. POOL SLAB W/ SHOU-HELT SYSTEM.
- 15. NEW DECK COATING OVER NEW POOL SLAB W/ SHOU-HELT SYSTEM.
- 16. GATE POOL, HOT TUB, AND EQUIPMENT.
- 17. STONE ROOFSCAPING.
- 18. FIVE-CAST WOOD SCHEDING (STAINED) OVER TREATED WALLING / FLOORING.
- 19. LOG / CABLE SUNDIAL SYSTEM.
- 20. CAST-IN-PLACE CONCRETE CAP.
- 21. STONE VENEER WALL CAP.
- 22. REMOVE EXISTING WOOD STED WALL.
- 23. RELOCATE EXISTING DOOR TO NEW WALL IN LOCATION SHOWN.
- 24. NEW WALL - 3 1/2" METAL STUDS @ 16" O.C. w/ GYP. BD. EACH SIDE, PAINT. EXTEND WALL TO PIPES ABOVE.
- 25. FIVE-CAST WOOD SCHEDING TO DESIGN AND RECONSTRUCT (SPRINKLERS W/IDE 1 OUT OF NEW MECHANICAL ROOM).
- 26. CONCRETE SLAB W/ SHOU-HELT SYSTEM, SEE MECHANICAL DRAWINGS.
- 27. ROOF DRAIN, SEE FLOORING DRAWINGS.



Date: October 11, 2016

Revision:

Alan R. Poulson
Ronald B. Jones
Bruce T. Fallon

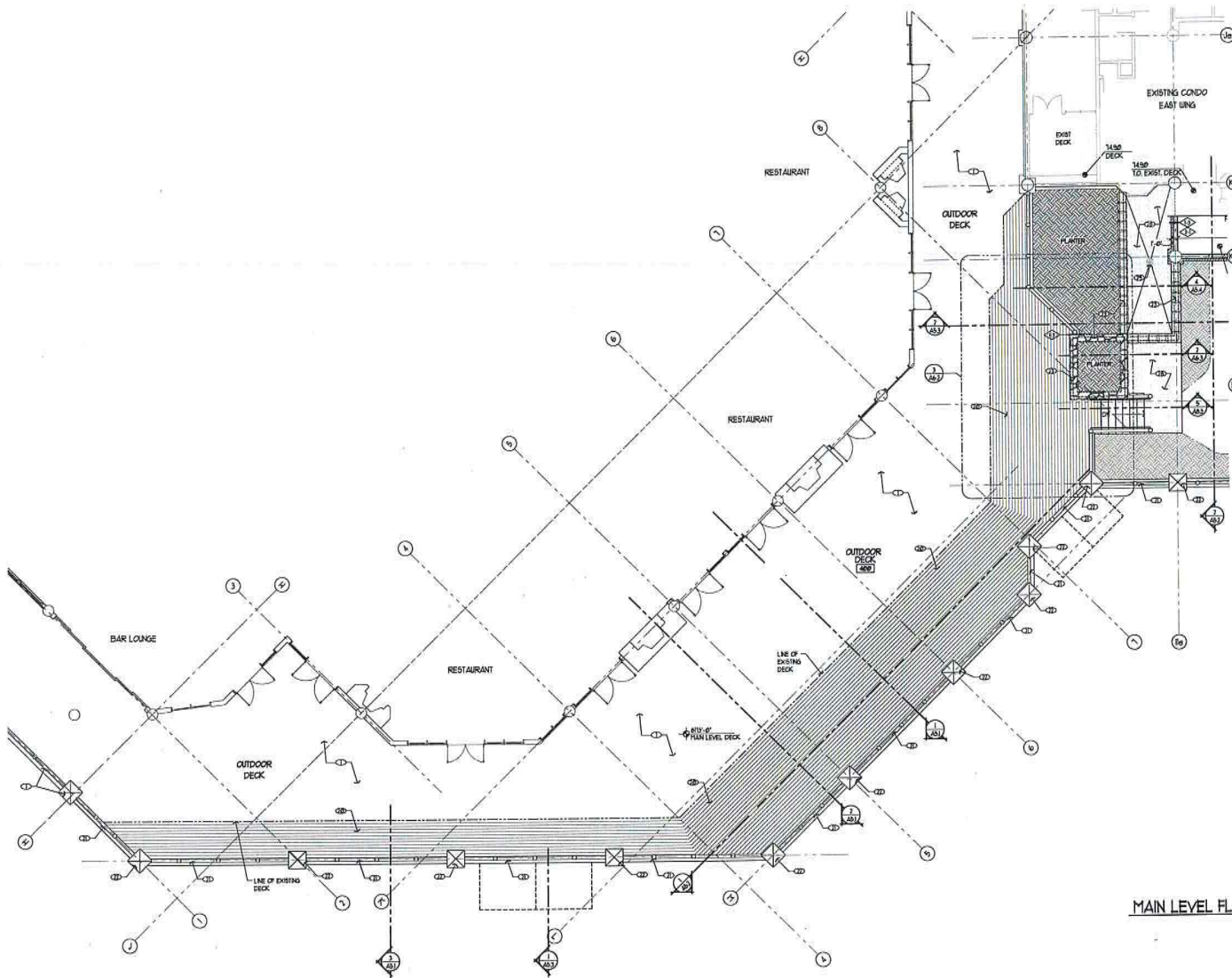
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architects
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A2.3b

GARAGE LEVEL PLAN
- NORTH



SHEET NOTES

- ① TYPICAL REFERENCE FOR WALL CONSTRUCTION TYPES, FLOORING TYPES, ROOFING TYPES, SEE SHEETS A1.1, A1.2, A1.3 FOR SPECIFIC DETAILS
- ② EXISTING CONSTRUCTION TO REMAIN
- ③ EXISTING DECK DRAIN
- ④ EXISTING FOUNDATION WALL BELOW
- ⑤ DECK DRAIN, SEE PLUMBING DRAWINGS
- ⑥ FILLWORK, SEE INTERIOR ELEVATIONS
- ⑦ 60 STORAGE LOCKERS- SEE SHEET A1.3
- ⑧ WOOD BENCH, SEE DETAIL A4.10 AND DETAILS
- ⑨ MINOR, SEE DETAIL A4.10
- ⑩ FIRE EXTINGUISHER CABINET, SEE DETAIL 11.1 A2.1
- ⑪ STRUCTURAL, COLPH, SEE STRUCTURAL DRAWINGS
- ⑫ DRINKING FOUNTAIN W/ WATER BOTTLE FILLING STATION
- ⑬ STONE VENEER BASE WITH PRE-CAST CONCRETE CAP, SEE DETAIL A1.10
- ⑭ 1/4" TIE-BACK POST (STAINED)- SEE STRUCTURAL DRAWINGS
- ⑮ FIRE EXTINGUISHER ON WALL MOUNTED BRACKET
- ⑯ PORTION OF EXISTING CONCRETE FLOOR SLAB TO BE REMOVED AND REPLACED W/ ELEV. BRK-UP
- ⑰ NEW DECK COATING OVER EXIST. POOL SLAB W/ SLOPE-VELT SYSTEM
- ⑱ NEW DECK COATING OVER NEW POOL SLAB W/ SLOPE-VELT SYSTEM
- ⑲ GANITE POOL, HOT TUB, AND EQUIPMENT
- ⑳ STONE HIDEAWAY
- ㉑ 2 1/2" WOOD DECKING (STAINED) OVER TREATED WALKERS 1 ELEVATION
- ㉒ LUGS + CABLE GUARDRAIL SYSTEM
- ㉓ CAST-IN-PLACE CONCRETE CAP
- ㉔ STONE VENEER WALL CAP
- ㉕ REMOVE EXISTING 6000 GRID WALL
- ㉖ RELOCATE EXISTING DOOR TO NEW WALL IN LOCATION SHOWN
- ㉗ NEW WALL - 2 1/2" METAL STUDS + 1/2" OC W/ GYP. DR. EACH SIDE, PAINT, EXTEND WALL TO PIPES ABOVE
- ㉘ FIRE SPRINKLER CONTRACTOR TO DESIGN AND RECONSTRUCT SPRINKLER NOISE 1 EAST OF NEW MECHANICAL ROOM
- ㉙ CONCRETE SLAB W/ SLOPE-VELT SYSTEM, SEE MECHANICAL DRAWINGS
- ㉚ ROOF DRAIN, SEE PLUMBING DRAWINGS

Date: October 11, 2016
Revision:



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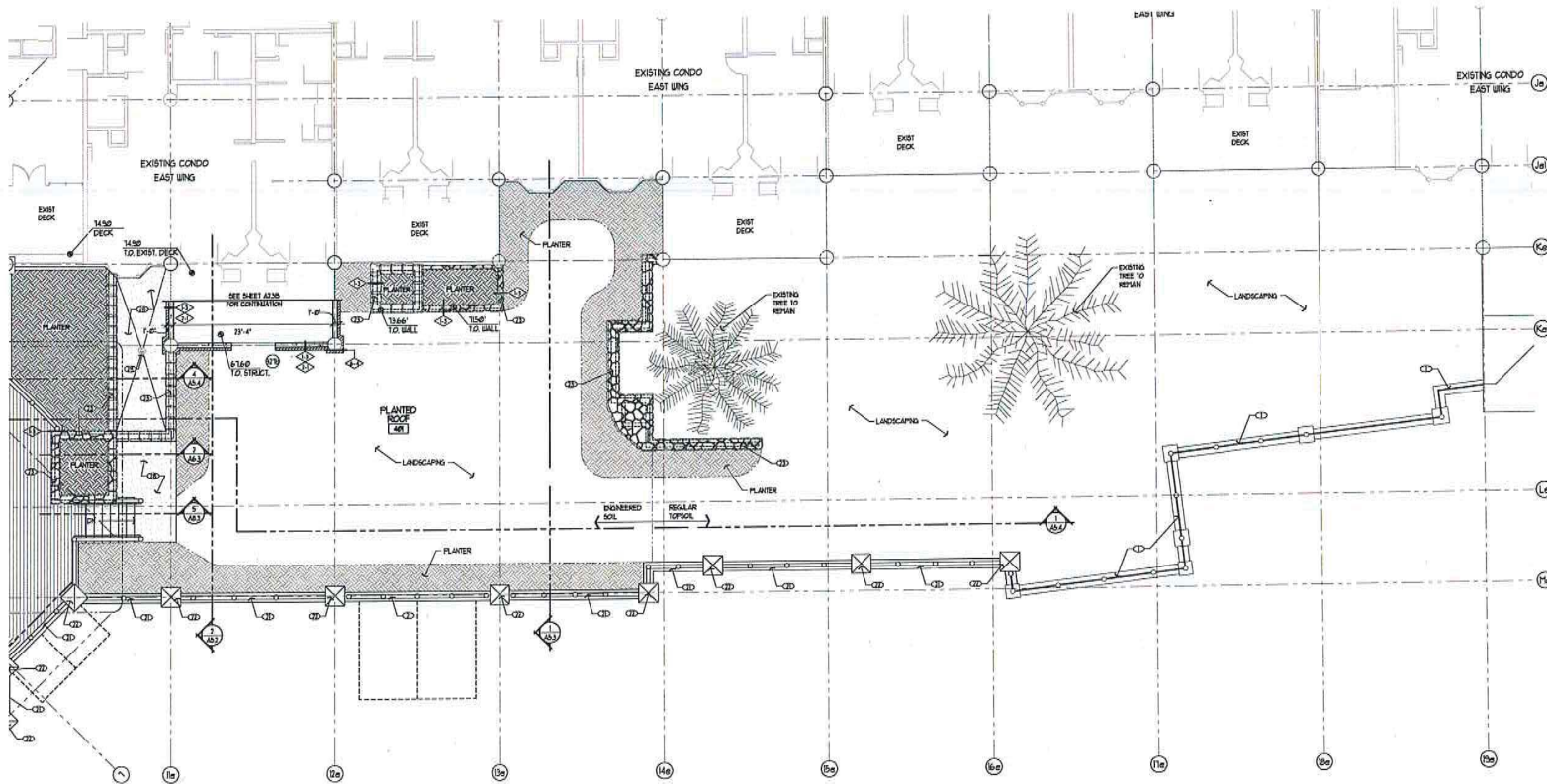
A2.4a

MAIN LEVEL PLAN - SOUTH

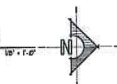


MAIN LEVEL FLOOR PLAN - SOUTH





MAIN LEVEL FLOOR PLAN - NORTH



SHEET NOTES

- ① TYPICAL REFERENCE FOR WALL CONSTRUCTION TYPES, FLOORING TYPES, ROOFING TYPES, SEE SHEETS A11, A12, A13 FOR SPECIFIC DETAILS
- ② EXISTING CONSTRUCTION TO REMAIN
- ③ EXISTING DECK DRAM
- ④ EXISTING FOUNDATION WALL BELOW
- ⑤ DECK DRAIN SEE PUMPING DRAWINGS
- ⑥ FILLWORK, SEE INTERIOR ELEVATIONS
- ⑦ SKI STORAGE LOCKERS- SEE SHEET A13
- ⑧ WOOD BENCH, SEE BENCH SCHEDULE AND DETAILS
- ⑨ FURNISH SEE DETAIL 4415
- ⑩ FIRE EXTINGUISHER CABINET, SEE DETAIL 11/ A234
- ⑪ STRUCTURAL COLUMN- SEE STRUCTURAL DRAWINGS
- ⑫ DRINKING FOUNTAIN @ WATER BOTTLE FILLING STATION
- ⑬ STONE VENEER BARS WITH FINE-CAST CONCRETE CAP- SEE DETAIL W446
- ⑭ 8\"/>

Date: October 11, 2016
Revision:



Alan R. Paulson
Ronald B. Jones
Bruce T. Fallon



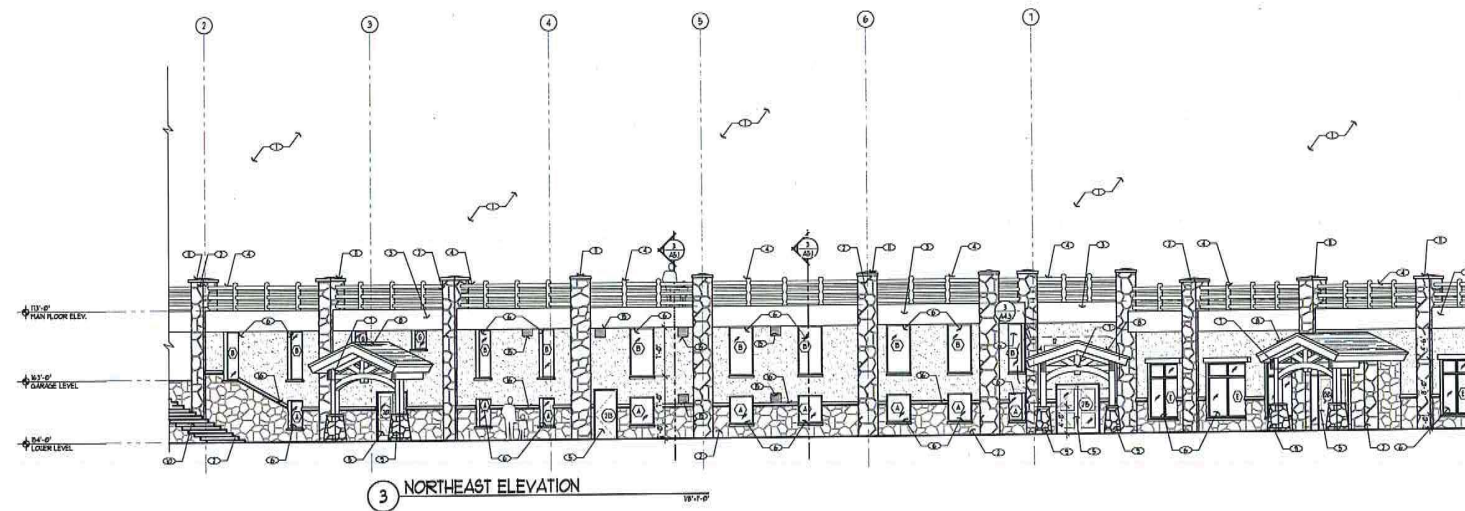
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PARK CITY, UTAH 84060
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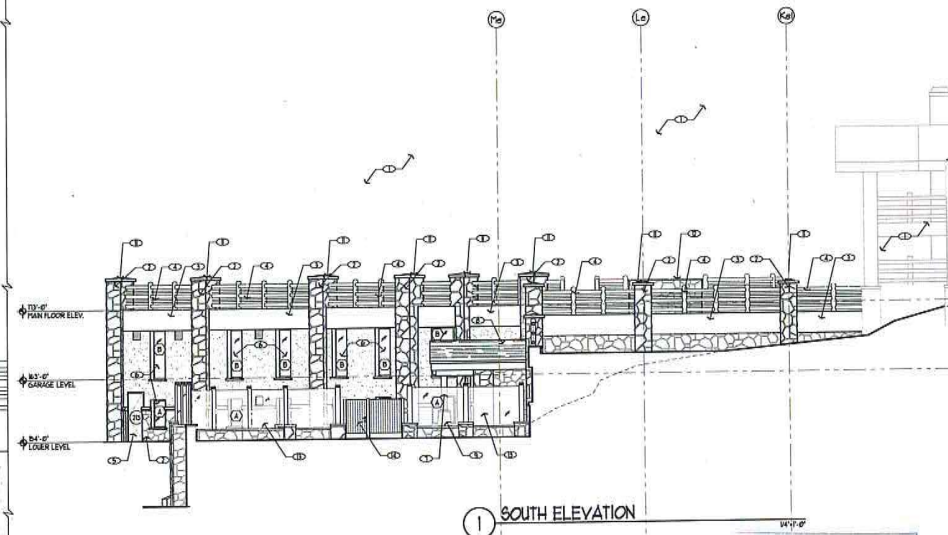
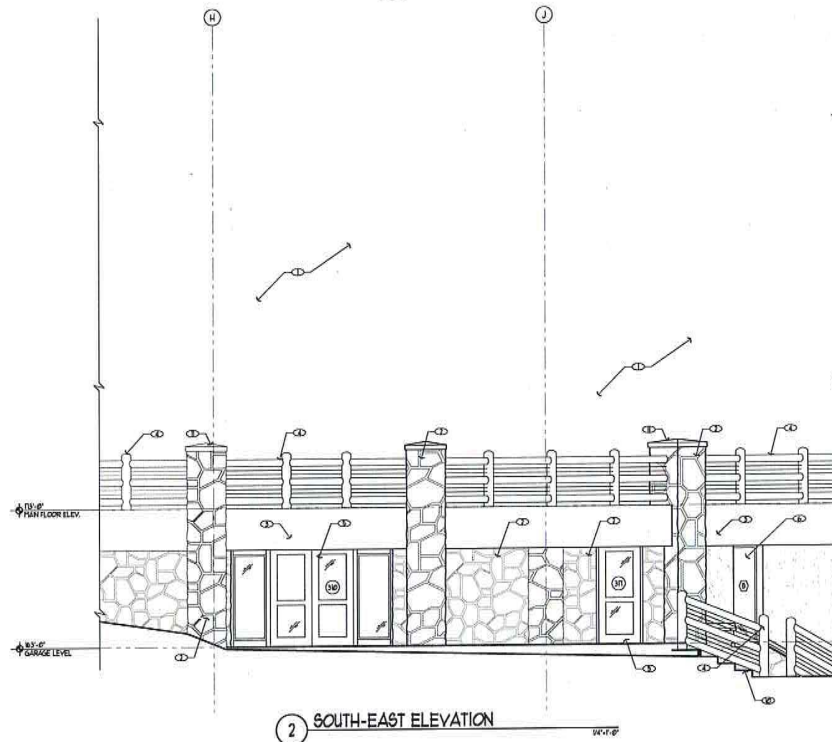
A2.4b

MAIN LEVEL PLAN - NORTH





- SHEETNOTES**
- ① EXISTING CONSTRUCTION
 - ② STONE VENEER (MATCH EXISTING)
 - ③ 6" x 4" x 3/4" EXPOSED GLUL-LAM DECK, STAINED TO MATCH EXISTING - SEE STRUCTURAL DRAW
 - ④ LOG & CABLE RAILING SYSTEM - SEE DETAIL 3402
 - ⑤ DOOR AS PER DOOR SCHEDULE - SEE SHEET A33
 - ⑥ WINDOW AS PER WINDOW SCHEDULE - SEE SHEET A33
 - ⑦ TRUSS & GLUL-LAM TRUSS - SEE STRUCTURAL DRAW
 - ⑧ CEDAR SHINGLES TO MATCH EXISTING
 - ⑨ STONE COLUMN BASE UPPER-CAST CONCRETE CAP - SEE DETAIL 3443
 - ⑩ CONCRETE STAIR - SEE DETAIL ON SHEETS A02 AND A03
 - ⑪ CONCRETE CAP - SEE DETAIL 4143
 - ⑫ 2" STONE CAP
 - ⑬ GLASS TO MATCH EXISTING
 - ⑭ POOL GATE
 - ⑮ MECHANICAL LOWER - SEE MECHANICAL PLANS
 - ⑯ PRE-CAST CONCRETE CAP



Date: October 11, 2016
Revision:

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A4.1
EXTERIOR ELEVATIONS

SHEETNOTES

- (1) EXISTING CONSTRUCTION
- (2) STONE VENEER PATCH (EXISTING)
- (3) 8 3/4" x 34" EXPOSED GLU-LAM BEAM, STAINED TO MATCH EXISTING - SEE STRUCTURAL D005
- (4) 1" CABLE BULGING SYSTEM - SEE DETAIL A1002
- (5) DOOR AS PER DOOR SCHEDULE - SEE SHEET A33
- (6) WINDOW AS PER WINDOW SCHEDULE - SEE SHEET A36
- (7) TRUSS / GLU-LAM TRUSS - SEE STRUCTURAL D005
- (8) CEDAR SHINGLES TO MATCH EXISTING
- (9) STONE COLUMN BASE UPPIRE-CAST CONCRETE CAP - SEE DETAIL A1043
- (10) CONCRETE STAIR - SEE DETAIL ON SHEETS A03 AND A03
- (11) CONCRETE CAP - SEE DETAIL A1043
- (12) 7" STONE CAP
- (13) GLASS TO MATCH EXISTING
- (14) POOL GATE
- (15) MECHANICAL LOUVER - SEE MECHANICAL PLANS
- (16) PRE-CAST CONCRETE CAP

Date: October 11, 2016
Revision:



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Bruce T. Fallon

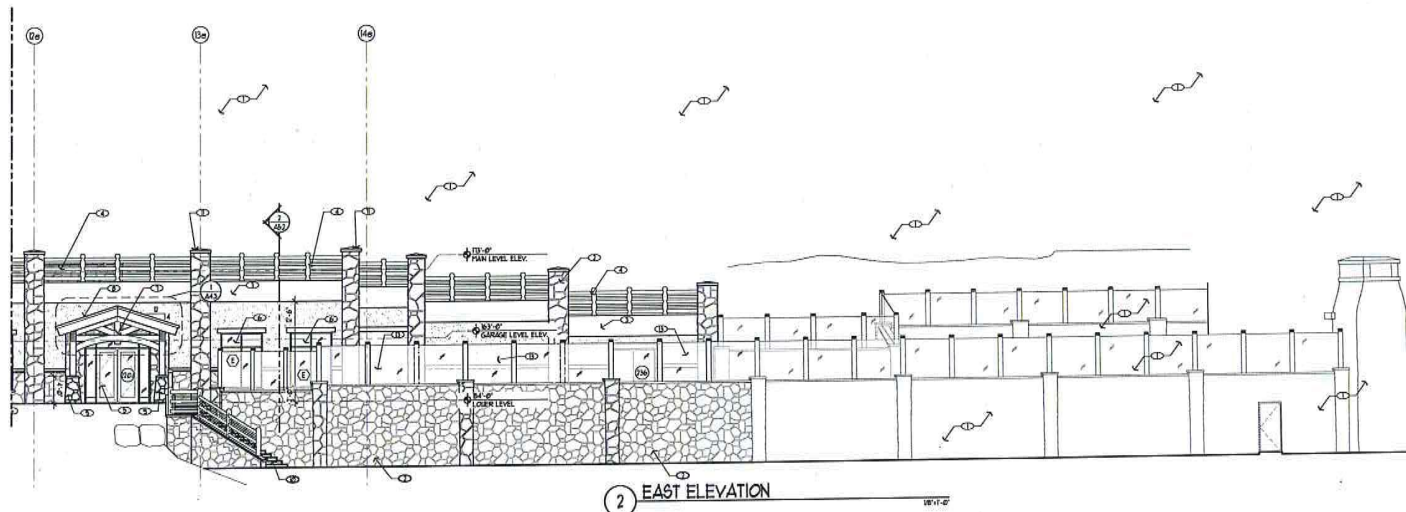
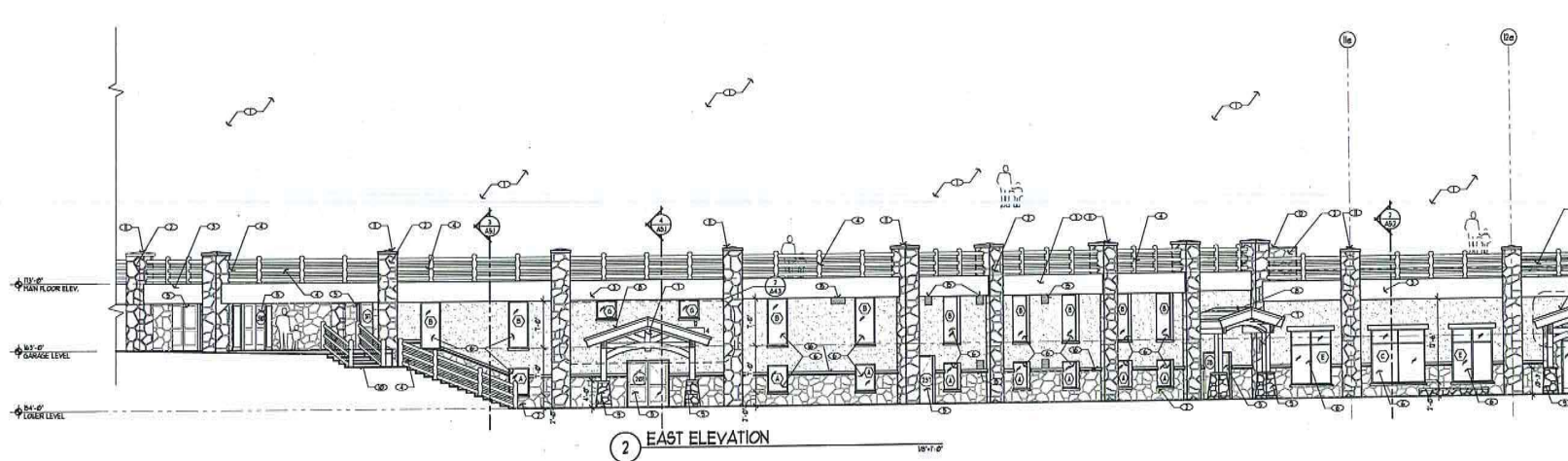


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7700 STEIN WAY



A4.2

EXTERIOR ELEVATIONS





PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 28, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Anya Grahn, Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Band, who was excused.

ADOPTION OF MINUTES

September 14, 2016

MOTION: Commissioner Joyce moved to APPROVE the minutes of September 14, 2016 as written. Commissioner Thimm seconded the motion.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the next Planning Commission meeting on October 12th would be held in the Santy Auditorium at the Park City Library. The occupancy threshold in the Council Chambers is 80 people. On average 100 people have been attending when Treasure Hill is on the agenda. Director Erickson reported that Treasure Hill would continue to be on the agenda the first meeting of every month, which is always the second Wednesday.

Director Erickson announced that the Planning Commission would only have one meeting in December due to the holidays. There may also only be one meeting in January due to Sundance.

Chair Strachan asked about workload in the Planning Department and the wait time for applicants to get on the agenda. Director Erickson replied that the bringing items to the

4. 7700 Stein Way – Amendment to the Stein Eriksen Lodge Common Area Supplemental plat to identify additional ski lockers and guest recreational amenities as common area. (Application PL-16-03175)

The Planning Commission discussed the plat amendment and the CUP for 7700 Stein Way at the same time. Two separate actions were taken.

Planner Whetstone hand out revised plans submitted by the applicant. She noted that the revised plan was different from the plan included in the Staff report because the applicant was proposing to reduce the size of the entertainment area and the pool deck from what was initially shown.

Planner Whetstone reviewed the application for a conditional use permit for a modification to an existing conditional use permit to add square footage. She explained that the additional square footage is residential accessory support and does not require unit equivalents. It is not support commercial, commercial or meeting space. Planner Whetstone pointed out that the applicant had two previous amendments. One was in 2009 where they expanded their support commercial for the space. The second was in 2012 where they expanded the meeting space for their convention area. The currently proposed expansion were areas for guest amenities, specific to guests and owners.

The Staff had reviewed the Conditional Use Permit application against the 15 criteria in the LMC, and found that there were no unmitigated impacts as conditions. The Staff recommended that the Planning Commission conduct a public hearing on the modification to the CUP, and consider approving the application with the following changes.

Finding #10 – The recreation amenity changes from 4,050 square feet to 3,736 square feet. The pool deck changes from 7,266 square feet to 3,560 square feet.

Findings #17 and #29 – As written, the findings shows 88-feet for the farthest setback from the eastern property line shared with Mont Cervin. That setback is increased to 108 feet. Planner Whetstone reviewed the Plat Amendment. She stated that the record of survey plat for the supplement pages was for the common area of the Stein Eriksen Lodge condominium plat. The purpose of this amendment was to memorialize the common area and show the structures on the plat. She noted that it was consistent with what was done with the SPA plat.

Planner Whetstone apologized for handing out plans that the Commissioners had not had time to review. She had only received them that day, but since it was a reduction in size she thought it was appropriate to bring them forward this evening.

Russ Olsen, the CEO of Stein Eriksen Lodge, thanked Planner Whetstone for helping them navigate through the process, particularly since multiple changes were made. He believed most of the changes had been positive from their perspective and from the neighbors' perspective. Mr. Olsen stated that when they originally approached the Planning Department to discuss this addition to their property, the first question asked was the reason behind it. He explained that in looking at the evolving demographics of the guests and the people who stay at Stein Eriksen Lodge, they realized that as the demographics have changed over the years to a younger generation, the guests want a total experience as opposed to just skiing.

Mr. Olsen stated that they looked at putting in additional guest amenities for the guests who stay at Stein Eriksen Lodge by adding an entertainment center for the younger people who come more frequently, and for the kids who come with their families. The entertainment Center would be a gathering space where younger people and families can hang out and play games. It would be the same for the pool expansion. The pool used to be an unnecessary guest amenity; however, now more and more guests look for a pool experience year-round where they can come as a family and ski in the morning and afternoon and sit by the pool in the evening. He noted that a pool is most important in the summer because the summer occupancy at Stein Eriksen has become comparable to the winter occupancy.

Mr. Olsen emphasized that the additional amenities would be strictly for Stein Eriksen guests. It would not be open to the public or bring people in from the outside.

Mr. Olsen commented on the reason for changing the size and scope of the project since the application was first submitted. He remarked that the architects and designers were given free rein to design whatever they wanted for that space at the highest level. However, when it was presented to the Board, the Board thought the plan was too grandiose and took up too much space. It was also a very expensive plan. The reduced size would achieve more what the Board had in mind and it would be expensive to build. Mr. Olsen stated that an internal analysis was done to determine what was actually needed. He pointed out that they looked at the large trees and existing vegetation, and realized that the original plan would eliminate most or all of the vegetation and trees in that area. Another reason for scaling back the project was to keep from impacting the vegetation. Mr. Olsen stated that most, if not all, of the existing trees and vegetation will remain. There are some dead and diseased trees that will be removed, but they intend to have an arborist assess them.

Mr. Olsen believed the scope of the revised plan would fit in better with the environment, and it would not disrupt any views for the neighbors or the guests at Stein Eriksen.

Chair Strachan asked for the purpose or main use of the guest viewing room. Mr. Olsen envisioned it as a place where families can gather. They plan to have a movie night. Currently they have movie nights throughout the winter and summer seasons, but it is held in a space that is not conducive as a theatre. The viewing room would allow the opportunity for movie nights. Mr. Olsen stated that during the winter season some guests want to rent a space for a Super Bowl party. Currently, there is no space conducive for having a Super Bowl party. The viewing room would be used to supplement the entertainment for the guests.

Chair Strachan asked if the viewing room could have a dual use if it was not being used for movie night, and potentially be programmed as extra conference space. Mr. Olsen replied that it could be used for conference space, but the intention is to keep the conference in the Conference Center and to use the viewing room for movies and other guest or family events. It would allow them to keep a space designated for those activities. Mr. Olsen noted that the room would seat approximately 50 people, which is a small meeting space for a typical group at Stein Eriksen.

Assistant City Attorney McLean recommended adding a condition of approval prohibiting the space from being used as meeting space, because the meeting space for Stein Eriksen is already maxed out under the 5%.

Planner Whetstone understood that the viewing room would also be used for employee training. Mr. Olsen replied that it would be used as a training facility for the Staff.

Planner Whetstone agreed with adding a condition of approval stating that the viewing room would be for the exclusive use of guests and owners. Mr. Olsen stated that they have one guest who comes every year and wants to have a Super Bowl party for people staying at Stein Eriksen. He asked if prohibiting meetings would also prohibit a Super Bowl party. Assistant City Attorney McLean replied that it would depend on the definition of meeting space. She would look for the definition while they continued their discussion.

Mr. Olsen clarified that the viewing room would not be rental space. Currently, if someone wants a Super Bowl party, Stein Eriksen finds them a space where they can view the game on TVs. He reiterated his question of whether the viewing room could be used for that type of use.

Commissioner Joyce clarified that the concern would be that the room could be used as overflow space for breakout sessions, and it would be part of a Conference offering to an organization. If that occurs, it becomes meeting space. Commissioner Joyce

explained that they were suggesting a condition of approval to allow a Super Bowl party but not programmed meeting space. Planner Whetstone replied that non-meeting space is typically non-income producing. It would not be leased or rented out.

Chair Strachan and Ms. McLean could not find where meeting space was defined in the LMC. Chair Strachan believed they could associate it with the term Conference and say that it cannot be used in conjunction with any conferences or as a conference space in and of itself. Chair Strachan informed Mr. Olsen that the condition of approval would keep them from breaking the 5% meeting space threshold of the MPD.

Director Erickson referred to the list of Residential Accessory Space examples in the MPD and suggested that they could limit the uses to that list and no other. A motion could be adjusted to say, "limited to these uses and similar, but not conference space".

Mr. Olsen wanted the language to be broad enough to allow guests who are staying there for a conference to be able to attend movie night, but not as part of the conference.

Assistant City Attorney McLean stated that in looking at the list under Residential Accessory Space, two accessory uses are within the MPD section. Residential Accessory Uses and Resort Accessory Uses. Under Residential Accessory Uses, she asked which of those uses the guest viewing area would fall under. Planner Whetstone did not believe it would be any of the uses listed. She thought it would fall under, but are not limited to such uses as common pools, saunas, hot tubs and exercise areas, and other recreation. She believed the viewing area would be "other recreation" because in the past games rooms have fit into that category. They are for guests only and are not to be part of a conference or other revenue use. It would also allow it to be used for employee training during the day.

Chair Strachan was having a difficult time fitting it into the definition of Residential Accessory Uses. Ms. McLean stated that the determination was under the Planning Commission's purview. Commissioner Joyce thought Planner Whetstone was on the right track in looking at things such as pool and exercise room. Chair Strachan agreed that it was a little closer. Commissioner Joyce pointed out that was not purposely built for a resort. They are extra common area activities for guest entertainment. He was comfortable fitting the viewing room into that category. His issue was finding a way to specifically prohibit meeting space for any reason.

Planner Whetstone suggested adding a condition stating, "The viewing room is considered residential accessory space and shall not be used as meeting space or in conjunction with a conference or meeting."

Mr. Olsen clarified that it would not prevent conference attendees from attending a movie night. Chair Strachan believed the condition would allow it as long as it was not a conference associated use. Mr. Olsen assumed a guest would be allowed to use the space for a Super Bowl party. He was told that a Super Bowl is not a conference and it would be allowed. Mr. Olsen assured the Commissioners that Stein Eriksen has sufficient conference space. He emphasized that the purpose and intent of the entertainment center is to provide a place where individuals and families can recreate.

Chair Strachan asked Planner Whetstone to fine-tune the condition of approval based on their comments.

Commissioner Phillips asked Planner Whetstone to explain the site plans that were handed out this evening versus the site plan in the Staff report. Planner Whetstone stated that the site plan in the Staff report was the original plan before the reduction. One site plan handed out this evening was the plan with the reduced pool deck and entertainment center. The redlined site plan showed the difference between the one in the Staff report and the one handed out this evening.

Commissioner Phillips felt the Planning Commission and the public needed more time to study the plans that were submitted this evening and to compare it with the plan in the Staff report. He was not comfortable moving forward until he had that opportunity. Commissioner Phillips asked if a continuance would affect the applicant's time frame.

Ron Jones, the project architect, stated that they were hoping to start on the viewing room right away. The rest of the project would begin next spring.

Chair Strachan agreed that the Planning Commission would need a new Staff report with the correct site plans before they could vote on the CUP or forward a recommendation to the City Council on the plat amendment.

Chair Strachan opened the public hearing.

Dave Novak stated that he is the property manager at Mont Cervin Condominiums, which is the adjacent property to Stein Eriksen Lodge with the buffer zone of trees. Mr. Novak was concerned about the noise level. The expansion of the spa and swimming pool created a noise issue. The expansion currently proposed would only increase the noise. Mr. Novak noted that a 9:00 p.m. closing time is posted on the entry to the pool, but it is not enforced. He knows that because his apartment is 100 feet from the swimming pool. He has been awakened at night and in the early mornings hours by the noise coming from the swimming pool area. Mr. Novak questioned how they could

enforce additional recreational space, when they do not enforce what they have now. He understood the idea of opening up more amenities, but at what cost. He wanted to know how they intend to keep the public from using those facilities when people hear about the game room in Stein Eriksen Lodge.

Mr. Olsen stated that there are security locks on all the doors and they have security rounds. Unfortunately, people do climb fences. Any time they find people who abuse the curfews they are kicked out immediately. The entertainment center will have key locks that only guests can access.

Mr. Novak disagreed because there have been many occasions where people are not asked to leave the pool area, especially at 2:00 or 3:00 in the morning. Enforcement is not happening on a consistent basis. He noted that people abusing the curfew does not happen frequently, but when it does it disturbs his sleep and it is very frustrating. Mr. Novak had his doubts about controlling noise with the additional amenities in the area.

Hope Eccles, the President of the Goldener Hirsch Inn, was not aware that Stein Eriksen was on the agenda this evening, but she was pleased to have the opportunity to speak. Ms. Eccles echoed Mr. Olsen about the need for amenities for families and guests. They are competing with Vail, Aspen, Sun Valley and Tahoe, and they need to be able to offer these amenities to attract people. Ms. Eccles stated that the importance of being able to add these amenities is essential to their business and the community. She stated that Goldener Hirsch is right next door and would be impacted, but they fully support the addition of the pool, the spa, and the viewing room.

Chair Strachan closed the public hearing.

Commissioner Joyce stated that when they look at expanding a project in the direction of something else reasonably close, it would be helpful to see exactly what is adjacent. He was disappointed that there was nothing in the Staff report with that information. He requested that future Staff reports include a picture that shows how far apart the buildings are whenever a project is expanded in a particular direction.

MOTION: Commissioner Joyce moved to CONTINUE 7700 Stein Way, a conditional use permit for an additional to the Stein Eriksen Lodge to October 26, 2016. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to CONTINUE 7700 Stein Way, Amendment to the Stein Eriksen Lodge Common Area Supplemental Plat to October 26, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

5. **7520-7570 Royal Street East – Amendment to the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision combining Lots F, G and H into one lot.** (Application PL-15-02966)
6. **7520-7570 Royal Street East – Conditional Use Permit for 34 residential units on Lot 1 of the Amendment to the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision** (Application PL-15-02967)

The Planning Commission discussed the above two items at the same time. Two separate actions were taken.

Planner Whetstone handed out three letters of public input she received after the Staff report was prepared. She also handed out a memo from the City Engineer.

Planner Whetstone reviewed the request for a conditional use permit for 34 residential units on Lot 1 of an amendment to the Plat to a re-subdivision of Lots 1 and 2 of the Silver Lake Village No. 1 Subdivision. She noted that later in the meeting the Planning Commission would be reviewing a separate request to combine parcels F, G and H of the Deer Valley Master Plan to one Parcel, Lot I. The request would not result in a change of density of the parcels but it would transfer density from Lot D, which is where two units of the existing Goldener Hirsch would be taken out to accommodate a bridge, and that density would be moved to Lot I.

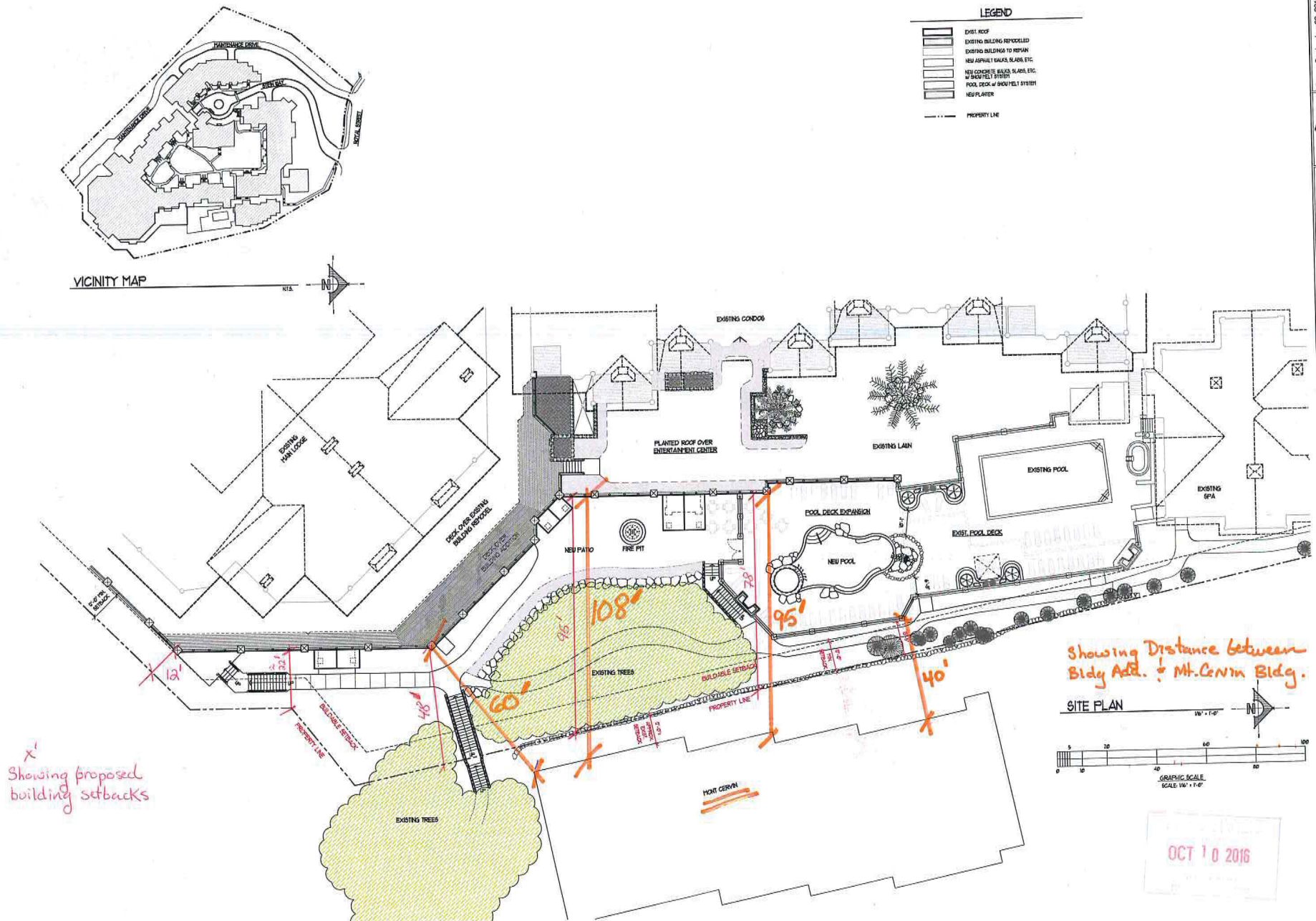
Planner Whetstone reported that all three items were noticed for public hearing and a continuation to October 26, 2016.

Chris Conabee, representing the applicant, introduced John Shirley, the project architect with THINK Architecture, and Paul Schlachter with Olsen Kundig in Seattle.

Mr. Conabee recalled that the applicant came before the Planning Commission eight months ago, and the object this evening was to provide a brief overview to update the Commissioners on the layout.

Mr. Conabee started his presentation with the scale and massing of the overall development in terms of what exists and what they were proposing. He identified the

EXHIBIT F



**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist

the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

September 2012



Planning Commission Staff Report

PLANNING DEPARTMENT

Application #: PL-16-03175
Subject: Stein Eriksen Lodge Common Area- Third Supplemental Sheet for All Phases
Author: Kirsten A Whetstone, MS, AICP - Senior Planner
Date: October 26, 2016
Type of Item: Administrative – Amendment to Condominium Plat

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Stein Eriksen Lodge Common Area Third Supplemental Sheet to the Stein Eriksen Lodge condominium plat and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant: Stein Eriksen Lodge Owners Association, Inc. represented by Russ Olsen, General Manager
Location: 7700 Stein Way
Zoning: Residential Development as part of the Deer Valley Master Planned Development (11th Amended) (RD-MPD)
Adjacent Land Uses: Deer Valley Ski Resort; residential condominiums to the east, south and west, commercial and fire station to the north
Reason for Review: Supplemental sheets to condominium plats require Planning Commission review and City Council approval

Proposal

The Stein Eriksen Lodge Owners Association is requesting an amendment to the Stein Eriksen Lodge condominium plat, in the form of a Third Supplemental Sheet, to reflect additions to the Lodge for accessory residential uses and for improvements to the outdoor pool area (see Exhibits A and B). All proposed additions are within the existing platted common area and will remain designated as common.

The addition consists of approximately 3,000 sf for additional guest ski lockers, 3,500 sf for guest recreational amenities (game room) and 918 sf for an owner/ guest and employee video viewing room, as well as improvements to the outdoor pool and deck area. These areas and uses are for the exclusive use of owners, guests and employees. No expansions are proposed to the support commercial spa, restaurant, bar, or any other support commercial floor areas. Changes to the outdoor pool and deck are not related to the spa area. No changes are proposed to any residential uses or residential condominiums or to any support meeting space areas. A request to amend

the Stein Eriksen Lodge CUP for the proposed residential accessory and back of house uses was submitted for concurrent review (see associated CUP report and exhibits in this packet).

Background

The Stein Eriksen Lodge is located at 7700 Stein Way in the Silver Lake Community of Deer Valley as part of the Deer Valley Master Planned Development. The original Stein Eriksen Lodge was constructed in 1981. The original Stein Eriksen Lodge condominium plat was approved by the City Council in December 1982 and recorded in 1983. Expansion of the Lodge has occurred in 1996, 1999, 2010 with the spa expansion, and 2012 for the conference and meeting room expansion.

The City Council approved a First Supplemental Sheet for All Phases of the Stein Eriksen Lodge Common Area on August 27, 2009. The First Supplemental Sheet was recorded on June 23, 2010 and reflects improvements and additions to the spa building within the existing platted common area. On October 11, 2012, the City Council approved a Second Supplemental Sheet for All Phases of the Stein Eriksen Lodge Common Area for the Conference Center expansion (Exhibit C). The Second Supplemental Sheet was recorded on June 28, 2013. The spa area is considered as support commercial use and the conference center is considered as support meeting space.

On December 5, 2015, members of the Stein Eriksen Lodge Owner's Association, Inc. voted (with 78.4% in favor) to expand residential accessory uses within the common area for improvements to the outdoor pool area and for additions to the existing owner and guest ski lockers as well as to owner and guest recreation and entertainment facilities (see Exhibit D).

On May 17, 2016, the Stein Eriksen Lodge Owner's Association submitted an application for a Third Supplemental Sheet for All Phases of the Stein Eriksen Lodge Common Area to reflect on the condominium plat the proposed changes to the residential accessory uses. The application was deemed complete on August 16, 2016.

On September 28, 2016, the Planning Commission conducted a public hearing on this item (See Exhibit G - minutes). An adjacent property owner provided input in favor of the project and a property manager/resident for an adjacent condominium project expressed concerns about late night noise from the existing outdoor deck and pool areas. Concerns were expressed about the additional pool area creating additional impacts, as well as concerns that the public would attempt to use the amenity areas. Representatives from the Lodge explained how the pool area was managed and indicated that all exterior doors would have hotel key entry locks.

The Commission discussed the proposed plat amendment and Conditional Use Permit and requested a condition of approval limiting use of the video viewing room to ensure that it would not be used as Support Meeting space. The hearing was continued to October 26th.

Analysis

The proposal is for an addition to the Stein Eriksen Lodge, consisting of 3,000 sf for additional guest ski lockers, 3,500 sf for a guest entertainment center (game room, snack bar, restrooms, and other guest recreational amenities); 918 sf owner, guest and employee video viewing room; as well as an additional 3,850 sf of outdoor pool (782 sf) and deck (3,068 sf) area. Approximately 868 sf of hallways and stairs are also proposed with these additions. Approximately 11,000 sf of existing locker room/guest recreation/restroom area will be remodeled as part of this permit, with no change of use of these areas. These uses are accessory residential uses for the exclusive use of owners, guests and employees.

There is no component of commercial or retail use. No expansion of the spa, restaurant, or bar areas is proposed and the 5% support commercial maximum is maintained (4.96 % of total floor area exists). No changes are proposed to any private residential areas. No changes are proposed to the maximum 5% support commercial space of 17,250 square feet (5% of the total floor area) and the maximum 5% support meeting space of 9,893 square feet is maintained (5% of the total residential floor area of the Lodge). The difference is due to amendments made to the Deer Valley MPD and LMC regarding how support commercial and support meeting space were calculated over the years.

The May 27, 2009 CUP approval was conditioned that further expansion of support commercial areas cannot exceed a total of 17,250 square feet. Staff recommends a condition of approval reflecting that no further expansion of support commercial exceeding 17,250 square feet and no further expansion of support meeting space exceeding 9,893 square feet will be permitted based on this additional expansion.

The existing property is 10.86 acres and is one of the largest parcels within the Deer Valley Master Planned Development (Exhibits E and F).

No changes in ownership are proposed and the amendments reflect the proposed structural improvements within the Common area as required by the Utah Condominium state code provisions. No changes are proposed to the residential condominium areas and no changes are proposed to either the support commercial or support meeting areas or to any private area within the building.

The previous plat amendment for expansion of the Conference Center in October 15, 2012, included a finding that open space following the addition was 61.90% of the total lot area. This finding was erroneous and based on a re-review of the entire site it has been determined that the open space prior to this current addition is 62.84%. This proposed amendment, as revised, maintains a minimum of sixty percent (60%) open space at 62.64%.

The addition consists of accessory residential uses which require no additional UEs of density and no additional parking. The proposed additions comply with the required building height and building setbacks established by the MPD and LMC.

Staff finds good cause for this plat amendment in that the amendment reflects proposed physical changes to the common area and consistent with the Deer Valley MPD, as amended.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time that have not been addressed or conditioned.

Notice

On August 10, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on August 10, 2016 in the Park Record and on the Utah Public Notice Website for the August 24, 2016 meeting. The hearing was opened and continued to September 28, 2016. No public input was provided. Notice was re-published on September 9, 2016 and the property was reposted on September 14, 2016. At the September 28th meeting a public hearing was opened, input was received, and the hearing was continued to October 26th.

Public Input

Staff has received requests for information from adjacent property owners at Little Bell Condominiums located to the west. At the September 28th meeting a public hearing was opened and one adjacent property owner provided input in favor of the project and a property manager/resident of an adjacent condominium property expressed concerns about late night noise from the existing outdoor deck and pool areas. He expressed concerns about the additional pool area creating additional impacts as well as concerns about the public attempting to use the amenity areas. Representatives from the Lodge explained how the pool area was managed and indicated that all exterior doors would have hotel key entry locks.

Process

Approval of this condominium plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18. A building permit is required to complete the project.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Stein Eriksen Lodge Common Area amendment to the condominium plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Stein Eriksen Lodge Common Area amendment to the condominium plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Stein Eriksen Lodge Common Area amendment to the condominium plat.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed additions to the common area would not be reflected on the recorded condominium plat.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Stein Eriksen Lodge Common Area Third Supplemental Sheet to the Stein Eriksen Lodge condominium plat and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Draft Ordinance

Exhibit A- Proposed plat amendment- Third Supplemental Sheet for All Phases

Exhibit B- Applicant letter

Exhibit C- Existing plat- Second Supplemental Record of Survey (recorded 6.28.13)

Exhibit D- HOA vote approval letter (August 16, 2016)

Exhibit E- Aerial Photo

Exhibit F- Existing Conditions Survey

Exhibit G- Minutes from the September 28th Planning Commission meeting

Ordinance No. 16-

**AN ORDINANCE APPROVING THE STEIN ERIKSEN LODGE COMMON AREA
THIRD SUPPLEMENTAL SHEET FOR ALL PHASES, LOCATED AT 7700 STEIN
WAY, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Stein Eriksen Lodge, located at 7700 Stein Way have petitioned the City Council for approval of the Stein Eriksen Lodge Common Area Third Supplemental Sheet amending the common area of the Stein Eriksen Lodge condominium plat; and

WHEREAS, on August 10, 2016, the property was posted and legal notice was published in the Park Record according to the requirements of the Land Management Code; and

WHEREAS, August 10, 2016, courtesy notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on August 24, 2016 and continued the item to September 28, 2016; and

WHEREAS, on September 9, 2016, legal notice was published in the Park Record according to the requirements of the Land Management Code and on September 13, 2016 the property was reposted; and

WHEREAS, the Planning Commission held public hearings on September 28th and October 26th, 2016, and forwarded a _____ recommendation to the City Council; and,

WHEREAS, the City Council held a public hearing on November 17, 2016 to receive input on the Third Supplemental Sheet,

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the Stein Eriksen Lodge Common Area Third Supplemental Sheet for All Phases as an amendment to the condominium plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Stein Eriksen Lodge Common Area Third Supplemental Sheet for All Phases as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Stein Way.

2. The Stein Eriksen Lodge is located in the RD-MPD zoning district.
3. The property is subject to the Deer Valley Master Planned Development, as amended (11th Amended MPD).
4. The Deer Valley Master Planned Development (11th Amended) allocates 66.75 units of density to the Stein Eriksen Lodge multi-family parcel. There are currently 65 residential units of varying sizes totaling 197,858.26 square feet due to the use of Deer Valley units when developing this parcel.
5. On August 27, 2009, the City Council approved a First Supplemental Sheet for all Phases of the Stein Eriksen Lodge Common Area reflecting improvements and addition to the spa building, as support commercial space, within the existing platted common area. The First Supplemental Sheet was recorded on June 23, 2010.
6. On October 11, 2012, the City Council approved a Second Supplemental Sheet for all Phases of the Stein Eriksen Lodge Common Area reflecting improvements to the support meeting rooms. The Second Supplemental Sheet was recorded on June 28, 2013.
7. On December 5, 2015, members of the Stein Eriksen Lodge Owner's Association, Inc. voted to expand residential accessory uses within the common area for improvements to the outdoor pool area and for additions to the existing owner and guest ski locker room and owner and guest recreation and entertainment facilities.
8. On May 17, 2015, the Stein Eriksen Lodge Owner's Association submitted an application for a Third Supplemental Sheet for All Phases of the Stein Eriksen Lodge condominium plat to reflect proposed improvements to the existing platted common area for approximately 3,000 sf of additional guest ski lockers, 3,500 sf for guest recreational amenities (game room) and 918 sf for an owner/ guest and employee video viewing room, as well as improvements to the outdoor pool and deck area. These uses are all considered residential accessory uses.
9. At 19' to 25', the height of the addition complies with the allowed height of 35' from existing natural grade.
10. Exterior materials and architecture are proposed to match the existing buildings in character, style, details, and type.
11. The application was deemed complete on August 16, 2016.
12. This plat amendment does not increase the square footage of either support meeting space, support commercial space, or change any residential units or private areas.
13. The proposed Third Supplemental Sheet is consistent with the 11th amended Deer Valley Master Planned Development.
14. No changes are proposed to the support commercial areas, support meeting space, or to any residential or private area within the building or site.
15. The previous plat amendment for expansion of the Conference Center in October 15, 2012, included a finding that open space following the addition was 61.90% of the total lot area. This finding was erroneous and based on a re-review of the entire site it has been determined that the open space prior to this current addition is 62.84%.
16. This proposed amendment, as revised, maintains a minimum of sixty percent (60%) open space at 62.64%.

17. There is good cause for the proposed amendment to the condominium plat in that the amendment reflects proposed physical changes to the common area for exclusive use by owners, guests, and employees.

Conclusions of Law:

1. There is good cause for this Third Supplemental Sheet for All Phases of the Stein Eriksen Lodge Common Area condominium plat.
2. The proposed plat is consistent with the Park City Land Management Code, the 11th Amended Deer Valley MPD, and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed plat.
4. Approval of this Third Supplemental Sheet for All Phases of the Stein Eriksen Lodge Common Area condominiums plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat 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 made in writing prior to the expiration date and an extension is granted by the City Council.
3. A conditional use permit shall be approved prior to plat recordation.
4. The plat shall be recorded prior to issuance of a certificate of occupancy for the addition.
5. All conditions of approval of the Deer Valley Master Planned Development (11th Amendment) continue to apply.
6. All conditions of the Stein Eriksen Lodge Condominium plat and supplemental sheets, as amended, continue to apply.
7. As common area the addition for residential accessory uses may not be separately sold or deeded.
8. No further expansion of support commercial exceeding 17,250 square feet and no further expansion of support meeting space exceeding 9,893 square feet will be permitted based on the additional floor area of this expansion.
9. All required disturbance and impact fees will be calculated based on the building permit application and are required to be paid prior to issuance of a building permit.
10. The proposed video viewing room is considered residential accessory space intended as a guest amenity for exclusive use by owners, guests and employees of the Stein Eriksen Lodge. This room is not considered part of the allowable Support Meeting space for the hotel and therefore it shall not be included in, or leased as part of, any conference or meeting bookings as a separate meeting room or break out room for conferences.

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

PASSED AND ADOPTED this ____ day of _____, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

**Exhibit A- Third Supplemental Sheet for All Phases of the Stein Eriksen Lodge
Common Area condominium plat**

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 STEIN ERIKSEN LODGE COMMON AREA and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

John Demkowicz

Date

BOUNDARY DESCRIPTION

The Common Areas, contained within the Stein Eriksen Lodge, a Utah Condominium Project, as the same is identified in the Record of Survey Map recorded in Summit County, Utah as Entry No. 187370, and in the Amended Record of Survey Map recorded in Summit County, as Entry No. 200131 and in the Declaration of Covenants, Conditions and Restrictions and Bylaws of the Stein Eriksen Lodge, a Utah Condominium Project, recorded in Summit County, Utah, on January 11, 1982, as Entry No. 187371, in Book 208, at Page 9, and in the Amended Declaration of Covenants, Conditions, Restrictions and Bylaws of the Stein Eriksen Lodge, a Utah Condominium Project, recorded in Summit County, Utah on January 5, 1983, as Entry No. 200132, in Book M-245, at Page 278 and the First Supplemental Record of Survey Map recorded December 27, 1983, as Entry No. 214576 and the Second Amendment to Condominium Declaration recorded December 27, 1983, as Entry No. 214577, in Book 283, at Page 153, and Corrected First Supplemental Record of Survey Map recorded December 19, 1984, as Entry No. 228420, and Corrected Second Amendment to Condominium Declaration recorded December 19, 1984, as Entry No. 228421, in Book 324, at Page 253, and Third Amendment to Declaration of Condominium recorded January 9, 1990, as Entry No. 318910, in Book 550, at Page 422, and Fourth Amendment to the Condominium Declaration recorded December 27, 1995, as Entry No. 445217, in Book 934, at Page 283, and Second Amended Stein Eriksen Lodge, Sheet 2 of 3 of the Record of Survey Map recorded May 23, 1996, as Entry No. 454939 and Third Supplemental Record of Survey Map recorded July 13, 1999, as Entry No. 543827, and Fifth Amendment to the Condominium Declaration recorded July 13, 1999, as Entry No. 543828, in Book 1273, at Page 315, and Stein Eriksen Lodge Common Area Supplemental Sheet for all Phases Survey Map recorded June 23, 2010, as Entry No. 901426, and Stein Eriksen Lodge Common Area Second Supplemental Sheet for all Phases Survey Map recorded June 28, 2013, as Entry No. 973745, records of the Summit County Recorder's Office.

Together with (A) the undivided ownership interest in said Condominium Project's Common areas and facilities which is appurtenant to said unit, (the referenced declaration of condominium providing for periodic alteration both in the magnitude of said undivided ownership interest in the composition of the common areas and facilities to which said interest relates), (B) the exclusive right to use and enjoy each of the limited common areas which is appurtenant to said unit, and (C) the non-exclusive right to use and enjoy the common areas and facilities included in said condominium project (as said project may hereafter be expanded) in accordance with the aforesaid declaration and survey map (as said declaration and map may hereafter be amended or supplemented) and the Utah Condominium Ownership Act.

OWNER'S DEDICATION AND CONSENT TO RECORD

On this _____ day of _____, 2016, Stein Eriksen Lodge Owner's Association, Inc., a Utah non-profit corporation, does hereby certify that on the members of the Association voted to expand the Common Ski Lockers with Deck above, Common Entertainment Center with vegetated roof, and the Pool, Pool Deck and Plaza area for the benefit of the Association's members who collectively constitute all of the owners of the property that comprises Stein Eriksen Lodge. In accordance with the Utah Condominium Ownership Act, the Association has caused this survey to be made and this Amended Record Survey Map to be prepared and hereby consents to the recordation of this Amended Record Survey Map, which shows the boundaries of the expanded Common Ski Locker, Entertainment Center, and Pool, Pool Deck and Plaza area. The Association further consents to the recordation hereof with the intention that upon such recordation, the provisions of the Declaration and Utah Condominium Ownership Act shall apply to the property described herein. The Association also hereby dedicates and acknowledges all easements shown hereon to the use of the public in accordance with an irrevocable offer of dedication.

STEIN ERIKSEN LODGE OWNER'S ASSOCIATION, INC.

By: Russel L. Olsen, Chief Executive Officer

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss.

On this _____ day of _____, 2013, personally appeared before me, Russel L. Olsen, who being by me duly sworn did say, that he is the Chief Executive Officer of the Stein Eriksen Lodge Owner's Association, Inc., a Utah nonprofit corporation, and that he signed the above Owner's Declaration and Consent to Record for, on and in behalf of the unit owners of said Association, and said Russel L. Olsen duly acknowledged that said Association executed the same.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

My commission expires: _____

GUEST AMENITIES SQUARE FOOTAGE TABLE

(Source: Architect's plans)

Locker Room Addition	3,000 sq.ft.
Entertainment Center Addition	3,500 sq.ft.
Circulation Space Addition	868 sq.ft.
Guest Viewing Room Addition	918 sq.ft.
Total	8,286 sq.ft.
Pool and Deck Addition	3,850 sq.ft.

NOTES:

- This Third Supplemental Record of Survey Map is an Amendment of the common area for all Phases, currently of record, together with all amendments thereto, to illustrate the expanded common area building and site improvements in conformance with the Utah Condominium Act.
- All other conditions of approval of the Stein Eriksen Lodge Common Area Project continue to apply.
- All conditions of approval of the Deer Valley Master Planned Development and the Stein Eriksen Lodge Conditional Use permit shall continue to apply.
- This plat is subject to the conditions of approval of Ordinance X-X.

THIRD SUPPLEMENTAL SHEET FOR ALL PHASES

STEIN ERIKSEN LODGE COMMON AREA

A UTAH CONDOMINIUM PROJECT LOCATED IN THE
NW 1/4 OF SECTION 27 AND THE NE 1/4 OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LINE	BEARING	LENGTH
L1	N 00°00'00" E	41.00'
L2	N 51°30'00" E	40.69'



SHEET 1 OF 1

10/16/16 JOB NO.: 8-4-16

FILE: X:\SilverLakeVillage\dwg\ar\plat2016\080416-sal.dwg



(435) 648-9487

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____

DAY OF _____, 2013 A.D.

BY _____

S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 28TH DAY OF SEPTEMBER, 2012 A.D.

BY _____ CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2013 A.D.

BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, 2013 A.D.

BY _____ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D.

BY _____ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 11th DAY OF OCTOBER, 2012 A.D.

BY _____ MAYOR

RECORDED

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

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE _____ RECORDER _____

Stein Eriksen Lodge
PCMC Plat Application: Project Description

May 16, 2016

The Stein Eriksen Lodge is a combination of multiple condominium plats that define the private areas of ownership as well as the common elements owned by the association of unit owners. In 2010 and 2013, the Stein Eriksen Lodge made improvements to common areas including a spa and pool addition and conference center expansion. The enclosed common area building space and exterior pool and deck common areas were defined by two Common Area supplemental plats recorded and included in the current Stein Eriksen Lodge plat application.

The purpose of the Stein Eriksen Lodge Common Area Third Supplemental Sheet for all Phases is to define the proposed guest amenity common area that includes an expansion to the ski lockers and a deck above, an entertainment center building addition with a planted roof, and an expansion to the pool, deck and plaza area on the east side of the Stein Eriksen Lodge. The proposed improvements also include an addition of a Guest Viewing Room located within the main entry into the lodge, adjacent to the porte cochere.





Stein Eriksen Lodge – looking south



Stein Eriksen Lodge – looking north



Stein Eriksen Lodge – looking southeasterly



Stein Eriksen Lodge – looking southwesterly

EXHIBIT C



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 STEIN ERIKSEN LODGE COMMON AREA and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

John Demkowicz
John Demkowicz

1-28-2013
Date

BOUNDARY DESCRIPTION

The Common Areas contained within the Stein Eriksen Lodge, a Utah Condominium Project, as the same is identified in the record of survey map recorded in Summit County, Utah as Entry No. 187330, and in the amended record of survey map recorded in Summit County, Utah as Entry No. 200131 and in the declaration of covenants, conditions and restrictions and bylaws of the Stein Eriksen Lodge, a Utah Condominium Project, recorded in Summit County, Utah, on January 11, 1982, as Entry No. 187371, in Book 208, at Page 9, and in the amended declaration of covenants, conditions and restrictions and bylaws of the Stein Eriksen Lodge, a Utah Condominium Project, recorded in Summit County, Utah on January 5, 1983, as Entry No. 200132, in Book 208-245, at Page 278 and the amendments and corrections thereto and the First Supplemental Record of Survey Map recorded December 27, 1983, as Entry No. 214576 and the Second Amendment to Condominium Declarations recorded December 27, 1983, as Entry No. 214577, in Book 283, at Page 153, records of the Summit County Recorder's Office. Together with (A) the undivided ownership interest in said Condominium Project's Common Areas and facilities which is appurtenant to said unit, (the referenced declaration of Condominium providing for periodic alteration said in the magnitude of said undivided ownership interest in the composition of the common areas and facilities to which said interest relates), (B) the exclusive right to use and enjoy each of the limited common areas which is appurtenant to said unit, and (C) the non-exclusive right to use and enjoy the common areas and facilities included in said condominium project (as said project may hereafter be expanded in accordance with the referenced declaration and survey map (as said declaration and map may hereafter be amended or supplemented) and the Utah Condominium ownership act.

OWNER'S DEDICATION AND CONSENT TO RECORD

On this 28th day of JANUARY, 2013, Stein Eriksen Lodge Owner's Association, Inc., a Utah non-profit corporation, does hereby certify that on 12/12/2012, the members of the Association voted to expand the Common Conference Center for the benefit of the Association's members who collectively constitute all of the owners of the property that comprises Stein Eriksen Lodge. In accordance with the Utah Condominium Ownership Act, the Association has caused this survey to be made and this Amended Record Survey Map to be prepared and hereby consents to the recording of this Amended Record Survey Map, which shows the boundaries of the expanded Common Area Spa Facility. The Association further consents to the recording hereof with the intention that upon such recording, the provisions of the Declaration and Utah Condominium Ownership Act shall apply to the property described herein. The Association also hereby dedicates the non-exclusive utility easements shown herein to the use of the public in accordance with an irrevocable offer of dedication.

STEIN ERIKSEN LODGE OWNER'S ASSOCIATION, INC.

By: *Russell L. Olsen*
Russell L. Olsen, Chief Executive Officer

ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF SUMMIT } ss

On this 28th day of JANUARY, 2013, personally appeared before me, Russell L. Olsen, who being by me duly sworn, did say that he is the Chief Executive Officer of the Stein Eriksen Lodge Owner's Association, Inc., a Utah non-profit corporation, and that he signed the above Owner's Declaration and Consent to Record for, on and in behalf of the unit owners of said Association, and said Russell L. Olsen duly acknowledged that said Association executed the same.

Russell L. Olsen
A Notary Public Commissioned in Utah

John Demkowicz
Printed Name

Residing in Utah

My commission expires: 9/27/2015

SUPPORT MEETING SPACE
SQUARE FOOTAGE TABLE

EXISTING	5,566 SF
PROPOSED	4,361 SF
TOTAL	9,927 SF

* PER ARCHITECTS PLANS

NOTES:

1. This Second Supplemental Record of Survey Map is an Amendment of the common area for all Phases, currently of record, together with all amendments thereto, to illustrate the expanded common area building and site improvements in accordance with the Utah Condominium Act.
2. All other conditions of approval of the Stein Eriksen Lodge Common Area Project continue to apply.
3. All conditions of approval of the Deer Valley Master Planned Development and the Stein Eriksen Lodge Conditional Use permit, as amended, shall continue to apply.
4. This plat is subject to the conditions of approval of Ordinance 12-20.

SECOND SUPPLEMENTAL SHEET FOR ALL PHASES

STEIN ERIKSEN LODGE COMMON AREA

A UTAH CONDOMINIUM PROJECT LOCATED IN THE
NW 1/4 OF SECTION 27 AND THE NE 1/4 OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LINE	BEARING	LENGTH
1	N 12°00'00" E	41.00'
2	N 51°30'00" E	40.00'



SHEET 1 OF 1

FILE: X:\SilverLakeVillage\dwg\srh\plat2012\050712.dwg

(435) 940-9467 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>30th</u> DAY OF <u>February</u>, 2013 A.D. BY <u>B. B. C.</u> S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 26th DAY OF SEPTEMBER, 2012 A.D. BY <u>[Signature]</u> CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>26th</u> DAY OF <u>September</u>, 2013 A.D. BY <u>[Signature]</u> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>21st</u> DAY OF <u>March</u>, 2013 A.D. BY <u>[Signature]</u> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>11th</u> DAY OF <u>September</u>, 2013 A.D. BY <u>[Signature]</u> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 11th DAY OF OCTOBER, 2012 A.D. BY <u>[Signature]</u> MAYOR	RECORDED #973745 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Consolidation Title</u> DATE <u>6-28-2013</u> TIME <u>10:31 AM</u> BOOK <u>---</u> PAGE <u>---</u> FEE <u>\$95.00</u> <u>[Signature]</u> RECORDER
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SURVEYOR'S CERTIFICATE
I, John Denkowski, 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 STEIN ERIKSEN LODGE COMMON AREA and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

John Denkowski
John Denkowski

A-2-L-2010
Date

BOUNDARY DESCRIPTION

The Common Areas contained within the Stein Eriksen Lodge, a Utah Condominium Project, as the same is identified in the record of survey map recorded in Summit County, Utah as Entry No. 187370, and in the amended record of survey map recorded in Summit County, as Entry No. 200131 and in the declaration of covenants, conditions and restrictions and bylaws of the Stein Eriksen Lodge, a Utah Condominium Project, recorded in Summit County, Utah, on January 11, 1982, as Entry No. 187371, in Book 206, at Page 8, and in the amended declaration of covenants, conditions, and restrictions and bylaws of the Stein Eriksen, a Utah Condominium Project, recorded in Summit County, Utah on January 5, 1983, as Entry No. 200132, in Book M-245, at Page 278 and the amendments and corrections thereto and the First Supplemental Record of Survey Map recorded December 27, 1983, as Entry No. 214576 and the Second Amendment to Condominium Declarations recorded December 27, 1983, as Entry No. 214577, in Book 283, at Page 153, records of the Summit County Recorder's Office. Together with (A) the undivided ownership interest in said Condominium Project's Common areas and facilities which is appurtenant to said unit, (the referenced declaration of Condominium providing for periodic alteration both in the magnitude of said undivided ownership interest in the composition of the common areas and facilities to which said interest relates), (B) the exclusive right to use and enjoy each of the limited common areas which is appurtenant to said unit, and (C) the non-exclusive right to use and enjoy the common areas and facilities included in said condominium project (as said project may hereafter be expanded) in accordance with the aforesaid declaration and survey map (as said declaration and map may hereafter be amended or supplemented) and the Utah Condominium ownership act.

OWNER'S DEDICATION AND CONSENT TO RECORD

On this 30th day of April 2010, Stein Eriksen Lodge Owner's Association, Inc., a Utah non-profit corporation, does hereby certify that on March 25, 2009, the members of the Association voted to expand the Common Area Spa Facility for the benefit of the Association's members who collectively constitute all of the owners of the property that comprises Stein Eriksen Lodge. In accordance with the Utah Condominium Ownership Act, the Association has caused this survey to be made and this Amended Record Survey Map to be prepared and hereby consents to the recording of this Amended Record Survey Map, which shows the boundaries of the expanded Common Area Spa Facility. The Association further consents to the recording hereof with the intention that upon such recording, the provisions of the Declaration and Utah Condominium Ownership Act shall apply to the property described herein. The Association also hereby dedicates the non-exclusive utility easements shown herein to the use of the public in accordance with an irrevocable offer of dedication.

STEIN ERIKSEN LODGE OWNER'S ASSOCIATION, INC.

Russell L. Olsen
Russell L. Olsen, Chief Executive Officer

ACKNOWLEDGMENT

STATE OF UTAH } ss.
COUNTY OF SUMMIT }

On this 30th day of April, 2010, personally appeared before me, Russell L. Olsen, who being by me duly sworn did say, that he is the Chief Executive Officer of the Stein Eriksen Lodge Owner's Association, Inc., a Utah nonprofit corporation, and that he signed the above Owner's Dedication and Consent to Record for, on and in behalf of the unit owners of said Association, and said Russell L. Olsen duly acknowledged that said Association executed the same.

Tori Ekstrom
A Notary Public commissioned in Utah

Printed Name
Residing in: Summit County

My commission expires: April 10, 2014



LINE	TABLE	LENGTH
L1	N 05°00'00" E	41.00'
L2	N 51°30'00" E	40.80'



SHEET 1 OF 1

NOTES:

- This Supplemental Record of Survey Map is an Amendment of the common area for all Phases, currently of record, together with all amendments thereto, to illustrate the expanded common area building and site improvements in conformance with the Utah Condominium Act.
- All other conditions of approval of the Stein Eriksen Lodge Common Area Project continue to apply.
- The Spa is not a separate commercial unit and as such may not be separately sold or deeded.
- All conditions of approval of the Deer Valley Master Planned Development and the Stein Eriksen Lodge Conditional Use Permit, as amended, shall continue to apply.

SUPPLEMENTAL SHEET FOR ALL PHASES STEIN ERIKSEN LODGE COMMON AREA

A UTAH CONDOMINIUM PROJECT LOCATED IN THE
NW 1/4 OF SECTION 27 AND THE NE 1/4 OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 Main Street P.O. Box 2009 Park City Utah 84002-2009 (435) 649-9497	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 30th DAY OF April, 2010 A.D. BY <i>[Signature]</i> S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12TH DAY OF AUGUST, 2009 A.D. BY <i>[Signature]</i> CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 17th DAY OF June, 2010 A.D. BY <i>[Signature]</i> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 15th DAY OF June, 2010 A.D. BY <i>[Signature]</i> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 27th DAY OF August, 2009 A.D. BY <i>[Signature]</i> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 27TH DAY OF AUGUST, 2009 A.D. BY <i>[Signature]</i> MAYOR	#901426 RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Coalition Title DATE 6-23-10 TIME 9:43am BOOK PAGE \$95.00 FEE <i>[Signature]</i> RECORDER
---	---	---	---	---	---	---	--



EXHIBIT D

August 16, 2016

Park City Planning Commission
Attn: Kirsten Whetstone
PO Box 1480
Park City, UT 84060

To whom it may concern:

A vote of the owners of the Stein Eriksen Lodge Owners' Association, Inc. was taken during the annual owners' meeting held on December 5, 2015 to approve the project known as Phase VI. This project includes: an expansion of the existing pool, expansion of the ski locker room, the addition of an entertainment center, the addition of a Viewing Room for in house guests and certain other common area additions and improvements.

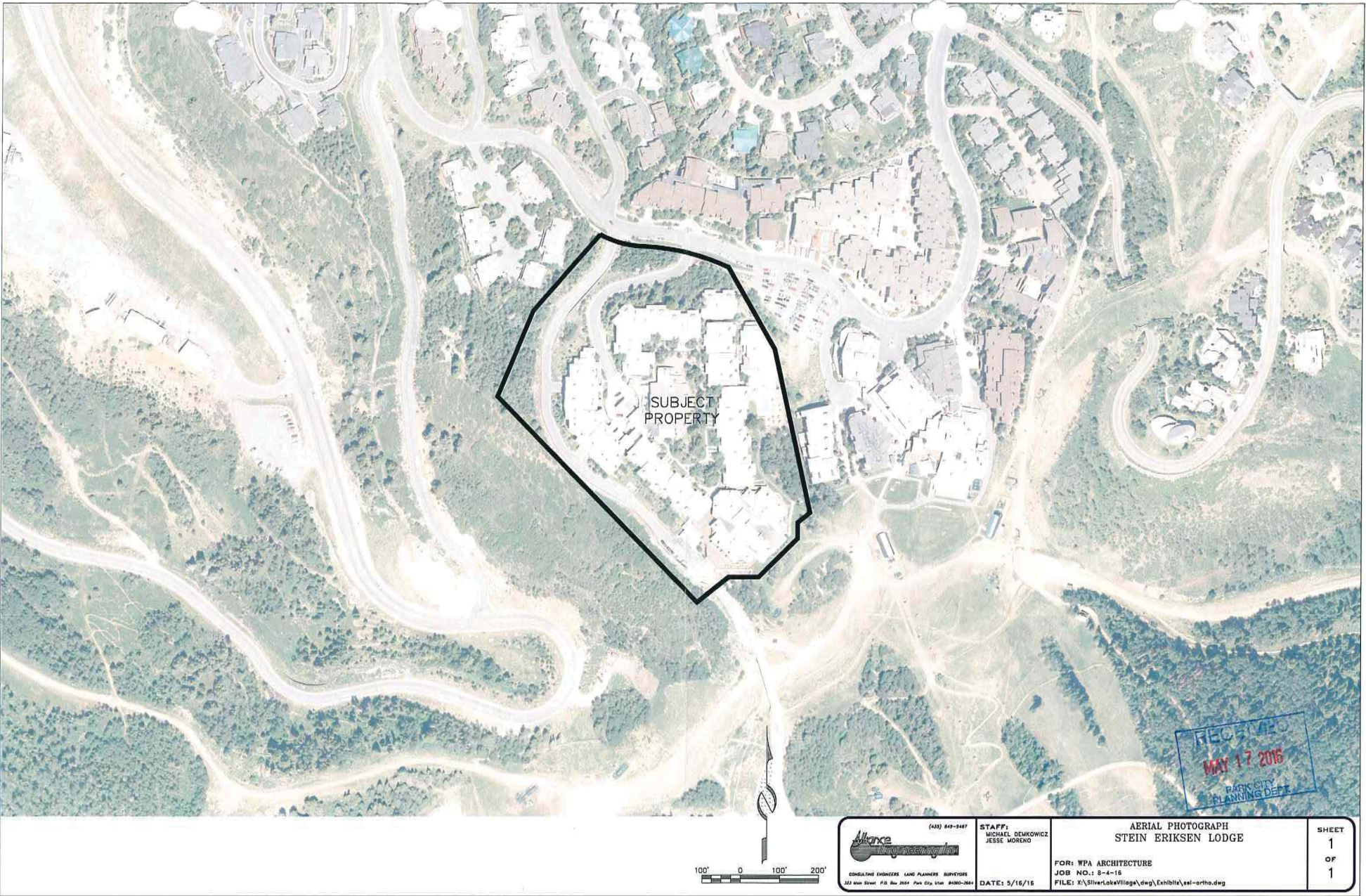
This vote authorizing the board and management to do all things necessary to facilitate design, cost development, submittal to city for approval and authorization, amending and recordation or a new plat, selection of a contractor, obtaining financing and all other things necessary to facilitate construction of the project passed by a vote of 78.4% of the undivided interest of the Association either in person or by proxy. This authorization is subject to approval of the final budget for the project.

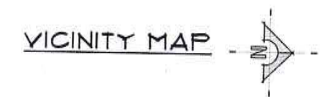
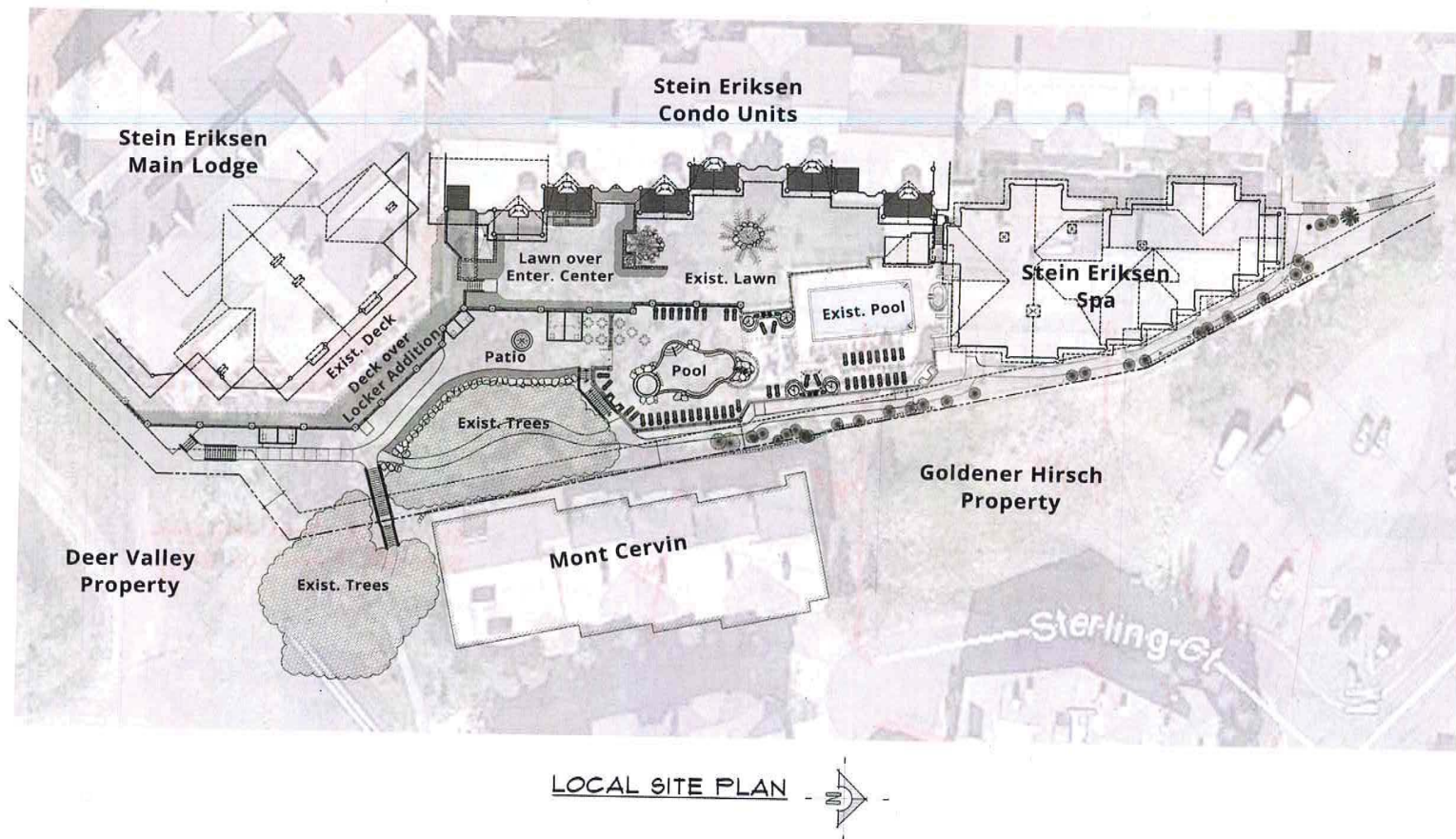
Sincerely,

A handwritten signature in black ink, appearing to read 'Russ Olsen', is written over a light blue horizontal line.

Russ Olsen
Chief Executive Officer

EXHIBIT E





SETBACKS TO PROPERTY LINE AND TO MT CERVIN

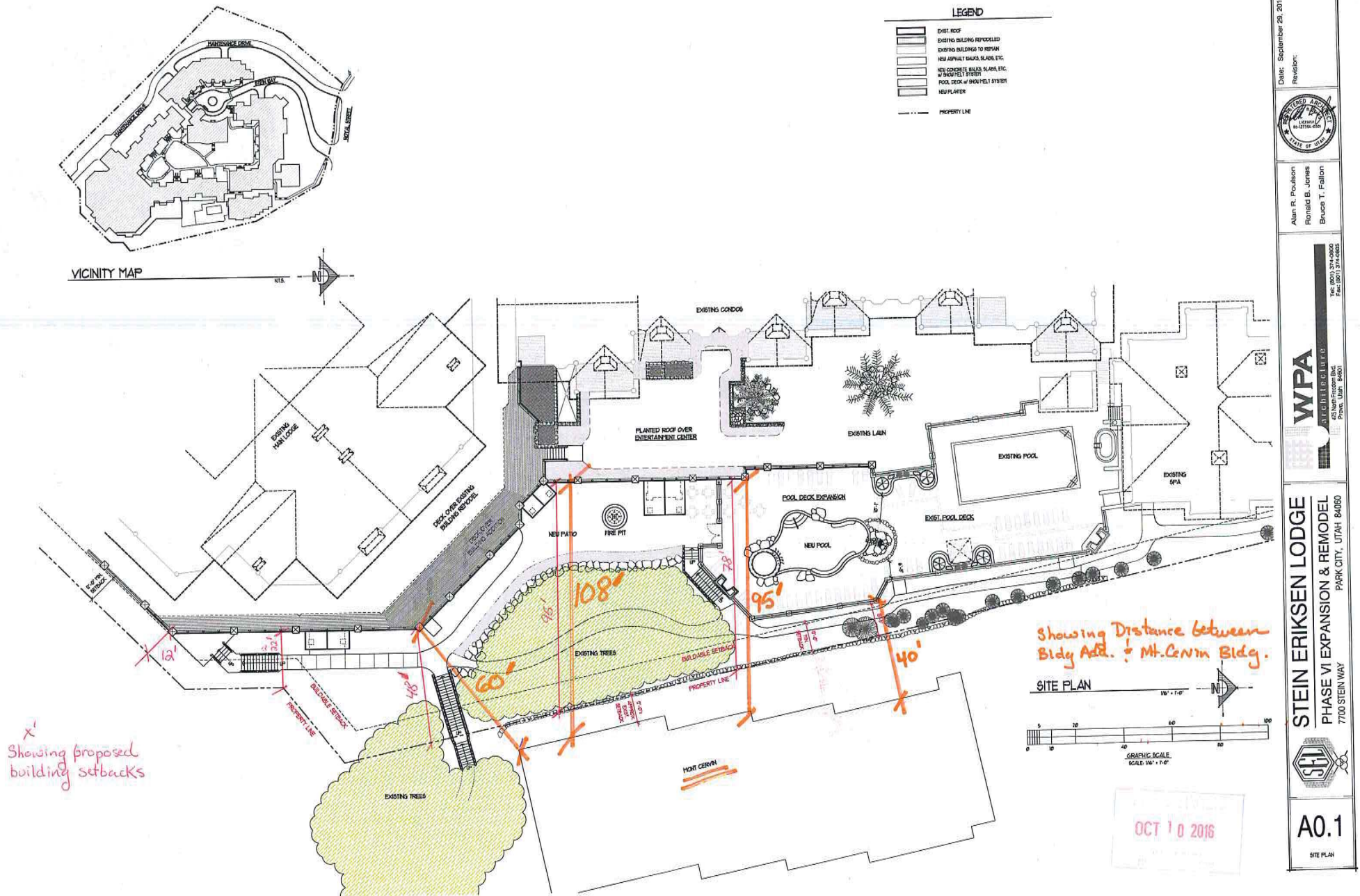


EXHIBIT F



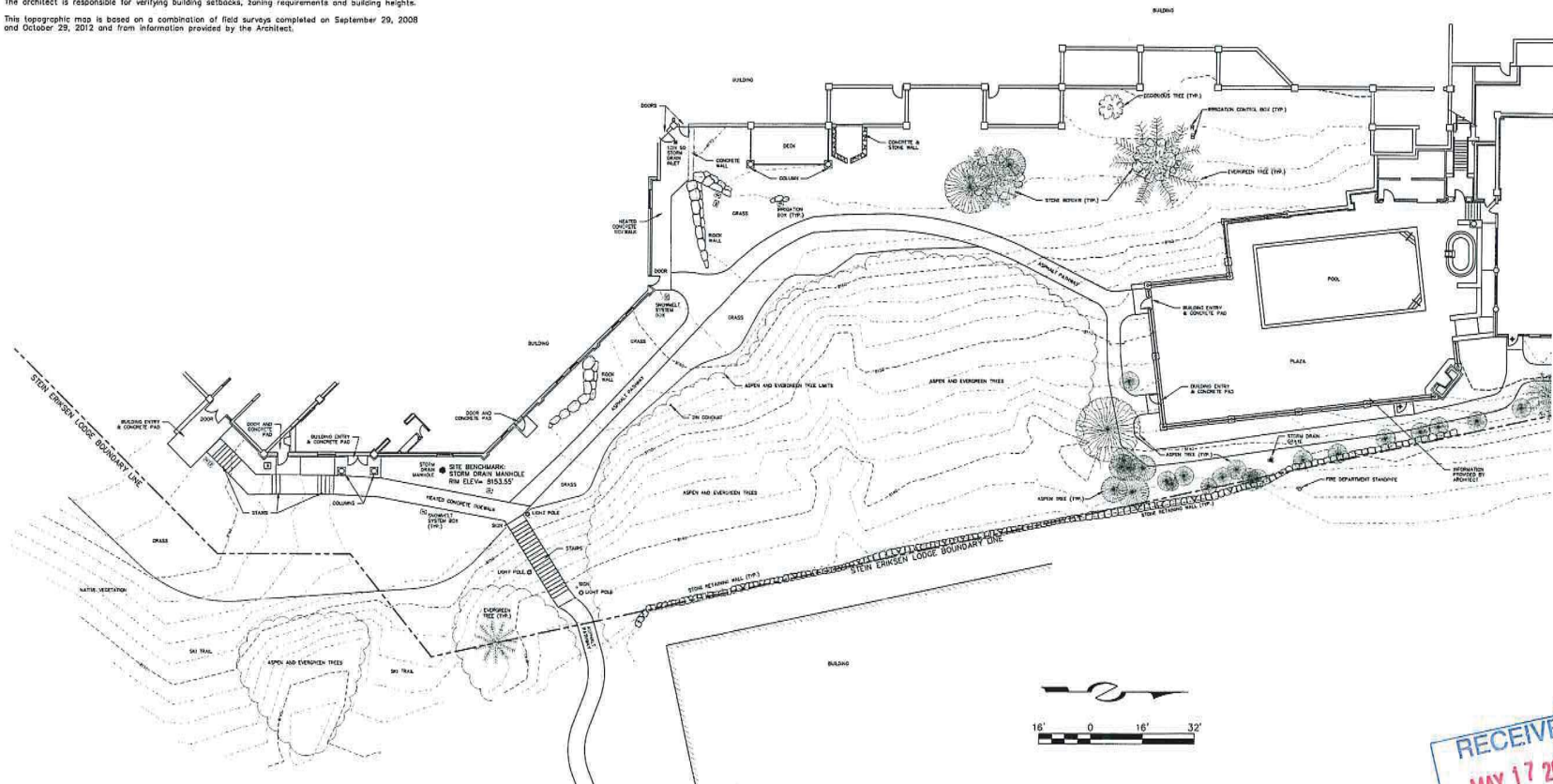
SURVEYOR'S CERTIFICATE

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

NOTES

Site Benchmark: Storm Drain Manhole Rim Elevation=8153.55'

1. See record of survey plot for easements and restrictions.
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a combination of field surveys completed on September 29, 2008 and October 29, 2012 and from information provided by the Architect.



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 Main Street P.O. Box 2044 Park City, Utah 84060-2044	(435) 548-9447 STAFF: MICHAEL DEMKOWICZ MARTIN MORRISON MARSHALL KING JESSE MORENO	PHASE VI-A EXISTING CONDITION STEIN ERIKSEN LODGE 7700 STEIN WAY	SHEET 1 OF 1
	FOR: SEL JOB NO.: 8-4-15 DATE: 4/12/16 FILE: X:\SLV\dwg\src\tops2016\080415-ssl.dwg		

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 28, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Anya Grahn, Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Band, who was excused.

ADOPTION OF MINUTES

September 14, 2016

MOTION: Commissioner Joyce moved to APPROVE the minutes of September 14, 2016 as written. Commissioner Thimm seconded the motion.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the next Planning Commission meeting on October 12th would be held in the Santy Auditorium at the Park City Library. The occupancy threshold in the Council Chambers is 80 people. On average 100 people have been attending when Treasure Hill is on the agenda. Director Erickson reported that Treasure Hill would continue to be on the agenda the first meeting of every month, which is always the second Wednesday.

Director Erickson announced that the Planning Commission would only have one meeting in December due to the holidays. There may also only be one meeting in January due to Sundance.

Chair Strachan asked about workload in the Planning Department and the wait time for applicants to get on the agenda. Director Erickson replied that the bringing items to the

4. 7700 Stein Way – Amendment to the Stein Eriksen Lodge Common Area Supplemental plat to identify additional ski lockers and guest recreational amenities as common area. (Application PL-16-03175)

The Planning Commission discussed the plat amendment and the CUP for 7700 Stein Way at the same time. Two separate actions were taken.

Planner Whetstone hand out revised plans submitted by the applicant. She noted that the revised plan was different from the plan included in the Staff report because the applicant was proposing to reduce the size of the entertainment area and the pool deck from what was initially shown.

Planner Whetstone reviewed the application for a conditional use permit for a modification to an existing conditional use permit to add square footage. She explained that the additional square footage is residential accessory support and does not require unit equivalents. It is not support commercial, commercial or meeting space. Planner Whetstone pointed out that the applicant had two previous amendments. One was in 2009 where they expanded their support commercial for the space. The second was in 2012 where they expanded the meeting space for their convention area. The currently proposed expansion were areas for guest amenities, specific to guests and owners.

The Staff had reviewed the Conditional Use Permit application against the 15 criteria in the LMC, and found that there were no unmitigated impacts as conditions. The Staff recommended that the Planning Commission conduct a public hearing on the modification to the CUP, and consider approving the application with the following changes.

Finding #10 – The recreation amenity changes from 4,050 square feet to 3,736 square feet. The pool deck changes from 7,266 square feet to 3,560 square feet.

Findings #17 and #29 – As written, the findings shows 88-feet for the farthest setback from the eastern property line shared with Mont Cervin. That setback is increased to 108 feet. Planner Whetstone reviewed the Plat Amendment. She stated that the record of survey plat for the supplement pages was for the common area of the Stein Eriksen Lodge condominium plat. The purpose of this amendment was to memorialize the common area and show the structures on the plat. She noted that it was consistent with what was done with the SPA plat.

Planner Whetstone apologized for handing out plans that the Commissioners had not had time to review. She had only received them that day, but since it was a reduction in size she thought it was appropriate to bring them forward this evening.

Russ Olsen, the CEO of Stein Eriksen Lodge, thanked Planner Whetstone for helping them navigate through the process, particularly since multiple changes were made. He believed most of the changes had been positive from their perspective and from the neighbors' perspective. Mr. Olsen stated that when they originally approached the Planning Department to discuss this addition to their property, the first question asked was the reason behind it. He explained that in looking at the evolving demographics of the guests and the people who stay at Stein Eriksen Lodge, they realized that as the demographics have changed over the years to a younger generation, the guests want a total experience as opposed to just skiing.

Mr. Olsen stated that they looked at putting in additional guest amenities for the guests who stay at Stein Eriksen Lodge by adding an entertainment center for the younger people who come more frequently, and for the kids who come with their families. The entertainment Center would be a gathering space where younger people and families can hang out and play games. It would be the same for the pool expansion. The pool used to be an unnecessary guest amenity; however, now more and more guests look for a pool experience year-round where they can come as a family and ski in the morning and afternoon and sit by the pool in the evening. He noted that a pool is most important in the summer because the summer occupancy at Stein Eriksen has become comparable to the winter occupancy.

Mr. Olsen emphasized that the additional amenities would be strictly for Stein Eriksen guests. It would not be open to the public or bring people in from the outside.

Mr. Olsen commented on the reason for changing the size and scope of the project since the application was first submitted. He remarked that the architects and designers were given free rein to design whatever they wanted for that space at the highest level. However, when it was presented to the Board, the Board thought the plan was too grandiose and took up too much space. It was also a very expensive plan. The reduced size would achieve more what the Board had in mind and it would be expensive to build. Mr. Olsen stated that an internal analysis was done to determine what was actually needed. He pointed out that they looked at the large trees and existing vegetation, and realized that the original plan would eliminate most or all of the vegetation and trees in that area. Another reason for scaling back the project was to keep from impacting the vegetation. Mr. Olsen stated that most, if not all, of the existing trees and vegetation will remain. There are some dead and diseased trees that will be removed, but they intend to have an arborist assess them.

Mr. Olsen believed the scope of the revised plan would fit in better with the environment, and it would not disrupt any views for the neighbors or the guests at Stein Eriksen.

Chair Strachan asked for the purpose or main use of the guest viewing room. Mr. Olsen envisioned it as a place where families can gather. They plan to have a movie night. Currently they have movie nights throughout the winter and summer seasons, but it is held in a space that is not conducive as a theatre. The viewing room would allow the opportunity for movie nights. Mr. Olsen stated that during the winter season some guests want to rent a space for a Super Bowl party. Currently, there is no space conducive for having a Super Bowl party. The viewing room would be used to supplement the entertainment for the guests.

Chair Strachan asked if the viewing room could have a dual use if it was not being used for movie night, and potentially be programmed as extra conference space. Mr. Olsen replied that it could be used for conference space, but the intention is to keep the conference in the Conference Center and to use the viewing room for movies and other guest or family events. It would allow them to keep a space designated for those activities. Mr. Olsen noted that the room would seat approximately 50 people, which is a small meeting space for a typical group at Stein Eriksen.

Assistant City Attorney McLean recommended adding a condition of approval prohibiting the space from being used as meeting space, because the meeting space for Stein Eriksen is already maxed out under the 5%.

Planner Whetstone understood that the viewing room would also be used for employee training. Mr. Olsen replied that it would be used as a training facility for the Staff.

Planner Whetstone agreed with adding a condition of approval stating that the viewing room would be for the exclusive use of guests and owners. Mr. Olsen stated that they have one guest who comes every year and wants to have a Super Bowl party for people staying at Stein Eriksen. He asked if prohibiting meetings would also prohibit a Super Bowl party. Assistant City Attorney McLean replied that it would depend on the definition of meeting space. She would look for the definition while they continued their discussion.

Mr. Olsen clarified that the viewing room would not be rental space. Currently, if someone wants a Super Bowl party, Stein Eriksen finds them a space where they can view the game on TVs. He reiterated his question of whether the viewing room could be used for that type of use.

Commissioner Joyce clarified that the concern would be that the room could be used as overflow space for breakout sessions, and it would be part of a Conference offering to an organization. If that occurs, it becomes meeting space. Commissioner Joyce

explained that they were suggesting a condition of approval to allow a Super Bowl party but not programmed meeting space. Planner Whetstone replied that non-meeting space is typically non-income producing. It would not be leased or rented out.

Chair Strachan and Ms. McLean could not find where meeting space was defined in the LMC. Chair Strachan believed they could associate it with the term Conference and say that it cannot be used in conjunction with any conferences or as a conference space in and of itself. Chair Strachan informed Mr. Olsen that the condition of approval would keep them from breaking the 5% meeting space threshold of the MPD.

Director Erickson referred to the list of Residential Accessory Space examples in the MPD and suggested that they could limit the uses to that list and no other. A motion could be adjusted to say, "limited to these uses and similar, but not conference space".

Mr. Olsen wanted the language to be broad enough to allow guests who are staying there for a conference to be able to attend movie night, but not as part of the conference.

Assistant City Attorney McLean stated that in looking at the list under Residential Accessory Space, two accessory uses are within the MPD section. Residential Accessory Uses and Resort Accessory Uses. Under Residential Accessory Uses, she asked which of those uses the guest viewing area would fall under. Planner Whetstone did not believe it would be any of the uses listed. She thought it would fall under, but are not limited to such uses as common pools, saunas, hot tubs and exercise areas, and other recreation. She believed the viewing area would be "other recreation" because in the past games rooms have fit into that category. They are for guests only and are not to be part of a conference or other revenue use. It would also allow it to be used for employee training during the day.

Chair Strachan was having a difficult time fitting it into the definition of Residential Accessory Uses. Ms. McLean stated that the determination was under the Planning Commission's purview. Commissioner Joyce thought Planner Whetstone was on the right track in looking at things such as pool and exercise room. Chair Strachan agreed that it was a little closer. Commissioner Joyce pointed out that was not purposely built for a resort. They are extra common area activities for guest entertainment. He was comfortable fitting the viewing room into that category. His issue was finding a way to specifically prohibit meeting space for any reason.

Planner Whetstone suggested adding a condition stating, "The viewing room is considered residential accessory space and shall not be used as meeting space or in conjunction with a conference or meeting."

Mr. Olsen clarified that it would not prevent conference attendees from attending a movie night. Chair Strachan believed the condition would allow it as long as it was not a conference associated use. Mr. Olsen assumed a guest would be allowed to use the space for a Super Bowl party. He was told that a Super Bowl is not a conference and it would be allowed. Mr. Olsen assured the Commissioners that Stein Eriksen has sufficient conference space. He emphasized that the purpose and intent of the entertainment center is to provide a place where individuals and families can recreate.

Chair Strachan asked Planner Whetstone to fine-tune the condition of approval based on their comments.

Commissioner Phillips asked Planner Whetstone to explain the site plans that were handed out this evening versus the site plan in the Staff report. Planner Whetstone stated that the site plan in the Staff report was the original plan before the reduction. One site plan handed out this evening was the plan with the reduced pool deck and entertainment center. The redlined site plan showed the difference between the one in the Staff report and the one handed out this evening.

Commissioner Phillips felt the Planning Commission and the public needed more time to study the plans that were submitted this evening and to compare it with the plan in the Staff report. He was not comfortable moving forward until he had that opportunity. Commissioner Phillips asked if a continuance would affect the applicant's time frame.

Ron Jones, the project architect, stated that they were hoping to start on the viewing room right away. The rest of the project would begin next spring.

Chair Strachan agreed that the Planning Commission would need a new Staff report with the correct site plans before they could vote on the CUP or forward a recommendation to the City Council on the plat amendment.

Chair Strachan opened the public hearing.

Dave Novak stated that he is the property manager at Mont Cervin Condominiums, which is the adjacent property to Stein Eriksen Lodge with the buffer zone of trees. Mr. Novak was concerned about the noise level. The expansion of the spa and swimming pool created a noise issue. The expansion currently proposed would only increase the noise. Mr. Novak noted that a 9:00 p.m. closing time is posted on the entry to the pool, but it is not enforced. He knows that because his apartment is 100 feet from the swimming pool. He has been awakened at night and in the early mornings hours by the noise coming from the swimming pool area. Mr. Novak questioned how they could

enforce additional recreational space, when they do not enforce what they have now. He understood the idea of opening up more amenities, but at what cost. He wanted to know how they intend to keep the public from using those facilities when people hear about the game room in Stein Eriksen Lodge.

Mr. Olsen stated that there are security locks on all the doors and they have security rounds. Unfortunately, people do climb fences. Any time they find people who abuse the curfews they are kicked out immediately. The entertainment center will have key locks that only guests can access.

Mr. Novak disagreed because there have been many occasions where people are not asked to leave the pool area, especially at 2:00 or 3:00 in the morning. Enforcement is not happening on a consistent basis. He noted that people abusing the curfew does not happen frequently, but when it does it disturbs his sleep and it is very frustrating. Mr. Novak had his doubts about controlling noise with the additional amenities in the area.

Hope Eccles, the President of the Goldener Hirsch Inn, was not aware that Stein Eriksen was on the agenda this evening, but she was pleased to have the opportunity to speak. Ms. Eccles echoed Mr. Olsen about the need for amenities for families and guests. They are competing with Vail, Aspen, Sun Valley and Tahoe, and they need to be able to offer these amenities to attract people. Ms. Eccles stated that the importance of being able to add these amenities is essential to their business and the community. She stated that Goldener Hirsch is right next door and would be impacted, but they fully support the addition of the pool, the spa, and the viewing room.

Chair Strachan closed the public hearing.

Commissioner Joyce stated that when they look at expanding a project in the direction of something else reasonably close, it would be helpful to see exactly what is adjacent. He was disappointed that there was nothing in the Staff report with that information. He requested that future Staff reports include a picture that shows how far apart the buildings are whenever a project is expanded in a particular direction.

MOTION: Commissioner Joyce moved to CONTINUE 7700 Stein Way, a conditional use permit for an additional to the Stein Eriksen Lodge to October 26, 2016. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to CONTINUE 7700 Stein Way, Amendment to the Stein Eriksen Lodge Common Area Supplemental Plat to October 26, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

5. **7520-7570 Royal Street East – Amendment to the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision combining Lots F, G and H into one lot.** (Application PL-15-02966)
6. **7520-7570 Royal Street East – Conditional Use Permit for 34 residential units on Lot 1 of the Amendment to the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision** (Application PL-15-02967)

The Planning Commission discussed the above two items at the same time. Two separate actions were taken.

Planner Whetstone handed out three letters of public input she received after the Staff report was prepared. She also handed out a memo from the City Engineer.

Planner Whetstone reviewed the request for a conditional use permit for 34 residential units on Lot 1 of an amendment to the Plat to a re-subdivision of Lots 1 and 2 of the Silver Lake Village No. 1 Subdivision. She noted that later in the meeting the Planning Commission would be reviewing a separate request to combine parcels F, G and H of the Deer Valley Master Plan to one Parcel, Lot I. The request would not result in a change of density of the parcels but it would transfer density from Lot D, which is where two units of the existing Goldener Hirsch would be taken out to accommodate a bridge, and that density would be moved to Lot I.

Planner Whetstone reported that all three items were noticed for public hearing and a continuation to October 26, 2016.

Chris Conabee, representing the applicant, introduced John Shirley, the project architect with THINK Architecture, and Paul Schlachter with Olsen Kundig in Seattle.

Mr. Conabee recalled that the applicant came before the Planning Commission eight months ago, and the object this evening was to provide a brief overview to update the Commissioners on the layout.

Mr. Conabee started his presentation with the scale and massing of the overall development in terms of what exists and what they were proposing. He identified the

Planning Commission Staff Report



PLANNING DEPARTMENT

Application: PL-16-03348
Subject: LMC Amendments
Author: Bruce Erickson, AICP, Planning Director
Date: October 26, 2016
Type of Item: Legislative- Land Management Code (LMC) Amendments

Recommendation

Staff recommends that the Planning Commission review the proposed administrative and substantive amendments to the Land Management Code (LMC), conduct a public hearing, and consider forwarding a positive recommendation to the City Council pursuant to the attached Draft Ordinance.

Description

Project Name: LMC Amendments
Approximate Location: Citywide
Proposal: Land Management Code (LMC) amendments- various administrative and substantive amendments to the Park City Development Code regarding the following:

- 1) Non-adversarial appeals and ability to allow new evidence at appeal level (**Chapter 1**);
- 2) Standards for continuations (**Chapter 1**);
- 3) Clarification regarding zoning when previously state or federal land (**Chapter 1**);
- 4) Timing of hearing Determination of Significance applications (**Chapter 11**);
- 5) Roads and easements don't count as property area in footprint calculation (**Chapters 2.1, 2.2, 2.3, and 2.16** for HRL, HR-1, HR-2, and RC Districts);
- 6) Work session discussion only on additional density is disfavored when existing MPDs or subdivisions are re-opened or amended (**Chapters 6 and 7**);
- 7) Removing requirements for Pre-Application Public Meeting and Determination of Compliance for Master Planned Developments (**Chapter 6**)

For the sake of clarify here is a list of are acronyms used in this report:

Acronyms

CUP Conditional Use Permit
FAR Floor Area Ratio

LMC Land Management Code
MPD Master Planned Development
SF Square Feet
BLM U.S. Department of the Interior Bureau of Land Management
HPB Historic Preservation Board

Zoning Districts:

HRL Historic Residential Low Density District
HR-1 Historic Residential 1 District
HR2 Historic Residential 2 District
HRM Historic Residential Medium Density District
HRC Historic Recreation Commercial District
ROS Recreation Open Space District
POS Protected Open Space District
E-40 Rural Estate District
E Estate District
SF Single Family District
R-1 Residential District
RD Residential Development District
RDM Residential Development Medium Density District
RM Residential Medium Density District
RC Recreation Commercial District
GC General Commercial District
LI Light Industrial District
PUT Public Use Transition District
CT Community Transition

Purpose of the Land Management Code

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the (adopted) Park City General Plan, and for the following purposes:

- (A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,
- (B) To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,
- (C) To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,
- (D) To protect the tax base and to secure economy in governmental expenditures,
- (E) To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,

(F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,

(G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,

(H) To protect and ensure access to sunlight for solar energy devices, and

(I) To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to make amendments on a regular basis and to fully exercise all of the powers granted to the City by the provisions of the Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended and all other powers granted by statute or by common law, for the necessary regulation of the Use and Development of land within the City.

General Plan

These proposed Land Management Code (LMC) amendments have been reviewed for consistency with the current adopted Park City General Plan. The LMC implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's neighborhoods and unique character and values. Additionally, the LMC is intended to be updated on a regular basis to stay current with State Law. Where appropriate, the specific General Plan sections are discussed in the analysis below.

Background

As part of constant review of the Land Management Code, the proposed amendments have come up either as policy discussions or more procedural items which need to be updated.

Analysis

Proposed LMC Amendments

I. Non-adversarial appeals and ability to allow new evidence at appeal level (See Exhibit A- Chapter 1 General Provisions).

Background: Court room style adversary procedures are unsuitable to making land use decisions at the local administrative level. The City Council, subordinate City boards and commissions are not partisans on any side of any land use dispute but are charged with making land use decisions in the best interest of the entire City after weighing all input. The City Staff and City Attorney are charged with assisting the City Council and subordinate City boards and

commissions to adjust competing interests affecting land use decisions and are not advocates of any side, but play the role of providing technical assistance and advice to the decision making bodies. When the differing perspectives of the various decision-making bodies and differing input at each stage of a decision-making process result in an approach which is not the same from that originally recommended by Staff, City staff nonetheless regularly assist in implementing and guiding such changed approaches at successive stages of a decision-making process within the City. In addition the differing perspectives of the various decision-making bodies as well as the differing input at each stage of a decision-making process often results in City staff gaining an improved understanding of the nature and implications of development proposals, thus improving staff's ability to analyze such proposals under the applicable land use regulations, and make useful recommendations to decision-makers.

It is not uncommon for applicants or opponents of projects, or both, who come before the City Council to claim that the City Staff and City Attorney are biased towards them. Consistency of technical and legal advice is critical to coherent and consistent implementation of local government's laws and regulations and this result cannot be achieved if different staff members, who act wholly independently of one another, provide conflicting technical and legal advice concerning a land use matter pending before the City. Resolving land use issues requires a unique appreciation of the context of the development, community values and similar considerations that have historically been resolved through local government decision making procedures, that are uniquely accessible to ordinary citizens, and into which they expect and demand broad input.

Purpose of Amendments: The purpose of these amendments is allow for non-adversarial decision making and instead provide for staff to be able to provide for technical and legal advice.

Implications and consequences: The primary implication of these amendments is to make the appeals process less formal and adversarial. Instead, if adopted, the process will be more open and allow for technical input from staff as well as input from the public to reach the best decision and not advocating for a particular side.

Staff recommendation: Staff recommends amending the code as follows:

LMC § 15-1-18 Appeals And Reconsideration Process

...

G. **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. The appeal authority shall review factual matters de novo and it shall determine the correctness of the decision of the land use authority in its interpretation and application of the land use ordinance. **All**

appeals must be made in writing. Review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the appeal authority by motion, enlarges the scope of the appeal to accept information on other matters. New evidence may be received so long as relates to the scope of the appeal.

H. NON-ADVERSARIAL PROCESS. All appeals before City Council, and any Board or Commission

1. The procedural hearings and reviews established by the City's regulatory procedures, does not adopt or utilize in any way the adversary criminal or civil justice system used in the courts.
2. City staff, including legal staff, is to provide their technical and legal advice and professional judgment to each decision making body and the City Council and are not advocates of any party or position in a dispute, notwithstanding the fact that their technical judgment may lead them to make recommendations concerning the matter.
3. In the absence of clear evidence in the record that a staff member has lost his or her impartiality as a technical adviser, the City's need for consistent, coherent and experienced advisers outweighs any claimed bias from the adviser's involvement at any earlier stage of the administrative proceeding.

(Subsequent subsections will be re-lettered/numbered)

II. Standards for continuations (See Exhibit A- Chapter 1 General Provisions).

Background: In the past, the code has been silent on the process when a continuation is requested by an applicant. The department policy has been to bring the item forward as a continuance if it is the first time an applicant is requesting and staff determination of special circumstance. However, if the item has been noticed then the item has been brought as a regular agenda item and noted that the applicant has requested a continuance.

Purpose of Amendments: The purpose of these amendments is to clarify when staff can continue an item and when the Boards/Commissions must make that determination.

Implications and consequences: These amendments will clarify what can be a difficult situation for applicants, the public and staff. If an applicant is asking for a continuance but the item has been continued before or it has already been noticed, there is some degree of uncertainty whether the item will be heard or not. This may create confusion for the applicant and staff in knowing whether to prepare and the public to know whether the item will be heard. The proposed LMC amendment will make this situation clearer.

Staff recommendation: The following language is proposed:

15-1-12.5 Continuations

Staff has the authority to continue an item which is scheduled for a public hearing or is an appeal up to two (2) times so long as the request is made in writing within five (5) business days prior to the public hearing or appeal. If Staff does not have the authority to continue the item, the Board, Commission or Council will determine whether or not there is a sufficient reason to continue the item on the scheduled date. If they determine there is not sufficient reason, the item (may) (will) remain on the agenda and be considered

III. Clarification regarding zoning when previously State or Federal land (See Exhibit A- Chapter 1 General Provisions).

Background: The City has several Bureau of Land Management (BLM) parcels within its jurisdiction. There have been questions about what the zoning would be for those parcels if they cease to be federal or state lands.

Purpose of Amendments: The purpose of these amendments is to clarify the zoning for BLM or other state or federal lands.

Implications and consequences: The amendment will clarify the zoning for BLM or other state or federal lands.

Staff recommendation: Staff proposes amendments to add the following language to Chapter 1:

15-1-6 Zone Districts And Zone Map

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapters 15-2 and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

- A. The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.
- B. Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.

- C. There is no minimum Area or diversity of ownership requirement for a zone designation. Neither the size of a Zoning District nor the number of landowners within the district may be used as evidence of the illegality of a Zoning District or of the invalidity of a municipal decision.
- D. The City hereby zones all property within the City limits, including State or Federal property which may be exempt from the City's land use jurisdiction. If such zoning is subsequently invalidated, no building permit, subdivision or approval for any development activity may be applied for until the City establishes a valid zoning for the property.

IV. **Determination of Significance (DOS) applications timing of hearing (See Exhibit B - Chapter 11 Historic Preservation).**

Background: The Determination of Significance section of the code requires staff to schedule a hearing before the Historic Preservation Board (HPB) within thirty (30) days. This language is confusing as to whether the item just needs to be scheduled, i.e. a date set, within 30 days or whether the hearing has to be held within 30 days. Additionally, since the HPB only meets once a month, holding a hearing within that time frame is difficult.

Purpose of Amendments: The purpose of these amendments is to clarify the language.

Implications and consequences: These amendments will require the application to be heard with reasonable diligence.

Staff recommendation: The following language is proposed:

15-11-10 Park City Historic Sites Inventory

...

B. **PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

...

1. **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall ~~schedule~~hold a hearing before the Historic Preservation Board ~~within thirty (30) days~~with reasonable diligence.

...

C.REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.

...

2. PROCEDURE FOR REMOVAL.

- a. **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall ~~schedule~~hold a hearing before the Historic Preservation Board ~~within thirty (30) days~~with reasonable diligence.

...

V. Roads and public thoroughfares over private area don't count as property area in footprint calculation (See Exhibit C – Chapter 2 (HRL, HR-1, HR-2 and RC (special requirements for single-family and duplex dwellings) Zoning Districts.

Background: Park City has numerous streets and roads which are not platted but have been used by the public for significant periods of time. These streets are mostly in the Historic Districts. Based on the State Transportation Code, Right-Of-Way Act § 72-5-104 declares that a highway (street or road, not including an area principally used as a parking lot) is dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten (10) years. Therefore, as part of that continuous use, these roads are dedicated to the City automatically.

In the past there was some confusion about how staff has treated the lot area of a property if there is a public thoroughfare going through the property. This amendment clarifies how these thoroughfares should be treated.

This amendment is consistent with LMC § 15-7.3-4(l)(2) Widening and Realignment of Existing Roads indicates the following “Land reserved for any road purposes may not be counted in satisfying yard or Area requirements contained in the Land Management Code.”

This amendment formalizes the State Code which dictates that statutorily the road is dedicated after ten(10) years and how that area should be treated.

Purpose of Amendments: The purpose of these amendments are to memorialize that public roads, even when not platted, do not count as square footage of the lot. Further, the purpose behind calculating “lot area” is to ensure that there is sufficient open space around the “building envelope” or “building pad. If a road is going through a portion of the lot, that area is lost to other uses related to the Lot and Site requirements.

Implications and consequences: This amendment would formalize that roads and street, even if un-platted, are not counted as part of the lot area. This reduction may affect applicable maximum Building footprint SF permitted on a Lot, if the Building Footprint is dependent on the lot area.

Staff recommendation: The following language is proposed in the following Districts: HRL, HR-1, HR-2, and RC (15-2.16-5 Special Requirements for Single-Family And Duplex Dwellings). The language is the same in each district:

15-2.1-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a City Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

- A. **LOT SIZE.** The minimum Lot Area is 3,750 square feet. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. The area of any public thoroughfare when it has been continuously used for a period of ten (10) years or longer shall not be counted as part of the Lot Area. Such reduction may reduce the maximum Building Footprint and/or allowable floor area of a building. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director

VI. Work Session Discussion

Additional density is disfavored when existing MPDs and/or Subdivisions are re-opened or amended (See Exhibit D- Chapter 6 Master Planned Developments and Exhibit E- Chapter 7 Subdivisions).

Background: Staff has heard from the Planning Commission and the public an interest in disfavoring additional density when MPD's and/or Subdivisions are amended or re-opened. If the Planning Commission wishes to effectuate such a change, it needs to be codified.

Purpose of Amendments: The purpose of these amendments is to disfavor additional density when MPD's and/or Subdivisions are amended or re-opened.

Implications and consequences: These amendments will disfavor additional density when MPD's and/or Subdivisions are amended.

Staff recommendation: The following language is proposed:

(Master Planned Developments)

15-6-4 Process

...

- I. **MPD MODIFICATIONS.** Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein. Additional density is dis-favored if reopened or amended unless the following criteria are met:

(Possible criteria to be discussed by the Staff and the Planning Commission)

(Subdivision)

15-7-3 Policy

- A. It is hereby declared to be the policy of Park City to consider the Subdivision of land and the subsequent Development or amendment of the Subdivision plat, or the adjustment of Lot lines therein, as subject to the control of Park City pursuant to the official General Plan of Park City for the orderly, planned, efficient, and economical Development of Park City.
- B. Land to be subdivided or re-subdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, re-subdivided, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.
- C. The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the adopted Uniform Building and Housing Codes, the Land Management Code, General Plan, Official Zoning Map, and capital budget and program of Park City.
- D. If a subdivision is amended or re-opened, additional density is dis-favored and further subdivision presumed inconsistent unless the following criteria is met:

(Possible criteria to be discussed by the Staff and the Planning Commission)

VII. **Removing requirements for Pre-Application Public Meeting and Determination of Compliance for Master Planned Developments (See Exhibit D- Chapter 6 Master Planned Developments)**

Background: Staff and the Planning Commission have found difficulty with the MPD Pre-Application Conference as the Planning Commission is required to find compliance with the General Plan goals and objectives. Given the preliminary nature of the Pre-Application, Staff has analyzed its difficulty as not enough information is required at that conceptual stage. The applicant is still encouraged to present concepts to Planning Staff, the Planning Commission, and the public which allows these groups an opportunity to provide concerns.

Purpose of Amendments: To add clarity and efficiency to the MPD process.

Implications and consequences: The applicant would still have an opportunity to share concepts early in the process while reducing implied or perceived approvals from a Pre-Application conceptual nature.

Staff recommendation: The following language is proposed:

(Master Planned Developments)

15-6-4 Process

...

B. **PRE-APPLICATION PUBLIC MEETING ~~AND DETERMINATION OF COMPLIANCE~~**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development ~~the applicant may request a work session and is encouraged to conduct independent public outreach, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.~~

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. ~~This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD.~~ The public will be given an opportunity to comment

on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

~~The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application.~~ For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD ~~and the General Plan.~~

...

Process

Land Management Code amendments are processed according to Section 15-1-7. Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. A public hearing is required by both the Planning Commission and City Council, with proper notice.

Notice

On October 12, 2016, notice of the October 26, 2016 public hearing was published in the Park Record and placed on the City's website as well as on the Utah Public Notice website.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. No public input has been received at the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion to a date certain or uncertain.

Significant Impacts

There are no significant fiscal or environmental impacts to the City from these LMC Amendments that provide clarification of current development code language and definitions and as further described above.

Recommendation

Staff recommends that the Planning Commission review the proposed administrative and substantive amendments to the Land Management Code (LMC), conduct a public hearing, and consider forwarding a positive recommendation to the City Council pursuant to the attached Draft Ordinance.

Exhibits

Draft Ordinance

Exhibit A – Chapter 1 General Provisions and Procedures

Exhibit B – Chapter 11 Historic Preservation

Exhibit C – Chapter 2.1 Historic Residential-Low Density (HRL) District,
Chapter 2.2 Historic Residential (HR-1) District
Chapter 2.3 Historic Residential (HR-2) District
Chapter 2.16 Recreational Commercial (RC) District (Special
Requirements for Single-Family and Duplex Dwellings)

Exhibit D – Chapter 6 Master Planned Developments

Ordinance 16-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 1 GENERAL PROVISIONS AND PROCEDURES; CHAPTER 2 ZONING DESIGNATIONS (2.1 HRL, 2.2 HR-1, 2.3 HR-2, AND 2.16 RC); CHAPTER 6 MASTER PLANNED DEVELOPMENTS; CHAPTERS 7 SUBDIVISIONS, AND CHAPTER 11 HISTORIC PRESERVATION

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the State Code and Council's goals; and

WHEREAS, Chapter 1 provides a description of general provisions and procedures of the Park City's land development and management code that the City desires to revise. These revisions are specifically related to the non-adversarial appeals and ability to allow new evidence at appeal level, standards for continuations, and clarification regarding zoning when previously State or Federal land; and

WHEREAS, Chapters 2.1 Historic Residential-Low Density District (HRL), 2.2 Historic Residential (HR-1), 2.3 Historic Residential 2 (HR-2), 2.13 Residential Development (RD), provide a description of requirements, provisions and procedures specific to these zoning district that the City desires to revise. These revisions relate to requirements for roads and easements regarding the maximum building footprint; and

WHEREAS, Chapter 6 provides a description of requirements, provisions and procedures specific to Master Planned Developments (MPD). These revisions relate to the Pre-Application Public Meeting for MPDs as well as standards of review regarding the General Plan; and

WHEREAS, Chapter 11 provides a description of requirements, provisions, and procedures specific to Historic Preservation. These revisions concern Determination of Significance applications timing of hearings; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on October 26, 2016, and forwarded a _____ recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code and the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council, to protect health and safety, to maintain the quality of life for its residents, to preserve and protect the residential neighborhoods, to ensure compatible development, to preserve historic resources, to protect environmentally sensitive lands, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter One (General Provisions and Procedures). The recitals above are incorporated herein as findings of fact. Chapter 1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.1 (Historic Residential Low Density (HRL)). The recitals above are incorporated herein as findings of fact. Chapter 2.1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.2 (Historic Residential (HR-1)). The recitals above are incorporated herein as findings of fact. Chapter 2.2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.3 (Historic Residential 2 (HR-2)). The recitals above are incorporated herein as findings of fact. Chapter 2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.16 (Recreation Commercial (RC)). The recitals above are incorporated herein as findings of fact. Chapter 2.16 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6 (Master Planned Developments). The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 7. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11 (Historic Preservation). The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2016

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Michelle Kellogg, Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits (Redlines of specific LMC Sections)

Draft Ordinance

Exhibit A – Chapter 1 General Provisions and Procedures

Exhibit B – Chapter 11 Historic Preservation

Exhibit C – Chapter 2.1 Historic Residential-Low Density (HRL) District,
Chapter 2.2 Historic Residential (HR-1) District
Chapter 2.3 Historic Residential (HR-2) District
Chapter 2.16 Recreational Commercial (RC) District (Special
Requirements for Single-Family and Duplex Dwellings)

Exhibit D – Chapter 6 Master Planned Developments

Exhibit E – Chapter 7 Subdivisions

Exhibit A – LMC Chapter One- General Provisions and Procedures

15-1-6 Zone Districts And Zone Map

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapters 15-2 and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

- A. The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.
- B. Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.
- C. There is no minimum Area or diversity of ownership requirement for a zone designation. Neither the size of a Zoning District nor the number of landowners within the district may be used as evidence of the illegality of a Zoning District or of the invalidity of a municipal decision.
- ~~C.D.~~ The City hereby zones all property within the City limits, including State or Federal property which may be exempt from the City's land use jurisdiction. If such zoning is subsequently invalidated, no building permit, subdivision or approval for any development activity may be applied for until the City establishes a valid zoning for the property.

[...]

15-1-12 Notice

All notice of public hearing, unless otherwise specified in this Code or State law, must be provided in accordance with this Section and must state the general nature of the proposed action; describe the land affected; and state the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed. Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

- A. **POSTED NOTICES**. The Planning Department must post notice on the Property affected by the Application and as further specified in Section 15-1-21 Notice Matrix.
- B. **PUBLISHED NOTICE**. Published notice shall be given by publication in a newspaper having general circulation in Park City and by publication on the Utah Public Notice Website, as further specified in Section 15-1-21 Notice Matrix.
- C. **MAILED NOTICE**. Pursuant to Section 15-1-21 Notice Matrix for required or courtesy mailed notice to adjacent and surrounding Property Owners, and to Affected Entities, the Applicant must provide the Planning Department with stamped and pre-addressed envelopes for each Property Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, and as further specified in Section 15-1-21 Notice Matrix, together with a mailing list for those Property Owners. The

addresses for Property Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner. For courtesy mailed notice that is not a legal requirement per Utah State Code, for specific actions and noted herein, and further specified in Section 15-1-21 Notice Matrix, any defect in such courtesy mailed notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

- D. **APPLICANT NOTICE.** For each land Use Application, the Planning Department must notify the Applicant of the date, time and place of each public hearing and public meeting to consider the Application and of any Final Action on the pending Application. A copy of each Staff report regarding the Applicant or the pending Application shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting. If the requirements of this subsection are not met, an Applicant may waive the failure so that the Applicant may stay on the agenda and be considered as if the requirements had been met.
- E. **EFFECT OF NOTICE.** Proof that notice was given pursuant to this Section is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days after the date of the hearing or action for which the challenged notice was given, the notice is considered adequate and proper.
- F. **OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.**
 - 1. **REGISTRATION.** Owners associations desiring notice of requests for Building Permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars (\$50.00). The registration must consist of a copy of the Owners association's Utah State Business or corporate registration and the name(s), addresses including post office box numbers, and telephone numbers of at least three (3) authorized representatives of the Owners association and a notarized statement certifying that these individuals are the authorized representatives of said association.

Associations not registered with the City will not be included in the published list of Owners associations and do not receive notice of Building Permit requests prior to their issuance.

Any change(s) in the above information must be forwarded in writing to the Building Department within ten (10) days of the change.

- 2. **NOTICE.** Prior to, or at the time of Application for a permit for any Development, the Applicant must file with the City evidence of notification to the appropriate registered Owners association(s). Acceptable evidence of notification shall be the following:
 - a. the properly executed notice form, as approved by the City; or
 - b. a signed return receipt from a certified letter posted to the registered association representative, with a copy of the notice form approved by the City.

3. **CITY NOT PARTY TO DISPUTES.** The City is not the arbiter of disputes between an Applicant and an Owners association. Nothing herein shall be interpreted to require Owners association consent prior to City Final Action. This notice is courtesy notice only.

- G. **NOTICE FOR AN AMENDMENT TO PUBLIC IMPROVEMENTS.** Prior to implementing an amendment to adopted specifications for public improvements that apply to Subdivisions or Development, the City shall give thirty (30) days mailed notice and an opportunity to comment to anyone who has requested the notice in writing.

15-1-12.5 Continuations

Staff has the authority to continue an item which is scheduled for a public hearing or is an appeal up to two (2) times so long as the request is made in writing within five (5) business days prior to the public hearing or appeal. If Staff does not have the authority to continue the item, the Board, Commission or Council will determine whether or not there is a sufficient reason to continue the item on the scheduled date. If they determine there is not sufficient reason, the item (may) (will) remain on the agenda and be considered.

[...]

15-1-18 Appeals And Reconsideration Process

- A. **STAFF.** Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board of Adjustment.
- B. **HISTORIC PRESERVATION BOARD (HPB).** The City or any Person with standing adversely affected by any decision of the Historic Preservation Board may be appealed to the Board of Adjustment.
- C. **PLANNING COMMISSION.** The City or any Person with standing adversely affected by a Final Action by the Planning Commission on appeals of Staff action may petition the District Court in Summit County for a review of the decision. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits (excluding those Conditional Use permits decided by Staff and appealed to the Planning Commission; final action on such an appeal shall be appealed to the District Court) and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an

appeal authority.

1. **APPEAL PANEL MEMBERSHIP AND QUALIFICATIONS.** The appeal panel shall have three (3) members. The decision to appoint and the appointment of an appeal panel shall be made by the City Council at a duly noticed public meeting after publicly noticed request for qualifications. Qualifications shall include a weighted priority for the following: Park City or Area residency, five years or more of prior experience in an adjudicative position, and/or a legal or planning degree. Each member of the appeal panel shall have the ability to:
 - a. Conduct quasi-judicial administrative hearings in an orderly, impartial and highly professional manner.
 - b. Follow complex oral and written arguments and identify key issues of local concern.
 - c. Master non-legal concepts required to analyze specific situations, render findings and determinations.
 - d. Absent any conflict of interest, render findings and determinations on cases heard, based on neutral consideration of the issues, sound legal reasoning, and good judgment.
 2. **PROCESS.** Any hearing before an appeal panel shall be publicly noticed, include a public hearing, and meet all requirements of the Utah Open and Public Meetings Act. The appeal panel shall have the same authority and follow the same procedures as designated for the "City Council" in this section 15-1-18 (G-I). The City Council may decide to appoint an appeal panel for a particular matter at any time an application is pending but the appointment of the individual members of the panel shall not occur until an actual appeal or call up is pending.
- D. **STANDING TO APPEAL.** The following has standing to appeal a Final Action:
1. Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board or Planning Commission;
 2. The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
 3. Any City official, Board or Commission having jurisdiction over the matter; and
 4. The Owner of the subject Property.
- E. **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.
- F. **FORM OF APPEALS.** Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder.

Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.

- G. **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. The appeal authority shall review factual matters de novo and it shall determine the correctness of the decision of the land use authority in its interpretation and application of the land use ordinance. All appeals must be made in writing. Review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the appeal authority by motion, enlarges the scope of the appeal to accept information on other matters. New evidence may be received so long as relates to the scope of the appeal.

H. **NON-ADVERSARIAL PROCESS.** All appeals before City Council, and any Board or Commission

1. The procedural hearings and reviews established by the City's regulatory procedures, does not adopt or utilize in any way the adversary criminal or civil justice system used in the courts.
2. City staff, including legal staff, is to provide their technical and legal advice and professional judgment to each decision making body and the City Council and are not advocates of any party or position in a dispute, notwithstanding the fact that their technical judgment may lead them to make recommendations concerning the matter.
3. In the absence of clear evidence in the record that a staff member has lost his or her impartiality as a technical adviser, the City's need for consistent, coherent and experienced advisers outweighs any claimed bias from the adviser's involvement at any earlier stage of the administrative proceeding.

H.I. **WRITTEN FINDINGS REQUIRED.** The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law and the Order.

H.J. **CITY COUNCIL ACTION ON APPEALS.**

1. The City Council, with the consultation of the appellant, shall set a date for the appeal.
2. The City Recorder shall notify the Property Owner and/or the Applicant of the appeal date. The City Recorder shall obtain the findings, conclusions

and all other pertinent information from the Planning Department and shall transmit them to the Council.

3. The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.
4. Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

J.K. CITY COUNCIL CALL-UP. Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Sections 15-1 -12 and 15-1-18 (K) herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

K.L. NOTICE. There shall be no additional notice for appeals of Staff determination other than listing the matter on the agenda, unless notice of the Staff review was provided, in which case the same notice must be given for the appeal.

Notice of appeals of Final Action by the Planning Commission and Historic Preservation Board; notice of all appeals to City Council, reconsiderations, or call-ups shall be given by:

1. Publishing the matter once at least fourteen (14) days prior to the first hearing in a newspaper having general circulation in Park City;
2. Mailing courtesy notice at least fourteen (14) days prior to the first hearing to all parties who received mailed courtesy notice for the original action.
3. Posting the Property at least fourteen (14) days prior to the first hearing; and
4. Publishing notice on the Utah Public Notice Website at least fourteen (14) days prior to the first hearing.

L.M. STAY OF APPROVAL PENDING REVIEW OF APPEAL. Upon the filing of an appeal, any approval granted under this Chapter will be suspended until the appeal body, pursuant to this Section 15-1-18 has acted on the appeal.

M.N. APPEAL FROM THE CITY COUNCIL. The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands,

and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

| ~~N.O.~~ **RECONSIDERATION**. The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

| ~~O.P.~~ No participating member of the appeal panel may entertain an appeal in which he or she acted as the land Use authority.

Exhibit B - Chapter 11 Historic Preservation

15-11-10 Park City Historic Sites Inventory

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

A. CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

1. **LANDMARK SITE.** *Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Historic Preservation Board finds it meets all the criteria listed below:*
 - a. *It is at least fifty (50) years old or if the Site is of exceptional importance to the community; and*
 - b. *It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and*
 - c. *It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:*
 1. *An era that has made a significant contribution to the broad patterns of our history; or*
 2. *The lives of Persons significant in the history of the community, state, region, or nation; or*
 3. *The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.*
2. **SIGNIFICANT SITE.** *Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Historic Preservation Board finds it meets all the criteria listed below:*
 - a. *It is at least fifty (50) years old or the Site is of exceptional importance to the community; and*
 - b. *It retains its Essential Historic Form as may be demonstrated but not limited by any of the following:*
 1. *It previously received a historic grant from the City; or*
 2. *It was previously listed on the Historic Sites Inventory; or*
 3. *It was listed as Significant on any reconnaissance or intensive level survey of historic resources; and*

- c. *It has one (1) or more of the following:*
 - 1. *It retains its historic scale, context, materials in a manner and degree which can be restored to its Essential Historic Form even if it has non-historic additions; or*
 - 2. *It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; and*
- d. *It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:*
 - 1. *An era of Historic Importance to the community, or*
 - 2. *Lives of Persons who were of Historic importance to the community, or*
 - 3. *Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.*
- 3. **CONTRIBUTORY SITE.** *Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Contributory Site if the Planning Department finds it meets all the criteria listed below:*
 - a. *The structure is forty (40) years old or older (this includes buildings not historic to Park City that were relocated to prevent demolition); and*
 - b. *Meets one of the following:*
 - 1. *Expresses design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District; or*
 - 2. *It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:*
 - 1. *An era of Historic importance to the community; or*
 - 2. *Lives of Persons who were of Historic importance to the community, or*
 - 3. *Noteworthy methods of construction, materials, or craftsmanship used during the Historic Period*
 - c. *Contributory structures may be eligible for Historic District Grant funding. Contributory structures are eligible for demolition.*
- 4. *Any Development involving the Reassembly or Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Sections*

15-11-14 or 15-11-15 of this code shall remain on the Park City Historic Sites Inventory. Following Reassembly or Reconstruction, the Historic Preservation Board will review the project to determine if the work has required a change in the site or structure's historic designation from Landmark to Significant.

B. PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

1. **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall ~~schedule~~ hold a hearing before the Historic Preservation Board ~~within thirty (30) days~~ with reasonable diligence.
2. **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
3. **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

C. REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.

The Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic Sites Inventory are as follows:

1. CRITERIA FOR REMOVAL.

- a. *The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or*
- b. *The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or*
- c. *Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).*

2. PROCEDURE FOR REMOVAL.

- a. **Complete Application.** *The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall ~~schedule~~ hold a hearing before the Historic Preservation Board ~~within thirty (30) days~~ with reasonable diligence.*
- b. **Notice.** *Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.*
- c. **Hearing and Decision.** *The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." The HPB shall review the Application "de novo" giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. If the HPB finds that the Application does not comply with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.*

**Exhibit C – Chapter 2.1 Historic Residential-Low Density (HRL) District,
Chapter 2.2 Historic Residential (HR-1) District
Chapter 2.3 Historic Residential (HR-2) District
Chapter 2.16 Recreational Commercial (RC) District (Special
Requirements for Single-Family and Duplex Dwellings)**

15-2.1-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a City Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

- A. **LOT SIZE.** *The minimum Lot Area is 3,750 square feet. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. The area of any public thoroughfare when it has been continuously used for a period of ten (10) years or longer shall not be counted as part of the Lot Area. Such reduction may reduce the maximum Building Footprint and/or allowable floor area of a building. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director*

15-2.2-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

- A. **LOT SIZE.** *The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. The area of any public thoroughfare when it has been continuously used for a period of ten (10) years or longer shall not be counted as part of the Lot Area. Such reduction may reduce the maximum Building Footprint and/or allowable floor area of a building. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.*

15-2.3-4 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development must comply with the following:

- A. **LOT SIZE.** *The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex Dwelling. The Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use or Master Planned Development review process. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. The area of any public thoroughfare when it has been continuously used for a period of ten (10) years or longer shall not be counted as part of the Lot Area. Such reduction may reduce the maximum Building Footprint and/or allowable floor area of a building. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.*

15-2.16-5 Special Requirements For Single Family And Duplex Dwellings

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

The following minimum Lot and Site requirements apply to Single Family and Duplex Dwellings in the RC District:

- A. **LOT SIZE.** *The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'); measured fifteen feet (15') back from the Front Lot Line. The area of any public thoroughfare when it has been continuously used for a period of ten (10) years or longer shall not be counted as part of the Lot Area. Such reduction may reduce the maximum Building Footprint and/or allowable floor area of a building. In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director.*

Exhibit D – LMC Chapter 6 Master Planned Developments

15-6-4 Process

- A. **PRE-APPLICATION CONFERENCE**. A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.
- B. **PRE-APPLICATION PUBLIC MEETING ~~AND DETERMINATION OF COMPLIANCE~~**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development ~~the applicant may request a work session and is encouraged to conduct independent public outreach, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.~~

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. ~~This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD.~~ The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

~~The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.~~

For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD ~~and the General Plan.~~

- C. **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.
- D. **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.
- E. **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.
- F. **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

- G. **DEVELOPMENT AGREEMENT.** Once the Planning Commission has approved the Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:
1. A legal description of the land;
 2. All relevant zoning parameters including all findings, conclusions and conditions of approval;
 3. An express reservation of the future legislative power and zoning authority of the City;
 4. A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;
 5. A description of all Developer exactions or agreed upon public dedications;
 6. The Developers agreement to pay all specified impact fees; and

7. *The form of ownership anticipated for the project and a specific project phasing plan.*
8. *A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.*
9. *A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.*

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

- H. **LENGTH OF APPROVAL.** *Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.*

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the MPD requirements in the Chapter and the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

- I. **MPD MODIFICATIONS.** *Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.*

- J. **SITE SPECIFIC APPROVALS.** Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval.

The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Use of Gravel Mulch in Landscaping
and Parking in Side Yards (all zones)
Author: Bruce Erickson, AICP, Planning Director
Project #: PL-16-00335
Date: 26 October 2016
Type of Item: Work Session – Discussion Only

Summary Recommendations

Staff recommends that the Planning Commission continue the discussion of the use of gravel mulch in landscaping and parking in side to a future date. Planning Staff is continuing to develop potential solutions and requires more time for analysis.

The following information is excerpted from the City Council Staff Report presented at the meeting of July 21, 2016. At this meeting City Council requested review and recommendations on these items from the Planning Commission.

Background

This report outlines where gravel may be used as a surface material as in xeriscaping, requirements of Parking Areas to be Hard Surfaced and the use of gravel as landscaping in areas covered by the Soils Ordinance¹.

Code enforcement and citizen complaints are trending upward regarding the various municipal codes that regulate gravel, xeriscaping and location of parking and driveways. The use of gravel in various locations whether casually, incidentally or as part of approved landscape plans is increasing.

The upward trend is primarily the result of various combinations of the following:

- Changes in Park City demographics i.e. increases in second-and multiple homeowners and retirees and the growing tendency to use houses as vacation rental property, including outdoor storage of recreation equipment;
- increased costs of rental housing more tenants per units;
- public relations efforts regarding water conservation and drought tolerant landscaping

This report has been delivered to Sustainability, Parks, Public Utilities, Public Works, City Engineer, Housing, Transportation Executive and Legal for comments and review.

¹ TITLE 11 CHAPTER 15 PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER

ABBREVIATIONS USED IN THIS REORT

LMC – Land Management Code

Examples: **HCB, RD, CT** etc. – Zoning Districts - refer to the last page of the report

Capitalized terms are defined in the Land Management Code

“Gravel” is in use throughout our community in surface applications, soil cover, driveways and parking areas. For the purposes of this report, “gravel” is defined as crushed rock or rounded pebbles less than 2 inches in diameter average size in an application. Gravel may be in a washed or un-washed condition when applied. The use of gravel in surface applications is regulated by the Soil Ordinance, Architectural Regulations / Landscaping / Xeriscaping² chapter of the LMC and the Parking³ chapter of the Municipal Code The use of gravel in Rights of Way is managed by the City Engineer.

Soils Ordinance

The Park City Soils Ordinance is designed to maintain acceptable cover over soils with amounts of lead over established standards. Acceptable cover is defined as 6” or more of “approved topsoil”⁴ or owners that practice xeriscape may employee a weed barrier fabric that is covered with 6” of rock or bark, maintained to prevent soil break through.⁵ Soil break through is soil migrating through the fabric and cover that exposes the public...⁶ (to soils deemed to have lead content over established standards).

The soils ordinance also provides a definition of “xeriscaping” as a landscaping practice that uses plants that grow successfully in arid climates and a landscaping design intended to conserve City water resources.⁷

The Soils Ordinance requires parking of vehicles or recreational vehicles on “impervious surfaces and not on areas that have been capped with acceptable media.”⁸ This is to prevent soil break through and to reduce potential dust generation from frequent or infrequent traffic. Parking also leads to compaction of gravel or bark surfaces further increasing the potential for soil break through.

² TITLE 15 LAND MANAGEMENT CODE

³ TITLE 9 PARKING CODE

⁴ 11-15-2 (A)

⁵ 11-15-3 (B)

⁶ 11-15-3 (C)

⁷ 11-15-3 (D)

⁸ 11-15-2 (C)

Architectural Regulations / Landscaping / Xeriscaping

Landscape plans are required for the limits of disturbance area for all Building Permits and Historic District Design Review projects with exterior work that impacts existing vegetation “the concept of Xeriscape for plant selection and location irrigation and mulching of all landscaped areas”.⁹ The area if irrigation and turf areas allowed for each lot is also outlined in this chapter. It should be noted that both the Soils Ordinance language and the LMC language regarding xeriscape reference plant materials. Xeriscape is defined in the LMC as; “a landscaping method developed especially for arid and semi-arid climates utilizing water conserving techniques (such as the use of drought-tolerant plants, mulch and efficient irrigation.”¹⁰

The LMC currently prohibits “stone-based mulch”.¹¹

Gravel is sourced from surface excavation of rock materials. It has a relatively long “life span” that is very dependent on types of gravel, and usage patterns. Gravel areas are more weed prone that wood mulches do to the larges spaces between gravel particles and the ability of invasive speciefies to use nutrients in the spaces between gravel particles. Gravel does not retain water.

Wood mulch is the byproduct of timber and wood production. On this basis it could be considered to be a “renewable “product. Wood mulch areas are less weed prone due to the lack of suitable nutrients inherent in the bark product. Wood mulch retains waters and therefore provides additional longer soil moisture time.

Plant species not specifically adapted to gravel planting areas do not react well to gravel mulch due to methods of water and nutrient uptake and increase soil temperatures.

By way of comparison, Summit County Snyderville Basin Development Code requires plants well-suited to the microclimate at the site and prohibits white rocks, painted rocks or colored mulch.¹² Use of this language is not necessarily recommended but provided for a general comparison.

⁹ 15-5-5 (M)

¹⁰ 15-15-1.295

¹¹ 15-5-5 (M)

¹² Summit County Snyderville Basin Development Code Chapter 4

Gravel and Parking / Driveways

Section 2 of the LMC spells out requirements for Parking, Driveways and use of gravel in the twenty two zoning districts. The HCB, ROS, POS, along with the PUT and CT zones have fewer direct restrictions than the remainder of the zones. In fourteen of the zoning districts, (all of the residential zones, including the Historic Districts) the LMC notes “No portion except patios, driveways, Parking Areas and sidewalks may be Hard Surface or graveled.”¹³ Driveways are allowed leading to Parking Areas in the front and rear yards, but not in rear yards except HCB, ROS, POS and CT zones. Allowed Parking Areas are permitted in front yards but only in rear yards in 10 zone districts, as “Hard Surface Parking Areas”.

Chapter 3 of the LMC requires the “Parking Areas must be Hard-Surface and maintained in good condition and clear of obstructions at all times”.¹⁴ Further, the chapter identifies that:

“All vehicles, boats, RVs, trailers and similar vehicles must be parked on an approved paved surface. At no time shall a vehicle be parked on lawn or landscaped Areas”,¹⁵ and

“Driveway Areas are not to be used for the storage of any trailer, camper, motor home, boat or camper.”¹⁶ (ordinances 06-2; 09-10; 12-37).

The Parking section of the Municipal Code, “parking on pervious surfaces is prohibited in the areas covered by the Soils Ordinance.”¹⁷

Gravel within Rights of Way

The City Engineer has jurisdiction of activities within Rights of Way. Gravel is not allowed in Rights of Way. Use of gravel does not support the back of curbs adequately, causing curbs to fail prematurely. Gravel is displaced by snow removal (whether public or private actions) to streets gutters and adjacent property owners property. Gravel or stone in the streets reduces bicycle safety and pollutes storm water and fills catch basins.

¹³ 15-2-2.13-3 (C) (f) note: example from RD zone

¹⁴ 15-3-3 (B)

¹⁵ 15-3-4 (A) (3) (a)

¹⁶ 15-3-4 (A) (3) (b)

¹⁷ 9-2-16

Conclusions:

- The various codes appear to be consistent in the requirements for Parking Areas to be on Hard-Surface.
- The Soils Ordinance and LMC appear to be consistent in the definition of Xeriscaping as the use of plant materials. The LMC prohibits “gravel mulch” in landscaping. The Zoning Districts are fairly consistent between Allowed Parking Areas, the use of gravel in Front Yards, and driveways in front and side yards.
- There are a number of key definitions lacking in enforcement of parking areas, such as the definition of “parking” vs “storage” of a vehicles or RV. The definition of “hard surface is outdated.
- The LMC is unclear regarding the differences between Yards and Setbacks in Yards.
- The amount of gravel used in Xeriscaping needs definition’
- The proximity of gravel surfaces to surface water drainages, storm drain and gutters and roads need to be clarified.

Recommendations:

At a subsequent meeting, the Planning Staff will bring forward a framework of recommendations for discussion and direction from the Planning Commission to staff for changes to the LMC.

Zone District Abbreviations

HR – L	Historic Residential Low Density
HR - 1	Historic Residential 1
HR – 2	Historic Residential 2
HRM	Historic Residential Medium Density
HRC	Historic Recreation Commercial
HCB	Historic Commercial Business
ROS	Recreation and Open Space
POS	Protected Open Space
E – 40	Rural Estate 40
E	Estate
SF	Single Family
R -1	Residential 1
RD	Residential Development
RDM	Residential Development Medium Density
RM	Residential Medium Density
RC	Resort Commercial
RCO	Regional Commercial Overlay
GC	General Commercial
LI	Light Industrial
FPZ	Frontage Protection
PUT	Public Use Transition
CT	Community Transition

Gravel Mulch & Parking on Landscaped Areas

- Purpose of presentation is to outline for Council and the public what the Municipal Code states.
- Code enforcement and active cases of code violations will not be addressed specifically.
- Staff has outlined areas in the Code that need updating and clarifying, and recommends further discussion of these topics with the Planning Commission and the City Council

Gravel Mulch, Xeriscaping & Parking on Landscaped Areas –

Relating to Council Priorities and General Plan

- Water Conservation – reduce outdoor water use, protect streams and waterways
 - Limits of Disturbance
 - Reduction in “bluegrass plantings”
 - Xeriscaping – drought-tolerant / adapted and native species
 - Gravel in the right place and right amount
- Energy Conservation \ reduction of the Urban Heat Island effect
 - Green areas are generally cooler than paved or gravel surfaces – Green reduces building cooling demands and therefore reduces energy consumption

Gravel Mulch & Parking on Landscaped Areas – General Conclusions

- Clarify the difference between “rock” and “gravel” mulch.
- Limit and define appropriate use of gravel mulch in front and side yards.
- Maintain requirements for allowed parking areas to be on “hard” surfaces.
- Clarify the definition of “parking” vs “storage” of a vehicles or RV. Update the definition of “hard surface” is to include more acceptable options.
- Clarify the differences between Yards and Setbacks in Yards and relates to paving and parking concerns.
- Define the amount and type of gravel allowed to be used in Xeriscaping.
- Clarify restricting the proximity of gravel surfaces to surface water drainages, storm drain and gutters and roads.

Gravel Mulch, Xeriscaping and Parking Areas - Possible Solutions

- Recreational Vehicles / ATV / Boats, etc.
 - Allowed in properly located driveway or Parking Area (Front Yard) meeting standards for width and setbacks
 - Must maintain 2 cars off-street parking
 - Must maintain access to garage
 - Allowed April 1 to November 1
- “Storage” – parked vehicle or RV more than 30 days without movement - prohibited

Parking Continued

- Parking in Side Yards
 - Parking on Hard Surfaces only, pavers allowed
 - Must have 1 foot side yard setback to Parking Area
 - Parking Area to be located behind front façade of house
 - Must not block fire or utility access
 - Must be fenced or properly screened from neighbors.
 - Side yard height limit of 9 to 10 feet, (TBD)
- Other Yard Locations
 - Regulated as Accessory Structure per LMC

Gravel Gravitas

- Use of Gravel in Xeriscaping (2 inch minus round rock or crushed stone)
 - Prohibited in outside Limits of Disturbance areas and in areas identified for revegetation with native species
 - As part of Wildland Fire Urban Interface zone mitigations, gravel is preferred as close to homes as possible. Can be used to break of areas of ground cover up to the 50% rule.
- Rear Yards
 - Up to 50% of ground coverage as part of plant based xeriscaping
 - Must maintain 1 foot rear and side yard setback unless controlled by fence or wall
- Side Yards
 - Permitted in all Historic residential zones, may not be used for parking and only allowed in front of house as part of approved plant based xeriscaping
 - In all other zones, as approved driveways leading to approved Parking Areas – must maintain current side yard setbacks.
- Front Yards
 - Up to 25% of ground coverage as part of plant based xeriscape
 - Not allowed in Right of Way
 - Not allowed for Parking
- Rock greater than 2inches diameter may be used up to 50% of ground coverage, not in Right of Way as part of plant based xeriscaping

Future Discussions

- Other Issues under consideration
 - How much irrigated area should be allowed (front, rear and side yards)?
 - Requirements for Commercial sites?
 - Requirements for Parking Lots?