

**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
January 14, 2015**



## **AGENDA**

**MEETING CALLED TO ORDER AT 5:30PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF SEPTEMBER 16, 2014 – Special Meeting**

**ADOPTION OF MINUTES OF DECEMBER 10, 2014**

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

**STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

**CONTINUATIONS**

74 & 80 Daly Avenue – 74 & 80 Daly Avenue Subdivision – Plat Amendment PL-14-02449  
*Public hearing and possible recommendation to City Council on March 5, 2015* Planner  
Alexander

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

9100 Marsac Avenue – Montage Deer Valley – Plat Amendment PL-14-02538 55  
*Public hearing and possible recommendation to City Council on February 12, 2015* Planner  
Whetstone

908 Woodside Avenue – Steep Slope Conditional Use Permit in Historic PL-14-02539 75  
Residential (HR-1) Zoning District Planner  
*Public hearing and possible action* Alexander

936 Empire Avenue – 936 Empire Avenue Subdivision – Plat Amendment PL-13-02115 105  
*Public hearing and possible recommendation to City Council on February 12, 2015* Planner  
Alexander

**WORK SESSION – *Discussion items only, no action taken***

State Ombudsman-  
Brent Bateman

Legal Training on Conditional Use Permits and recent developments in  
Land Use Law

**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  
SPECIAL PLANNING COMMISSION MEETING  
BONANZA PARK AND FORM BASED CODE  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
SEPTEMBER 16, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm

EX OFFICIO:

Planning Director, Thomas Eddington; Planning Manager, Kayla Sintz; Polly Samuels McLean, Assistant City Attorney; Scott Polikov and Jay Narayana from Gateway Planning

REGULAR MEETING

**ROLL CALL**

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Joyce and Strachan who were excused. Chair Worel welcomed two new Commissioners, Melissa Band and Doug Thimm.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Planning Manager Kayla Sintz reported that the HR and Finance Departments have modified the way that Boards and Commissions are compensated. She had emailed the Commissioners a form indicating that they would be signed up as a regular employee of the City. She asked the Planning Commission to read through the document so they would understand the new process. The plan is to have Staff from HR at the next meeting to help fill out forms. For compensation, the Commissioners would sign a sheet whenever they attend a meeting. Planning Manager Sintz stated that the compensation should not be less than what they were currently receiving, and it could end up being more. The change was initiated by a requirement that came up during auditing.

**REGULAR AGENDA – Discussion, Public Hearing and Possible Action**

1. **Bonanza Park and Form Based Code – Review of draft code and receive further policy direction (Application PL-13-01903)**

Director Eddington stated that he and the consultant, Scott Polikov, provided a brief background as to how they reached the point of proposing Form Based Code for the Bonanza Park Area Plan that was developed in 2011.

Director Eddington presented the document that was delivered on January 12, 2012. He noted that the Bonanza Park Area Plan started with a concept plan in June of 2010. The City had been working with Envision Utah and the Wasatch 2040 plan on collaborative opportunities, recognizing that the Wasatch Front and Back would be one of the fastest growing regions in the Country over the next 20 to 40 years. The group created a solution called a 3% solution with the idea of utilizing 3% of the land to accommodate 33% of the population growth. Recognizing that there is not enough land available to accommodate the projected growth, the intent was to plan smart and to consider the new urban principles of Form Based Code and try to find opportunities for redevelopment.

Director Eddington stated that in June of 2010 the Planning Department appeared before the City Council with an overview concept for Bonanza Park. The concept included the grid, opportunities for Form Based Code, and some of the new urbanism principles that were outlined in detail in the Bonanza Park Plan. Director Eddington remarked that subsequent meetings were held with the City Council and the Planning Commission and on September 29<sup>th</sup>, 2011 they recommended moving forward to create an area plan. The idea was to create a locals place with mixed-use development and mixed income. It was never intended to be part of the resort economy. That was the basis utilized to create the Bonanza Park Plan.

Director Eddington stated that analysis, various meetings and photograph analysis helped them understand some of the challenges in Bonanza Park from the lack of connectivity to the open parking lots. There was an expectation that as the recession started to break they would begin to see more development, and they wanted an Area Plan and a Form Based Code that would allow them to guide and shape that development to be beneficial for those who live in the area and for the community as a whole.

Director Eddington remarked that as they looked at the Bonanza Park Plan they started to look at other neighborhoods, and simultaneously incorporated other neighborhood plans into the General Plan. As they started to dig into the details of Bonanza Park they realized that it is the neighborhood with the second most number of residents, and it is the youngest neighborhood in the community with the majority being 25-29 years old. The fact that the people were younger and had a different perspective on making changes was an impetus for looking at Form Based Code and street connectivity, and making bold visionary changes for the Bonanza Park Area. In addition, this was the most diverse neighborhood

in Park City in terms of race and ethnicity. There was already an acceptance of density in the area and they built off of that with mixed-use and mixed income.

In looking at what they would change, they changed very little in terms of use and content. Currently there is a fair amount of local businesses and a grocery store. Most of the uses are used by the locals on a daily basis.

Director Eddington stated that as they started moving forward they held a number of meetings to talk about the vision for that area. There were tremendous concerns and the City Council and Planning Commission discussed the goals of affordable housing, view corridors, providing mixed income, and maintaining a locals characteristic. They determined that there were limited opportunities for affordable housing within Park City because very little land is available to buy down for affordable housing. The Council and the Planning Commission started talking about “gives” and “gets”. In the end the “get” for Bonanza Park would be mixed income and affordable middle income housing; and the “give” would be additional height. Considerations for giving additional height or density included the design guidelines in Form Based Code, environmental components in the projects, smaller footprints for additional height, affordable housing, and providing more open space on the site. Three major reasons for considering additional density included road and street connectivity, protecting, affordable housing options, and protecting the entry corridors of Highway 248 and 224.

Director Eddington clarified that the vision was provided by the Planning Commission and the City Council and it was reflected in the document. The Bonanza Park Plan was tabled when they focused on the General Plan and he assumed that many people had forgotten it. Director Eddington commented on previous commercial and residential stakeholder meetings that took place. They also intended to schedule future public outreach meetings.

Commissioner Band noted that an open house was held earlier than day and she wanted to know how many people had attended and whether anyone had provided feedback. She was told that approximately 20 people had attended.

City Councilwoman, Liza Simpson, stated that she was available as a resource to answer specific questions. Ms. Simpson remarked that there were very robust policy discussions between the Planning Commission and the City Council. She clarified that the Planning Commission was charged with implementing a policy decision that has already been made. She was not prodding them to rush through it and she was willing to answer questions from the City Council perspective.

Director Eddington provided a power point presentation on the 100 acre Bonanza Park Plan. He noted that parts of the southern portion of the plan were in the Lower Park

Avenue redevelopment area. The Northern part did not have a lot of impact but it was connected to the redevelopment. He indicated the areas where there was lack of connectivity, which is why they implemented the grid pattern. He pointed out the surface parking that has been challenging to the walkability component of the site.

Director Eddington stated that in 2011 and 2012 they were trying to look at opportunities to create the building fabric along the frontage of these roads. Surface parking was placed behind buildings to create a walkable character, and they discussed an opportunity in the future for a parking structure. They noted opportunities for diagonal view corridors. He noted that some corridors contained bike and pedestrian pathways; however, as the plan evolved the Planning Commission determined that diagonal corridors might be hard to achieve and that they should rely on complete streets. For that reason the diagonal view corridors were removed in the most recent versions. They are now talking about complete streets which is pedestrian, bikes and cars sharing the same roads.

Director Eddington presented an aerial of the Bonanza Park site which showed developable opportunities and a number of parking lots and impervious surfaces. He noted that the land use characteristic is prominent throughout Bonanza Park as it currently exists.

Director Eddington stated that during the earlier meetings with the City Council and the Planning Commission they determined that the current character of Bonanza Park is under-utilized, run down, uniform and uninviting. The desired future character is vibrant, affordable, multi-generational and contemporary. The current function was identified as mixed-use, small business, everyday needs commercial. The City Council and the Planning Commission wanted to keep the same function and those uses were incorporated into the Bonanza Park Plan.

Director Eddington reviewed the ten planning principles that were incorporated into the Area Plan as recommended by the City Council and the Planning Commission, which included reconnecting to the history, local needs, enhancing view corridors, affordable housing, partnerships, and an authentic district via good design, circulation and connectivity. The Area Plan was built on those planning principles and it was the launching point for Form Based Code.

Scott Polikov, the consultant with Gateway Planning, stated that when the City issued the request for qualifications for the Gateway Planning team to work with Staff to implement this vision, the ten principles were specifically outlined in the RFQ and they were asked to demonstrate their ability in other projects where they helped facilitate the implementation of these specific elements.

Director Eddington emphasized that the objective was to look at the Form Based Code and implement the plan. The plan without an implementation tool would do them no good. The current zoning would not achieve the desired mixed-use, mixed income neighborhood that is both walkable and desired by locals who use that area for commercial shopping needs, or by the people who live in that area. The objective this evening was to talk about how they can get to a design guideline that meets old style zoning ordinance, and how they can combine those two to implement this plan.

Mr. Polikov stated that in practical terms, Form Based Code is a tool that aligns the vision with the community's preference and the market. Currently, it is difficult for an owner in Bonanza Park to determine what type of an investment to make, because unlike other areas in Park City, everything is a hodgepodge and it is difficult to know how your investment will be affected by what might occur next door. For that reason a lot of redevelopment has not occurred in Bonanza Park. The land value is high relative to the potential, but a lot of reinvestment has not occurred due to the mismatch of the current zoning tool. Mr. Polikov pointed out that they were elevating the development standards in the Bonanza Park area for those who want to redevelop, but there is no requirement to redevelop. New infrastructure only happens when the owners of the businesses and the properties are ready to partnership with the City to do that.

Mr. Polikov stated that the elements of Form Based Code creates a predictability where the community can still get a sense of what it is, regardless of the different versions of what the development can actually become. Under the current zoning it is difficult to know what development will look like or how it will affect the neighbors. The combination of the owners' interest and the community's interest is basic. Main Street is a century plus set of experiences where the private realm of each building and their private frontages is tied to a common public realm, which is a sidewalk and a street that functions in a way that encourages relationships of people rather than cars passing by. Currently, that does not exist in Bonanza Park. The buildings have no relationship to one another and, therefore, the community cohesion is contained within specific businesses or specific residential on-claves. There is no connection between the private frontages of the buildings and the experience people have as they go into the public spaces. Mr. Polikov remarked that the public realm in Bonanza Park is either a fast moving street or a parking lot, and there is no encouragement for community cohesion to take place. He stated that Form Based Code is their best effort to calibrate the details of a tool that would specifically help bring cohesion to Bonanza Park.

Director Eddington noted that the Planning Department had done additional outreach based on the comments made by the Planning Commission at the last meeting. They called many businesses and organization within the District, they canvassed the area with

flyers, and they tried to do a more informal outreach in addition to sending the typical public noticing. Director Eddington believed the additional outreach was well received.

Mr. Polikov thought it was important to understand that the outreach they were working on was making sure that the people who would be impacted by or could take advantage of Form Based Code have the opportunity to understand what it is and to review it. Mr. Polikov stated that Gateway Planning helped facilitate the planning process that the City had already done before they got involved. When he first arrived he asked the Staff to allow him to go through the process of working with property owners in the community to test the original plan. They went through that process and they pushed hard on the fact that this level of connectivity might be unnecessary and unrealistic, but it established a vision. They went through a long process of community meetings and many redesigns. What drove the ultimate decision of the final regulating plan was the eventual relocation of the substation. Because the substation was not relocated they had to come up with the newly proposed regulating plan. He clarified that the Plan had been substantially modified since the last meeting based on input. Mr. Polikov believed they were reaching the point where refinement was very practical.

Mr. Polikov thought it was important to remember that another firm, Parsons Brinkerhoff, was a partner in the original round of work. They did an extensive analysis of what the impact of this initiative would have on the State controlled roadways that surround Bonanza Park. It was a process of both internal and external analysis. Director Eddington stated that as they went through the transportation analysis, a number of people were concerned about the number of streets. In addition to working with Parsons Brinkerhoff, they also utilized InterPlan to do an analysis of the street grid to make sure it would work and that it would meet all necessary requirements. Director Eddington noted that currently there are 35 curb cuts off of Highway 224, 248, Deer Valley and Bonanza Drive that go all the way around the Bonanza Park area. Based on what was being proposed, there could be as few as 15 to 17 curb cuts. As they work with UDOT on the corridor agreements for 224 and 248, UDOT supports reducing the curb cuts. Director Eddington stated that the reports were provided to the Planning Commission. It is a detailed analysis but it provides a good framework for understanding how the grid works.

Mr. Polikov remarked that details matter. He did not believe they should get into the details this evening, but they could be made available at any time. He pointed out that the document presented today was contextually driven by different things they have been working on at a technical level. Making changes can have a cause and effect, some intended and others unintended. As they work through the character zones and the regulating plan and the level of potential development within this area, it is important to understand that they have set up an analytical framework to give a sense of what the impact would be. They had no intention of writing the Code in a vacuum without

considering all the pieces. Mr. Polikov believed that they have spent so much time on the details that many people have forgotten the policy that was adopted at the City Council level and that the Planning Commission was being asked to consider today.

Mr. Polikov commented on transit and parking. He noted that the intent is to encourage significant transit use in this location. It may potentially be the right location for a transit center; but that is dependent on outside factors, decisions, and investments. Park City has a great bus system, there has been talk about rail, and there will be other discussions regarding gondola connections. Mr. Polikov remarked that decisions being made on the parking policies would also impact the transit questions. He encouraged the Planning Commission to consider loosening up on some of the parking policies versus what they would normally do in other locations of town, because it might preserve as much potential for this to be a true transit environment relative to the community concern of having limited ways in and out of town and limited connections in town. They are in the paradox of trying to capture quality growth that will continue to come to Park City in terms of more development meaning more parking and more demand on transit. Mr. Polikov stated that Form Based Code can help preserve their options for the future. He suggested that they could let the market decide what level of parking makes sense now, and over time there may be an opportunity to have some of the parking demand met by transit. He thought that was a better approach than trying to resolve all the parking questions today.

Commissioner Phillips stated that his focus was on parking and transportation. He had read the 224 Corridor Study and noticed that it referenced BoPa countless times. He found it very informative and he suggested that the other Commissioners and interested citizens should read it. The study contained questions that were asked of the public and he believed the questions were answered in a way that aligns with what was being proposed. Commissioner Phillips asked for an explanation of how the 224 Corridor Study relates specifically in timing to the decisions being made on streets for Bonanza Park. He read a specific statement that says the latter phases of the study will be done in conjunction with Form Based Code and traffic studies. Commissioner Phillips wanted to know how input on the traffic and streets related to what the Planning Commission was doing.

Director Eddington stated that looking at transit opportunities for 224 would probably take place prior to development occurring in Bonanza Park. He expected to see some of the expansion of 224 within the next few years with bus rapid transit potentially down the center. That is still being refined and UDOT was working with the City. He believed it was close to being finalized.

Relative to the Bonanza Park Plan, Director Eddington stated that the City meets with UDOT once or twice a month to talk about how these connections would impact the Plan.

They are working closely with UDOT to make sure the two align. They are also working on a corridor agreement to address all of those concerns. Director Eddington stated that all the studies and various analyses and research documents and minutes are posted online under Park City Living Here Community Development Bonanza Park Plan. The Staff will continue to post new documents on the website so everyone has equal access.

Mr. Polikov stated that when the regulating plan was developed they looked at existing development and anticipated what future development could look like. It was an evolution of what is there today and not a radical departure from, and what the relationships would be between the Resort Gateway, the mixed-use center, and the Iron Horse District. They tried to depict the character of what each of the subzones would look like. Mr. Polikov stated that they went through extensive public input to get feedback, which gave them the ability to go into the details in terms of building heights, setbacks, quality of specific development, architectural form and the character and relationship of bringing in new uses. Mr. Polikov remarked that the purpose of developing the character zones was to set up more detailed policy framework that built on what was already reflected in the General Plan, and several years of policy discussion about what the characteristics of BoPa should be as a neighborhood ten to thirty years from now.

Chair Worel recalled seeing a computerized model several years ago showing what it would be like to walk through each of those character zones. She asked if it would be possible to see that model again at their next meeting. Mr. Polikov replied that the computer model is outdated and does not reflect the regulating plan and the current character zones. Director Eddington remarked that the computerized model was helpful and other people have asked about it. If the Commissioners still wanted to see a computerized model after the full presentation this evening, there may be a potential to tweak the model to reflect the current plan.

Commissioner Phillips stated that by the time the Planning Commission was ready to forward a recommendation to the City Council, it would be essential to see some form of 3D visual.

Commissioner Thimm wanted to see the massing in the different areas to help the Commissioners understand the full width of the streets, the relationship of the ratio of building heights with the street width, and how the sidewalks begin to interplay.

Jay Narayana walked through the fundamentals of Form Based Code to help everyone understand the intended consequences of the proposal, how the Code works and how to use it.

Chair Worel asked how lots are determined within their parcel if the property owner owns most of the character zone. Ms. Narayana replied that there is flexibility in flagging the property. There are no minimum or maximum requirements for lot sizes. Mr. Polikov stated that the owner would plat however they needed to in order to make the project work. He believed the flexibility was an incentive because it allows the building types and the businesses to drive the platting as it needs to occur to make the project work. Ms. Narayana stated that the concern is more with the block sizes to make sure it still works from a walkability standpoint.

Commissioner Band referred to the schedule of permitted uses on page 23. Under Other Uses it reads, "Nightly rentals not to exceed 20% of all units in residential properties. She pointed out that nightly rentals are permitted in all zones except utility zones. She questioned the percentage because they have been told that this would be a live/work area. Commissioner Band asked how the 20% was determined because nowhere else in town has just 20% of a project be nightly rentals.

Director Eddington replied that the question came up during the General Plan discussion with regards to Old Town and other neighborhoods. The question was whether they should try to protect Old Town from going totally resort or whether they should maintain its local character. There were agreements and disagreement and in the end there was a recommendation to limit nightly rentals in Old Town to 50%. It is currently at 48% in Old Town. Director Eddington noted that the concern was that capitalism would convert most neighborhoods to nightly rental and secondary neighborhoods. Following a number of discussions the City Council recommended removing the restriction and allowing the market to decide. However, a simultaneous discussion occurred with regard to Bonanza Park. Early in the process there was a recommendation to not allow nightly rentals in this District because they wanted to maintain its local characteristic. When that decision was made others pushed back because nightly rentals already occur in the District. They initially looked at the Resort Gateway zone as the most appropriate place for nightly rentals and later decided to allow it throughout the District with a restriction of 20% across the board. Director Eddington pointed out that the percentage would be difficult to enforce because the Finance Department would have to cap the permitting at 20% based on the number of units in the Bonanza Park District.

Director Eddington asked whether the Planning Commission wanted to allow nightly rentals in Bonanza Park at all or whether they wanted to allow 100%. He clarified that the Staff recommendation was between zero and 20%. He thought it was important to have that policy discussion.

Commissioner Band stated that she asked the question because Iron Horse and Fireside are zoned for nightly rental but it is prohibited by the HOA. She was unsure how that

restriction could be regulated. As an example, if the first 20% of the units built are nightly rentals people will rush to buy them. She is a real estate agent and she knows from experience that those units will go first because there are more potential buyers to purchase second homes in this community than those looking for primary residences. Commissioner Band asked if the currently nightly rentals would be grandfathered. Director Eddington stated that it would be based on the yearly renewal of the nightly rental license.

Commissioner Band asked if it would be appropriate to prohibit nightly rentals in the Hillside and BoPa residential zones. As a real estate agent she could not see how that would logically come about. Director Eddington remarked that it was in the Resort Gateway zone and it was a policy question that needed to be addressed.

Chair Worel noted that when they worked on the General Plan the Staff kept a running list of policy questions that needed to be addressed. She asked if they could start that same list for BoPa. Director Eddington stated that the Staff had already started a list and they were adding to it this evening.

Commissioner Thimm referred to the additional design criteria for certain uses. He noted that under residential uses for Mixed-use Center, Iron Horse, and Civic Use Center areas it talks about ground floor frontages, and designated as required commercial frontage. It says there should be no residential, office or institutional uses at that level. Commissioner Thimm asked if there was a provision that would allow a residential lobby or an office lobby to have a ground floor presence along the sidewalk. He thought it might be important to those uses.

Mr. Polikov thought it was a mistake to prohibit office use. He believed it was a typo and that any non-residential use should definitely be allowed. Mr. Polikov personally thought the uses should include residential lobbies and amenity centers on the ground level. He explained that the goal of this type of frontage is to see an active front as people walk by. Mr. Polikov recommended that the uses be as broad as possible but still be appropriate. He believed they could refine the language to make it clear.

Ms. Narayana remarked that the regulating plan does not address which block frontages makes sense to have commercial on the ground floor and which ones could just be commercial ready. That was another policy discussion they needed to have with the City Council and the Planning Commission. Mr. Polikov was prepared to make recommendations but he wanted to make sure the Planning Commission agreed with the basic approach. Their recommendation would be to limit the locations primarily around major destination parks or major blocks in the mixed-use core. In the next level of locations they would want the buildings built to accommodate store front use. It may have a residential use today but the building is convertible to accommodate a future commercial

use due to a changing market demand. For the rest of Bonanza Park they should let the market decide whether a commercial ready environment should be constructed on the ground floor.

Mr. Polikov stated they would be tweaking the regulating plan to address some of the comments expressed by the public and the Planning Commission. They had already eliminated some of the connections that people thought were counter-productive at the last meeting. If the Planning Commission was prepared to give guidance on the storefronts this evening, they would add that to the next iteration of the regulating plan and try to determine what would be non-residential required and simply non-residential constructed.

Commissioner Thimm clarified that there would be a provision to have flex space that would allow a space to be initially what the market could handle now, knowing that in the future it could accommodate utilities and other elements that would accommodate a commercial use. Mr. Polikov answered yes. Commissioner Thimm stated that he has seen codes and ordinances from other municipalities that require commercial on the ground floor where commercial is not viable. In those circumstances they have empty spaces and lack of activity on the ground floor.

Commissioner Thimm noted that the document talks about a phasing. He assumed they were talking about making a provision for building footprints that are projected in the future, with an allowance for development now of certain areas. He asked if there was a provision for what can occur in those future development building footprint areas. Mr. Polikov stated that those could be filled in. Temporary parking or storage could be one example. Commissioner Thimm remarked that a place might tend to evolve with time. Initially they might have a use that can be viable and help enliven the space without needing to be built out or require parking. Mr. Polikov offered to make sure it is clear that the interim uses make sense.

Commissioner Thimm asked if there was any provision for places such as public plaza spaces to be counted towards building frontage along a block face. Mr. Polikov stated that they intended for that to be the case and he would make sure it was clear in the Plan.

Commissioner Thimm noted that the parking ratios call for one space per 400 square feet of the building area for ground floor commercial. In terms of number of stalls per 1,000 square feet, the parking ratio calculates to approximately 2.5 stalls per 1,000 square feet. Commissioner Thimm remarked that over the years, restaurants and other tenants have asked for 8 to 12 stalls per 1,000 square feet. He understood that the parking allowances were laying the groundwork for future structured parking, but he was concerned that 2.75 stalls per 1,000 square feet might be too low for a commercial enterprise. Commissioner

Thimm asked if there was another mechanism that might allow more parking if the right opportunity presents itself.

Mr. Polikov stated that there has been significant discussion about parking minimums and the paradox of maximums. For example, if the intent is to encourage more “park once” environments, some properties may want to over park and allow for the market to charge for that. Mr. Polikov thought it made sense to add a provision outlining the standards, subject to approval by the Planning Director or the City Manager, for an alternative parking plan that would achieve shared parking, or relates to a specific opportunity that was not anticipated in terms of development but relative to maintaining the pedestrian environment. Three or four metrics could be included.

Chair Worel asked if parking was on the list of policy discussion items. Director Eddington answered yes. He explained that over the past few years the Planning Commission has reduced the parking requirements for larger projects, which was one reason why the parking was reduced in the plan for Bonanza Park. They also took into consideration the fact that a significant number of on-street parking would be provided that currently do not exist in Bonanza Park. The parking was reduced by 40-50% and that was how they determined the parking ratio. Director Eddington thought this was an important policy discussion. He believed parking would be a bigger issue in the future as build-out occurs in Bonanza Park. He did not see it as an immediate issue. Director Eddington stated that another issue was whether it would be incumbent upon the City to look at potential parking garages or other means for parking scattered throughout the District.

Commissioner Thimm believed the phasing they talked about earlier could factor into the parking discussion as well. He pointed out that the evolution and maturing of the District would also cause changes that should be considered in their discussion.

Commissioner Thimm wanted to add building height and the “gives and gets” portion to the policy discussion. He understood the reduction in floor area between levels. He asked if there was language in the ordinance that speaks to shading and an analysis of the neighbors. He suggested the possibility of using the smaller areas, as the height incrementally increases floor by floor, to buffer the adjacent properties. Mr. Polikov stated that there was no language to that regard. Director Eddington stated that they do not know exactly where property lines and building lines would change from a two-story building to a three-story building. They want the buildings to have quality architecture and to have a zero lot line fronting the sidewalks and gardens up front, but they do not know exactly where those would be or how properties would sell or be developed in the future. Director Eddington pointed out that the current Code does not have provisions for shading or shadowing for the same reason.

In an effort to allow ample time for public comment, Chair Worel requested that the Commissioners identify items or issues that they would like to have added to the policy discussion list. Commissioner Thimm stated that he had other questions, but he would meet with Planner Alexander outside of this meeting. Director Eddington invited the Commissioners to come into the Planning Department at any time to meet with him or Planner Alexander.

Mr. Polikov thanked Commissioner Thimm for his attention to detail and for his feedback.

Chair Worel added view corridors to the list of policy items. Director Eddington replied that it was already on the list, along with open space and affordable housing relative to incentivized building height opportunities.

Chair Worel opened the public hearing.

Scott Loomis, the Executive Director of Mountainlands Community Housing Trust, stated that Mountainlands does affordable housing in Summit and Wasatch County. Mr. Loomis remarked that generally affordable housing is generally referred to as 80% of the area median income and below, which is \$98,500 in Summit County. The target is households that make approximately \$80,000 or less. Mr. Loomis explained that in order to determine affordable, they use a standard of 30% of gross income for mortgage payments, insurances, taxes and HOA fees; or for rent and utilities. Mr. Loomis referred to the table of tiers on page 51 of the Code and believed the City had missed the boat in what they were purporting to do. He noted that the first tier was targeting between 55% to 70% median income. Using the 30% standard, it would be residents of approximately \$250,000. Mr. Loomis referred to the last tier and believed it well exceeded the median income by two or three times the median income. Based on that tier, they were targeting people making more than \$600,000. Mr. Loomis stated that there were approximately 600+ affordable apartments in Park City and they maintain an occupancy rate of 98%, which is essentially 100% when you factor in the turnover rate at the first of the month. Mr. Loomis pointed out that affordable housing is deed restricted to certain income, household sizes and price limits. The restrictions create affordable housing. He noted that Park City currently has a 15% affordable housing requirement for all development. If they want to incentivize it to get lower median incomes and/or create higher density, they expect the developer to subsidize the additional density units rather than create units that are essentially market rate. Mr. Loomis believed the numbers were wrong if the intent was to accomplish workforce housing. He stated that at least half of the affordable part should target below 50% of the median income; however, it was not even mentioned in the document. When they first started talking about redeveloping the Bonanza Park area he understood that the units would be smaller, stacked flats that would lower the cost of development and make the units affordable for the main stream of the community. Instead, they were creating an

elite development similar to Deer Valley and other places. If the Code remains as written, the City would be doing absolutely nothing for affordable housing by creating additional density.

Chuck Klingenstein stated that he had emailed a letter to the Planning Commissioners earlier in the day. Mr. Klingenstein understood that the policy direction may have been determined. However, policy is not black and white and it is always subject to interpretation. The question for the Planning Commission was how they recommend that it be implemented. Mr. Klingenstein stated that Form Based Code may be the right answer for achieving the policy; however, the devil is in the details. To understand those details, many questions must be asked, and should keep asking the questions until the proposal is crystal clear in their minds. Mr. Klingenstein remarked that the Planning Commission was making one of the most intense land use decisions since the Flagstaff Annexation. He thanked Chair Worel for asking about the digital model and Commissioner Phillips for the follow-up. Mr. Klingenstein stated that humans, including Planning Commissioners and professional planners, have a hard time visualizing 3D or the built environment. He thanked Commissioner Thimm for his questions regarding massing and relationships to the streets. He encouraged the Commissioners to continue asking the questions. Mr. Klingenstein stated that as he walked Kearns Boulevard this morning in front of the Wells Fargo, he tried to visualize anywhere up to four or five stories. He tried to understand what the loss of the view of the mountains may look like. That was only one vantage point, but as he iterated in his letter, they also need to consider the periphery streets and the internal streets. In his letter he provided links where the Commissioners could find modeling software. He emphasized the importance of taking their time to truly understand the project. Mr. Klingenstein stated that if this was being proposed by a private sector developer they would require digital modeling, massing, photo montage and everything else to show what the built environment would look like at build out. He understood that Bonanza Park is a big area, but this is a big decision with big ramifications. If they intend to move forward with it, they need to understand what the end product would look like. In the presentation this evening he did not see a lot of large buildings with four or five story possibilities. Mr. Klingenstein stated that the Planning Commission is the early warning system for the community and the visual information will help people understand exactly what they would be recommending.

Mike Jackson, representing Associated Foods and Fresh Market, was saddened to hear the veiled threats that were made during the presentation this evening. The first was from the City Council saying that this was already a done deal and they were hoping the Planning Commission to hurry and pass this on to the City Council. Mr. Jackson did not appreciate the comments by the consultant saying that people who disagree are somehow cheap and not willing to have a nice place. He also heard comments that a property owner would not be forced or required to change if they did not want to. However, if a owners

wanted to make changes to make their business successful and then come to the City for the requirements permits, the changes they want to make would not fit within the new Code. Mr. Jackson explained how small grocery stores get started and evolve over time into a successful business. He stated that as the planning is proposed, a grocery store is not a viable business in the area. He noted that Daybreak in the Salt Lake Valley was originally master planned with small grocery stores spread throughout the community so people could walk. Every residence had to have a porch close enough to the sidewalk to promote conversations with people walking to and from the grocery store. That plan was changed and Daybreak does not have any grocery stores because the cost of development prohibited the grocers from making a profit. Therefore, the grocers built outside of Daybreak. The same thing happened with other small businesses that were planned within Daybreak. Mr. Jackson stated that a business is limited on the amount of money they can make based on the number of parking stalls. If people cannot park, they will take their business somewhere else. If they eliminate parking the businesses will dry up. Mr. Jackson pointed out that UDOT would like to eliminate all curb cuts, but without curb cuts there would be no businesses. They need to have some flexibility for the current business owners to use their property to make income. They need to allow Fresh Market to keep their parking lot and remodel their building to how their customers want it. Mr. Jackson encouraged the Commissioners to ask the right questions and to talk to the people who own the businesses.

Peter Yokeman, a Park City resident, commented on BoPa in terms of someone who does not live in BoPa. He noted that many citizens live in Park Meadows, Thaynes, Snyder's Mill and other parts of the community, but they utilize a lot of business in Bonanza Park. He understands that there would be two ways for him to get to Bonanza Park once it is developed. One is to take a bus or possibly pay for limited parking. He lives a half mile from the bus stop and taking a bus to get groceries is not quick or easy so he would not do it. He also would not pay for parking. For those reasons he would not patronize the businesses in Bonanza Park that he currently uses. Mr. Yokeman thought the proposed re-development would be good for the people who live in BoPa, but it would not be good for the rest of the community. He stated that placing this wonderful idea in the context of the larger Park City community would not work because it will not be utilized; and BoPa will never have the population to support first floor commercial businesses in this mixed-use area. Mr. Yokeman believed they would end up with a high-end residential community, and the citizens of Park City would lose a lot of the services and businesses that they enjoy now.

Catarina Blase, a business owner in BoPa, stated that she has used the Storage Depot for 20 years. It is irreplaceable and it's how she runs her business. She owns property in the Claimjumper District where she works, and when her sons come to town they stay there. She does not use it as a nightly rental. Ms. Blase stated that she is able to do that

because she can afford the mortgage and she makes it her office. Until Mr. Jackson spoke she was on a completely different track in how she felt about the current property I that area and how valuable it is. However, after hearing the comments it occurred to her that if the Form Based Code was implemented, she would be out of business in three or four years because she would not be able to afford it. Ms. Blase presented a scenario of a four story model with underground parking. As she previously mentioned, no one in any of these meetings ever addressed the mine tailings issues. She has done the reclaim on several properties in the Prospector District, and she is currently dealing with serious heavy metal poisoning. No one wants to talk about what would happen if they start digging big holes in Prospector, even though there is currently a clear policy in place that talks about mine tailings in Prospector. She pointed out that when they put in a new sprinkler system in Claimjumper they had to adhere to very strong standards and they were only going 8 inches underground.

Clay Stuard, a resident at 2892 American Sadler Drive, commented on the beautiful day and how the hills were alive with color. He stated that 20 years ago he was standing at this podium and he began his comments the same way when he was serving on the Ridgeline Protection Committee and View Corridor Committee that was part of the 1995 General Plan Update. Mr. Stuard stated that the idea that the City was now considering Form Based Code that would allow up to five story buildings very close to the streets that would block those view corridors was simply amazing to him, and it should never happen. Mr. Stuard showed the flyer that was sent out by the Planning Commission informing the community of this meeting. He believed it was a continuation of the deception and misrepresentation of what Form Based Code really is. He noted that the flyer showed a three-story mixed use building and a nice park. The flyer goes on to say why it would be an incredible alternative to conventional zoning. Mr. Stuard remarked that the flyer identified all the things the City was trying to sell with this Code, but it did not present a balanced picture of what actually would happen in the zone. He stated that this "garbage" had to stop. Mr. Stuard had submitted his comments in writing and would not reiterate them again. However, he thought the comments he made about connections were vital. The protection needed for Bonanza Drive and the setbacks required to maintain the view corridors were important. The City already has an affordable housing ordinance and Form Based Code provides nothing more than the current ordinance. Yet they were willing to give people additional height on buildings to comply with an already codified ordinance. Mr. Stuard thought the TDR transfers were questionable and he had covered that issue thoroughly in his written comments. He was pleased that Ms. Blase had mentioned the mine tailings issue. Mr. Stuard stated that all of the non-compliant structures were the biggest issue. He believed Form Based Code would cause the vast majority of the structures to become non-compliant structures once it is adopted. All of the incremental alternative, organic expansions that are possible for those existing businesses would be eliminated. He understood they have the option to stay as they are today, but the buildings

will get older and there will start developing economic opalescence. People will stay because they would not want to abandon their business model, but they could not continue that business model if they comply with this Code. Mr. Stuard emphasized that this was the most significant rezoning in the City's history in a long time and it is being initiated by the City. It is absolutely important to get input from all the stakeholders, and he was happy that many of the stakeholders were in attendance this evening. Mr. Stuard encouraged the Planning Commission to move slowly and to remember Park City's values in the General Plan of small town, natural setting, sense of community, and historic preservation. Those were his values 20 years ago and they are still his values today.

Mike Todd, an owner in the residential section, indicated on the map the segment of the District he wanted to talk about tonight. Mr. Todd had read the proposed Code and he found it difficult to understand. Because he could not explain it to someone else he was certain that he did not fully understand it. He noted that the Hillside residential was fully built out, and unless someone was proposing to tear down moderate to affordable income housing and build new units, the Plan does not apply to Hillside. He questioned why it was included in the proposed zoning change. For years the City has been talking about gives and gets, and he did not believe that Hillside would get anything out of this Plan. Mr. Todd asked that someone contact him to answer his question regarding the "gets". Mr. Todd clarified that he has never been fundamentally opposed to the BoPa development, but he could see negatives for those on the Hill without any positives. He would like to know what the positive are, if any. He clarified that unless there are significant positives for Hillside to be included, he was formally requesting that the Hillside development be removed from the Code. Mr. Todd stated that after reading the Code and asking questions, his largest concern about Form Based Code was that it completely removes the Planning Commission from the process.

Chair Worel asked Mr. Todd if he was speaking on behalf of himself or the HOA. Mr. Todd replied that there are three HOA's and he spoke on behalf of one of them. However, he owns enough units that he was sure he spoke for more than just himself.

Chair Worel closed the public hearing.

Mr. Polikov appreciated the concerns expressed about small grocers staying in business. He would double-check to make sure it was clear that any rehabilitation for any additions to the building would not eliminate the ability to continue using the building. However, if a rehab increases the non-compliance it could no longer be used. Mr. Polikov clarified that absolutely nothing in the Code would eliminate anybody's parking if the Code is adopted. He remarked that the intent is to encourage upgrades and remodels, and he would make sure the language is very clear on that fact.

Director Eddington stated that the language about non-compliant structures on page 13 of the Form Based Code is almost exact to the current non-compliant structure language in the LMC. He pointed out that decreasing the setbacks with Form Based Code would actually increase the opportunities for businesses to remodel than what they have under the current Code. Parking would remain as long as they stayed within the Code setbacks. Mr. Polikov reiterated that parking would only be affected if a business restructured the building and tried to put parking in a place where parking would not be allowed under the Code.

Commissioner Campbell asked Mr. Polikov to elaborate on his last comment. From what he heard, it sounded like someone could end up losing their parking if they wanted to change their building. Mr. Polikov explained that parking would only be lost if someone completely restructures their building and proposes to reformat the parking in an area where parking would not be allowed under the new standards. However, if someone expanded the building itself into an area where parking is allowed, they would be able to do so under the proposed Code. Commissioner Campbell clarified that if an owner chose to eliminate some parking spaces to expand their building they would be allowed to keep the remaining parking spaces. Director Eddington replied that this was correct.

Mr. Polikov remarked that it was a myth that Form Based Code would not allow people to remodel or improve their existing buildings for purposes of their viability. Commissioner Campbell asked if Form Based Code dictates what the front of the remodeled building would look like. Mr. Polikov stated that if they scrape the building and start over they would be subject to the new rules. Commissioner Campbell used the example of a grocery store expanding 20 feet and putting on a new façade. He asked if Form Based Code would govern the look of the new façade. Director Eddington stated that design guidelines were incorporated within the Form Based Code and they would have to meet the guidelines recommendations. He pointed out that the guideline recommendations were similar to the LMC architectural guidelines that are currently in place.

Commissioner Campbell clarified that he was not opposed to the idea of Form Based Code, but his responsibility as a Commissioner is to the people who already own businesses. He still did not fully understand the negative impacts of how those businesses might be affected. Commissioner Campbell requested a better forum for the next meeting to figure out the impacts. He was also interested in hearing from more of the business owners in the District. Their fears may be unfounded, but he was interested in helping them find out whether or not they were unfounded.

Mr. Polikov commented on other communities that have implemented Form Based Code, and he offered to provide the names of mayors, city managers and business owners in those communities who could be contacted for input.

Planner Alexander asked any of the public who had not been receiving public notice to update their name and address on the sign-up sheet.

The Park City Planning Commission meeting adjourned at 8:15 p.m.

Approved by Planning Commission: \_\_\_\_\_



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
DECEMBER 10, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

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

**ADOPTION OF MINUTES**

August 6, 2014

MOTION: Commissioner Strachan moved to APPROVE the minutes of August 6, 2014 as written. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioner Thimm abstained since he was not on the Planning Commission at the time.

October 22, 2014

Chair Worel noted that approval of the October 22, 2014 minutes was withdrawn at the last meeting pending verification against the recording on recommended changes to the 510 Payday Drive Thaynes item. She read a statement from Mary May indicating that she had listened to the recording and had made the changes that Planner Whetstone had suggested. The changes were primarily adding language to clarify the numbers that were stated in the minutes. The changes had already been incorporated in the set of minutes contained in the Staff report.

MOTION: Commissioner Strachan moved to APPROVE the minutes of October 22, 2014 as amended. Board Member Joyce seconded the motion.

VOTE: The motion passed unanimously.

November 12, 2014

MOTION: Commissioner Joyce moved to APPROVE the minutes of November 12, 2014 as written. Board Member Phillips seconded the motion.

VOTE: The motion passed unanimously.

## **PUBLIC INPUT**

There were no comments.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Eddington reported that the Planning Department was completing the public outreach for Bonanza Park. Their commitment was to be finished by the end of the year. Bonanza Park was scheduled to go before the City Council either the first or second week in January. The Planning Commission would be invited to attend the City Council meeting. The discussion would involve updated information, public outreach, comments and concerns, and other issues.

Director Eddington stated that the Planning Department has been working with the University of Utah Planning and Architecture Department to integrate the students into some projects in Park City. They have been doing work on the Deer Valley parking lots this semester in terms of what the parking lots could look like as an MPD in the future. He noted that currently there is an MPD approval on the parking lots dating back to the mid-80s and the students were working to come up with new and creative ideas. The students have done a great job and look forward to presenting their ideas to the Planning Commission.

Commissioner Strachan asked Director Eddington for the specific outreach that has occurred for Bonanza Park beyond the public open house. Director Eddington stated that all the character zones were classified as a neighborhood. They reached out to all of the property owners and tenants through formal notification by mail and hand delivery, and everyone had been invited to individual character zone/neighborhood meetings. The smaller meetings were followed by a full Bonanza Park open house. The Staff had met with as many individual property owners as possible to keep them updated. They also reached out and presented to the Chamber of Commerce, the Board of Realtors and other organizations in an effort to convey the Bonanza Plan and Form Based Code. Director Eddington stated that the turnout was surprisingly good. Approximately 70 people attended the open house, and that was after a series of five or six neighborhood meetings.

Commissioner Phillips recalled a discussion several months ago about having an Ombudsman speak to the Planning Commission. He asked if that was scheduled to occur anytime soon. Assistant City Attorney replied that it had not been scheduled. She has spoken with the City Attorney and they were trying to decide who would be the best person to speak to the Planning Commission. Ms. McLean offered to follow up.

Commissioner Strachan recalled that Brent came last time. Assistant City Attorney stated that there has been some discussion about asking Jodi Hoffman to come as well. Commissioner Strachan thought Brent had done a good job last time. That was at least three years ago and he agreed that it was time to do it again. Commissioner Strachan remarked that a Land Use Planning CLE was held at the Utah State Bar four or five years ago and it was offered to the Planning Commission. A number of Commissioners attended. It is held every year and even though the CLE was geared toward the legal community, a lot of planners were in attendance.

Assistant City Attorney McLean stated that another annual CLE focuses on property rights and that one is held in October. She had attended this year and found it to be very worthwhile, particularly regarding historic preservation.

### **CONTINUATIONS (Public Hearing and Continue to date specified.)**

1. Land Management Code Amendments related to Transfer of Development Rights (TDRs) Chapter 2.24 (Application PL-14-02348)

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

MOTION: Commissioner Joyce moved to CONTINUE the Land Management Code Amendments related to Transfer of Development Rights, Chapter 2.24 to January 14, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. Sign Code Amendments to Park City Municipal Code Chapter 12 (Application PL-14-02523)

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

MOTION: Commissioner Joyce moved to CONTINUE the Sign Code Amendments to the Park City Municipal Code Chapter 12 to a date uncertain. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

## **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

### **1. 1385 Lowell Avenue – Conditional Use Permit for a timeshare Off-premise Sales Office of 1,751 square feet. (Application PL-14-02541)**

Planner Francisco Astorga reviewed the application for a conditional use permit for a timeshare off-premise sales office. Planner Astorga provided an exhibit to show the location of the proposed office. For the record, he noted that the plat shows it as the Park City Village Condominiums, but it was also known as the Lodge at the Mountain Village, which was formerly known as the Resort Center Condominiums.

Planner Astorga presented a slide showing Commercial Unit 7, which was also shown on page 116 of the Staff report. He noted that the Cutting Board Restaurant already exists on the other side. He pointed out that the space proposed for the timeshare was also a restaurant at one time. Planner Astorga referred to the plat on page 115 of the Staff report and noted that it was platted as commercial space. Planner Astorga stated that the applicant, Marriott Ownership Resorts, was represented this evening by Gary Raney with Horne Construction, Inc. and Anthony Brick.

Planner Astorga reported that the applicant was not requesting any type of expansion. The request was to move forward with tenant improvements, which have already been submitted for building permit review as the building permit has already been issued.

Planner Astorga referred to different sections in the LMC. One was the allowed uses, the second were conditional uses, and the third was a conditional use allowed as a support use to the primary development. A fourth category was Planning Commission review of the conditional use permit.

Planner Astorga reported that the exact number as indicated in the Staff report was 1,751 square feet to be used as a timeshare sales office. The Staff created specific mitigation that may need to take place in order for the Planning Commission to issue the conditional use permit. The Staff analysis concluded that everything has been mitigated or does not require additional mitigation.

Planner Astorga noted that page 103 of the Staff report contained language from the Park City Municipal Code (PCMC) Title 4 Licensing regarding uses that are associated with the timeshare sales office. The applicant had agreed to abide by all of the requirements outlined in the Staff report.

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

Anthony Brick, representing the applicant, stated that the intended use is for a sales office to meet with their existing ownership of Marriott Mountainside and Marriot Summit Watch. They have outgrown their existing sales office location within Mountainside, and they were looking additional space where the sales representatives could meet with the owners.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thimm believed the application met the provisions of the LMC for a conditional use. The Commissioners concurred. Chair Worel liked Condition of Approval #3, which reiterated the Park City Municipal Code.

MOTION: Commissioner Phillips moved to APPROVE the conditional use permit for 1385 Lowell Avenue, Unit COM7, based on the Findings of Fact, conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1385 Lowell Avenue

1. Applicant requests to remodel the existing unit, interior only (tenant improvement) to have a timeshare off-premise sales office at 1385 Lowell Avenue, Unit COM7.
2. The proposed use requires a Conditional Use Permit in the Recreation Commercial (RC) District.
3. The interior remodel only and does not affect any exterior areas.

4. The current space was used as a restaurant.
5. The entire unit, COM7, or Parcel PVC-1A-C7, is 2,968 square feet.
6. The entire unit is not requested to be utilized as the requested use.
7. The applicant requests to utilize a portion of the unit as a timeshare off-premise sales office which equates to 1,751 square feet with the remaining area to be used for a restaurant.
8. The unit was platted as Retail Space Commercial Unit 7 of the Park City Village Condominiums recorded in 1983.
9. The site is also known as The Lodge at the Mountain Village formerly known as The Resort Center Condominiums.
10. The project was known as the Park City Village Master Plan.
11. Land Management Code (LMC) § 15-2.16-2(B)(11) indicates that a timeshare sales office is a conditional use in the RC District.
12. The Land Management Code defines the a timeshare sales office as an office outside of a timeshare project, wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate timeshare interval sales or re-sales (LMC § 15-15-1.272).
13. The applicant requests to utilize a portion of COM7 as a timeshare off-premise sales office which equates to 1,751 square feet.
14. Due to the size of the requested use, staff does not find any impacts that need to be mitigated regarding size and location.
15. Staff does not find that additional impacts need to be mitigated in terms of traffic considerations due to the small size of the requested use.
16. No additional utility capacity is required for the requested use.
17. Emergency vehicles can easily access the unit and no additional access is required.

18. The requested use, considered an intensive office use, triggers a parking requirement of nine (9) parking spaces based on the maximum floor area of 1,751 square feet.
19. The former use, a restaurant, triggers a parking requirement of eighteen (18) parking spaces based on the maximum floor area of 1,751 square feet.
20. There is a parking reduction based on the required parking spaces of the former use and the current parking requirement based on the proposed use of nine (9) parking spaces.
21. The applicant indicated that there are approximately 700 parking spaces in the parking garage that is part of the same structure that houses the subject space, 120 of those parking spaces are allocated to the Lodge at the Mountain Village, the building/development where this space is located.
22. The parking area/driveway is directly accessed off Lowell Avenue.
23. Fencing, screening, and landscaping are not proposed at this time and are not needed to separate uses as the uses are fully enclosed within the building.
24. The requested use will not affect the existing building mass, bulk, orientation and the location on site, including orientation to adjacent building.
25. No useable open space will be affected with the requested use from what is currently found on site.
26. No signs and lighting are associated with this proposal.
27. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application.
28. All signs are subject to the Park City Sign Code.
29. The requested use will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.
30. Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the retail/commercial/office use.

31. The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.
32. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.
33. The entire unit is owned by Village Venture, Ltd., both spaces, the Cutting Board, next door, and this requested space are being leased.
34. The proposal is not located within the Sensitive Lands Overlay.
35. Unit COM7 is shown on the master plan as part of the commercial area designation. The master plan identifies two (2) categories: residential and commercial. Commercial areas include retail, meeting rooms, and restaurants.
36. The Condominium Plat for this project notes residential and commercial units. All of the commercial units are noted as retail space. The proposed office space would be located within the proposed retail – commercial space noted on the Plat.
37. The Land Management Code does not authorize the requested use to be conducted outside of the area.
38. The Municipal Code does not allow the requested use, a timeshare off-premise sales office to be conducted outside the enclosed building on private or public property.
39. The Municipal Code indicates that it is unlawful of a business to attract people by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them.
40. The Municipal Code indicates that it is unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

#### Conclusions of Law – 1385 Lowell Avenue

1. The application complies with all requirements of the Land Management Code.
2. The use will be compatible with surrounding structures in use, scale, mass, and

circulation.

3. The use is consistent with the Park City General, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1385 Lowell Avenue

1. The requested use shall be conducted within the specified space at 1385 Lowell Avenue, Unit COM7 as approved by the Planning Commission, which is within a fully enclosed building per Park City Municipal Code § 4-3-3.
2. The requested use shall not be conducted outside the enclosed building on private or public property per Park City Municipal Code § 4-3-8.

3. The requested use shall be in full compliance with Park City Municipal Code § 4-3-15 which states the following:

It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people to that person or that licensee's place of business by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. It shall be unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

**2. 923 Park Avenue – An ordinance considering the 923 Park Avenue Subdivision Plat Amendment (Application PL-14-02527)**

Planner Astorga stated that he had co-authored the Staff report with Gorgi Corkery, a summer intern, and she would be presenting the application this evening.

Ms. Corkery reviewed the plat amendment for 923 Park Avenue. Lot 6 and portions of Lots 5 and 28 of the Block 3 of the Snyder's addition are owned by the same entity. The property owner wishes to unify these lots into one lot of record by removing the existing interior lot lines.

Ms. Corkery stated that currently a single family dwelling exists on the site. The site is listed as a Significant historic site on the Historic Sites Inventory. The house is close to the lot line between Lots 5 and 6.

Ms. Corkery referred to a small encroachment of a timber retaining wall on the site. The retaining wall sits on the rear portion of the rear neighbor at 918 Woodside Avenue, and it encroaches approximately 6 inches. The applicant is currently working with the rear neighbor to issue an encroachment agreement.

Planner Astorga noted that the title report indicated a pole line easement issued to Utah Power and Light that is no longer being utilized. The property owner is currently working with Rocky Mountain Power to remove this pole line easement. Since it takes time to remove a pole line easement, Alliance Engineering will leave it on the plat. If the easement is removed it would be addressed in the red line process. Planner Astorga stated that a condition of approval states that if the pole line easement is removed it would not exist. If it is not removed, they would just continue to plat it.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 923 Park Avenue Subdivision plat amendment, based on the findings of fact, conclusions of law and conditions as found in the draft ordinance.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Phillips supported cleaning up the lot lines.

Commissioner Strachan noted that the existing building footprint of 995 square feet was only increasing to 1132 square feet. Planner Astorga explained that the building footprint is based on the size of the lot. Commissioner Strachan thought the combination of lots would create a building footprint larger than 1132 square feet. Planner Astorga believed it would be challenging to design an addition that is compatible with the HSI designation of the site. Commissioner Strachan assumed the applicant believed they could design an addition within 250 square feet. Planner Astorga pointed out that the addition would also have to meet the design guidelines.

**MOTION:** Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 923 Park Avenue subdivision, based on the Findings of Fact, Conclusions

of Law and Conditions of Approval found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 923 Park Avenue

1. The property is located at 923 Park Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 6, the northerly eight (8) feet of Lot 5, and a portion of Lot 28, Block 3, Snyder's Addition.
4. The entire area is recognized by the County as Parcel SA-13.
5. The site is listed on Park City's Historic Site Inventory and is designated as a significant historic site.
6. The building footprint of the existing dwelling is approximately 997 square feet.
7. The proposed plat amendment creates one (1) lot of record from the existing area consisting of 2,625 square feet.
8. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.
10. The proposed lot meets the minimum lot area for a single-family dwelling.
11. The minimum lot width allowed in the district is twenty-five feet (25').
12. The proposed lot is thirty three feet (33') wide.
13. The proposed lot meets the minimum lot width requirement.
14. The existing historic structure does not meet the north side yard setback. The structure is one-and-one-half feet (1½') from the north side yard property line.
15. LMC § 15-2.2-4 indicates that historic structures that do not comply with building

setbacks are valid complying structures.

16.LMC § 15-2.2-4 indicates that additions to historic structure must comply with building setbacks, etc.

17.The site contains a small encroachment of a timber retaining wall of approximately four feet (4') in height which sits on the rear portion of the rear neighbor, 918 Woodside Avenue.

18.The retaining wall encroaches approximately six inches (6") over the rear property line onto the subject site.

19.The applicant is currently working with the rear neighbor to issue an encroachment agreement.

20.The submitted title report indicates a pole line easement recorded with the county in 1959.

21.The pole line easement is in favor of Utah power and light company as is currently shown on the proposed plat.

22.The property owner is currently working with Rocky Mountain Power to remove this pole line easement as it is currently not in use.

23.The site is partially located in a FEMA Flood Zone X.

24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### Conclusions of Law – 923 Park Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.

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

3. 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 – 923 Park Avenue

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 at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the front of the property.
4. The applicant shall resolve the wood tie retaining wall which encroaches onto their property from 918 Woodside Avenue by providing an encroachment agreement to the neighboring property owner or by removing the wood tie retaining wall encroachment before plat recordation.
5. The applicant shall resolve the pole line easement recorded with the county. The property owner is currently working with Rocky Mountain Power to remove this pole line easement as it is currently not in use. If the applicant fails to remove this pole line easement prior to plat recordation, it shall be noted on the plat. If the easement is removed then it shall not be shown on the plat.

**3. 30 Sampson Avenue – Steep Slope Conditional Use Permit for a new single family house. (Application PL-12-01487)**

Planner Kirsten Whetstone reviewed the request for a steep slope conditional use permit for a new single family house to be located at 30 Sampson Avenue. It is a vacant lot of approximately 7,000 square feet located in the HRL zoning district. The zone district requires that the applicant obtain a Steep Slope CUP for any new construction greater than 1,000 on any slopes exceeding 30%. The subdivision plat notes that the allowed maximum house size is 3,000 square feet. This vacant lot was platted in 1995 as Lot 3 of the Millsite supplemental plat amended subdivision. It was a combination of 13 whole and partial lots that created three lots. Lots 1 and 3 had a maximum house of 3,000 square feet, excluding a basement, and a 400 square foot allowance for a garage. Lot 2 allowed a 3500 square foot maximum house size.

Planner Whetstone provided a brief history of the project. The application was submitted in 2012. On April 10, 2013 the Planning Commission denied the conditional use permit application. She clarified that the application before them this evening was a revised plan.

Planner Whetstone reported that the denial was appealed by the applicant on July 3, 2013. On March 28, 2014 the applicant submitted a request for an Advisory Opinion from the State Ombudsman on property issues. The City stayed the appeal pending the opinion. On July 31, 2014, based on the Ombudsman's Advisory Opinion, the City Council remanded the appeal to the Planning Commission as the appropriate review body for reconsideration of the application. Planner Whetstone reported that the remand allowed the applicant to apply for a variance for the three-story restriction. The area in question was the tunnel connection between the garage level at the street and the house level, which is 40 feet above the level of the driveway. Planner Whetstone pointed out the odd hourglass shape of the lot on the site plan.

Planner Whetstone stated that on October 7<sup>th</sup> the Board of Adjustment approved the applicant's request for the variance to the three-story requirement. Planner Whetstone noted that the LMC was revised and there is no longer a three-story requirement. Under the current Code, the overall height of the building is measured at a maximum of 35 feet from the lowest finished floor to the highest wall plate. However, this application came in under the LMC that had the three-story requirement. Planner Whetstone clarified that the applicant would not be able to meet the current 35 foot maximum requirement and would have had to submit for a variance based on the same hardships created by this platted lot, which was the steepness of the lot, the difference in elevation between the grades, and the hourglass shape.

Planner Whetstone stated that following the October Board of Adjustment meeting the applicant revised the application to include the underground connection and moved the elevator to within the main house. The applicant had submitted a revised design that included the underground connection, the interior elevator, a decrease in the amount of paving in the front, increased landscaping, re-design of the garage at the street, and a decrease in the above ground house size.

The Staff had reviewed the revised submittal against the nine Steep Slope CUP criteria in the LMC as outlined in the Staff report. The Staff also reviewed the application against the Land Management Code for the HR-1 zone, as well as for the plat notes. The Staff found compliance with everything except for the three-story requirement which is covered by the variance.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP for 30 Sampson as revised, and per the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Jonathan DeGray, the project architect, reviewed the specifics of the revised design. He pointed out that the design before the Planning Commission this evening was the same

plan that was originally submitted to the Planning Department but did not meet Code. They came back with another scheme that was ultimately denied by the Planning Commission.

Mr. DeGray referred to page 218 of the Staff report, which showed the south elevation of the original submittal, and compared it to the elevation on page 164 of the Staff report, which is what they were currently requesting. Mr. DeGray believed the separation between the two structures was clear and the underground connection was totally invisible. Mr. DeGray noted that the current plan is 2,894 square feet above grade, including 150 square feet of additional garage area. Because the garage area exceeded 400 square feet, the additional square footage needed to come out of the 3,000 square feet allowed for the house. Mr. DeGray noted that the allowable footprint is 2355 and the proposed plan was less at 2173 square feet.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Joyce stated that given the variance that was granted the project appeared to fit. He thought the biggest challenge was visually breaking up the structure to look like two buildings and he believed Mr. DeGray had accomplished that.

Commissioner Phillips agreed. He believed that removing the “sore thumb” made a huge difference in the design. He understood the challenge and thought the separation of the buildings visually looks better. Commissioner Phillips did not have any issues with the revised plan.

Commissioner Thimm stated that looking at it through the lens of the variance and the other Code findings it appeared to comply with the requirements. He appreciated the removal of the elevator piece. From an architectural standpoint it was a definite improvement. Commissioner Thimm had visited the site and he agreed that it is a very difficult site. Finding a way to make a legal lot usable was a challenge, but it appeared the applicant had arrived at a solution.

Commissioner Strachan agreed it was a difficult lot. However he thought it was regrettable that the property rights Ombudsman had disregarded the purpose statements in the LMC because this project does not meet the purpose statements. Commissioner Strachan stated that he is always reluctant to approve something that does not meet the purpose statements, but in this case with the variance and compliance with other Code requirements, he felt they had no choice. He pointed out that the purpose statements are

meant to protect impacts to the environment, substantial amounts of excavation, dump trucks, dirt, and the large chunk that will be taken out of the side of the hill. The Code cannot regulate those impacts but the purpose statements can. Commissioner Strachan suggested that Assistant City Attorney McLean review the Code and find ways to add language that reflect the purposes statements. The Planning Commission has been told from the start that they should begin their analysis with the purpose statements in the zone. If the purpose statements are not met they should not look any further. Unfortunately, the Ombudsman did not see it that way.

Wade Budge, legal counsel for the applicant, stated that the applicant understood what they heard from the Planning Commission in April of 2013. Therefore, even though the applicants received a positive decision from the Ombudsman, they wanted to mitigate the impacts and decided not to push forward with the design that was proposed at the time. Instead, based on the Planning Commission comments, they made an effort to revise the design to eliminate the missile silo and reduce the mass.

Commissioner Strachan appreciated their effort and he agreed that it was a better plan. He cautioned them about access to the site for construction.

Chair Worel concurred with her fellow Commissioners that it is a creative design and much better than what they saw in April of 2013. Chair Worel understood that when the building permit is issued and the Construction Mitigation Plan is submitted, that the City Engineer would take into account the construction traffic that Sampson Avenue could withstand. Director Eddington replied that any issue relative to the road would be examined by the City Engineer and incorporated into the construction mitigation plan.

Planner Whetstone stated that the Planning Commission could add a condition of approval to address construction traffic on Sampson Avenue. Mr. DeGray pointed out that their concerns were already addressed in Conditions of Approval 2 and 7.

Commissioner Phillips stated that he lives in the neighborhood and he lives on the road. He noted that many times subcontractors park construction vehicles in the middle of the road when they are unloading. At least half the time when he attempts to drive on the road he ends up backing down because someone is parked in the middle of the road with their door open. Commissioner Phillips stated that if the applicant could work with their subs to help mitigate that impact it would be appreciated by the entire neighborhood.

**MOTION:** Commissioner Joyce moved to APPROVE the Steep Slope CUP for 30 Sampson Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 30 Sampson Avenue

1. The property is located at 30 Sampson Avenue.
2. The property is within the Historic Residential (HRL) District and meets the purposes of the zone.
3. The property is Lot 3 of the Millsite Reservation Supplemental Plat, which was recorded in 1995.
4. The Lot area is 7,088.4 sf.
5. A Historic District Design Review (HDDR) application is currently being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
6. On February 14, 2012, the City received an application for a Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 30 Sampson Avenue. The property is located in the Historic Residential Low (HRL) District.
7. On April 9, 2012, the application was deemed “complete” and an initial public hearing was conducted by the Planning Commission on August 22, 2012.
8. The February 14, 2012, application included a sub-basement level entrance that connected underground to the garage and elevator, however it was determined by Staff that such a proposal would violate Section 15-2.1-5 (Building Height – Maximum of three [3] stories) of the LMC that was in effect at the time of submittal. The applicant revised the plans to show a detached garage and a subterranean walk-way (tunnel) leading to an elevator, which connected to an outside patio area in front of the house at the upper portion of the lot. Because the garage was not attached, it did not violate the 3 stories height restriction in the code at the time of the application. This three story submittal was reviewed by the Planning Commission on August 22, 2012, November 28, 2012, December 12, 2012, February 27, 2013, and finally on April 10, 2013.
9. On April 10, 2013, the Planning Commission denied the Conditional Use Permit application for 30 Sampson. At the April 10th meeting, the Commission requested Planning Staff prepare Findings of Fact and Conclusions of Law consistent with the April 10th discussion and unanimous vote to deny. These Findings and Conclusions

were ratified by the Planning Commission on June 26, 2013.

10. On July 3, 2013, the applicant submitted to the City recorder, within the required ten (10) days, an appeal of the Planning Commission decision.

11. On August 5, 2013, the applicant requested a continuation of the appeal in order to submit a request for an advisory review of the Planning Commission decision to the State Ombudsman. Staff agreed to continue the appeal to a date uncertain and the applicant submitted a request for Advisory Opinion from the State of Utah Office of Property Rights Ombudsman (Advisory Opinion).

12. On March 28, 2014, Planning Staff received a copy of the Advisory Opinion and after reviewing the document scheduled a meeting with the applicant to discuss the CUP application and appeal. At the meeting, the Applicant indicated he was willing to make some additional revisions to the application to address design issues raised by the Planning Commission related to the exterior elevator element, amount of paving, as well as a redesign of the garage area. The applicant proposed to revise the plans; similar to what had been initially submitted, to address concerns the Planning Commission had with the design. The applicant understood that the redesign would require a variance to the three story LMC requirement.

13. On July 31, 2014, the City Council remanded the appeal to the Planning Commission to reconsider the Steep Slope CUP application. The Council found the Planning Commission was the appropriate review body for re-consideration of the application based on information presented by the Ombudsman. In addition, the remand allowed the applicant to seek a variance to the three story restriction and depending on the outcome of that variance request, to revise the Steep Slope CUP application to include the proposed revisions for Planning Commission review.

14. July 7, 2014 the applicant submitted a Variance application requesting relief from the LMC requirement that "a structure may have a maximum of three (3) stories" based on a hardship created by the steepness of the lot, the hour-glass configuration of the existing platted lot, and the forty foot (40') change in elevation between the street and upper building pad area.

15. On October 7, 2014, the Board of Adjustment (BOA) approved the applicant's request for a variance to the three story limitation of the LMC with the following conditions of approval: a) The vertical circulation elevator and stairs shall be constructed within the house and b) The house shall be constructed to appear as three (3) stories on the exterior.

16. The variance allowed the applicant to redesign the plans and amended the application to propose an underground connection between the garage at the front of the lot and the main house at the rear of the lot, allowing the elevator to be constructed within the main house. The proposed house includes four stories, including a garage level at the street, a basement completely below final grade under the main house, a lower level, and a main level.

17. Following the October 7, 2014, BOA meeting, the applicant revised the Steep Slope CUP application to include the underground connection and interior elevator, decreased the amount of paving to increase the landscaped area at the front of the lot, and redesigned garage.

18. The revised Steep Slope CUP subject to this staff report is a proposal for a new single family dwelling with a total living area of 4,336 sf (this includes all basement areas, the tunnel connector, and the garage level circulation area). This does not include the 552 sf garage.

19. The maximum house size allowed for this lot is 3,000 square feet with an additional allowance of 400 square foot for a garage per plat notes on the January 5, 1995; City Council approved Millsite Reservation Amended Plat.

20. The proposed house size is 2,894 sf (4,888 sf total construction minus 1,216 sf basement level, 378 sf of below grade tunnel/connector area, and the 400 sf garage allowance).

21. In 1998 the Community Development Director determined that the 3,000 square foot maximum excludes basements as defined by the LMC. This letter was recorded on the title of the property.

22. An overall building footprint of 2,179 square feet is proposed. Under the current LMC, the maximum allowed footprint is 2,355.5 square feet, based on the total lot area.

23. The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.

24. The proposed structure will not be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view from the corner of the Main Street Trolley turn-around (Hillside Ave/Main Street/Daly Ave intersection), which is largely mitigated by existing houses and trees of surrounding lots.

25.The cross canyon view contains a back drop of the hill behind the proposed structure as well as two story houses and garages of neighboring structures.

26.The proposed design incorporates a driveway from Sampson Avenue from the high point of the street to avoid excessive cuts and grading for the proposed driveway.

27.Retaining is necessary around the home on the upper-side of the lot. The plans as shown indicate that there will be no free-standing retaining walls that exceed six feet in height.

28.The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography and will leave more than half of the lot undeveloped.

29.The site design, stepping of the building mass, reduced building footprint, and increased setbacks maximize the opportunity for open area and provides additional area for plantings.

30.The applicant is providing the required two (2) off street parking spaces in the garage. There is no on-street parking available on Sampson Avenue due to its narrow width. There is an area in front of the garage that provides an off-street guest parking space due to the increased setbacks to the garage door.

31.The garage (proposed with two separate garage doors angled away from a common wall) is set back 15' to 30' from the front property line and setback from the main portion of the house by about 30'. The main portion of the house is located approximately 70' to 110' back from the street.

32.Approximately 1,790 square feet of total construction is below final grade, which equates to approximately thirty-seven percent (37%) of the overall construction (4,888 sf).

33.The lot has been deemed to have eight (8) different sides, and thus a Planning Director determination for setbacks has previously been determined and calculated as outlined within the analysis section of the report.

34.The design includes setback variations, decreased building footprint, and decreased building heights for the garage and portions of the main house (from HRL allowable standards).

35.The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area.

36.The proposed structure does not exceed twenty-seven feet (27') in building height as measured from existing grade.

37.The findings in the Analysis section of this report are incorporated herein.

38.The applicant stipulates to the conditions of approval.

39.The necessary removal of vegetation from the site to accommodate the building will be mitigated by the installation of approximately forty (40) trees, seventy (70) shrubs and other plantings mixed with ground cover. A final landscape plan addressing the removal of existing vegetation and a replacement plan is required prior to the granting of a building permit.

40.The house will appear to be three stories.

41.The vertical circulation elevator and stairs are proposed to be constructed within the house.

#### Conclusions of Law – 30 Sampson Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).

2. The CUP, as conditioned, is consistent with the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

4. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approval – 30 Sampson Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.

4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

5. A final landscape and vegetation replacement plan shall be submitted for review and approved by the City Planning Department, prior to building permit issuance. Installation of approximately forty (40) trees, seventy (70) shrubs and other plantings mixed with ground cover are necessary to address removal of existing vegetation.

6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the 2009 Design Guidelines for Historic Districts and Historic Sites.

7. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.

8. This approval will expire on December 10, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval is applied for in writing before the expiration and is granted by the Planning Director.

9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on December 10, 2014.

10. All retaining walls within any of the setback areas shall not exceed more than six feet in height measured from final grade.

4. **1000 Ability Way – National Ability Center Pre-master Development for additional lodging, expanded equestrian arena, and addition to administration building** (Application PL-14-02476)

Planner Whetstone reviewed the pre-MPD application, which is required by Code before the applicant submits the Master Planned Development amendment application. The purpose of the pre-MPD is for the Planning Commission to review the proposal for findings of compliance with the general purposes of the zone, which is the ROS zone in this case; and a finding of compliance with specific items of the General Plan.

Planner Whetstone reported that the Planning Commission held a public hearing on November 12<sup>th</sup> and reviewed the application in detail. Their comments from that meeting were summarized in the Staff report. Planner Whetstone stated that the applicant intended to present new updated items this evening. Findings of facts and conclusions of law were outlined on page 321 of the Staff report, which supports the Staff recommendation that the Planning Commission find that this complies with the zone and the General Plan.

Planner Whetstone stated that another public hearing was required because the noticing letters had not been sent out for the November meeting and the property had not been posted due to an error on the part of the Staff. Since then the letters were sent and the property was posted. The Staff recommended that the Planning Commission conduct a public hearing this evening.

Michael Barille with Plan Works Design summarized the comments they heard from the Planning Commission at the last meeting. The comments included making sure the plan covered their needs and additional facilities for many years in the future; consider a phasing plan that makes sense; how to make this plan fit in the ROS zone, particularly the mechanisms for lodging use in the ROS zone; the open space requirements for MPDS; and the building height in the zone.

Mr. Barille presented a number of updates to the plan. He noted that they have not had time to meet with the Staff in detail and he did not expect the Planning Commission to make decisions on everything this evening. There would be ample opportunity to work out the details during the MPD process. In terms of the issue of time horizon and what else they may want to do on the property, Mr. Barille stated that they have had internal discussions and the only ideas that came to the forefront was the possibility of doing more tent platforms or cabins. Another future item might be a small addition to the horse barn, and a small addition to the existing lodge in the area of the kitchen and cafeteria space to accommodate group programming, as well as a larger kitchen to service both buildings. There was some discussion about having a covered walkway connection between the two lodge buildings. Mr. Barille stated that there is some renewable energy on the roof of the existing administration building, and someone suggested allocating a spot for a larger solar area to help reduce the energy demand on the property at some point in the future.

Mr. Barille referred to the current plan showing a central multi-purpose activity area in the center of the campus. There has been some discussion about adding a roof or having a structure with walls that open and close, or shade screening. It would depend on the success of fundraising and thinking through the variety of programming for that space. Mr. Barille presented images showing what they envisioned. If they decided to do a full enclosure it would be light and airy and allow some flexibility with the space.

Mr. Barille commented on the lodging space, noting that it would require further discussion with the Staff and City Council. As he was looking through the purpose statements for the zone and the allowed and conditional uses for the ROS zone, one option would be to find that the lodge building fits the definition of a quasi-public institution that is greater than 600 square feet, or an accessory building that is greater than 600 square feet supporting the existing primary use, which is a private recreation facility. Mr. Barille stated that if they were not comfortable with that option, an alternative would be to rezone a portion of the property. However, the applicant preferred not to go through that spot zoning process unless it was the only way to make it work. Mr. Barille stated that the applicant would work with the Staff to get their recommendations before they come back to the Planning Commission.

In terms of height, Mr. Barille stated that Craig Elliott, the project architect, believes that he can fit a third story within the allowed height in the ROS zone, with the caveat that there is some allowance to put units in a sloped roof structure of a 4/12 pitch. If that becomes an issue they will inform the Planning Commission during the MPD process.

Mr. Barille remarked that the open space requirement for an MPD is 60%. They did an initial analysis and calculated that it was over 75% open space, even with all the additions identified in the master plan. He acknowledged that there may be some percentage point differences when they sit down with Staff and go through what meets the definition.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Campbell reiterated his comments from the last meeting in favor of the project. He supports the NAC and is proud to have them as a member of the community.

Commissioner Thimm concurred with Commissioner Campbell.

Commissioner Strachan believed it meets the General Plan and the purpose statements of the ROS. If possible, he thought the Planning Commission should decide this evening on the rezone versus accessory buildings greater than 600 square feet. From this point forward the applicants need to know what to do moving forward. If they need to apply for a rezone they would need to start the application process. Commissioner Strachan stated that if the Planning Commission could not make that decision tonight, they should set a deadline for deciding the issue. Commissioner Strachan stated that his personal opinion is that it is an accessory building greater than 600 feet. It is a CUP and should go through the process the same as any other accessory building.

Commissioner Phillips agreed with Commissioner Strachan.

Commissioner Joyce hoped the applicant would not have to apply for a rezone, but he needed more education on what could be considered an accessory building. He liked the idea but he wanted to make sure that whatever they decide would not set a negative precedent.

Commissioner Thimm thought the accessory use alternative that was part of the LMC was a creative use. His only concern was potentially setting a precedent for the future. Commissioner Thimm stated that when he thinks of an accessory use he thinks of it as being occupied by the users of the primary use on the site. He asked if that would be the case in this situation. Mr. Barille answered yes.

Mr. Barille explained that both the existing lodge building and the new one are there to facilitate the programming that occurs on site. It also serves as temporary housing for interns who work for the organization or for athletes training there over a longer period of time. Mr. Barille stated that in the broader context of the discussion that occurs so often in the community, they are looking for where to house the interns and the lower wage employees working for some of the organizations that support what they do in the community. This applicant is proposing to do exactly that onsite in support of their primary function. He would need direction from Staff on whether it meets the definition of the use in the Code or whether they can call it a quasi-public institution.

Gayle Loveland, representing the applicant, stated that for individuals with disabilities, it is difficult for an athlete who trains at the NAC to find housing. Many of their supporters would love to house an athlete for a season but they do not have workable accommodations. Many of their interns have disabilities and they encounter the same housing problems.

Commissioner Joyce stated that if the use was primarily as hotel space, he would have a difficult time finding compliance with the zone. However, the fact that it provides a specific

need to the people who come to use these facilities makes him feel more comfortable about the use in the ROS zone.

MOTION: Commissioner Strachan moved to find that the Pre-MPD application complies with the ROS Purpose Statements in the General Plan. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1000 Ability Way

1. On September 2, 2014, the City received a completed application for a pre- Application for a Master Planned Development amendment located at 1000 Ability Way.
2. The proposed MPD Amendment includes the following main items:
  - a. additional lodging (22,266 sf),
  - b. expansion of the indoor equestrian arena (12,188 sf),
  - c. an addition to the existing administration building (3,400 sf),
  - d. approximately 50 parking spaces, and
  - e. various improvements to Ability Center activities such as future improvements to the archery pavilion, expanded hay storage, additional equipment and storage sheds, a future enclosure and/or covering of the outdoor arena, a small green house for gardening programming, expansion of the challenge course, interior plaza and landscaping improvements, and a tent platform/single room cabin area to foster self-reliance in camping and outdoor skills.
3. A phasing plan for these improvements will be submitted with the MPD application.
4. The property is zoned Recreation Open Space (ROS).
5. Access to the property is from Round Valley Drive, a public street, and Ability Way, a private access drive.
6. The site is described as Parcel # PCA-97-B, a metes and bounds parcel of land located in the Quinn's Junction neighborhood of Park City. A one lot subdivision to create a lot of record for this parcel is necessary prior to issuance of a building permit for the major additions.
7. The 26.2 acre parcel was annexed to Park City in 2004 as part of the

National Ability Center and Quinn's Recreation Complex Annexation.

8. The parcel was deeded to the NAC by Florence Gillmor and restricted to adaptive recreational programs, including equestrian, fitness, therapy and various related and complimentary recreational activity facilities.

9. The National Ability Center (NAC) is a non-profit organization specializing in community sports, recreation, therapy, and education programming.

10. Prior to annexation, the property received approval of a Specially Planned Area (SPA) from Summit County, which is similar to a Master Planned Development (MPD) in the City, as well as a Conditional Use Permit.

11. The NAC Specially Planned Area (SPA) allows for development of various uses and buildings. The property currently includes a 17,150 sf indoor arena, an outdoor challenge course, a playground area, an outdoor arena, an archery pavilion, a gazebo, various barns and storage buildings, a 12,200 sf residential dormitory building, a 7,500 sf support administrative building, and 140 parking spaces.

12. The July 15, 1999 Development and Water Service Agreement describes conditions of water services as well as findings regarding the approved Conditional Use Permit.

13. A requirement for any Master Planned Development (MPD) (or amendment to an MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the ROS zone.

14. The ROS zone allows for a variety of conservation, open space, and recreation uses. It was determined at the time of the annexation that the National Ability Center was consistent with the purpose and uses of the zone. The proposed uses are consistent with the existing uses and are consistent with the mission of the NAC.

15. The Land Management Code (LMC 15-6-4(B)) describes the preApplication process.

16. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.

17. The NAC is located in the Quinn's Junction neighborhood, as described in the new Park City General Plan.

18. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Uses contemplated for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.

19. Amendments to the NAC MPD are primarily additions and enhancements to existing buildings and facilities intended to enhance the NACs success. The NAC was identified as an appropriate and compatible use in this neighborhood. Development is setback from the Entry Corridor to preserve the open view from SR 248. Sensitive wetland areas should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed uses.

20. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.

21. Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to support the existing NAC uses and mission. The lodging proposed is support to the existing uses to provide additional types of short term housing.

22. There is existing City bus service to the area on an as needed basis and additional uses will help to validate additional services.

23. The NAC is located on the City's trail system and adjacent to Round Valley open space.

24. Natural Setting Goals of the General Plan include conserve a healthy network of open space for continued access to and respect for the natural

setting. Goals also include energy efficiency and conservation of natural resources.

25. With the proposed changes the property would maintain approximately 78% open space, excluding all hard surface areas, parking, driveways, and buildings.

26. The proposed MPD amendments include expansions of existing uses, enhancement of the interior outdoor spaces, and connections to the trails and open space areas. The future tent platform/cabin area is intended to promote selfreliance and appreciation of the natural setting. Additional information related to “green building” strategies for the proposed buildings should be addressed with the MPD application.

27. Sense of Community Goals of the General Plan include creation of diversity of housing, including affordable housing; provision of parks and recreation opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.

28. A primary reason for the proposed MPD amendments is to provide improvements and enhancements to allow the NAC to continue to be successful and to carry out their mission. The proposed lodging will provide an alternative to dormitory accommodations for longer stays, to accommodate athletes training for local, regional, national, and international events.

29. On November 12, 2014 and on December 10, 2014, the Planning Commission held public hearings and discussed the pre-MPD for the National Ability Center MPD amendment.

#### Conclusions of Law - 1000 Ability Way

1. The proposed MPD Amendments to the National Ability Center SPA (MPD) are in compliance with the Park City General Plan and are consistent with the Recreation Open Space (ROS) zoning.

The Park City Planning Commission Meeting adjourned at 7:05 p.m.

Approved by Planning Commission: \_\_\_\_\_

## Planning Commission Staff Report



PLANNING DEPARTMENT

**Application No:** PI-14-02449  
**Subject:** 74 & 80 Daly Subdivision Plat  
**Author:** Christy J. Alexander, AICP, Planner II  
**Date:** January 14, 2015  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to February 11, 2015 to allow Staff and the applicant additional time to review the history and come to agreement regarding reducing homes sizes, etc.

### Description

**Applicant:** John Devarian c/o Devco Homes Inc., owner/Marshall King-Alliance Engineering, representative  
**Location:** 74 & 80 Daly Ave  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Single-family and Duplex homes  
**Reason for Review:** Plat amendments require Planning Commission review and City Council action





## Planning Commission Staff Report

**Subject:** Second Amendment to Condominium Plat for the Hotel and Residences at Empire Canyon Resort (Montage Resort and Spa)  
**Project Number:** PL-14-02538  
**Author:** Kirsten A Whetstone, MS, AICP  
**Date:** January 14, 2015  
**Type of Item:** Administrative – Amended Record of Survey condominium plat

### Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Second Amendment to the condominium plat for “The Hotel and Residences at Empire Canyon Resort” located at 9100 Marsac Avenue, consider any input, 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.

*Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

### Topic

**Applicant:** Montage Hotels and Resorts and DV Luxury Resort, LLC  
**Location:** 9100 Marsac Avenue  
**Zoning:** RD-MPD (Residential Development subject to Village at Empire Pass MPD)  
**Adjacent Land Uses:** Village at Empire Pass Master Planned Development parcels (vacant), Empire Pass Day Lodge, temporary sales office, and Deer Valley Resort ski terrain and lifts.  
**Reason for Review:** Condominium record of survey plat amendments require Planning Commission review and recommendation to City Council with final action by the City Council.

### Proposal

The applicant requests an amendment to the condominium record of survey plat for the purpose of changing the ownership designation on page 6 (of 18) from “non-condominium property/restricted area” to “non-condominium property/hotel area” for 1,409 square feet of existing interior space on Level 1 of the existing Montage Deer Valley Resort and Spa building (Exhibits A and B). The application also includes a request to amend an adjacent 5,600 sf of existing interior space, also on Level 1, to remove platted walls and restrooms that were not constructed but that are shown on the recorded plat. No ownership designation change is proposed for this 5,600 sf area (Exhibit C).

The property is located within the Residential Development (RD) Zoning District and is subject to the Village at Empire Pass Master Planned Development. The proposed plat amendments are consistent with the Amended and Restated Development Agreement for Flagstaff Mountain (March 2007), Village at Empire Pass MPD, and the Land Management Code.

## **Background**

The property is located at 9100 Marsac Avenue. The property, within the Flagstaff Annexation area and part of the Village at Empire Pass Master Planned Development, consists of a nine story hotel/condominium building constructed in 2008-2009.

On June 24, 1999, City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel. The Flagstaff Development Agreement (DA) specifies that only 147 acres of the 1,655-acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space.

On February 1, 2007, the City Council approved amendments to the DA allowing additional density and three additional acres to be utilized in the pod known as the B-2 area encompassed by the Empire Village Subdivision plat. In exchange, United Park City Mines Company petitioned the City for annexation of the Park City Mountain Resort ski lease area (removing all residential development potential) and agreed to construct a Park and Ride facility at Richardson Flats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which development within the area is reviewed.

On March 29, 2007, the City Council approved the Parcel B-2 Empire Village Subdivision final plat. The plat includes the former Parcel A of the Empire Village Subdivision (the location of the existing Empire Day Lodge) and created two additional lots for the Jordanelle Special Services District (JSSD) ownership of the Daly West Head Frame (Lot B) and Lot C, the location of the Montage Resort and Spa. A future subdivision will encompass the future condominiums to the east of the Empire Day Lodge. Concurrent with the subdivision application was the MPD for Pod B-2 known as the Village at Empire Pass MPD and the Conditional Use Permit for phase one of the MPD, which is the Montage hotel. The Commission approved both the MPD and the CUP on March 14, 2007. An excavation permit was issued on June 6, 2007, and a building permit for construction of the hotel was issued on March 12, 2008.

On June 18, 2009, the City Council approved the Hotel and Residences at Empire Canyon Resort record of survey plat for the Montage Resort and Spa. Talisker Empire Pass Hotel, LLC is the fee simple owner of the land and DV Luxury Resort, LLC has a 999-year leasehold interest. The plat was recorded on January 20, 2010.

The condominium record of survey contains 174 hotel rooms and 84 condominiums utilizing 182 Unit Equivalents. In addition, the record of survey memorializes 59,765 square feet of commercial space and approximately 15,000 square feet of meeting rooms and support space to the meeting rooms (of the 39,000 sf allowed by the MPD). No

support commercial was proposed other than room service, which does not utilize additional space. Back of house and residential accessory uses were also identified. Ten Affordable Housing Units totaling 6,235 square feet (7.8 Affordable Unit Equivalents) are provided within the hotel. The affordable units are platted as private space and are owned by the DV Luxury Resort, LLC. In addition, five ADA units are provided; three owned by the hotel and two within the sale units. All five ADA units are platted as private area and count towards the unit counts and UEs.

On January 6, 2011, the City Council approved the First Amended Hotel and Residences at Empire Canyon Resort record of survey plat to amend sheets 1, 8, 9, and 11 to 1) address JSSD access easements, 2) address Rocky Mountain Power underground easements, 3) correct the square footage of Unit 740, 4) move the ADA designation for Unit 821 to Unit 1021, and 5) to amend unit numbering for Units 1040-1043. The First Amended Hotel and Residences at Empire Canyon Resort record of survey plat was recorded at Summit County on June 23, 2011.

On November 10, 2014, an application was submitted for a second amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat. The application was deemed complete on November 18, 2014.

The application is a request to amend sheet 6 of the 18 sheet condominium plat to change the ownership designation for approximately 1,409 sf area of existing interior unfinished space on Level One from “non-condominium property/restricted area” to “non-condominium property/hotel area” (Exhibits C, D and E). The 1,409 sf area also changes use from commercial to meeting support/pre-function space to support the Main Ballroom on Level 1. A larger existing unfinished interior area (approximately 5,600 sf) around the 1,409 sf area (see Exhibits C, D and E) does not change in terms of platted ownership designation or use, but the change to the plat includes removing walls and restrooms shown on the recorded plat that were never constructed. This area is commercial use with the restroom area designated as residential accessory uses (back of house) uses. The commercial designated area was originally planned for a fine dining restaurant. The applicants propose to re-purpose this area as pre-function space to support the Main Ballroom on Level 1 of the Hotel but keep the use designation per the MPD as commercial.

The plat amendment does not increase the existing building footprint, existing floor area, density of commercial or residential units, or designated commercial area. Commercial area decreases by 1,409 sf to 58,356 sf and pre-function meeting room support increases by 1,409 sf from 15,000 sf to 16,409 sf which is still less than the 39,000 sf allowed by the MPD. No non-complying situations are created and there is no increase in parking requirements. No common areas or privately owned residential areas are proposed to change with the plat amendment. The plat amendment is consistent with the Amended and Restated Development Agreement for Flagstaff Mountain (March 2007), the Village at Empire Pass MPD, and the Land Management Code.

### **Analysis**

The zoning for the property is Residential Development (RD) subject to the Village at Empire Pass MPD per the following approved criteria and allowances:

|                                          | <b>Permitted through MPD/CUP</b>                                                                                                                      | <b>Proposed with 2<sup>nd</sup> Amended Plat</b>                                                                          |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Height                                   | A height exception to 114 feet above a benchmarked grade (USGS 8346') was requested and granted in the Master Plan. (i.e. height may go to USGS 8460) | No change to existing Building Height. Building Height is at USGS 8458, under the USGS 8460 height maximum.               |
| Front setback                            | 20', 25' to front facing garage                                                                                                                       | No change to building setbacks. Setbacks are approximately 280 feet from all buildings to front property line.            |
| Rear setback                             | 15' from Lot boundary                                                                                                                                 | No change from the existing 87' from Lot boundary                                                                         |
| Side setbacks                            | 12' from Lot boundary                                                                                                                                 | No change from the existing 13' from Lot boundary at the closest point to south.                                          |
| Unit Equivalents                         | 183.6 UEs                                                                                                                                             | No change to the existing 182 UEs.                                                                                        |
| Hotel Rooms                              | 192 rooms                                                                                                                                             | No change to the existing 174 rooms                                                                                       |
| Condominium units                        | 94 units                                                                                                                                              | No change to the existing 84 units                                                                                        |
| Commercial space                         | 63,000 sf                                                                                                                                             | 1,409 sf reduction of the existing 59,765 sf of commercial to 58,356 sf.                                                  |
| Meeting Rooms and Support                | 39,000 sf (5% of Gross Floor Area)                                                                                                                    | 1,409 sf increase in pre-function and meeting room support by 1,409 sf. To 16,409 from existing constructed of 15,000 sf. |
| Commercial Support                       | 39,000 sf (5% of Gross Floor Area)                                                                                                                    | No change proposed to room service area (which is commercial support)                                                     |
| Residential Accessory uses/back of house | No specific figure approved with the MPD.                                                                                                             | No change to approximately 42,570 sf constructed.                                                                         |

|         |                                                   |                                                    |
|---------|---------------------------------------------------|----------------------------------------------------|
| Parking | 530 spaces with 192 tandem spaces (valet parking) | No change to the 526 total with 184 tandem spaces. |
|---------|---------------------------------------------------|----------------------------------------------------|

\*For those elements approved by the MPD and not currently constructed or located within the existing hotel project (total rooms, units, commercial space, meeting space, and Unit Equivalents), the applicant retained the vested rights during the MPD approval and these may be added in the future following the appropriate review and approval processes.

**Good Cause**

Staff finds good cause for this amended record of survey as this condominium plat is consistent with the Amended and Restated Development Agreement for Flagstaff Mountain, the Village at Empire Pass MPD, and the recorded Hotel and Residences at Empire Canyon Resort condominium plat. The proposed plat amendment complies with the Land Management Code and is consistent with the purposes of the RD zone. The condominium plat is consistent with the State condominium act.

**Department Review**

This project has gone through an interdepartmental review on November 25, 2014. Issues raised regarding changes to occupancy loads for the amended spaces have been addressed with conditions of approval.

**Notice**

On December 30, 2014, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on December 31, 2014.

**Public Input**

A public hearing is scheduled for both Planning Commission and City Council meetings. Staff has not received any public input at the time of this report.

**Future Process**

Approval of this amended condominium plat application by the City Council constitutes Final Action that may be appealed following procedures found in LMC 15-1-18.

**Alternatives**

- The Planning Commission may forward a positive recommendation to City Council to approve the amended condominium plat as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to City Council to deny the amended condominium plat and direct staff to make Findings for this decision, or
- The Planning Commission may continue discussion on the plat and provide direction to staff and the applicant regarding any additional information, findings, or conditions necessary to take final action on the requested application.

**Significant Impacts**

There are no negative fiscal or significant environmental impacts to the city from this record of survey plat amendment application.

### **Consequences of not taking the Suggested Recommendation**

The ownership designations would remain as platted. The use of 1,409 square foot commercial space could still be changed from commercial to support meeting or pre-function space as the use of these areas is not indicated on the plat. The plat would not match the existing built conditions where the platted walls and restrooms on Level 1 are shown on the recorded plat but were not constructed.

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing for the Second Amendment to Condominium Plat for "The Hotel and Residences at Empire Canyon Resort" located at 9100 Marsac Avenue, consider any input, 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- Proposed Second Amended condominium plat
- Exhibit B- Recorded First Amended condominium plat
- Exhibit C- Proposed changes exhibit
- Exhibit D- Use designation exhibit
- Exhibit E- Applicant's letter
- Exhibit F- Photos

**Ordinance No. 15-**

**AN ORDINANCE APPROVING THE SECOND AMENDMENT TO CONDOMINIUM PLAT THE HOTEL AND RESIDENCES AT EMPIRE CANYON RESORT A UTAH CONDOMINIUM PROJECT, LOCATED AT 9100 MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, owners of the property known as The Hotel and Residences at Empire Canyon Resort, a Utah Condominium Project, (aka Montage Deer Valley Resort and Spa) located at 9100 Marsac Avenue, have petitioned the City Council for approval of an amended condominium plat to change the platted ownership designation of a 1,409 square foot existing interior space on Level 1 (page 6 of 18) from “non-condominium property/ restricted area” to “non-condominium property/hotel area and to change an adjacent approximately 5,600 sf of existing interior area on Level 1 to remove walls and restrooms that were never constructed but are shown on the recorded plat. No ownership designation change is proposed for this 5,600 sf area.

WHEREAS, the property was properly noticed and posted on December 30, 2014, according to requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on December 30, 2014; and

WHEREAS, the Planning Commission held a public hearing on January 14, 2015, to receive input on the amended condominium plat; and

WHEREAS, the Planning Commission, on January 14, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on February 5, 2015, the City Council held a public hearing on the amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Amended Hotel and Residences at Empire Canyon Resort Condominiums record of survey 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 condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 9100 Marsac Avenue.

2. The property is zoned RD-MPD and is subject to the 2007 Amended and Restated Flagstaff Annexation Development Agreement and the Village at Empire Pass MPD.
3. The property consists of a nine story hotel/condominium building constructed in 2008-2009.
4. The existing building at 9100 Marsac Avenue, known as the Montage Deer Valley Resort and Spa, was constructed in 2008-2009.
5. On March 14, 2007, the Planning Commission approved a Master Planned Development (MPD) for Pod B-2 of the Flagstaff Development Agreement. The MPD is known as the Village at Empire Pass MPD. On March 14, 2007, the Planning Commission also approved a Conditional Use Permit for phase one of the MPD, which is the Montage Deer Valley Resort and Spa.
6. On March 29, 2007, the City Council approved the three lot Parcel B-2 Empire Village Subdivision final plat. Lot C of the subdivision plat is the location of the Montage Resort and Spa.
7. On June 18, 2009, the City Council approved the Hotel and Residences at Empire Canyon Resort condominium record of survey plat for the Montage Resort and Spa. Talisker Empire Pass Hotel, LLC is the fee simple owner of the land and DV Luxury Resort, LLC has a 999-year leasehold interest. The original record of survey plat was recorded at Summit County on January 20, 2010.
8. The condominium record of survey plat identifies 174 hotel rooms and 84 condominiums utilizing 182 Unit Equivalents. In addition, the record of survey memorializes 59,765 square feet of commercial space and approximately 15,000 square feet of meeting rooms. No support commercial was proposed other than room service, which does not utilize additional space. Back of house, pre-function meeting support, and residential accessory uses were memorialized.
9. On January 6, 2011, the City Council approved the First Amended Hotel and Residences at Empire Canyon Resort record of survey plat to amend sheets 1, 8, 9, and 11 to 1) address JSSD access easements, 2) address Rocky Mountain Power underground easements, 3) correct the square footage of Unit 740, 4) move the ADA designation for Unit 821 to Unit 1021, and 5) to amend unit numbering for Units 1040-1043. The First Amended Hotel and Residences at Empire Canyon Resort record of survey plat was recorded at Summit County on June 23, 2011.
10. On November 10, 2014, an application was submitted for a second amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat. The application was deemed complete on November 18, 2014.
11. The condominium plat amendment is required in order to reflect as-built conditions on Level One and to change the ownership designation of an existing interior area that had been intended to be finished as a fine dining restaurant. The owners desire to utilize this 1,409 sf area for pre-function meeting support.
12. The proposed uses and amended condominium plat are consistent with the Village at Empire Pass MPD and the Montage CUP as there is no increase in residential or commercial density, no change in allowed meeting space, and no increase in parking requirements. The decrease in commercial and increase in support meeting space are not inconsistent with the MPD or CUP approvals and do not exceed the approved allowances for these uses.

13. The plat amendment does not increase the existing building footprint, existing interior floor area, or density of commercial or residential units. Commercial area decreases by 1,409 sf to 58,356 sf and pre-function meeting room support increases by 1,409 sf from 15,000 sf to 16,409 sf which is less than the 39,000 sf allowed by the MPD.
14. No non-complying situations are created with the plat amendment and there is no increase in parking requirements. No common areas or privately owned residential areas are proposed to change with the plat amendment.
15. The proposed plat amendment is consistent with the Amended and Restated Development Agreement for Flagstaff Mountain (March 2007).
16. No changes to the exterior of the building are proposed.
17. Any changes in occupancy or changes in tenant finishes of existing interior spaces within the building require review by the Building Department for compliance with requirements of the IBC, Fire code, and ADA.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the Amended and Restated Flagstaff Annexation Development Agreement (March 2007) and the Village at Empire Pass Master Planned Development for the Hotel and Residences at Empire Pass, also known as the Montage MPD, shall continue to apply and a note shall be included on the plat referring to these MPDs.
4. All required ADA access, occupancy loads for assembly spaces, and other specific Building and Fire Code requirements, including requirements for restrooms, for any changes or tenant finishes to the existing spaces shall be addressed with tenant improvement building permits prior to commencing any interior construction work.

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

PASSED AND ADOPTED this \_\_\_ day of \_\_\_, 2015.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

# EXHIBIT A

SEE INSET FOR NORTHWESTERLY WING

LEGEND

- COMMON AREA EASEMENT/ ACCESS AREA
- NON-CONDOMINIUM PROPERTY/ HOTEL AREA
- NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA

LEVEL 1  
FLOOR LEVEL ELEVATION 8,342.0'

INSET  
NORTHWESTERLY WING

KEY PLAN

NOTE  
This amendment to the Condominium Plat of the Hotel & Residences at Empire Canyon Resort consists of this sheet only. All other sheets contained in the Condominium Plats recorded January 20, 2010, as Entry No. 925198 and recorded June 23, 2011, as Entry No. 925199, shall remain unchanged. All conditions of approval of the Hotel & Residences at Empire Canyon Resort record of survey plat shall continue to apply.

**SURVEYOR'S CERTIFICATE**

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and I have caused to be made and that by authority of the owner(s), this Second Amendment to Condominium Plat of the HOTEL & RESIDENCES AT EMPIRE CANYON RESORT, a Utah Condominium Project, in accordance with the provisions of Section 57-16-13 (1) of the Utah Condominium Ownership Act.

**GROUND LESSEE'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS THAT DV LUXURY RESORT LLC, a Delaware Limited Liability Company, the owner of a long term leasehold interest in the tract of land described herein on the First Amendment to the Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Condominium Plat to be prepared, and does hereby consent to the recording of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.

DV Luxury Resort LLC, hereby offers for dedication to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and private utility providers non-exclusive utility easements as shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by \_\_\_\_\_ the \_\_\_\_\_ of DV LUXURY RESORT LLC, a Delaware Limited Liability Company.

A Notary Public commissioned in Utah \_\_\_\_\_ Printed Name  
Residing in \_\_\_\_\_ My commission expires: \_\_\_\_\_

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS THAT, Talisker Empire Pass Hotel LLC, a Delaware Limited Liability Company, is the underlying fee simple interest holder of the tract of land described herein on the First Amendment to the Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Condominium Plat to be prepared, and does hereby consent to the recording of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.

Talisker Empire Pass Hotel LLC, hereby offers for dedication to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and private utility providers non-exclusive utility easements as shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

TALISKER EMPIRE PASS HOTEL LLC, a Delaware Limited Liability Company.

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by \_\_\_\_\_ the \_\_\_\_\_ of TALISKER EMPIRE PASS HOTEL LLC, a Delaware Limited Liability Company.

A Notary Public commissioned in Utah \_\_\_\_\_ Printed Name  
Residing in \_\_\_\_\_ My commission expires: \_\_\_\_\_

**SECOND AMENDMENT TO CONDOMINIUM PLAT**

**THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT**

A UTAH CONDOMINIUM PROJECT  
LOCATED IN THE WEST 1/4 OF SECTION 28, AND THE EAST 1/4 OF SECTION 29  
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN

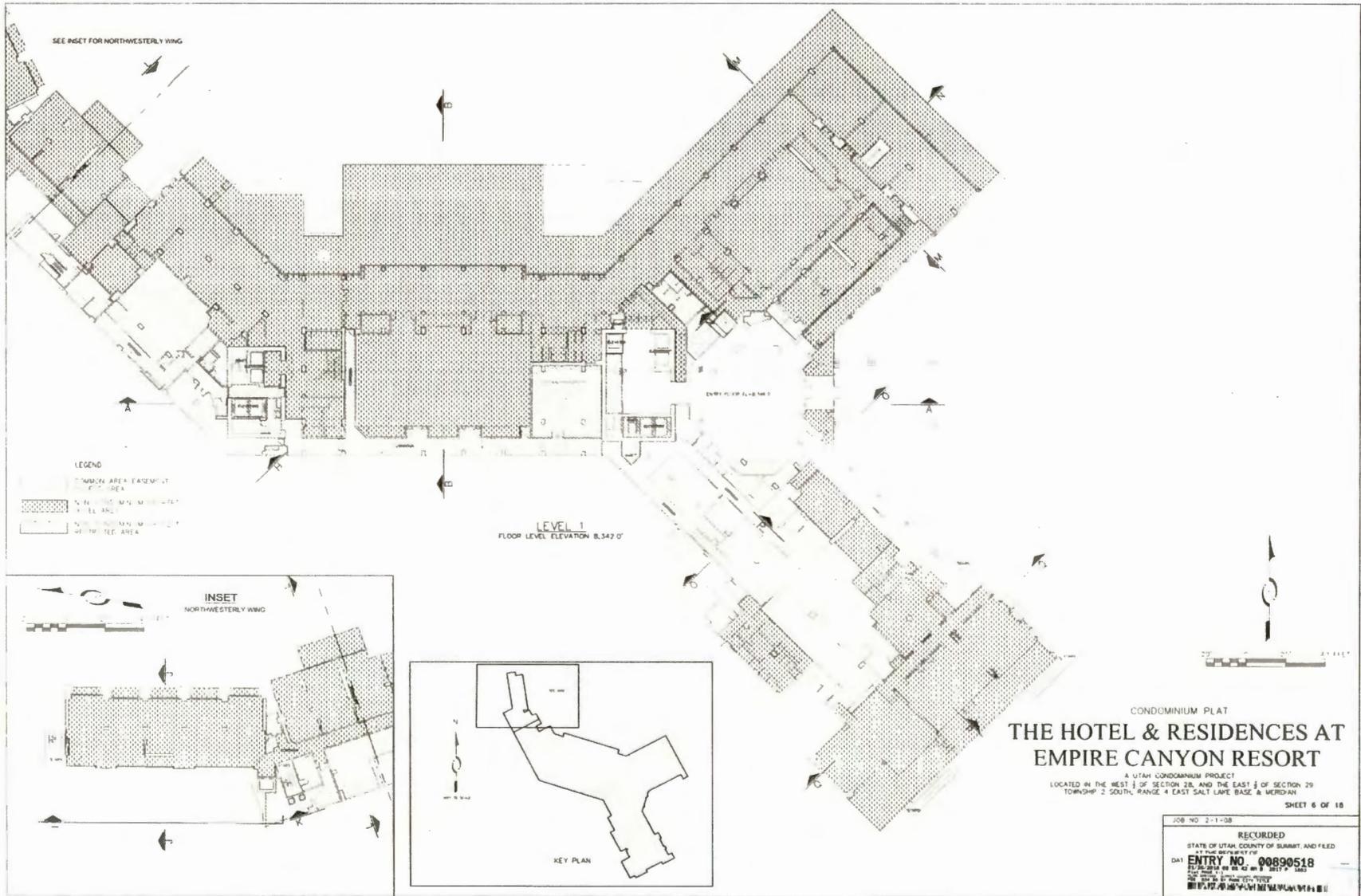
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SHEET 6 OF 18

RECORDED  
JAN 17 2014  
PLANNING DEPT.

|  |                                                                                                                           |                                                                                                                            |                                                                                                                                                                         |                                                                                                               |                                                                                                                                                                                  |                                                                                                                                           |                                                                                                                                                                                                  |                                                                                                                      |
|--|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|  | (435) 840-9487<br>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br>323 West Street P.O. Box 2654 Park City Utah 84060-2654 | <b>PLANNING COMMISSION</b><br>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____, 2014 A.D.<br>BY _____ CHAIR | <b>ENGINEER'S CERTIFICATE</b><br>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2014 A.D.<br>BY _____ PARK CITY ENGINEER | <b>APPROVAL AS TO FORM</b><br>APPROVED AS TO FORM THIS DAY OF _____, 2014 A.D.<br>BY _____ PARK CITY ATTORNEY | <b>CERTIFICATE OF ATTEST AND ACCEPTANCE</b><br>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS DAY OF _____, 2014 A.D.<br>BY _____ PARK CITY RECORDER | <b>COUNCIL APPROVAL AND ACCEPTANCE</b><br>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF _____, 2014 A.D.<br>BY _____ MAYOR | <b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b><br>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF _____, 2014 A.D.<br>BY _____ S.B.W.R.D. | STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER |
|--|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|





# EXHIBIT C

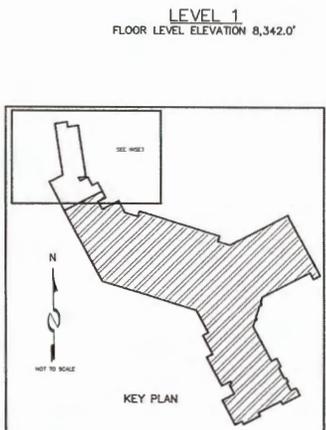
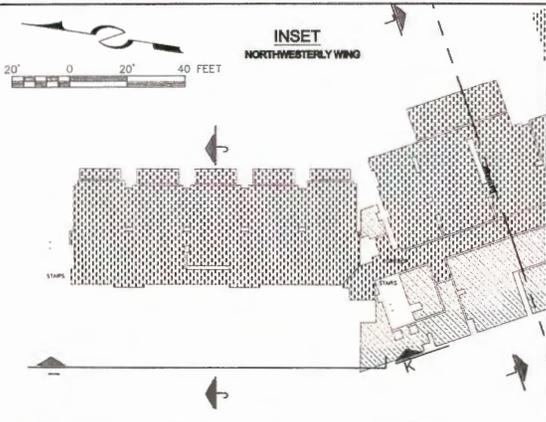
Proposed plat amendment page 6 of 18 (10/08/2014)

SEE INSET FOR NORTH-WESTERLY WING

Use remains the same as indicated with hatching and designation. Change to plat includes removing walls that were not built.

designation changes  
- Condominium  
- Hotel Area  
- adjacent  
- common space.

- LEGEND**
- COMMON AREA EASEMENT/ ACCESS AREA
  - NON-CONDOMINIUM PROPERTY/ HOTEL AREA
  - NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA



**SURVEYOR'S CERTIFICATE**

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938730, as prescribed by the laws of the State of Utah, and that by authority of the owner, this Record of Survey map of the SECOND AMENDMENT TO THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT has been prepared under my direction.

**GROUND LESSEE'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS THAT, DV LUXURY RESORT LLC, a Delaware Limited Liability Company, the owner of a long term leasehold interest in the tract of land described herein as the First Amendment to the Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Condominium Plat to be prepared, and does hereby consent to the recording of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.

DV Luxury Resort LLC, hereby offers for dedication to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and private utility providers non-exclusive utility easements as shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

DV LUXURY RESORT LLC, a Delaware limited liability company,  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_, ss:  
This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by \_\_\_\_\_ the \_\_\_\_\_ of DV LUXURY RESORT LLC, a Delaware Limited Liability Company.  
A Notary Public commissioned in Utah. Printed Name: \_\_\_\_\_  
Residing in: \_\_\_\_\_ My commission expires: \_\_\_\_\_

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS THAT, Talusier Empire Pass Hotel LLC, a Delaware Limited Liability Company, is the underlying fee simple interest holder of the tract of land described herein as the First Amendment to the Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Condominium Plat to be prepared, and does hereby consent to the recording of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.

Talusier Empire Pass LLC, hereby offers for dedication to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and private utility providers non-exclusive utility easements as shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

TALUSIER EMPIRE PASS HOTEL LLC, a Delaware Limited Liability Company,  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_, ss:  
This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by \_\_\_\_\_ the \_\_\_\_\_ of TALUSIER EMPIRE PASS HOTEL LLC, a Delaware Limited Liability Company.  
A Notary Public commissioned in Utah. Printed Name: \_\_\_\_\_  
Residing in: \_\_\_\_\_ My commission expires: \_\_\_\_\_

DRAWN FOR REVIEW  
NOT FOR SUBMITTAL

SECOND AMENDMENT TO  
CONDOMINIUM PLAT  
**THE HOTEL & RESIDENCES AT  
EMPIRE CANYON RESORT**  
A UTAH CONDOMINIUM PROJECT  
LOCATED IN THE WEST 1/4 OF SECTION 28, AND THE EAST 1/4 OF SECTION 29  
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN



**PLANNING COMMISSION**  
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 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 \_\_\_\_\_, 2014 A.D.  
BY \_\_\_\_\_ PARK CITY ENGINEER

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 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 \_\_\_\_\_, 2014 A.D.  
BY \_\_\_\_\_ PARK CITY RECORDER

**COUNCIL APPROVAL AND ACCEPTANCE**  
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 A.D.  
BY \_\_\_\_\_ MAYOR

**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**  
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 A.D.  
BY \_\_\_\_\_ S.B.W.R.D.

**RECORDED**  
STATE OF UTAH, COUNTY OF SUMMIT, AND FREED AT THE REQUEST OF \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_  
ENTRY NO. \_\_\_\_\_ FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

NOV 10 2014



EXHIBIT E



Planning City Municipal Corporation  
Planning Department  
445 Marsac Ave  
PO Box 1480  
Park City, UT 84060

Re: Montage Deer Valley

Description of proposed application:

We are requesting an amendment to the existing plat to repurpose of a portion of what was intended to be a signature restaurant (currently unused space). The scope of work includes 1,409 sf of area that will require a change of use and designation. The change of use for this area would be from "Non-Condominium Property / **Restricted** Area" to "Non-Condominium Property / **Hotel** Area".

This application is requesting approval to re-purpose an area intended to be a kitchen into a flexible use function space. All of the area to be amended is internal to the building and none of the exterior is included in this amendment application.

We look forward to your feedback and report.

Regards,  
Scott Boyle  
Director of Design  
Montage Hotels and Resorts

October 17, 2014



Search Results

| Parcel Record | Parcel Number | Subdivision Name                                | Lot Number | Account Number | Physical Address   | Owner Name                     | Mailing Address 1 | Mailing Address 2 | City      | State | ZIP        | Country |
|---------------|---------------|-------------------------------------------------|------------|----------------|--------------------|--------------------------------|-------------------|-------------------|-----------|-------|------------|---------|
| Parcel Record | HRECRC-1      | Hotel & Residences at Empire Canyon Resort, The | C          | 0474037        | 9100 MARSAC AVE #1 | TALISKER EMPIRE PASS HOTEL LLC | PO BOX 4349       |                   | PARK CITY | UT    | 84060-4349 |         |





RECEIVED  
NOV 10 2014  
PARK CITY  
PLANNING DEPT.



# Planning Commission Staff Report



**Subject:** 908 Woodside Avenue  
**Project #:** PL-14-02539  
**Author:** Christy Alexander, AICP, Planner II  
**Date:** January 14, 2015  
**Type of Item:** Administrative – Steep Slope Conditional Use Permit

## **Summary Recommendations**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 908 Woodside Avenue and conduct a public hearing. Staff recommends approval of the Steep Slope CUP permit per the findings of fact, conclusions of law, and conditions of approval outlined in this staff report.

*Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

## **Description**

**Applicant/Owner:** Steve Rosenberg, owner  
**Architect:** Larry Feldman, representative  
**Location:** 908 Woodside Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Residential single family homes  
**Reason for Review:** Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

## **Proposal**

This application is a request for a Steep Slope Conditional Use Permit (CUP) for a new single family home containing 2,594 square feet (sf) (including the single car garage) on a vacant 1,875 sf lot located at 908 Woodside Avenue. The total floor area exceeds 1,000 sf and the construction is proposed on a slope of 30% or greater.

## **Background**

On November 10, 2014, the City received an application for a Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 908 Woodside Avenue. The application was deemed complete on December 10, 2014. The property is located in the Historic Residential (HR-1) District.

This application is a request for a Steep Slope Conditional Use Permit for construction of a new single family dwelling on a typical single “Old Town” lot. The property is Lot 30,

Block 3 of the Snyder's Addition to Park City. The lot is one standard Old Town lot and contains 1,875 sf of lot area.

Because the total proposed structure is greater than 1,000 sf, and construction is proposed on an area of the lot that has a thirty percent (30%) or greater slope, the applicant is required to file a Conditional Use Permit (CUP) application. The CUP is required to be reviewed by the Planning Commission, pursuant to LMC § 15-2.2-6, prior to issuance of a building permit.

The lot is vacant with existing grasses, one tree and little other vegetation. The lot is located between two existing non-historic single family homes and is located across from historic and non-historic single family homes on Woodside Avenue. There are also single family homes located on the adjacent lot to the east (rear yard), on Park Avenue. There are no existing structures or foundations on the lot and no encroachments onto the property from adjacent properties. There are several historic structures located near this home on Woodside Avenue. There are also historic structures on Norfolk Avenue and Park Avenue located within three hundred (300') feet of the property. Access to the lot is from Woodside Avenue. This is a downhill lot. Utility services are available for this lot.

A Historic District Design Review (HDDR) application is being reviewed concurrently with this application for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The applicant is providing revisions to window details as all other aspects have met the Design Guidelines and the LMC and been approved by staff. Staff reviewed several iterations of the design. The most recent design submittal is included as Exhibit A.

### **Purpose**

The purpose of the Historic Residential (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 house contains a total of 2,594 sf of floor area, including the single car garage proposed on the upper level. The proposed building footprint is 843 square feet. The 1,875 sf lot size allows a building footprint of 844 sf. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. The third story includes horizontal stepping of ten feet (10') from the lower façade as

required by the Land Management Code. Staff reviewed the plans and made the following LMC related findings:

| Requirement           | LMC Requirement                                                                                                                                                                                                                                                                                                                            | Proposed                                                                                                                                                    |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Size              | Minimum of 1,875 sf                                                                                                                                                                                                                                                                                                                        | 1,875 sf, <u>complies.</u>                                                                                                                                  |
| Building Footprint    | 844 square feet (based on lot area) <u>maximum</u>                                                                                                                                                                                                                                                                                         | 843 square feet, <u>complies.</u>                                                                                                                           |
| Front and Rear Yard   | 10 feet minimum (20 feet total)                                                                                                                                                                                                                                                                                                            | 18 feet (front) to entry with a covered porch at 10 feet and 18 feet (front) to garage, <u>complies.</u><br>10 feet (rear), <u>complies.</u>                |
| Side Yard             | 3 feet minimum                                                                                                                                                                                                                                                                                                                             | 3' on each side, <u>complies.</u>                                                                                                                           |
| Height                | 27 feet above existing grade, <u>maximum.</u> .                                                                                                                                                                                                                                                                                            | 27 feet, <u>complies.</u>                                                                                                                                   |
| Height (continued)    | 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.                                                                                                                                 | 35 feet, <u>complies.</u>                                                                                                                                   |
| Final grade           | Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.                                                                                                                                                                                                                                 | Maximum difference is 48" (4 feet), <u>complies.</u>                                                                                                        |
| Vertical articulation | 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. | Horizontal step of 10 feet occurs at 23 feet, <u>complies.</u>                                                                                              |
| Roof Pitch            | 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.                                                                                                                                                                                                                      | The roof is a typical 7:12 pitch, with a flat (green) roof on the downhill side of the lot, <u>complies.</u>                                                |
| Parking               | Two (2) off-street parking spaces required                                                                                                                                                                                                                                                                                                 | One (1) space within a single car garage and one uncovered space on the driveway, within the lot area, compliant with required dimensions, <u>complies.</u> |

LMC § 15-2.2-6 requires a Conditional Use permit for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sf) of floor area, including the garage, and stipulates that the Conditional Use permit can be granted provided the proposed application and design comply with the following criteria and impacts of the construction on the steep slope can be mitigated:

Criteria 1: Location of Development.

*Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.***

The proposed single family house is located on a platted lot in a manner that reduces the visual and environmental impacts of the Structure. The foundation is stepped with the grade and the amount of excavation is reduced. The proposed footprint complies with the Land Management Code requirements based on lot area. The stepping foundation and articulated design reduces visual impacts on the neighborhood as well as reduces the amount of natural vegetation along the hillside that is impacted, thus reducing environmental impacts. The setbacks are complied with and overall height complies with all of the LMC requirements for the HR-1 zoning district.

Criteria 2: Visual Analysis.

*The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.***

The applicant submitted a photographic visual analysis, including a “cross canyon view”, to show the proposed streetscape and how the proposed house fits within the context of the slope, neighboring structures, and existing vegetation.

The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, compatible in scale and mass with surrounding structures, and visual impacts are mitigated. The scale and massing is actually much narrower than many homes along the street, especially the adjacent duplex home to the north and others that sit on one and a half or two lots. Potential impacts of the design are mitigated with architectural stepping, stepped retaining walls, and minimized excavation. Additionally, the garage door is located approximately 18 feet back from the edge of street.

Criteria 3: Access.

*Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.***

The proposed design incorporates a relatively level/bridged driveway from Woodside Avenue to the single car garage. Grading is minimized for both the driveway and the stepped foundation. Due to the more than 30% slope and lot width a side access garage would not minimize grading and would require a massive retaining wall. The

proposed level/bridged driveway has a slope of less than 10%. The driveway is designed to minimize Grading of the natural topography with a bridged type of driveway and to reduce overall Building scale as it is on a standard single Old Town lot. The parking requirements will be met with tandem parking.

Criteria 4: Terracing.

*The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.***

The lot has a steeper grade at the front property line than through the central portion and also at the rear. The overall slope is 27% across the length of the lot. The foundation is terraced to regain Natural Grade without exceeding the allowed four (4') foot of difference between final and existing grade. Stepped low retaining walls are proposed on the sides at the front portion of the lot to regain Natural Grade. New retaining walls will not exceed six feet (6') in height, with the majority of the walls less than four feet (4').

Criteria 5: Building Location.

*Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.***

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The site design and building footprint provide an increased front setback area in front of the garage. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 12 feet and complies with the Design Guidelines. The front yard area adjacent to and below the driveway is proposed to be landscaped with native and drought tolerant plants.

Criteria 6: Building Form and Scale.

*Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.***

The house steps with the grade and is broken into a series of smaller components that are compatible and consistent with the pattern in the District and surrounding structures. The garage is subordinate in design in that it is recessed from the entry, in addition to the use of compatible siding materials that reduce the visual impacts of the garage door. This both decreases the visibility of the garage and decreases the perceived bulk of the house. Horizontal stepping, as required by the LMC, also decreases the perceived bulk

as viewed from the street. The architectural articulation and detailing, and massing broken into smaller components, contributes to the smaller scale and bulk of the overall structure in a manner that is compatible with historic structures in the District.

Exterior elements of the new development—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc—are of human scale and are compatible with the neighborhood and even traditional architecture. The scale and height of the new structure follows the predominant pattern of the neighborhood.

Criteria 7: Setbacks.

*The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.***

Front setbacks are increased as the garage portion of the house is setback 18 feet from the property line, to accommodate the code required parking space entirely on the lot. The covered porch begins at the 10 foot setback with the entry area moved back to 818 feet. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The low profile roof and overall reduced mass of the design does not create a wall effect along the street front or rear lot line. Rear elevation is consistent with the neighborhood and articulated with setbacks from 10’ from both sides of the rear property line.

Criteria 8: Dwelling Volume.

*The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.***

The proposed house is both horizontally and vertically articulated and broken into compatible massing components that reduce the overall bulk and volume of the structure. The design includes setback variations, as well as lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of existing structures. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and existing historic structures. The building volume is not maxed out in terms of overall footprint, height, or potential floor area.

Criteria 9: Building Height (Steep Slope).

*The maximum Building Height in the HR-1 District is twenty-seven feet (27') (and up to a maximum of thirty-five feet for a single car garage on a downhill lot). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.***

The proposed structure complies with the 27 feet maximum building height requirement measured from existing grade. The tallest portion of the house is 27 feet from existing grade. Overall the proposed height is less than the allowed height. The required ten foot (10') horizontal step back is provided at 23 feet on the uphill façade that further decreases height and mitigates visual mass of the structure. The proposed structure has 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 as required. No height exception is requested for the garage as allowed by the HR-1 zoning district.

### **Process**

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Review of the Historic District Design Review application will be noticed separately.

### **Department Review**

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have been addressed by revisions and/or conditions of approval.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet on December 31. Legal notice was also published in the Park Record on December 31, 2014 in accordance with requirements of the LMC.

### **Public Input**

No input has been received regarding the Steep Slope CUP. No public comment was provided regarding the Design Review that has not been mitigated.

### **Alternatives**

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 908 Woodside Avenue as conditioned or amended, or
- The Planning Commission may deny the Steep Slope Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date certain or a date uncertain.

### **Significant Impacts**

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted residential lot that contains native grasses, shrubs and trees. A storm water management plan will be required to handle storm water run-off at historic release rates.

### **Consequences of not taking the Suggested Recommendation**

The construction as proposed could not occur and the applicant would have to revise the plans.

## **Recommendation**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 908 Woodside Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

## **Findings of Fact**

1. The property is located at 908 Woodside Avenue.
2. The property is described as Lot 30, Block 3 of the Snyder's Addition to Park City. The lot contains 1,875 sf of lot area. The allowable building footprint is 844 sf for a lot of this size.
3. The site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
4. The property is located in the HR-1 zoning district, and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.
5. Access to the property is from Woodside Avenue, a public street. The lot is a downhill lot.
6. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.
7. The neighborhood is characterized by primarily historic and non-historic single family houses. There are also historic structures on Norfolk Avenue and Park Avenue, the streets to the west and east of Woodside Avenue.
8. A Historic District Design Review (HDDR) application is being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
9. The lot is an undeveloped lot containing primarily grasses, weeds, shrubs and trees that are not classified as significant vegetation.
10. There are no encroachments onto the Lot and there are no structures or wall on the Lot that encroach onto neighboring Lots.
11. The proposed design is for a single family dwelling consisting of 2,594 square feet (includes the single car garage) with a proposed building footprint of 843 sf.
12. The driveway is proposed to be a maximum of 12 feet in width and 18 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9').
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with allowable height limits and height envelopes for the HR-1 zoning as the house measuring less than 27 feet in height from existing grade and the design includes a 10 foot step back at 23 feet on the rear elevation.
15. The proposal, as conditioned, complies with the requirements of 15-5-5 of the LMC. It is currently under review for compliance with the Historic District Design Guidelines.
16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. Though modern, the architectural style is a contemporary interpretation and complements the scale of historic buildings in Park City. The exterior elements are of human scale and the scale and height follows the predominant pattern of the

neighborhood, in particular the pattern of houses on the downhill side of Woodside Avenue.

17. The structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the Design Guidelines and is consistent with the pattern established on the downhill side of Woodside Avenue.
18. No lighting has been proposed at this time. Lighting will be reviewed at the time of the building permit for compliance with the Land Management Code lighting standards.
19. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.
20. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at four feet (4') or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% slope areas.
22. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.
23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.
24. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade and the highest portion is 27' from existing grade.
25. The interior of the structure complies with the thirty five feet (35') maximum measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters and is 35'.
26. The findings in the Analysis section of this report are incorporated herein.
27. The applicant stipulates to the conditions of approval.

#### Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permit.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
6. An HDDR approval must be received prior to building permit issuance.
7. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
8. This approval will expire on January 14, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
10. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
11. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
12. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited.
13. Construction waste should be diverted from the landfill and recycled when possible.
14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

### **Exhibits**

Exhibit A- Plans (existing conditions, site plan, floor plans, elevations, roof plan, building sections, landscape plan)

Exhibit B- Plat

Exhibit C- Visual Analysis/Streetscape

Exhibit D- Photographs





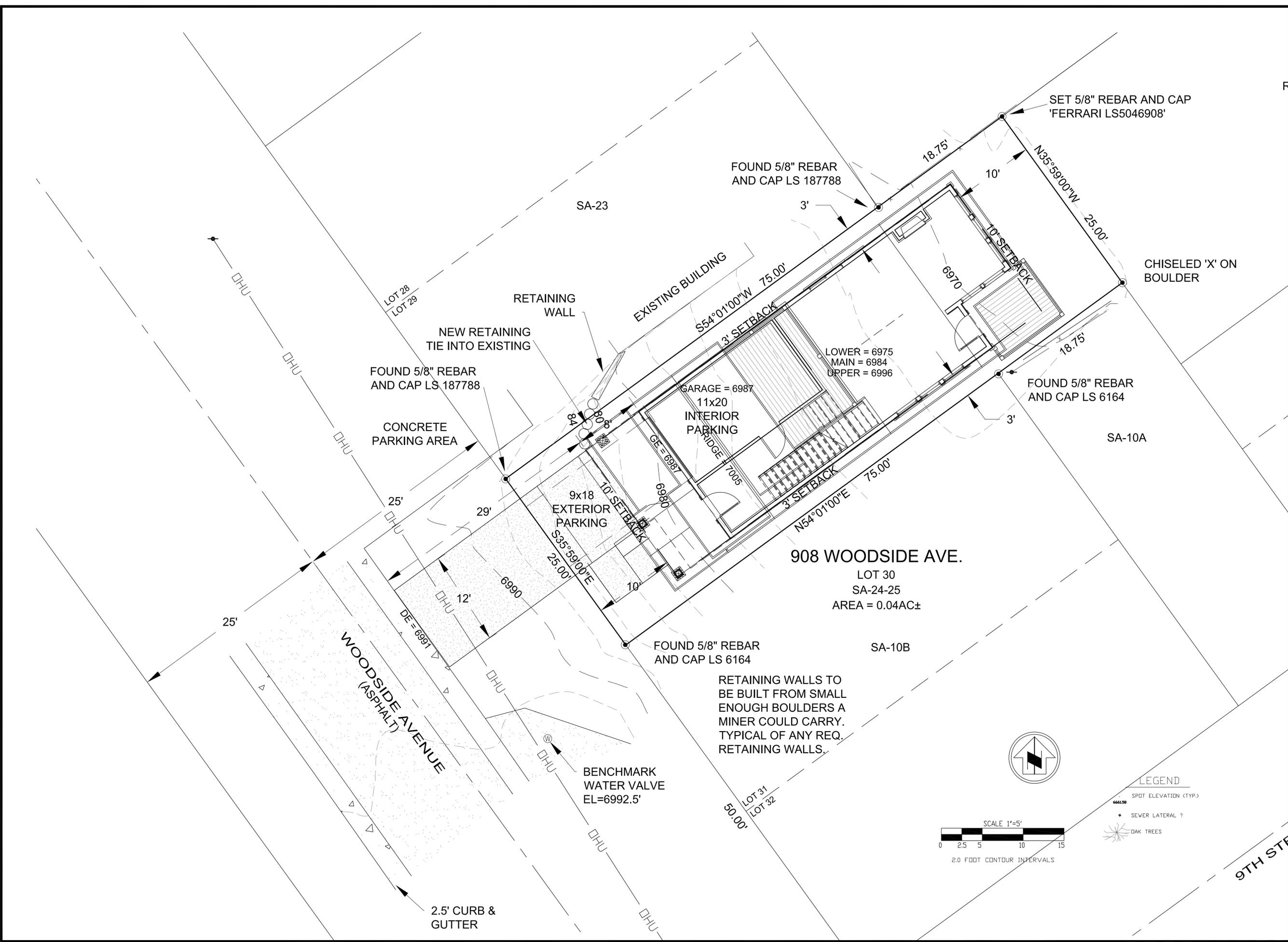
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**SNYDERS**  
ADDITION  
LOT 30  
BLOCK 3

**NEW RESIDENCE**  
908 WOODSIDE AVE  
PARK CITY, UTAH  
84098

**SITE & GRADING PLAN**  
SCALE:  
1" = 5'

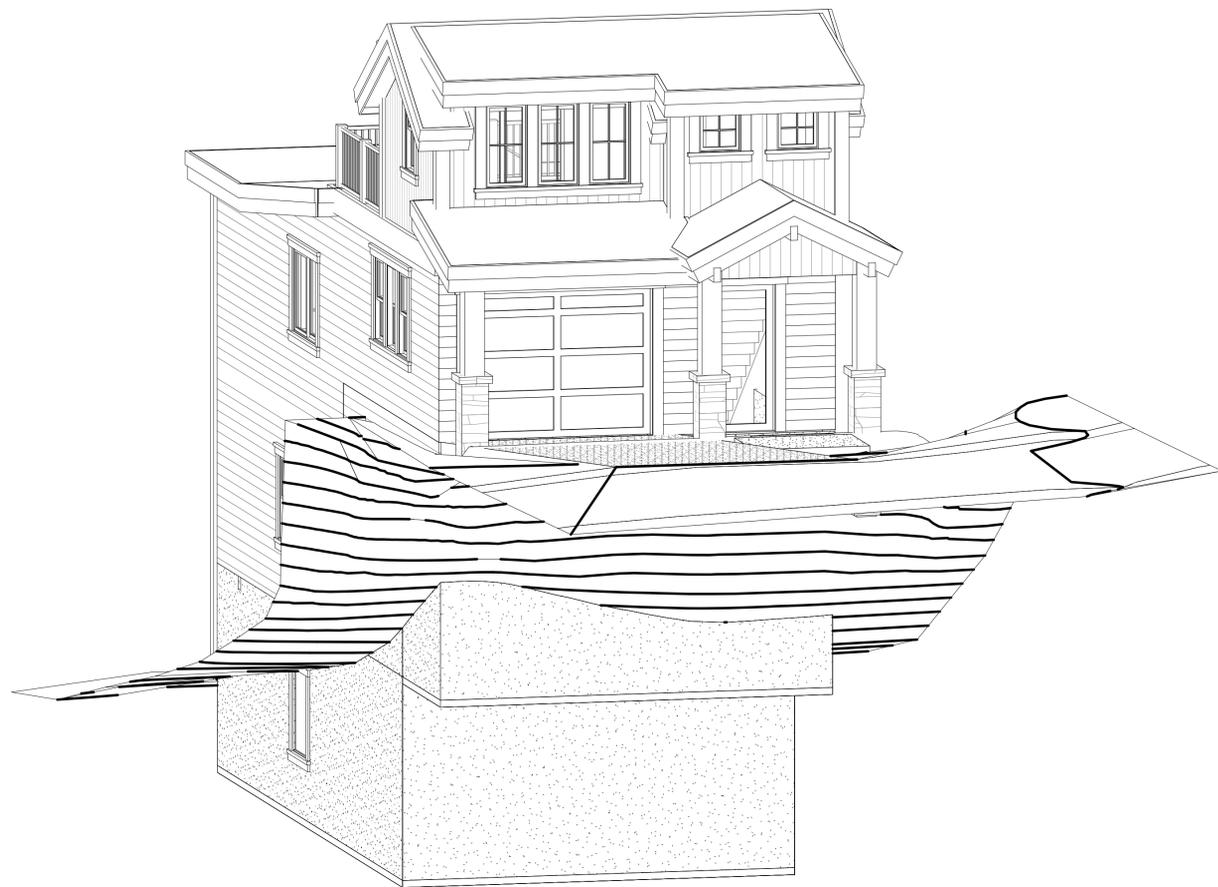
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DEC 2014

**SHEET**  
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① Front Perspective



② Rear Perspective

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**New Residence**  
Lot 30, Blk 3, Snyders Addition  
908 Woodside Avenue,  
Park City, Utah 84098

**Perspectives**

SCALE:

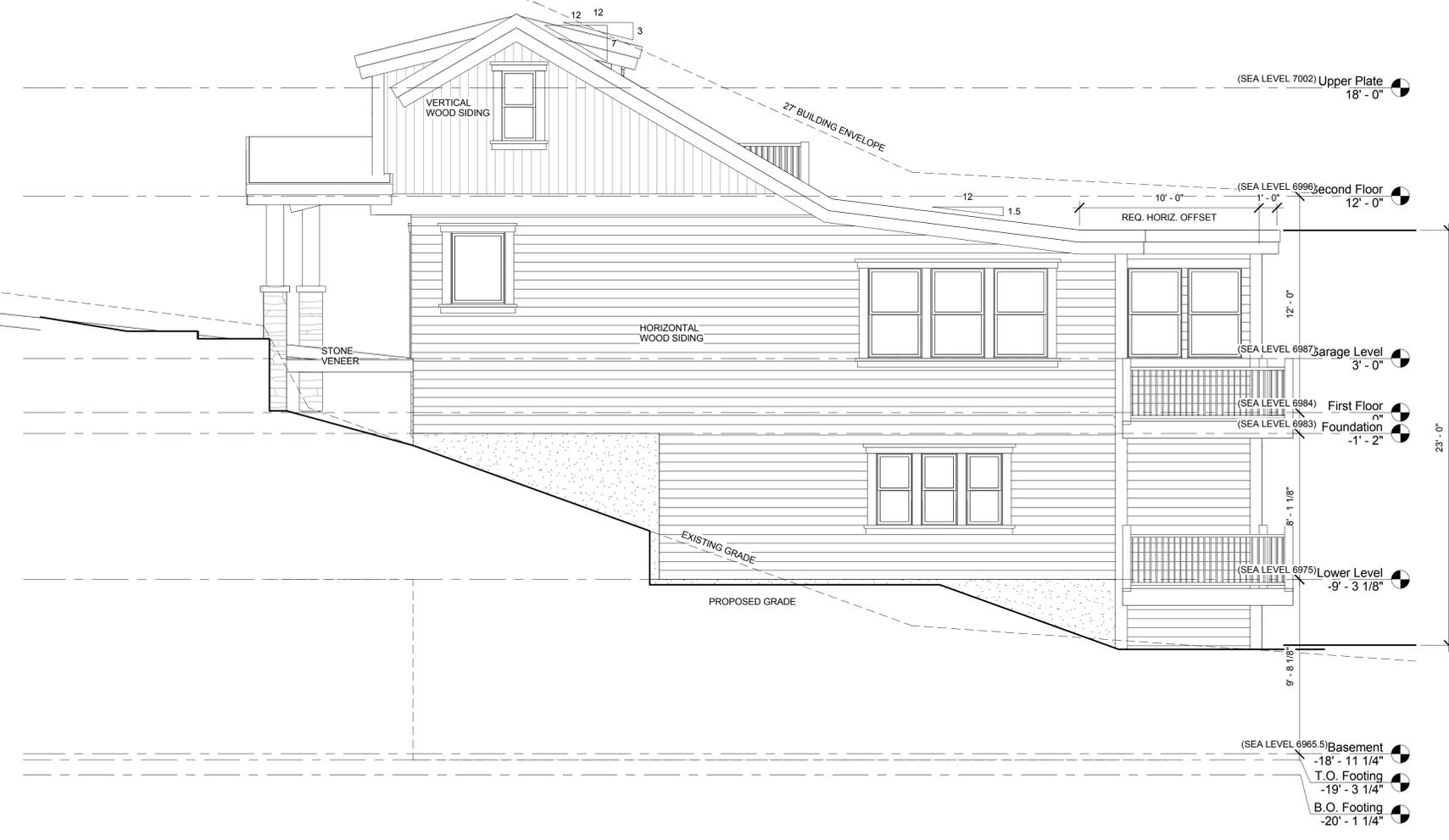
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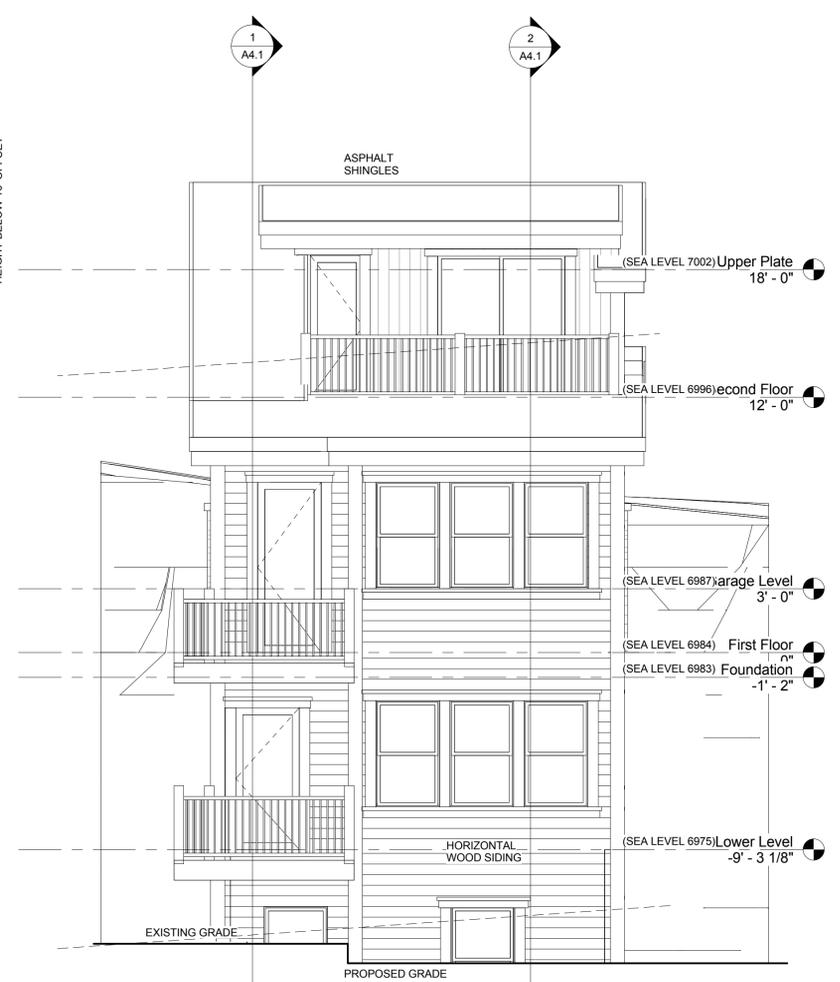
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① East Elevation  
1/4" = 1'-0"



② North Elevation  
1/4" = 1'-0"

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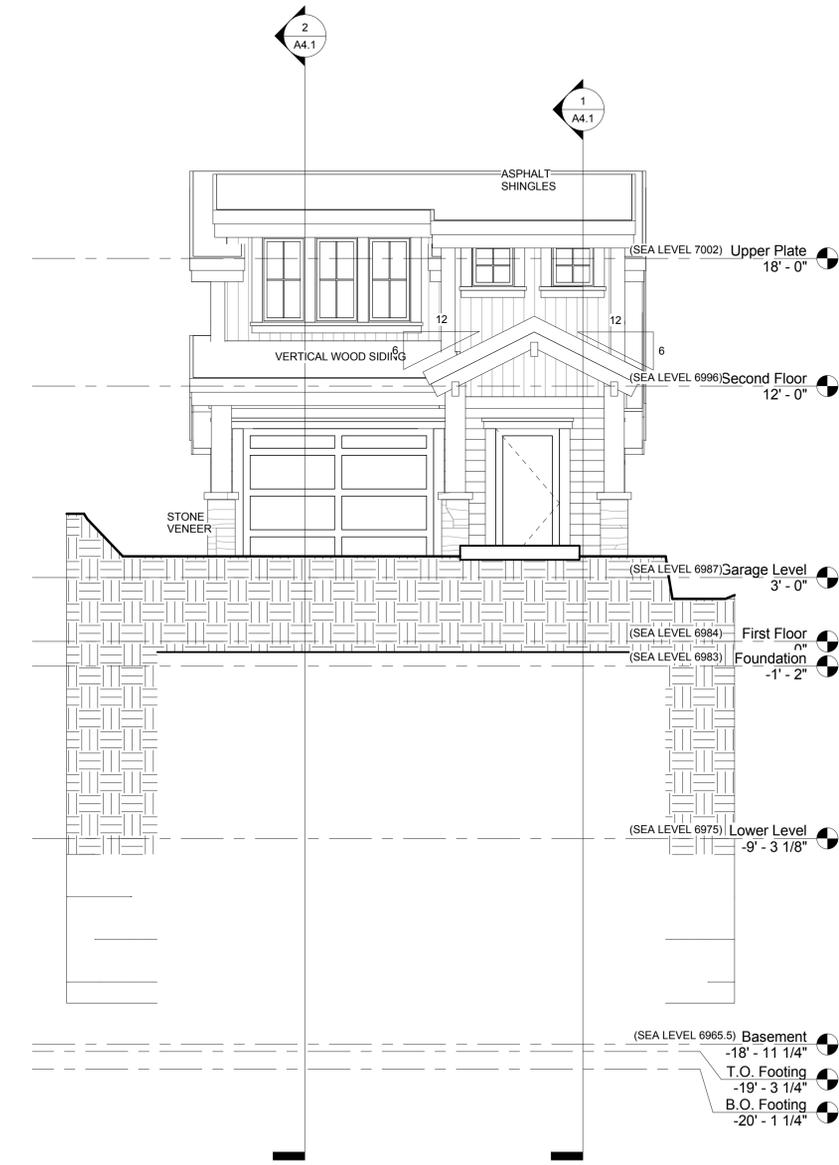
**New Residence**  
Lot 30, Blk 3, Snyders Addition  
908 Woodside Avenue,  
Park City, Utah 84098

**Elevations**

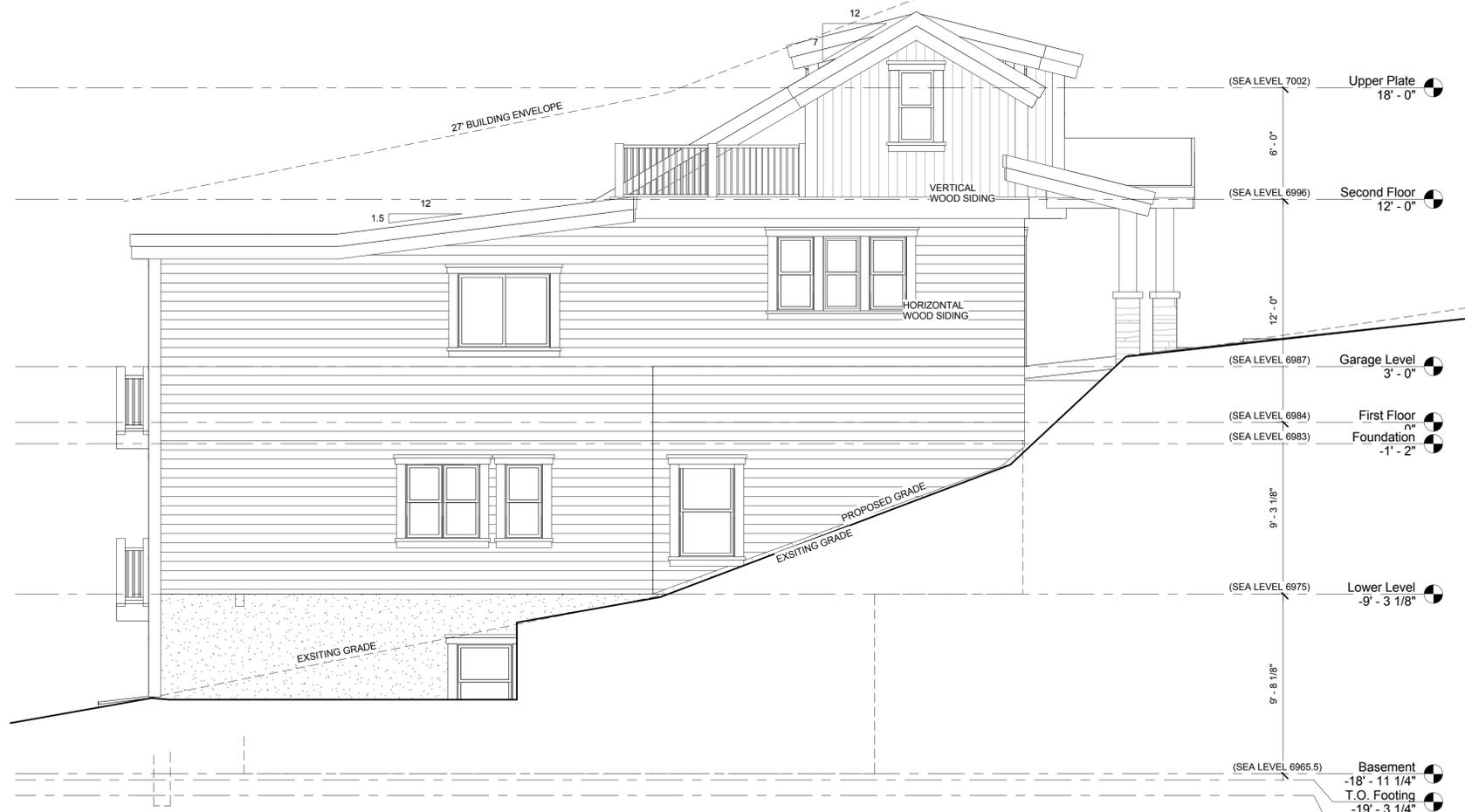
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1 South Elevation  
1/4" = 1'-0"



2 West Elevation  
1/4" = 1'-0"

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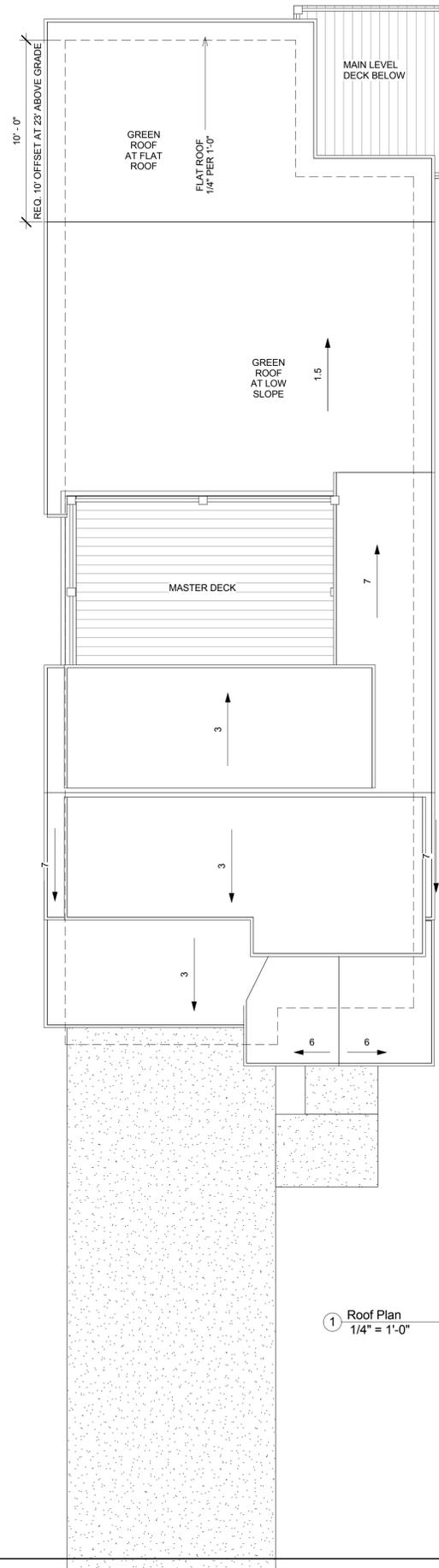
**New Residence**  
Lot 30, Blk 3, Snyders Addition  
908 Woodside Avenue,  
Park City, Utah 84098

**Elevations**

SCALE:  
1/4" = 1'-0"

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**A3.2**



① Roof Plan  
1/4" = 1'-0"

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Park City, Utah 84098

**Roof Plan**

SCALE:  
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**Building Sections**

SCALE:  
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**A4.1**

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UNDERSTANDING OF LIABILITY  
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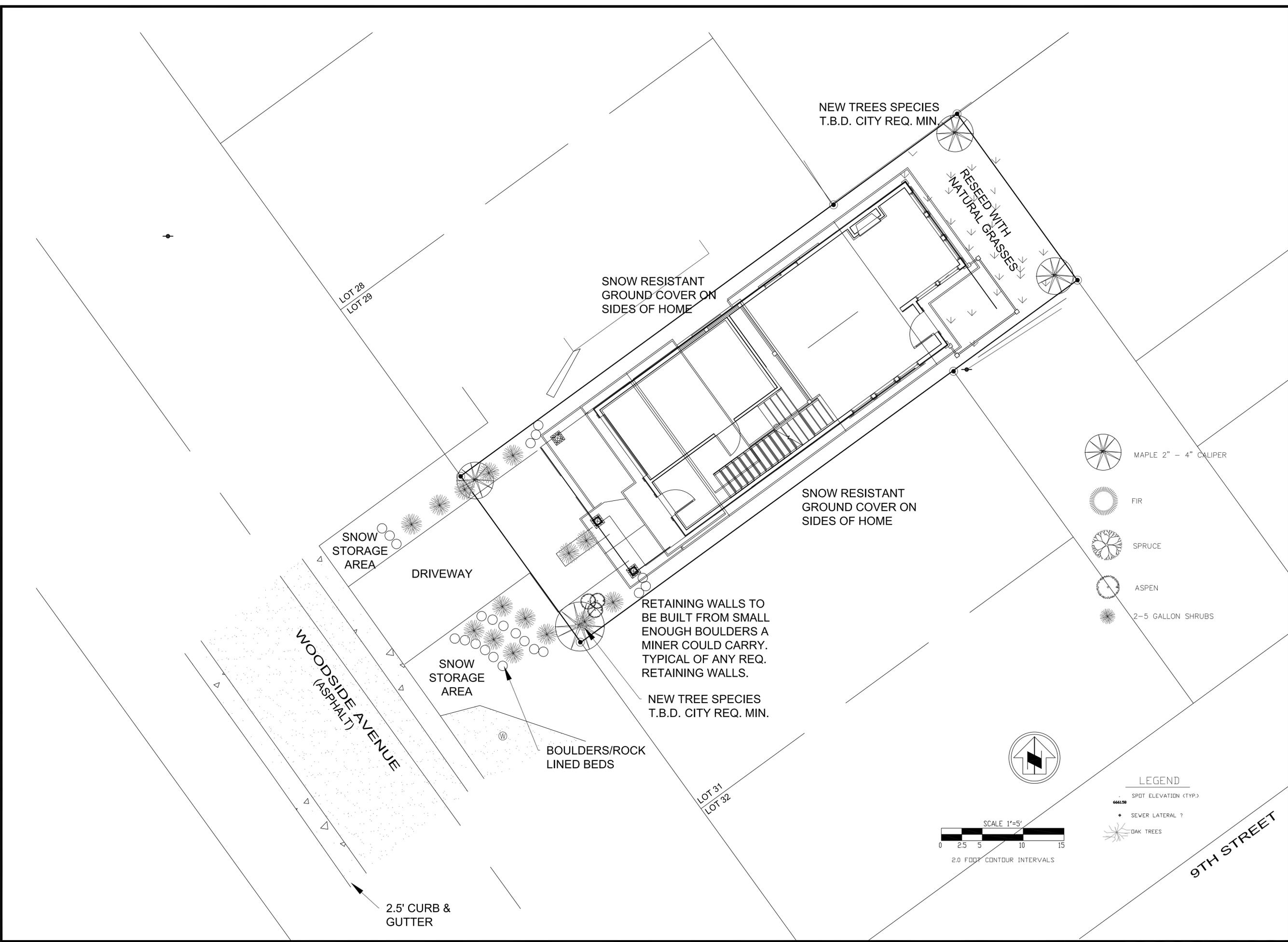
**SNYDERS**  
 ADDITION  
 LOT 30  
 BLOCK 3

**NEW RESIDENCE**  
 908 WOODSIDE AVE  
 PARK CITY, UTAH  
 84098

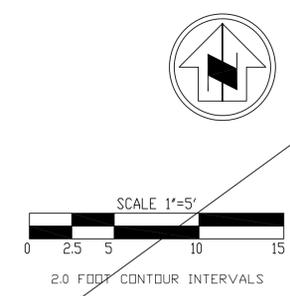
**LANDSCAPE PLAN**  
 SCALE:  
 1" = 5'

**DATE OF PLANS**  
 DEC 2014

**SHEET**  
**L1.1**



-  MAPLE 2" - 4" CALIPER
-  FIR
-  SPRUCE
-  ASPEN
-  2-5 GALLON SHRUBS



- LEGEND**
-  SPOT ELEVATION (TYP.)  
6661.50
  -  SEWER LATERAL ?
  -  OAK TREES





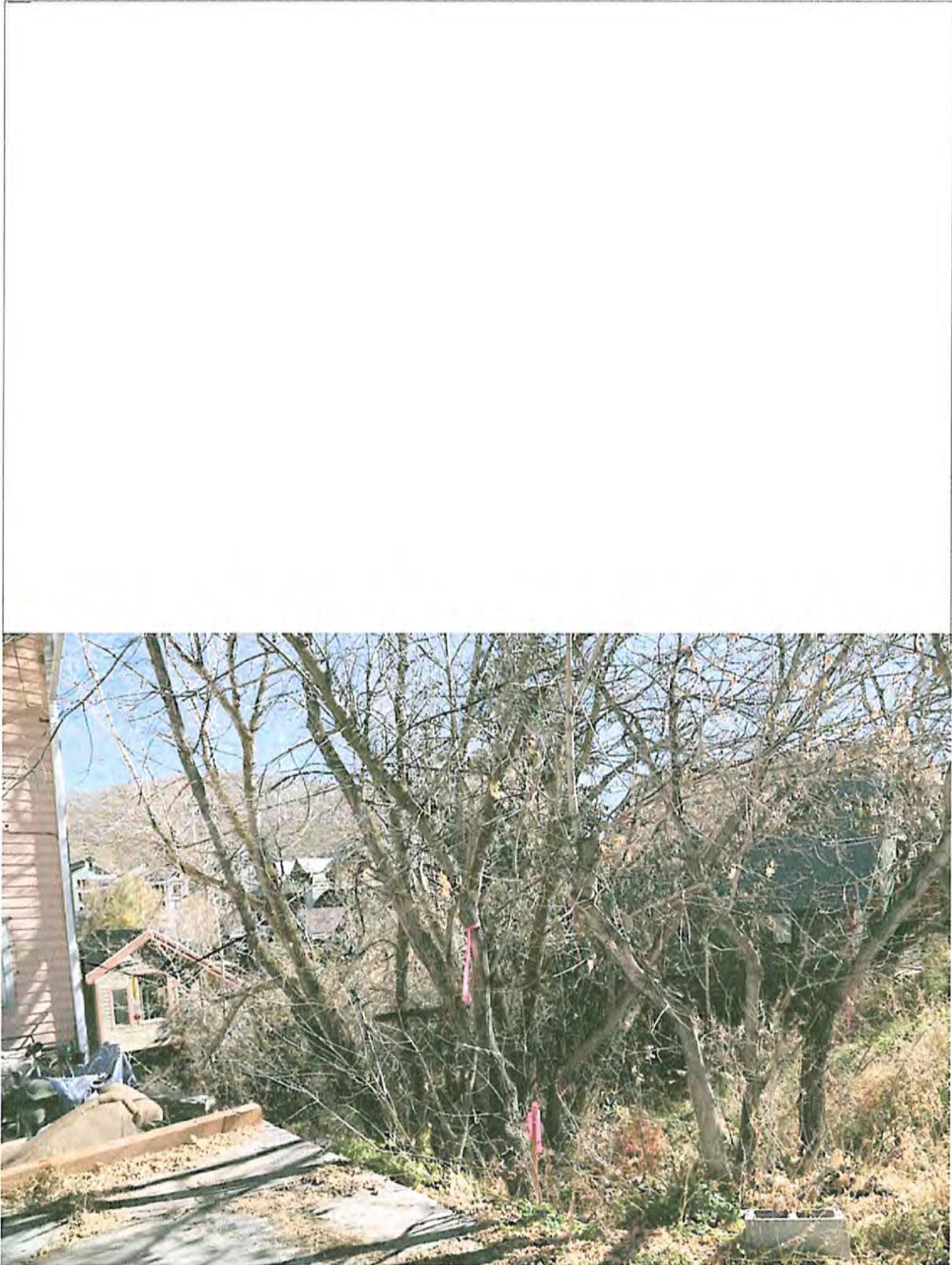
EXHIBIT C

# EXHIBIT C

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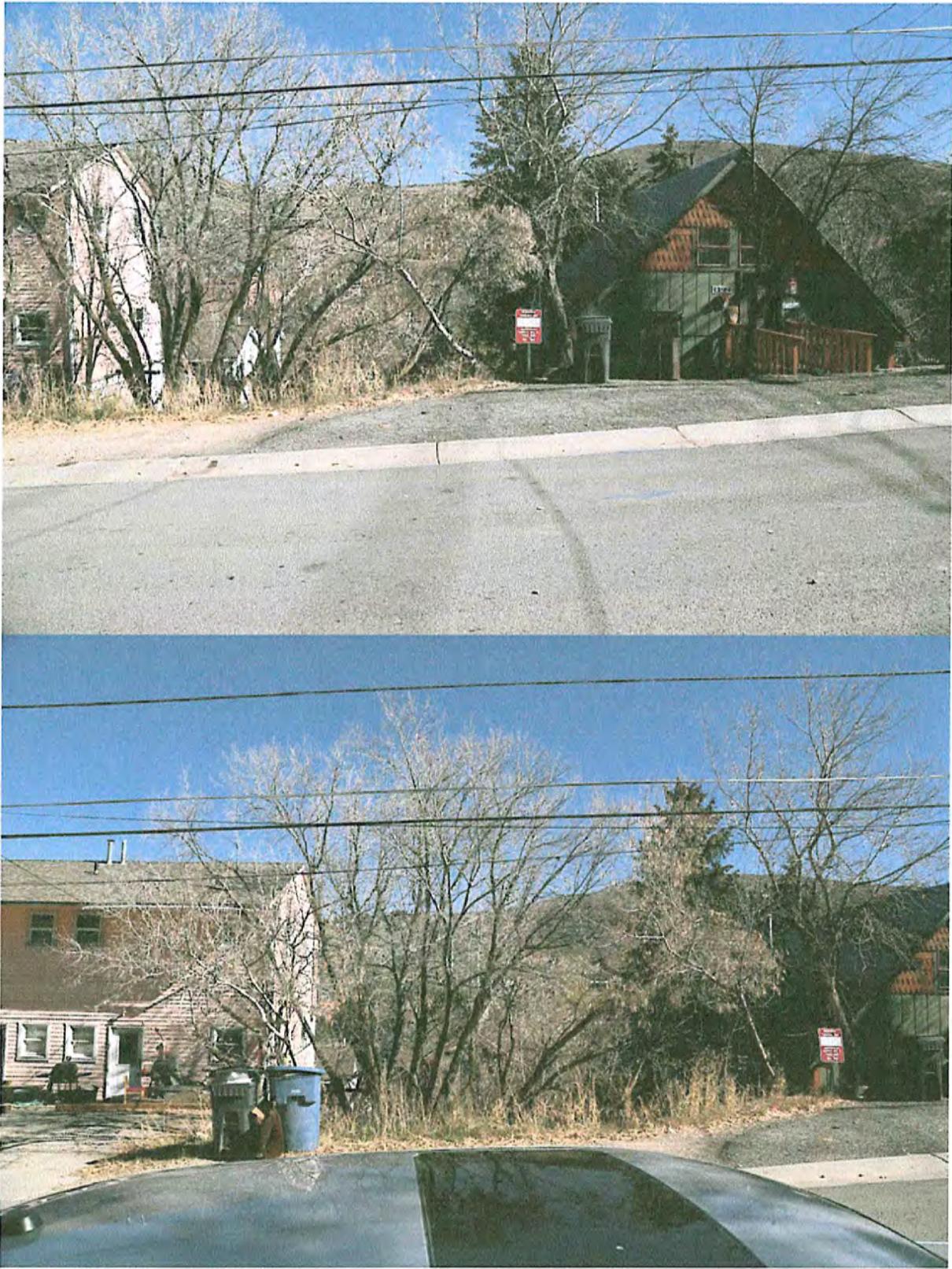


EXHIBIT D









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# Planning Commission Staff Report



**Subject:** 936 Empire Avenue Subdivision Plat  
**Author:** Christy J. Alexander, AICP, Planner II  
& Sam Brookham, Planning Intern  
**Project Number:** PL-14-02526  
**Date:** January 14, 2015  
**Type of Item:** Administrative – Plat Amendment

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 936 Empire Ave Subdivision plat, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

*Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

## Description

**Applicant:** Steve Rosenberg, owner/Larry Feldman, representative  
**Location:** 936 Empire Ave  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Single-family and Duplex homes  
**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 1 and a half (1.5) existing lots (Lots 24 & northerly ½ of 25) into one (1) lot of record located in Block 15 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and requests to combine the lots to create one (1) new larger vacant lot on which they plan to build a new single-family home at 936 Empire Avenue.

## Purpose

The purpose of the Historic Residential (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.

### **Background**

On October 27, 2014 the applicant submitted a complete application for the 936 Empire Avenue Amended plat. The property is located at 936 Empire Avenue in the Historic Residential (HR-1) District.

Currently both Lots 24 and the northerly ½ of 25 are vacant of any structures. Both lots are now owned by Steve Rosenberg. There have been several lot splits consistently down the same street where others have combined one and a half lots. Only one lot (lot 24-a standard Old Town lot) currently meets the minimum lot area standards as given for the HR-1 District. The applicant states their intentions are to build a single-family home on the proposed combined lot.

### **Analysis**

The proposed plat amendment creates one (1) lot of record consisting of 2,812.5 square feet. The minimum lot area for a single family dwelling is 1,875 square feet. Neither lots currently contain any structures and are vacant. The combined lot area does not meet the minimum lot size of 3,750 square feet for a duplex. The applicant has submitted a preliminary Historic District Design Review application and plans for the proposed structure on the lot to the Design Review Team which is consistent with the mass and scale of other buildings in the neighborhood.

There are currently two (2) existing buildings on either side of the proposed lot. The lot to the north (Lot 23) contains a building with zero (0') side setbacks on the lot line shared with 936 Empire Ave and encroaches onto the proposed lot by 0.3 feet. The applicant must obtain an encroachment agreement prior to plat recordation. In order to comply with fire code the distance between buildings must be six (6') feet, or five (5') feet if a fire wall is implemented; this would require a side setback of 6.3 feet on the north lot line of 936 Empire. The lot(s) to the south (southerly ½ of Lot 25 and Lot 26) of 936 Empire contain an existing building which does not cross the property line.

Any new structure proposed for the combined lot created by this plat amendment would need to meet the current LMC code requirements of 3 feet side yard setbacks (6 total), in this case with 6 feet on the northerly side and 3 feet on the southerly side. Front and rear yard setbacks would need to meet current code standards of a minimum of ten feet (10'). The homes within 200 feet across the street on the west side of Lowell Ave consist of mainly duplex dwellings, larger single-family dwellings and vacant lots.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed width will be thirty-seven and a half (37.5') feet. The proposed lot will be compatible with the existing neighborhood as the two lots either side of the proposed lot are approximately each thirty-seven and a half (37.5') feet in width as well. The houses within 200 feet to the north and south on the east side of Empire Ave consist of typical "Old Town" single-family dwellings and vacant lots. The proposed lot combination meets the lot and site requirements of the HR-1 District described below:

| <b>Required</b>          | <b>Existing</b>   | <b>Permitted</b>                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Size                 | 2,813 square feet | 1,875 square feet minimum                                                                                                                                                                                                                                                                                                                                                         |
| Building Footprint       | N/A               | 1,201 square feet maximum (based on the lot area of 2,813 square feet)                                                                                                                                                                                                                                                                                                            |
| Front/rear yard setbacks | N/A               | 10 feet minimum, 20 feet total (based on the lot depth of 75 feet)                                                                                                                                                                                                                                                                                                                |
| Side yard setbacks       | N/A               | 3 feet minimum, 6 feet total (based on the lot width of 37.5 feet); in this case with 6 feet on the northerly side due to existing structure on the property line and 3 feet on the southerly side.                                                                                                                                                                               |
| Height                   | N/A               | 27 feet above existing grade, maximum. 35 feet above existing grade is permitted for a single car garage on a downhill lot upon Planning Director approval.<br>Plat: cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater).<br>Height exception for the garage may be granted if it meets the preceding criteria. |
| 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.                                                                                                                                                                                                                                                                                                       |

The plat also contains an existing retaining wall to the north and front of the property that encroaches by approximately one foot. The applicant will also need to obtain an encroachment permit for the retaining wall with the adjacent neighbor prior to plat recordation. This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. Any new structures must comply with current LMC requirements. A steep slope conditional use permit may be required for development on the amended lot. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if required, application are required prior to building permit issuance for any construction on the proposed lot.

**Good Cause**

Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow a new house to be developed and will remove the existing lot line between the two lots. The plat will incorporate a remnant ½ lot into a platted lot. The plat amendment will also utilize best planning and design practices, while preserving the character of the

neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code, and applicable Historic District Design Guidelines 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 in the LMC on December 19, 2014. Legal notice was also published in the Park Record by December 31, 2014 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 for approval of the 936 Empire Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation for the 936 Empire Avenue 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 one and a half (1.5) existing lots would not be adjoined and remain as is. The lot at 936 Empire Avenue would remain vacant and would have to comply with the current LMC requirements for any new structures on typical "Old Town" single lots.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 936 Empire Avenue Subdivision plat 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 – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial

Exhibit D – Photographs

## Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

### **AN ORDINANCE APPROVING THE 936 EMPIRE AVENUE SUBDIVISION PLAT, LOCATED AT 936 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the 936 Empire Avenue Subdivision located at 936 Empire Avenue, have petitioned the City Council for approval of the 936 Empire Avenue Subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on January 14, 2015 to receive input on the proposed subdivision;

WHEREAS, on January 14, 2015 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on February 5, 2015 the City Council held a public hearing on the proposed 936 Empire Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 936 Empire Avenue Subdivision 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 936 Empire Avenue Subdivision plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### **Findings of Fact:**

1. The plat is located at 936 Empire Avenue within the Historic Residential (HR-1) District.
2. The 936 Empire Avenue Subdivision consists of Lots 24 & northerly ½ of 25 of Block 15 of the Snyder's Addition to the Park City Survey.
3. On October 27, 2014, the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record.
4. The application was deemed complete on October 27, 2014.

5. The lots at 936 Empire Ave are currently vacant.
6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
7. The maximum footprint allowed in the HR-1 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. The property to the north currently has a zero foot (0') side setback and the existing home to the north encroaches onto 936 Empire by approximately 0.3 feet on the lot line shared with 936 Lowell Ave as well as the existing retaining wall that encroaches approximately one foot.
9. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

#### 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. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction on the proposed 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. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat.
6. The lot to the north (Lot 23) contains a building with zero (0') side setbacks on the lot line shared with 936 Empire Ave. In order to comply with fire code the distance between buildings must be six (6') feet, or five (5') feet if a fire wall is implemented; this would require a side setback of six feet on the north lot line of 936 Empire Ave.
7. The 930 Empire Avenue encroachments of the existing home crossing the property line by 0.3 feet and the existing retaining wall crossing the property by approximately one foot must be addressed and encroachment permits with the adjacent neighbor must be addressed prior to plat recordation.

8. Snowshed agreements from the northerly and southerly neighbors will be required.

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

PASSED AND ADOPTED this \_\_\_\_day of \_\_\_\_\_, 2015

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

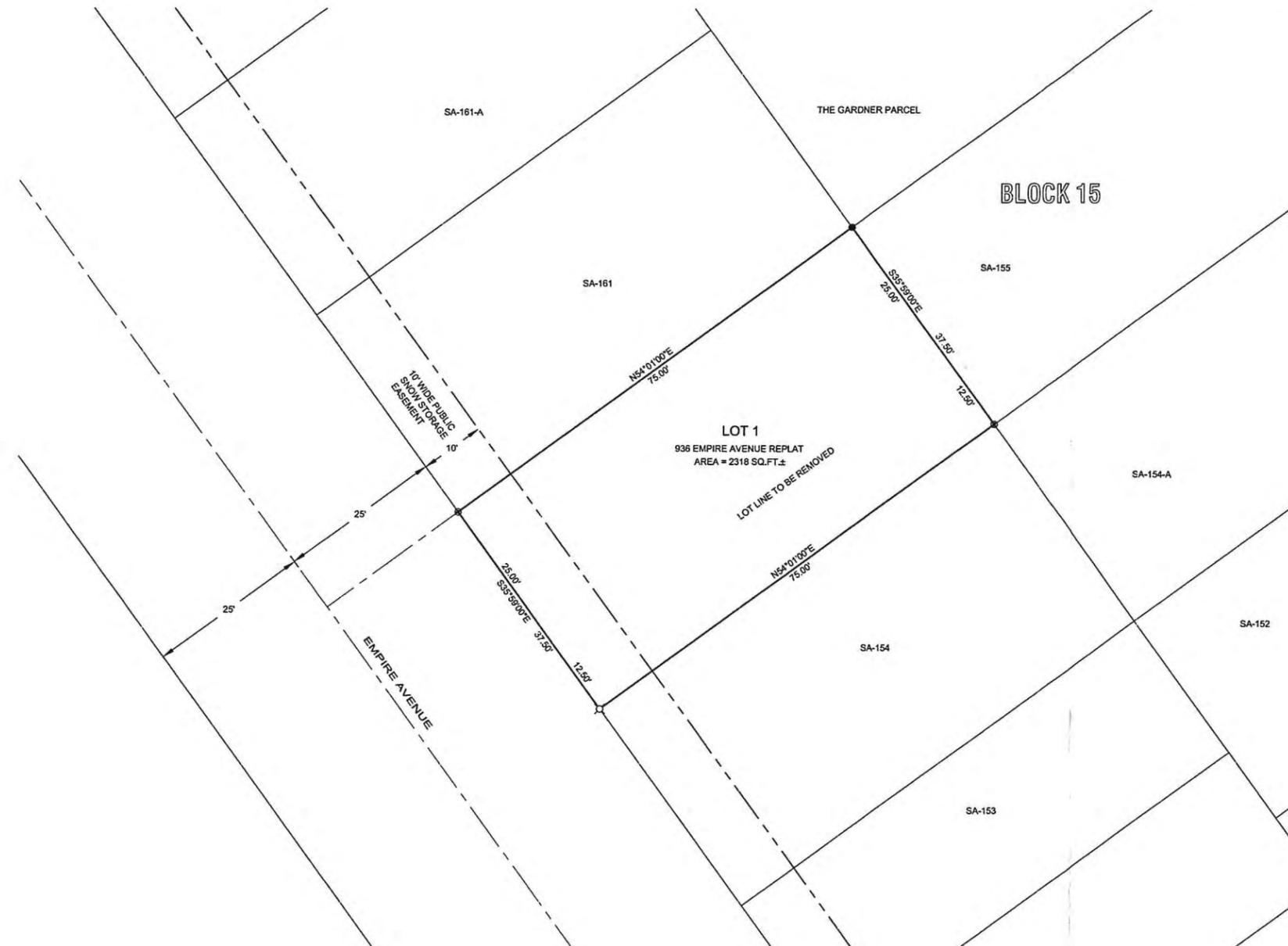
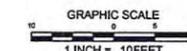
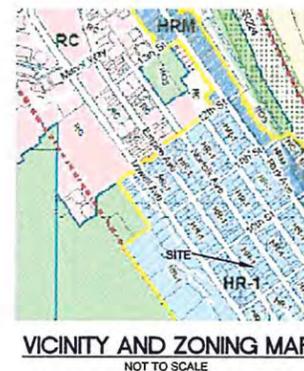
\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

# EXHIBIT A

## 936 EMPIRE AVENUE RE-PLAT AMENDMENT TO LOT 1 1185 EMPIRE AVENUE PLAT AMENDMENT SUBDIVISION BLOCK 27 SNYDERS ADDITION LOCATED IN THE NORTHWEST QUARTER OF SECTION 16 TOWNSHIP 2S RANGE 4E SALT LAKE BASE AND MERIDIAN



- LEGEND:**
- PROPERTY LINE
  - - - CENTER LINE
  - - - EASEMENT
  - LOT LINE
  - XXX STREET ADDRESS ON EMPIRE AVE.
  - 5/8" REBAR AND CAP LS 5046908
  - 5/8" REBAR AND CAP ENSIGN ENG.
  - ⊗ 5/8" REBAR NO CAP

**SURVEYOR'S STATEMENT**

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5406908. THIS PLAT AMENDMENT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.

GREGORY J. FERRARI, P.L.S. 5046908 EXPIRES MARCH 31, 2015

- NOTES:**
- MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
  - THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE OF 14-08

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS THAT STEVE L. ROSENBERG, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE 936 EMPIRE AVENUE REPLAT, DOES HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED. STEVE L. ROSENBERG HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT AMENDMENT.

ALSO, THE OWNERS, OR HIS REPRESENTATIVE, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

STEVE L. ROSENBERG

**ACKNOWLEDGMENT**

STATE OF UTAH: )  
COUNTY OF SUMMIT: ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, \_\_\_\_\_

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY, HAVING BEEN DULY SWORN, \_\_\_\_\_ ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, AND THAT HE SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

MY COMMISSION EXPIRES \_\_\_\_\_  
NOTARY PUBLIC  
RESIDING IN \_\_\_\_\_

**LEGAL DESCRIPTION:**

**FORMER PC-155-A:** ALL OF LOT 24, AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

**LOT 1:** ALL OF LOT 24, AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

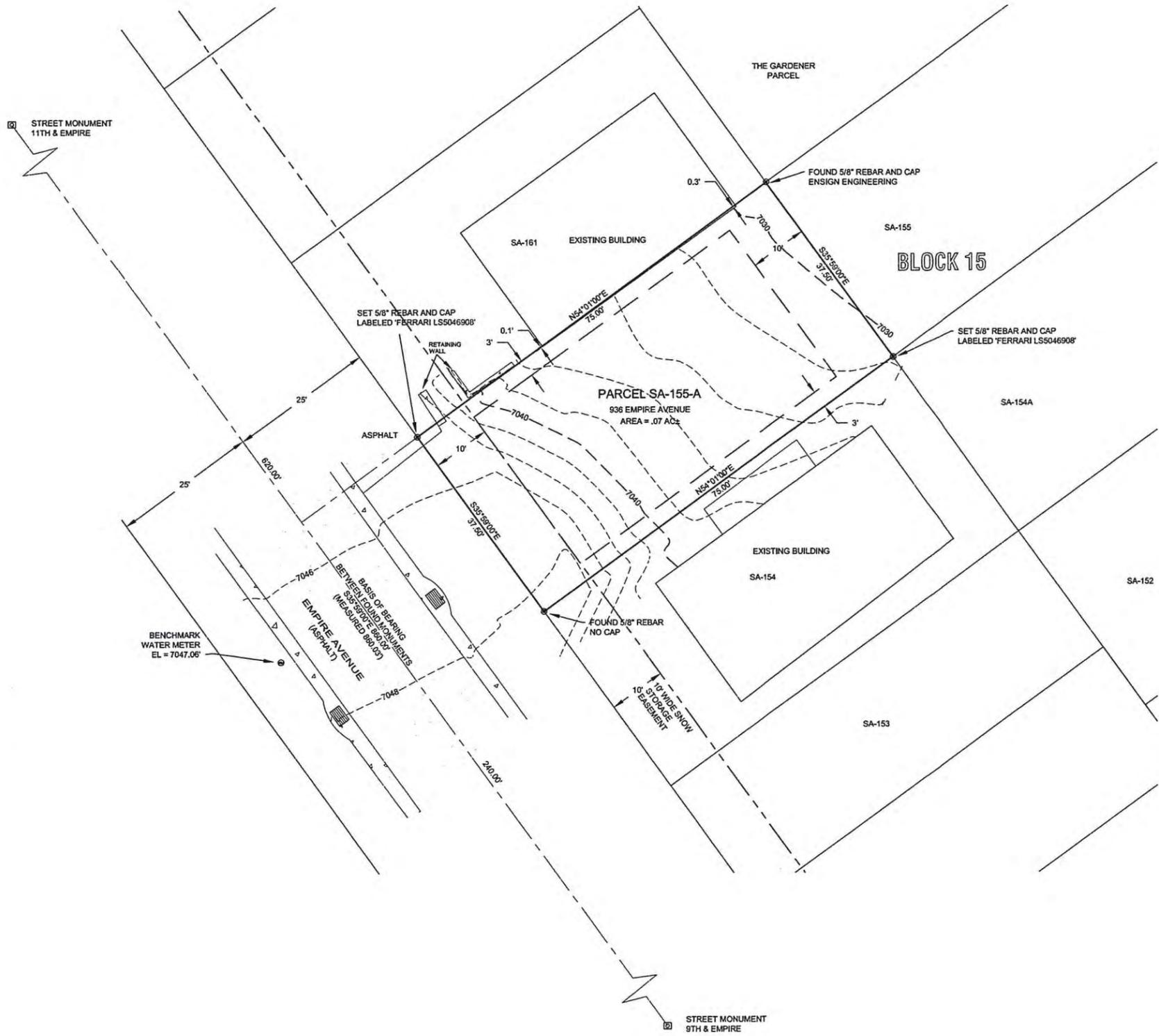
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 24, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, THENCE NORTH 54°01'00" EAST 75.00 FEET; THENCE SOUTH 35°59'00" EAST 37.50'; THENCE SOUTH 51°01'00" WEST 75.00 FEET; THENCE NORTH 35°59'00" EAST 37.50 FEET TO THE POINT OF BEGINNING. CONTAINING 2813 SQ. FT.±



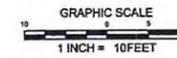
|                                                                                                                       |                                                                                                                                                                                                            |                                                                                                                                    |                                                                                                                                                                                   |                                                                                                                         |                                                                                                                                                                             |                                                                                                                                                     |                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| <br>FERRARI SURVEYING, LLC<br>P.O.B. 683001 PARK CITY, UT<br>(435) 640-0412<br>Planning Commission - January 14, 2015 | <b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b><br>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D.<br>BY: _____<br>S.B.W.R.C. | <b>PLANNING COMMISSION</b><br>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2014<br>BY: _____<br>CHAIRMAN | <b>ENGINEER'S CERTIFICATE</b><br>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014 A.D.<br>BY: _____<br>PARK CITY ENGINEER | <b>APPROVAL AS TO FORM</b><br>APPROVED AS TO FORM THIS _____ DAY OF _____, 2014 A.D.<br>BY: _____<br>PARK CITY ATTORNEY | <b>CERTIFICATE OF ATTEST</b><br>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.<br>BY: _____<br>PARK CITY RECORDER | <b>COUNCIL APPROVAL AND ACCEPTANCE</b><br>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.<br>BY: _____<br>MAYOR | STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____<br>DATE _____ TIME _____ BOOK _____ PAGE _____<br>FEE _____ Page 4 of 120 |
|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|

# EXHIBIT B



## RECORD OF SURVEY & TOPOGRAPHICAL MAP

936 EMPIRE AVENUE  
 PARCEL SA-155-A  
 LOT 24 & THE NORTHERLY 1/2 OF LOT 25, BLOCK 15, SNYDERS ADDITION TO PARK CITY  
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 16  
 TOWNSHIP 2S RANGE 4E  
 SALT LAKE BASE AND MERIDIAN



### SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5406908. THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME, OR UNDER MY DIRECTION, OF THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

GREGORY J. FERRARI, P.L.S. 5046908 EXPIRES MARCH 31, 2015

| INITIAL | REVISIONS | DATE | REV |
|---------|-----------|------|-----|
|         |           |      |     |
|         |           |      |     |
|         |           |      |     |
|         |           |      |     |



P.O. BOX 683001  
 PARK CITY, UT 84068

### LEGAL DESCRIPTION:

LOT 24 AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDERS ADDITION TO PARK CITY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

**REUSE OF DOCUMENTS**  
 THIS DOCUMENT & THE IDEAS & DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF FERRARI SURVEYING & IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF FERRARI SURVEYING.

### LEGEND:

|  |                         |  |                            |
|--|-------------------------|--|----------------------------|
|  | PROPERTY LINE           |  | PROPERTY CORNER (AS NOTED) |
|  | MAJOR CONTOUR           |  | WATER MANHOLE              |
|  | MINOR CONTOUR           |  | STREET MONUMENT            |
|  | CENTER LINE             |  | DRAINAGE INLET             |
|  | PUBLIC UTILITY EASEMENT |  |                            |
|  | BUILDING ENVELOPE       |  |                            |

### PROJECT INFORMATION:

|                     |                                                                          |
|---------------------|--------------------------------------------------------------------------|
| CLIENT:             | LARRY FELDMAN<br>936 EMPIRE AVE.<br>PARK CITY, UT 84060                  |
| PROJECT ADDRESS:    | 936 EMPIRE AVENUE<br>PARK CITY, UT 84060                                 |
| SERIAL NO.:         | SA-155-A                                                                 |
| RECORD INFORMATION: | LOT 24 AND THE NORTH 1/2 LOT 25, BLOCK 15, SNYDERS ADDITION TO PARK CITY |

### NOTES:

1. THE PURPOSE OF THIS SURVEY IS LOCATE THE BOUNDARIES OF THIS PROPERTY ON THE GROUND AND CREATE A TOPOGRAPHICAL MAP AT THE REQUEST OF LARRY FELDMAN.
2. THE EVIDENCE OF BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD INFORMATION COMPILED FROM SNYDERS ADDITION TO PARK CITY SUBDIVISION.
3. NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
4. NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
5. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
6. DATE OF FIELD WORK SEPTEMBER 24, 2014.
7. VERTICAL DATUM IS ASSUMED.
8. BUILDING SETBACKS MUST BE CONFIRMED WITH THE COUNTY, HOMEOWNER'S ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP, IF ANY.
9. THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT.
10. BASIS OF BEARING SHOWN HEREON.

**RECORD OF SURVEY AND TOPOGRAPHICAL MAP**  
**936 EMPIRE AVENUE**  
 SA-155-A  
**LOT 24 AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDERS ADDITION TO PARK CITY**  
 SUMMIT COUNTY  
 OCT 27 2014  
 PARK CITY  
 UTAH  
 PARK CITY PLANNING DEPT.

|                                                                                            |             |
|--------------------------------------------------------------------------------------------|-------------|
| BAR IS ONE INCH ON ORIG. DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY. |             |
| SURVEY BY:                                                                                 | GF-TM       |
| SURVEY DATE:                                                                               | 9-24-14     |
| DESIGN BY:                                                                                 | GF          |
| DRAFTING BY:                                                                               | GF          |
| CHECKED BY:                                                                                | GF          |
| XREF:                                                                                      | XREF1       |
| XREF:                                                                                      | XREF2       |
| DRAWING:                                                                                   | 936EMPREAVE |
| DATE:                                                                                      | 9-25-14     |
| SCALE:                                                                                     | 1 OF 1      |
| 1:10 HORIZONTAL                                                                            |             |
| 2" CONTOURS                                                                                |             |

EXHIBIT C

Google earth

feet  
meters



RECEIVED  
OCT 27 2014  
PARK CITY  
PLANNING DEPT.

EXHIBIT D



RECEIVED  
OCT 27 2014  
PARK CITY  
PLANNING DEPT.



RECEIVED  
OCT 27 2014  
PARK CITY  
PLANNING DEPT.



RECEIVED  
OCT 27 2014  
Page 119 of 120  
PARK CITY  
PLANNING DEPT.



RECEIVED  
OCT 27 2014  
Page 120 of 120  
PLANNING DEPT.