

PARK CITY MUNICIPAL CORPORATION PLANNING COMMISSION



SANTY AUDITORIUM; PARK CITY LIBRARY
1255 PARK AVENUE, PARK CITY

July 13, 2016

AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF June 22, 2016

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

158 Ridge Avenue – Steep Slope Conditional Use Permit for a new Single Family Dwelling. <i>Public hearing and possible continuation to July 27, 2016</i>	PL-16-03149 <i>Planner Hawley</i>	65
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REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

7101 Silver Lake Drive – Amendment to Record of Survey – 1 st Amendment to the North Silver Lake Amended and Restated Condominium Plat amending units 6A, 6B, 10, 11, and 13 to adjust building envelopes and condominium interiors from the existing plat. <i>Public hearing and possible recommendation to City Council on August 4, 2016</i>	PL-16-03169 <i>Analyst Rodriguez Planner Astorga</i>	67
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Parcel numbers, PC-800-1, PC-364-A - Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan <i>Public hearing and continuation to August 10, 2016</i>	PL-08-00370 <i>Planner Astorga</i>	95
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Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for Retaining Walls six feet (6') in height or more. <i>Public hearing and possible action</i>	PL-15-02669 <i>Planner Astorga</i>	121
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Alice Claim Gully Site Plan, south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment. <i>Public hearing and possible recommendation to City Council</i>	PL-08-00371 <i>Planner Astorga</i>	121
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123 Ridge Avenue, Alice Claim Gully Site Plan property swap - Ridge Avenue Plat Amendment. <i>Public hearing and possible recommendation to City Council</i>	PL-16-03069 <i>Planner Astorga</i>	121
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Park City Mountain Resort Development Agreement Mountain Upgrade Plan and MPD Amendment <i>Planning Commission Determination of Compliance with Condition 4 of Master Planned Development approval March 25, 2015</i>	PL-14-02600 <i>Planner Grahm Planner Astorga</i>	205
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1450 Park Avenue - Conditional Use Permit application for limited access on	PL-16-03162	231
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Sullivan Road <i>Public hearing and possible action</i>	<i>Planner Grahm</i>	
1460 Park Avenue - Conditional Use Permit application for limited access on Sullivan Road <i>Public hearing and possible action</i>	PL-16-03161 <i>Planner Grahm</i>	275
259, 261 & 263 Norfolk Avenue – A Conditional Use Permit for construction in a platted, un-built City ROW of a shared driveway which will be a single shared drive from the northern section of the lots connecting to the single shared driveway towards the south side of the lots. <i>Public hearing and possible action</i>	PL-16-03145 <i>Planner Hawley</i>	317
2392 Holiday Ranch Loop Road – Conditional Use Permit for a new well filtration building that if approved will replace the old well filtration buildings at Creekside Park in the Recreation Open Space (ROS) zone. <i>Public hearing and possible action</i>	PL-16-03198 <i>Planner Hawley</i>	351
4 Thayne’s Canyon Way – Plat amendment of Lot 2 of the Thayne’s Canyon Subdivision No. 6 to abandon the current temporary turnaround easement and create a new easement to serve as a turnaround for fire apparatus. <i>Public hearing and possible recommendation to City Council on August 4, 2016</i>	PL-16-03196 <i>Planner Hawley</i>	393

ADJOURN

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

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 22, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Pro Tem Melissa Band, Preston Campbell, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO:

Bruce Erickson, Planning Director, Kirsten Whetstone, Planner; Anya Grahn, Planner; Makena Hawley, Planning Tech; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

Director Erickson noted that two Commissioners were absent this evening and other Commissioners would be recusing themselves from different matters on the agenda. The Planning Commission would have a quorum throughout the evening; however, the Commissioners needed to nominate a Chair Pro Tem to conduct the meeting.

MOTION: Commission Phillips nominated Melissa Band as the Chair Pro Tem. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Director Erickson noted that Commissioner Band would be recused from one agenda item and the Commissioners needed to nominate a Vice-Chair Pro Tem.

MOTION: Commissioner Campbell nominated John Phillips as the Vice-Chair Pro Tem. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

ROLL CALL

Chair Pro Tem Band 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.

ADOPTION OF MINUTES

June 8, 2016

Commissioner Thimm referred to page 22 of the Staff report, page 19 of the Minutes regarding his comments. The minutes reflect that He agreed with Commission Thimm and that should be changed to correctly read, **He agreed with Commissioner Joyce.**

MOTION: Commissioner Phillips moved to APPROVE the minutes of June 8, 2016 as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reminded the Commissions of their joint meeting with the City Council on June 29th to discuss housing policy. He would send an email with the approximate time once the Council agenda is published. The discussion would focus on the Blue Ribbon Commission report, as well as a discussion regarding policies and changes to the LMC.

NOTE: Later in the meeting Director Erickson noted that the correct date for the joint meeting was June 30th and not June 29th as he originally stated.

Director Erickson stated that given the size of the Staff report for this meeting, he decided not to include the transportation report. He would email the transportation report to the Commissioners the next day so they would have the weekend to read it. Director Erickson pointed out that a date had not yet been set for that discussion.

Chair Pro Tem Band disclosed that she would be recusing herself from the 215 Park Avenue Steep Slope CUP.

Commissioner Thimm disclosed that the architectural firm he works for was recently awarded the architectural contract for the 1000 Ability Way National Ability Center. For that reason he would recuse himself from participating on that agenda item.

Commissioner Suesser would recuse herself from 700 Round Valley Drive due to a previous involvement.

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

1. 263 Norfolk Avenue – A Conditional Use Permit proposing an engineering design of a shared driveway for Lots 1, 2, and 3 of the Upper Norfolk Subdivision that will

service 3 future residences. The location of the proposed shared driveway is approximately 15-20 feet outside of the asphalt roadway, but within the 50 foot Norfolk Right of Way. (PL-16-03145)

Chair Pro Tem Band opened the public hearing. There were no comments. Chair Pro Tem Band closed the public hearing.

MOTION: Commissioner Suesser moved to CONTINUE 263 Norfolk Avenue Conditional Use Permit to July 13, 2016. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

2. 2392 Holiday Ranch Loop Road – Conditional Use Permit for a new well filtration building that if approved will replace the old well filtration buildings at Creekside Park in the Recreation Open Space (ROS) zone. (Application PL-16-03198)

Chair Pro Tem Band opened the public hearing. There were no comments. Chair Pro Tem Band closed the public hearing.

MOTION: Commissioner Suesser moved to CONTINUE 2392 Holiday Ranch Loop Road to July 13, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. 1401 & 1415 Kearns Blvd., 1415, 1635, 1665, 1685, & 1705 Bonanza Dr., 1420 & 1490 W Munchkin Rd., – Bonanza Park North East Master Planned Development (MPD) Pre-Application determination in the General Commercial (GC) District. Project consists of a mixed-use development containing commercial space on the first floor and office or residential uses on the upper levels. Project includes surface parking and one level of underground parking. (PL-15-02997)

Chair Pro Tem opened the public hearing.

Mark Fischer thanked the Planning Commission for continuing to work on this item. He supported the idea of taking extra time to get it right in hopes of coming back to the Planning Commission next month. Mr. Fischer announced that he recently added Rory Murphy to his team and he will be working with them throughout the entitlement process. Mr. Murphy is an authorized representative and he may reach out to the Planning Commission to hear their concerns and ideas. Mr. Fischer believed Mr. Murphy's past experiences would be a great benefit in helping them

find the right compromises. He has great respect for Mr. Murphy and appreciates the fact that he was willing to join their team.

Chair Pro Tem Band closed the public hearing.

MOTION: Commissioner Suesser moved to CONTINUE 1401 & 1415 Kearns Blvd., the northeast MPD pre-application to a date uncertain. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 632 Deer Valley Loop – Plat Amendment for the Lilac Hill Subdivision located at 632 Deer Valley Loop (Application PL-16-03153)

Planner Anya Grahn presented an aerial showing the project location.

Planner Grahn noted that this property has had a long and complicated history. The house is listed on the Historic Sites Inventory and is commonly known as the “burnt out house” on Rossi Hill Drive. The fire damaged occurred in 1999. The house was originally constructed around 1900 and renovated between 1912 and 1918. The property was purchased by William and Julie Bertagnole in 1981. At that time they purchased the house but the land itself was still owned by the BLM. The Bertagnole’s were in a legal battle with the BLM for almost 30 years before they retained a land patent for the ownership in 2013. At that time the Bertagnole’s were considering developing the property and they wanted to tear down the house. However, the Historic Preservation Board did a determination of significance and found that the house was historic could not be demolished. Following that determination the Bertagnole’s sold the property to 632 Deer Valley Loop LLC in February of 2016.

Planner Grahn introduced Matt Mullin, the applicant representative for 632 Deer Valley Loop LLC.

Planner Grahn reviewed the proposal for a plat amendment to create one legal lot of record which would contain 14,446 square feet. A small portion of Deer Valley Loop cuts across the parcel. A portion of Rossi Hill also cuts across the property. Planner Grahn stated that the property where the roads are actually build is owned by the BLM. However, the BLM has granted the City a right-of-way easement for these streets.

The City has also requested that the applicant dedicate the portion of the land they own to the City for these street dedications, as well as an easement for a water line that runs across Deer Valley Loop. The property is located in the RDM zone. Planner Grahn understood that the three houses on Lower Deer Valley Driver are still owned by the BLM.

Planner Grahn stated that due to the historic nature of this site the Staff wanted to ensure that new development would not detract from the historic character of the site. Therefore a condition of approval was drafted as dictated by the General Plan. The General Plan outlines the Old Town neighborhood and it includes the Deer Valley Loop area. The General Plan also talks about preserving the historic character of the neighborhoods. It discusses compatible infill and neighborhood context, and making sure infill is subordinate to historic structures. The General Plan also calls for preventing the loss of historic structures and preserving the aesthetic of the Old Town character.

Planner Grahn noted that the RM District purpose statements also encourage new development that is compatible infill and rehab of existing structures; and it encourages developments that provide a transition of use and scale between the historic district and resort development.

Planner Grahn reported that the applicant believes the condition of approval is premature since any new development would likely require a second subdivision for single family housing or condominiums.

Matt Mullin, representing the applicant, explained that his concern with the HDDR review standard for this property is that it is premature and it can be applied later on when the house is rebuilt or development occurs. At this stage they were only trying to create a lot of record. Since no development was proposed at this time he could understand why they were addressing design issues.

Mr. Mullin also stated that the language Planner Grahn referenced for requesting the condition of approval comes from another zone which is two zones away. He was concerned about setting a precedent for property owners to have to check the Code across all zones in town and then determine which pieces of the Code would be applied to their piece of property.

Mr. Mullin stated that even in the RC zone it should be two blocks away from a historic Zones. He noted that a block is not easily defined in the LMC; however, even using the liberal definition, this property is more than two blocks away from a historic zone. Mr. Mullin commented on the geographic and topographic separation. He pointed out that this property cannot be accessed either walking or driving, without passing entire zones of new

construction or contemporary construction. He believed the standards that should only apply to the renovation of the house if that should occur were being applied to the entire property, and the Staff was supporting that argument by referencing Code language from other parts of town. Mr. Mullin stated that even if this were not premature, he had issues with taking language from other zones and putting it into the RM zone where it does not currently exist.

Director Erickson clarified that the RM Zone in which this project is located has requirements for preserving historic character. Those requirements were outlined in the Staff report. He explained that the difference is that this condition of approval was brought in from other applications where this condition of approval was used in order to support the current zone language. Director Erickson emphasized that it was a consistent application of the condition of approval. This property is in a zone that requires preservation and integration with the historic character of the neighborhood and the Staff wrote a consistent recommendation for a condition of approval.

Commissioner Suesser read language in the Staff report, "Staff has based this condition of approval on existing language in districts neighboring the H-Districts. Director Erickson replied that it was a condition of approval in support of the underlying zone. He clarified that the HDDR process was not on this particular application, and it would not take place until an application for a building is submitted.

Chair Pro Tem Band believed that everyone agrees that there is historic character and these gems are the last in that part of the neighborhood. She asked if those protections were sufficient without the condition of approval. Director Erickson stated that in the absence of a similar condition of approval they would need to rely on the zone requirements. If someone brings in an application it would be reviewed against the zone requirements for neighborhood compatibility. What the Staff was recommending would give the Planning Commission an additional condition of approval.

Commissioner Suesser asked if it would include the Design Guidelines for Historic Districts. Director Erickson replied that it would not. Planner Grahm remarked that the site is one lot of record with a historic house, and it falls under the Historic District Design Review process because it is a historic site designated on the Historic Sites Inventory. If the property was subdivided in the future, the lot with the historic house would still have to comply with the Design Guidelines because the house is on the HSI. However, other lots created by a subdivision would only have to meet the requirements outlined in LMC 15-2.15, which is the RM zoning District.

Chair Pro Tem Band thought it made more sense to wait until the applicant comes in with an application to re-subdivide the lot to add the condition of approval. She understood that

this application was only creating one lot of record. She was struggling to find a reason for doing it now. Assistant City Attorney McLean stated that Planning Commission had the purview to decide whether to require this condition of approval at all; and whether to do it now or later. Ms. McLean explained that doing it now would make subsequent owners or potential buyers aware of the Planning Commission's intention. Without the condition, the individual lot with the minimum lot size around that historic house would have the protection of the Design Guidelines, but future lots surrounding the existing lot would not be bound by the requirements of the Guidelines. The zone has purpose statements but not specific guidelines; and the purpose statements are difficult to enforce. Chair Pro Tem Band thought they were using the purpose statements to add the condition of approval. Assistant City Attorney answered no. In addition to the purpose statements they also have the fact that currently the house sits on the entire lot and it has been on that lot historically. The Staff was recommending the condition of approval because the historic sites encompasses the entire lot and future subdivisions would affect the context of the historic home.

Commissioner Campbell thought they could accomplish the same purpose if they added the condition of approval at the time of subdivision application. He agreed that the subdivision was a better time to address the issue.

Mr. Mullin stated that if it was the intent of the Planning Commission to make their views clear for future Planning Commissions or Staff, he suggested that they write it into the Code for the RM zone. Revising the Code would make everyone aware that language from other zones could randomly be applied.

Planner Grahn handed out public comment from the Tesch Law Office that was related to this application.

Chair Pro Tem Band opened the public hearing.

Diane Bernhardt, a Park City resident and homeowner at 630 Coalition View Court, stated that she was representing the Snow Park HOA, the Portico HOA, and a group of additional neighbors and homeowners a short distance from 632 Deer Valley Loop. Ms. Bernhardt read a letter expressing their concerns about the proposed plat amendment.

"As an overview, the subject property recently put into private ownership is part of a much larger parcel which has been owned for the BLM for over 100 years. This parcel is a one of a kind piece of heritage land with remarkable variety. It holds historic significance for the cluster of National Historic Register and Mining Boom houses with their notorious red light district past. It includes an established trailhead and well-loved recreational trails which were built by the Mountain and Trails Foundation, and are an integral part of the Park City

Trail Network. In addition, it is the last available passage for moose and wildlife to make their way to their only accessible source of drinking water. This BLM Hillside is an extremely important civic asset with a powerful potential to increase civic value. Our position is that a well-planned development of this property is the only way to preserve its historical, recreational and natural community heritage, and to improve its availability to the public. To improve the plat amendment the Planning Commission needs sufficient demonstration of good cause, particularly in light of the detriments that would occur. We believe that good cause, as documented in the Staff report, is inadequate. The good cause portion of tonight's planning packet is set forth on page 33 and it reads as follows: Staff finds good cause for this plat amendment as the plat amendment will create a legal lot of record from the government parcel, and a portion of Deer Valley Loop and Rossi Hill rights-of-way will be dedicated to the City. Public snow storage and utility easement will also be provided in the lot. Our view of this finding by Staff is that is an illusion and in fact no good cause has been shown. Let's address the good cause item by item. One, good cause by creating a legal lot of record. Creation of a single lot without planning the entire BLM hillside creates benefit only for the applicant, not for the City. Number two, good cause by dedicating rights-of-way to the City. The City already has ownership of those roads and the additional dedication really provides nothing. We understand that under Utah Law a road becomes a State Road when it has been used by the General Public for ten consecutive years. These road have been used much longer than that, and under case law decisions the City already has vested rights to these roads. Therefore, the City is getting nothing. Number three, good cause by providing snow storage and utilities easements. No building permit will be issued without dedicating ten foot snow storage and public utility easement. Since the City is already entitled to the snow, snow storage and easement there is no benefit. Good cause is not a simple reiteration of what the City of Park City already have, or something to which they are already entitled, as we find in this proposed plat amendment. A showing of good cause must illustrate that the citizens of Park City gain more than they originally had. It requires a donation of significant value to the City. For example, dedication of open space and safe passage for the protection and preservation of wildlife, restoration and preservation of historic structures, dedication of new recreation trails and trailheads, dedication of pedestrian sidewalks and stairways. Dedication of new roads or improvements to an existing road, or agreement to a smaller footprint, square footage or building height that is otherwise permitted. Due to the subject property's inclusion within this historic BLM parcel, the proposed plat amendment and its show of good cause must illustrate how its approval contributes to a big picture plan for the whole of this one of a kind property. First, applicants should be required to comply with open space plan providing for the accommodation of the existing BLM wildlife corridor, which is Rossi Hill's Wildlife last and only access to their source of drinking water. Applicant should be required to show good cause by documenting how the subject property contributes to the open space plane. Second, applicant should be required to comply with a historic preservation plan providing for the restoration and preservation of the collection

of four architecturally and historically significant homes. Applicant should be required to show good cause by documenting how the subject property contributes to the historic preservation plan. Additionally, approval of the plat amendment should be made conditional and the renovation and preservation of the existing single family home located at 630 Deer Valley Loop. Its renovation should approximate its current size, location and scale. Its historic attributes and significance should be restored. Its setting, landscape and surroundings, including potential new development there should reflect its historic era. This, applicant should be required to comply with the pedestrian pathway plan providing for the dedication and preservation of pedestrian walkways, stairways, recreational trails and trail heads. Applicant should be required to show good cause by documenting how the subject property contributes to the pathway plan. Fourth, applicant should be required to comply with a plan providing for sufficient infrastructure associated with the growth and development of the BLM parcel with respect to traffic, parking, water, sewer, utilities, snow management and transportation. documenting how the subject property contributes to the infrastructure plan. Finally, as residents of this neighborhood we would like the City to get out in front of the development of the BLM Land. We are asking for the Planning Commission to direct Staff to take a proactive leadership role by creating an intelligent, long sighted development plan which advocates for community considerations and respects the rights of the eventual land owners of the BLM Land. Once created, applicants should be required to comply with this master development plan and should be required to show good cause by documenting how the subject property contributes to the overall development plan. Without this show of good cause supporting an overarching plan for well-considered development, this application should be tabled pending BLM's transfer of the remainder of the parcel pursuant to federal law, so that the entirety of the parcel can be made part a master development plan. If the Planning Commission were to approve this plat amendment it would appear that this prize, BLM open space is being sliced, diced, and lots of record being approved simply because it was formerly subdivided by the federal government for its convenience rather than for the best interest of the municipality in which it is located. The City is not bound to honor the federal subdivision of the BLM parcel as if it were buildable lots. Had the BLM parcel been owned by a private owner the City would require that the entire parcel be planned. The members of this Planning Commission have illustrated in their previous decisions that the extent of benefits necessary for the finding of the good cause requires significantly more donated benefits than is offered in the proposed plat amendment. We encourage the Planning Commission to find that the applicant has not shown good cause and refuse to take action without establishing a master plan for the entire BLM parcel. Thank you for your time and attention."

Ms. Bernhardt stated that a number of neighbors would have attended this evening but they had conflicts. If necessary, she could provide a list of the neighbors she was representing.

Robert Gurss, a resident at 654 Rossi Hill Drive, echoed support for the comments read by Ms. Bernhardt. Mr. Gurss stated that the other owners of his condominium agree with this statement, as do many of the other neighbors. It is important that this piece of property is carefully looked at and that they do not make mistakes today that could be regretted five or ten years from now. It is one of the rare historic properties that has certain environmental benefits, and over-development of this area could have devastating impacts overall.

Alison Kitching stated that she lives directly across from this property in the Portico units. She is also on the Board of the Portico HOA. Ms. Kitching remarked that she was personally looking forward to having the historic home renovated, but her concern is that the property would be over-developed. Ms. Kitching stated that Matt Mullin is her neighbor and he lives directly above. She understood that the temptation to over-develop the lot is financially beneficial and she was concerned that it might outweigh the concerns of the neighborhood in terms of density. Ms. Kitching asked the Planning Commission to consider whether there was a way to ensure that only the historic structure would be renovated or integrated into something that would fit into the neighborhood. She supported the comments read by Ms. Bernhardt. She sits on her patio every day and she sees deer come down off the hill going to the creek. She has heard comments on the radio several times that if something is not in the Code there is nothing the City can do to stop development that does not support what the City wants to see for a certain property. Ms. Kitching suggested that this was the time for the City to make extra assurances that this would be developed in alignment with the City's values.

Christina Shiebler, a resident at 638 Coalition View Court, stated that she backed the comments by Ms. Bernhardt as a representative of their neighborhood.

Chair Pro Tem Band closed the public hearing.

Commissioner Suesser asked Planner Grahn to respond to the good cause argument and whether or not the Staff has adequately looked at that issue. Planner Grahn replied that the Staff looked at it as they would any traditional plat amendment application. They always look at what the City would achieve. In this case they are getting dedications for the street. The City does not own the street and the BLM has granted right-of-way easements for the portions on their property. The City is also getting a utility easement and snow storage. Planner Grahn appreciated the neighbor's comments and concerns regarding the development; however, that would be the next step if this plat amendment is approved.

Mr. Mullin pointed out that renovation of the burned out historic house was another benefit to the City for good cause. He noted that during public input everyone wanted a proper, well thought out, well contemplated development, and that could only occur if the lot is platted.

Commissioner Thimm recalled a previous comment by Director Erickson about using language from other zone ordinances for structuring conditions of approval. He asked if there was a specific precedent for using language with regard to historic preservation. Director Erickson replied that when the Staff writes conditions of approval, they try to use standardized conditions from all other applications in an effort to consistently apply the rules. He explained that the distinction is taking a relatively standard condition of approval from a number of past approvals and using it to substantiate the requirements of the zone and the General Plan for neighborhood character and preservation of historic sites. He emphasized that it was a standard condition of approval from projects already approved in the zone. They were not taking language from one zone and applying it to another.

Commissioner Campbell pointed out that the historic house is already protected without the condition of approval. He understood that the intent is to protect the area beside it that could one day become another one or more lots. He pointed out that if this owner or a future owner came back to further subdivide, the Planning Commission would have the opportunity to add appropriate conditions at that time. Director Erickson stated that if their discussion focuses on the recommendation for approval and public comment, the Planning Commission could craft a condition of approval stating that any further subdivision would be required to demonstrate compliance with the Historic District Guidelines and Universal Standards.

Chair Pro Tem Band stated that in the meantime they could amend the LMC and add language to this particular zone before another subdivision application came forth. Director Erickson agreed. He clarified that the Staff was only trying to make it clear that in terms of how the RM zone is structured, they would be reviewing any development on this parcel consistent with maintaining the historic character.

Commissioner Campbell stated that he was not trying to do away with the controls. He was only looking for a way to be consistent. He preferred to have language in the LMC for that zone.

Assistant City Attorney McLean stated that there are only a handful of historic houses in that zone in the old red light district. Therefore, the zone itself is not designated as a historic zone. However, because the historic house sits on the larger site, in order to preserve the context of the house the Staff decided to add a condition of approval to say that the entire site should be treated under the guidelines. Ms. McLean clarified that the idea was to preserve that small area and give people notice.

Commissioner Campbell suggested that they do a zone change and make that area part of HR-1. Assistant City Attorney McLean noted that the lot sizes are different and the

restrictions are different in the HR-1. Director Erickson thought they would achieve more density rezoning to a standard HR-1 lot than what is allowed in the RM zone. He remarked that the Planning Commission has the obligation in reviewing the zone requirements to make sure it would not degrade the context of the BLM homes as well. That is the second part of the argument for saying that at some point they need to make sure that neighborhood compatibility, mass, materials and scale consistent with the RM zone are maintained on this parcel and the next one as well, due to the proximity to the listed homes. It is important not to degrade the integrity of the homes.

Commissioner Thimm agreed with the Staff regarding good cause. Defining right-of-way and defining land, shape and form has importance. Establishing utility easements and establishing this as a true lot is appropriate. Commissioner Thimm felt that keeping this property in a waiting posture for actions on other BLM property is out of their control in terms of when it might happen. In looking at this property and the preservation elements he preferred the idea of defining the property. With regard to the preservation of the historic aspect of the site, Commissioner Thimm wanted to see that happen but he was not convince this was the appropriate time. As he read through the zone it appeared that protections are in place as actual development decisions are brought forth to the Planning Commission.

Commissioner Suesser concurred with Commissioner Thimm. She thought the good cause arguments made by the Staff were appropriate; but she believed the strongest argument for good cause was the need for a plat amendment to preserve the historic structure. Commissioner Suesser preferred to amend the condition of approval proposed by Staff to change the last sentence to read, "The purpose of the RM District is to encourage development that is compatible with historic structures in the surrounding area." She thought it was better to state that in the condition of approval as opposed to saying that the proposed plans will be in compliance with the design guidelines for historic districts. Director Erickson suggested revising the last sentence of the condition of approval to read, "The Staff will review for consistency with the purposes of the RM zone." Commissioner Suesser added, "Specifically to encourage development that is compatible with historic structures in the surrounding area."

Commissioner Campbell agreed with amending the last sentence of the condition. He also believed that the best reason for good cause is to preserve a historic structure that would not survive many more winters. He thought all the neighbors would be happy to see the historic house rebuilt in accordance with the guidelines.

Commissioner Phillips agreed with his fellow Commissioners. He understood the perspective of the neighbors because it is a very sensitive property and an important part of Park City. Commissioner Phillips thought it was important to make sure no mistakes are

made. He pointed out that Park City does more plat amendments than most places. Commissioner Phillips agreed with the Staff on the reasons for good cause. He also realized that the plat amendment needs to occur in order to rehab the historic house. Commissioner Phillips understood that Mr. Mullins believed the Staff's approach was premature, but it was inevitable and they would have to go through the process either now or later. He asked Mr. Mullin what impact it would have on the applicant moving forward. Commissioner Phillips favored the idea of adding the condition now so the intent is clear to future owners of the property.

Mr. Mullins stated that he is in the real estate industry in Park City and he feels strongly about the consistency and predictability of the Code. He lives to see regulations applied at the right time so landowners and future landowners know what to expect when they make a decision to buy or sell property. For this particular property, Mr. Mullin thought the more accurate time to address the issue is when a proposal comes in. It may not be necessary at that time or the Staff may want to move forward from the development relative to specific issues of renovating the house. In his opinion, adding the condition now would be making a decision without definitive information regarding potential development. Mr. Mullin summarized that his issues were consistency of Code and the fact that this application was to plat a lot without any kind of construction.

Director Erickson clarified that the purpose of recommending the condition of approval is to make sure that when someone does their due diligence in advance of making a purchase, the property is readily identified early in the process before the purchase has been completed and the owner submits for development. He explained that the subdivision plat would be approved with conditions of approval. A potential buyer doing their due diligence would review the subdivision plat and the conditions, which would reflect Condition of Approval #4. Director Erickson stated that the Staff was trying to be proactive given the sensitive nature of the site.

Commissioner Phillips understood both perspectives. Mr. Mullin noted that he and Planner Grahm have talked about this at length and they have a difference of opinion. Commissioner Phillips stated that his biggest concern is when someone purchases the property without knowing all the facts it puts the Planning Commission in a difficult position when development is proposed. Commissioner Phillips agreed with the proposed amendment to Condition #4.

Chair Pro Tem Band understood there was consensus among the Planning Commission that there is good cause to approve the plat amendment; and that they all have concerns regarding the future of this parcel because of the significance of the historic home and wanting to protect that particular area. Chair Pro Tem Band believed there was consensus to amend Condition #4 as suggested by Commissioner Suesser and Director Erickson.

Mr. Mulling requested that the Planning Commission read the revision being proposed. Commissioner Suesser stated that the last sentence of Condition #4 would be revised to read, "The Planning Department shall review the proposed plans for compliance with the purpose of the RM District, which specifically is to encourage development that is compatible with historic structures in the surrounding area."

Assistant City Attorney McLean stated that the Planning Commission could add that language and it was consistent with the zone. However, it would not require that the Historic District Guidelines be applied to the remainder of the lot. Commissioner Campbell pointed out that the property is not in the Historic District. Ms. McLean replied that it is currently a historic site. If the property is not subdivided and developed on one lot it would be subject to the Design Guidelines. Planner Grahn agreed that it would be subject to the Guidelines because the house and the site are considered a historic site. If the property is subdivided, the new lots would only be required to meet the LMC and not the design guidelines. Ms. McLean stated that legally purpose statements are helpful in reviewing applications, but they are not mandatory. If the intent of the Planning Commission is to make sure that if the property is subdivided a potential developer would have notice that development must be compatible with the area around it, she recommended that they add that condition now so a future owner would be aware of that. They could also leave it for the next Planning Commission to address if development comes forward. She pointed out that protection currently exists on the lot because it is a historic site.

Chair Pro Tem Band asked if Ms. McLean was suggesting that the proposed language to amend the condition was not strong enough to protect a future subdivided lot. Ms. Mclean did not believe the language would be very effective in terms of a condition of approval.

Commissioner Campbell asked about Condition #9. Planner Grahn replied that it was the standard language of what would be required by the zone. Mr. Mullin clarified that Condition #9 related to the RM zone and Condition #4 had the added language of the design guidelines from the neighboring district.

Chair Pro Tem Band preferred to err on the side of caution. She agreed with the applicant on the issue of consistency and Code. She believed this property was a special circumstance and it should be protected. Chair Pro Tem noted that the Planning Commission has added conditions of approval in the past on that were out of the ordinary for historic sites.

Commissioner Campbell was concerned that if they want this level of detail and try to think of what every applicant might ever do, nothing would ever get accomplished. He thought

the Planning Commission should agree to modify Condition #4 and move forward because they will have the opportunity to review this again if the property is ever subdivided.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council for the Lilac Hills Subdivision at 632 Deer Valley Loop based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended to replace the last sentence of Condition #4 in the draft ordinance to read, “The Planning Department shall review the proposed plans for compliance with the purpose of the RM District, which specifically encourages development that is compatible with historic structures in the surrounding area.” Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 632 Deer valley Loop – Plat Amendment for the Lilac Hill Subdivision located at 532 Deer Valley Loop (Application PL-16-03153)

1. The property is located at 632 Deer Valley Loop.
2. The property is in the Residential Medium (RM) zoning district.
3. The subject property consists of all of Government Lot 26 in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian. It was formerly known as the 11th House on the south side of Deer Valley, Park City. The proposed plat amendment creates one (1) lot of record.
4. This site is listed on Park City’s Historic Sites Inventory (HSI) and is designated as Significant.
5. The Plat Amendment creates a legal lot of record from the government lot.
6. The proposed Plat Amendment combines the property into one (1) lot measuring 14,319 square feet.
7. A single-family dwelling is an allowed use in the District.
8. The minimum lot area for a single-family dwelling is 2,812 square feet. The proposed lot meets the minimum lot area for single-family dwellings.
9. The proposed lot width is width is 116.38 feet along the north property line (facing Deer Valley Drive) and 129.41 feet along the south property line (Rossie Hill).

10. The minimum lot width required is 37.50 feet. The proposed lot meets the minimum lot width requirement.

11. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

12. The minimum front yard setbacks are fifteen feet (15') and rear yard setbacks are 10 feet. The historic house has a front yard setback of 35 feet and rear yard setback of 52 feet.

13. The minimum side yard setbacks are five feet (5'). The historic house has a side yard setback of 17 feet on the west and 65 feet on the east.

14. Deer Valley Loop consumes 64.27 square feet of the northwest corner of the lot and Rossie Hill Drive consumes 62.72 square feet of the southeast corner of the lot.

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

Conclusions of Law – 632 Deer Valley Loop

1. There is good cause for this Subdivision.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 – 632 Deer Valley Loop

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant 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. The applicant shall dedicate a portion of the property that consists of Deer Valley

Loop and Rossie Hill Drive to the City as part of this plat amendment.

4. Any development on this lot or future subdivided lots within this lot shall provide a transition in scale between the historic structures in this neighborhood, the Historic District, and Deer Valley Resort. The Planning Department shall review the proposed plans for compliance with the purpose of the RM District, which specifically encourages development that is compatible with historic structures in the surrounding area.

2. 215 Park Avenue – Steep Slope Conditional Use Permit for construction of a new single-family home on a vacant lot (Application PL-16-03141)

Commissioner Band recused herself and left the room. Commissioner Phillips assumed the Chair.

Planner Grahn reviewed the application for a Steep Slope CUP at 215 Park Avenue. The applicant, David Houston, and his architect, Jonathan DeGray were present.

Planner Grahn noted that the application had gone through plat amendment process and it was approved by the City Council on December 3, 2015. The plat was still going through the redlined process and had not yet been recorded with Summit County. The applicant was still working on encroachment agreements and other issues.

Planner Grahn stated that the Steep Slope CUP and the HDDR applications are conditioned to the recording of the plat amendment. No building permit can be issued until the plat amendment has been recorded at the County.

Planner Grahn corrected a misprint in the Staff report regarding the total house size. It was correct in the Findings of Fact, but in the narrative it should read 2,758 square feet. The total lot size is actually 2044.5 square feet.

The Staff had reviewed the Steep Slope CUP criteria of the LMC and the Design Guidelines and found no unmitigated issues. Planner Grahn thought the elevation drawings of the house were misleading because it looked at the house straight on, which makes it appear very tall. However, in looking at the side elevations, she believed the applicant had done a good job burying most of the mass into the hillside. Planner Grahn indicated how the building mass was broken up by stepping up the grade. She presented renderings showing how the house steps up the hill, as well as showing the gable pitch, the shed dormer and other elements that contribute to the Historic District.

Planner Grahn reported that the applicant has met the parking requirement. Single family homes in this District are required to provide two parking spaces. One will be in the garage

and the second one is outside on the driveway. It also complies with the 27' above existing grade, as well as the interior height of 35 feet from the lowest finished floor to the top of the wall plate.

Planner Grahn requested an additional finding of fact. She noted that the property address is currently 215 Park Avenue. However, once the plat amendment is recorded the address would be 217 Park Avenue, which corresponds with the name of the plat. She proposed adding a Finding of Fact stating, "The property address is currently 215 Park Avenue per the Summit County Recorder's Office; the address will be changed to 217 Park Avenue following the recording of the plat".

Planner Grahn provided the Planning Commissioners with three letters of public comment she had received. The Commissioners took a few minutes to read the letter before taking public input.

David Houston, the property owner and applicant, stated that it was brought to his attention that there was a licensing agreement between himself and the Snyderville Basin Water Reclamation District. Mr. Houston stated that the Snyderville Basin attorney helped to write the agreement and record it. However, it was recorded against the Davidson property, the Paul property and the Kenworthy property. Mr. Houston intended to terminate the original license and replace it with one that did not record against those properties because it was improperly done. He believed it would eliminate that aspect of the objections expressed by Kenworthy, Davidson and Paul.

Commissioner Suesser asked the applicant to address some of the concerns raised in the letters they received; specifically the encroachment issue, removal of the existing retaining wall that helps to structurally support their foundation, and parking concerns.

Mr. Houston stated that in terms of the parking concern, he has met the parking requirements. Regarding the foundation, his architect is extremely competent and he has one of the best builders in Park City. The foundation would not be undermined because he would be liable if that occurred. Mr. Houston believed the encroachments were the primary dispute. He wanted it clear that his lot is bare land that does not encroach on anyone else. However, he is encroached on at every border of his property. To the south, the eve of the Duffaut's house encroaches approximately one foot over the lot line. On the westerly side, several years ago Snyderville Basin Water Reclamation had to access for some type of construction, and he assumed the contractor built a log wall to retain those properties. That log wall encroaches on his property approximately 3 to 3-1/2 inches across the back of his property. Mr. Houston stated that there is another retaining wall on the northerly side of his property, which was built for the garage next door and the wall was extended around the corner and on to his property. There are also concrete stairs on that property that

were abandoned years ago and they do not start or end on any habitable area. They sit on the slope of the hill. Mr. Houston reiterated that he encroaches on no one.

Mr. Houston stated that the Duffaut's have two surveys. One from 1968 says there is no encroachment. However, it is not stamped which makes it invalid. Another survey was done later on. Mr. Houston stated that there are different measuring stakes for surveying depending on whether the survey goes north or south of the posts. His surveyor was JD from Alpine Survey who did the original survey and discovered these encroachments. It was later confirmed by Marshall Kind with Alliance Engineering. Mr. Houston remarked that his survey that was done by Alpine Survey is correct because JD followed the guidelines in the monument map in terms of which monuments you are supposed to move off of. He noted that Marshall King was present this evening if the Commissioners had questions or needed further explanation.

Mr. Houston stated that he tried to write licenses to allow everyone to leave everything as it exists, but it was not acceptable to anyone other than people in the Condominium Association. Mr. Houston understood that the objections by Mr. Kenworthy and Mr. Paul was primarily due to the issue of recording the license by Snyderville Basin Water Reclamation, and that would be remedied tomorrow. Regarding the Duffaut objection, Mr. Houston did not believe they have any claim for a prescriptive easement for adverse possession because they overhang his property but not touch it. In addition, they have not paid taxes on the property which, per Utah Law, is required in order to have an adverse possession claim. Mr. Houston reiterated that the Duffaut surveys were discredited and Marshall King could speak to that claim. He has spoken with Planners Grahn and Turpen and the Planning Department took the position of accepting the Alpine Survey as confirmed by Mr. King.

Commissioner Thimm asked for an explanation of the significance of the document with the Snyderville Basin Water Reclamation Sewer District. Planner Grahn replied that she was not the planner on the plat amendment. However, she spoke with Brian Atwood at Snyderville Basin and he explained that the Sewer District put in a water line several years ago. Snyderville is saying that there was an existing retaining wall on site at that time that was encroaching over to the property now owned by Mr. Houston. When the water line was put in to provide utilities to properties on Woodside, the Sewer District reconstructed the wall. When it was reconstructed they moved it closer to the property line, and based on the survey it appears to be right on the property line. Planner Grahn reported that Mr. Atwood had confirmed that Snyderville was willing to work with the neighbors and address any confusing. He was also willing to rescind the easement that was record with Mr. Houston and rewrite it to be specific to the Houston property. Planner Grahn clarified that these issues need to be resolved prior to recording the plat amendment.

Vice-Chair Pro Tem Phillips opened the public hearing.

John Kenworthy stated that he is the co-owner of 220 Woodside Avenue, which abuts the Houston property to the west. Mr. Kenworthy stated that he was also speaking on behalf of his wife, Nancy Davidson, the owner of 214 Woodside, which abuts to the west approximately one foot. Mr. Kenworthy noted that he did not support Mr. Houston's survey; however, according to that survey the one foot that abuts on 214 Woodside abuts somewhere between 1-1/2" and 3". Mr. Kenworthy stated that Brian Atwood approached them about a year after they purchased these properties ten or twelve years ago and requested an easement through the back of their property to run the sewer for new houses that were being built. He and his wife agreed and signed over the easement in an effort to be good neighbors in the community. Mr. Atwood promised that he would indemnify them anytime they needed to work on the sewer. Mr. Kenworthy could not recall Mr. Atwood saying anything about the location or type of wall when they used the easement. However, it is a fact that the Sewer District built the wall after they were given an easement to build it on their property. Mr. Kenworthy emphasized that his property did not encroach on anything. The wall moved 1-1/2 inches and it does lean towards Mr. Houston's vacant lots, and he believed that occurred over time. Mr. Kenworthy pointed out that different survey markers will have different results in encroachment issues and he doubted whether there was an encroachment. However, if there is an encroachment Snyderville Basin was to indemnify them and he believed that was evident in the agreements. He reiterated that the wall belongs to Snyderville Basin Sewer District regardless of the previous situation on the back of the lot. On May 13th Mr. Kenworthy was surprised to find that there was a recorded document against his properties. He had spoken with Mr. Atwood, who apologized, but no one knows how it got recorded against their properties. Mr. Kenworthy stated that they were trying to sell 220 Woodside and they were in the process of obtaining financing on 214 Woodside. They were blindsided when they discovered that there was an encroachment agreement with a neighbor that was recorded against their property. Mr. Kenworthy requested that the Planning Commission not allow this plat amendment to move forward until the issues are rectified. He understood that everyone was working to resolve the problem and that it will be removed, but it will take time. In the meantime their property values are diminished.

Mr. Kenworthy noted that his wife had submitted a letter with her comments.

For clarification purposes, Planner Grahn explained that the plat amendment had been approved by the City Council and it was currently in the red line stage where it goes through the Engineering and Legal Departments for corrections to the paper proposed plat amendment. Once the red lines are corrected and all of the conditions of approval that were set on the plat have been met, it goes through the mylar stage where it is signed off by the City Engineer, the Planning Commission Chair, the City Attorney and others. Once

the mylar has all of the required signatures the plat is recorded. The encroachments and other issues are being addressed in the red line phase.

Director Erickson noted that the Staff was proposing Condition of Approval #4 stating that no building permit would be issued until the plat was recorded.

Ronald Duffaut stated that he has owned his property at 213 Park Avenue since 1971. He had submitted his objections in a written letter. Mr. Duffaut believed that Mr. Houston has the right to build on his property, however, his residence should conform to the guidelines for the Historic District rather than a monster building that overpowers other buildings on upper Park Avenue and does not blend with the neighborhood. Mr. Duffaut stated that there is already a parking problem on upper Park Avenue due to the number of rentals in the area. This project would take away some of the existing parking, and even though Mr. Houston is only required to provide two off-site spaces, he believed the size of his structure would generate the need for more parking. Mr. Duffaut commented on the property line disagreements that were mentioned. It was dismayed to hear Mr. Houston say that his surveys were not legal or proper because his first survey was stamped by a surveyor in 1968 and with the surveyor's number and certificate, showing that his property did not encroach on the other property lines. Mr. Duffaut noted that a second survey was done by another reputable firm, Jack Johnson, when he and his wife were thinking of building on their property. That survey also showed that there were no encroachments on other properties. Now that there is a new owner on the adjacent property they have been receiving letters talking about an encroachment up to a foot. Mr. Duffaut noted that there was a pin on the property placed by Jack Johnson. The new surveyor put a stake in the ground showing the property line when there was three feet of snow, and it shows the property line going into his property. Now that the snow is gone a pin is visible. Mr. Duffaut was previously told by the Planning Department that the stake only indicated that the property line was near there and he should not worry about it. However, now there is a pin near the stake and he was unsure when that was put down. Mr. Duffaut pointed out that he has two 25' lots. Mr. Houston claims that he is into his property by one foot, which means that Mr. Duffaut would only have 24 feet on one of his lots. It would be a problem if at any time he wished to build or wanted to sell his lot for someone else to build. Mr. Duffaut stated that Mr. Houston wanted him to sign an agreement stating that within 90 days that agreement could be disregarded. In addition, if he spent \$1,000 on his property that easement was no longer valid. Mr. Duffaut noted that he refused to sign that agreement and he would not be willing to sign it. Mr. Duffaut stated that he did not object when Mr. Houston asked for the property line in the center to be moved because it was his property and he deserved the right to remove the line to give him enough room to build. However, he thought the rendering of the front face of the building was incompatible with the other buildings on the street and much taller.

Planner Grahn presented another rendering of the building showing how it was stepped into the hillside.

Mr. Duffaut thought the stepping made the building look better, but from his point of view the architecture did not blend in with any of the architecture in the area.

Paula Duffaut, 213 Park Avenue, reiterated that she and her husband bought 213 and 214 Park Avenue in 1970. Lots 1 and 2 was owned by the Gorgios and there was one house with places for the miners. It was quite historic. Ms. Duffaut stated that there was a house on 215 Park Avenue that burned but was not destroyed. The house is now gone but the concrete steps are still there. She pointed out that if the steps have been there longer than 50 years it would put Mr. Houston's property in a different category. Ms. Duffaut agreed that Mr. Houston has the right to build, but she questioned why he did not make his two lots equal when he applied for the plat amendment. Instead one lot is larger than the other. Ms. Duffaut was not familiar with how the City makes decisions regarding steep slopes, but if the normal height is 27 feet and Mr. Houston can build to 35 feet she was against the steep slope CUP because he would be allowed to build a taller building. She was also concerned that the owner would present one plan but something else might be build. The neighbors would like to keep the historic nature of the neighborhood. Ms. Duffaut thought Mr. Houston should be held to the same standards as everyone else who built on their property. She was amazed and impressed by the concerns expressed by the Planning Commission on these matters and she thanked them for their time.

Nancy Davidson presented a photo used by the National and International Press whenever there is an article written about Historic Old Town Park City. Ms. Davidson was concerned that Mr. Houston's mountain contemporary homes would not conform to the neighborhood. She thought it was important for Mr. Houston to revisit his plans and enhance what is going to be the photo of Historic Old Town. Mr. Davidson was also concerned about the lien against her home even though she understood that it was being resolved. She also pointed out the three historic remnants from the old farm that was located on the property, which are the stairs and two walls. The two walls were difficult to see because the property is overgrown. However, the stairs are visible from Park Avenue. Ms. Davidson would like Mr. Houston to find a way to incorporate those remnants into his home plans so they do not lose that bit of history.

Ruth Meintsma, a resident t 305 Woodside, expressed concern with the amount of outdoor heated space on the proposed home. She noted that there were three decks on the front and the total surface was approximately 20' x 27' and it would all be heated. The driveway is also heated. The driveway looks to be about 12' x 20'. Ten feet is in the property line and the rest is in the City easement. The area under the first deck, which is covered, is another 20' x 10' and that is also heated. Ms. Meintsma did not believe the amount of

heated outdoor space fits with the City's environmental efforts to save energy. She noted that the back patio is not heated but it is below grade from two to four feet and it will fill up with snow. If this project is approved, it would be a small change through the Building Department to heat the back patio. Ms. Meintsma had not researched the Code to see if environmental concerns may apply to this project. However, if nothing in the Code applies at this time she encouraged the Planning Commission to address it. She asked them to keep in mind that Park City is snow country in the winter and that much heated space would eliminate the snow and create dry spaces when everything else is covered with snow. Ms. Meintsma pointed out that even though the heated elements are supposed to have sensors it does not always work and most often the heat is on even when it is not snowing.

Tom Hansen, a resident at 161 Park Avenue, stated that parking is a major issue. Mr. Houston provides two off-site parking spots but he was also taking away two existing spots. Mr. Hansen commented on the number of rentals in the area that use those two parking spaces in front of Mr. Houston's lot. He was concerned that the parking in front of his house would become a major issue because people would be trying to take the few available spots. Mr. Hansen was concerned about the parking that would be provided on site when Mr. Houston builds the second house with less space in front. Mr. Hansen did not understand why Mr. Houston would be allowed additional height because of the steep slope. He asked for clarification so he could have a better understanding of what was occurring.

Director Erickson explained that the Steep Slope CUP is an additional mechanism to review where the building sits on the site. It does not allow for an increase in height. The 27' and 35' are different measurements. Planner Grahn stated that the 27' height is based on the existing grade. The 35' rule is an interior height measured from the lowest finished floor plane to the top of the wall plate. Director Erickson clarified that no additional height is being considered with this Steep Slope CUP.

Vice-Chair Pro Tem Phillips closed the public hearing.

Mr. Houston stated that he first came to Utah in 1972 and he worked at Solitude for \$100 a month. He has not been in Park City as long as others but his lifelong dream is to own a home in Park City and he has the right to build his home in Park City. He has been trying to figure out the rules to make sure he is doing everything right. Mr. Houston pointed out that this discussion was about a Steep Slope CUP. They were not talking about design issues or parking. There is specific ordinance criteria that the Planning Commission is expected to apply at this stage and those have all been addressed by the Planning Department. As indicated in the Staff report the Staff found that there were no unmitigated impacts for each of the criteria. Mr. Houston remarked that the Staff agrees that this

Steep Slope CUP is proper. He noted that none of the public comments this evening related to the Steep Slope criteria.

Mr. Houston pointed out that none of the structures or houses in the area are historic. It is nice to have fanciful ideas about being historic or what a new structure would do to effect the historic, but the surrounding properties are not historic. Mr. Houston noted that his lots are overgrown and create an eyesore. His intent is to develop the lot and make it look better, and he wants to build the house that he is entitled to build. Mr. Houston commented on several other houses in the neighborhood, particularly the ones behind his house that are much taller than what he was proposing. His house meets all the guidelines. Mr. Houston recalled that Ms. Davidson wants to preserve the historic appearance of the neighborhood. He understands her point and he respects it. However, things will not remain unchanged forever and he understood that the Duffaut's have talked about tearing down their house and building a new house. In terms of the icon photograph Ms. Davidson talked about, Mr. Houston did not believe he should lose his rights because his property happens to be in a photograph. Mr. Houston referred to the comments regarding heated outdoor space. He explained that he was forced by the other design criteria to use all the setbacks and also to avoid the wall effect that the Planning Commission discourages. It is difficult to build a house without shedding to the side or having setbacks with heated platforms. Mr. Houston respects the environment and he did not disagree with Ms. Meintsma, but what he was proposing in his plan is permitted. In addition, the slope of the roof would eliminate any snow shedding on to adjacent structures.

Mr. Houston asked the Planning Commission to allow him to build his house. He currently lives in Michigan and his hope was that he would not have to come from Michigan to Utah on the spur of the moment like he had to do this time to attend another meeting. He requested their support and approval this evening.

In response to Mr. Houston's claim that there are no historic homes on the street, Mr. Duffaut noted that the Treasure Mountain Inn was across the street from his property and the Jefferson Inn was next to the Treasure Mountain Inn. His home would face those two historic buildings. In addition, Tom Hansen's home is a historic home on the street. The church higher up is historic. Mr. Duffaut stated that much of Park Avenue is historic which is why the neighbors keep raising that issue.

Mr. Houston clarified his comment about no historic structures. He was unaware that Mr. Hansen's home was historic, but none of the other people who gave public comment live in historic homes.

Commissioner Suesser asked Planner Grahn to repeat the size of the proposed single family dwelling. Planner Grahn replied that 2758 square feet is the total size of the house. The lot is 2044.5 per the approved plat amendment. Commissioner Suesser asked for the height of the red building to the right. The project architect, Jonathan DeGray, did not know for certain but he assumed that it was 30' with three stories and a peaked roof. Mr. Houston pointed out that it also had the wall affect.

Commissioner Thimm remarked that the property line disputes that were mentioned and the ongoing resolutions do not fall under the purview of the Steep Slope Conditional Use Permit. With regard to the building itself, he did not think the front view rendering was a flattering view of the structure. Commissioner Thimm thought the character of the house was better told with the perspective views that actually show the house stepping back with the land as it goes up. It puts a lot of the square footage back into the hillside consistent with other homes the Planning Commission has looked at in terms of conditional use permits. He likes the roof design and how it cascades down to the street to keep snow shedding within the property. When he first read the Staff report he thought it was sensitive to the requirements.

Commissioner Thimm strongly recommended that the City consider energy in terms of exterior elements as they moved forward with City initiatives.

In looking at how the house is situated and the way the heights are generated, Commissioner Thimm thought it appeared to be compliant. The scale and mass in comparison to other houses along this side of the street did not seem out of character.

Commissioner Suesser agreed with Commissioner Thimm. She thought the applicant did a good job stepping the house into the hill. The driveway and the decks reduces the visual impact of the house because it does not create the wall effect. Commissioner Suesser preferred to let the HDDR address whether or not it is compatible with the historic nature of the surrounding homes.

Commissioner Campbell stated that he has been on the Planning Commission for two and a half years and what helped him most were their training sessions. He asked if it was possible to have classes for the public on contentious projects. Commissioner Campbell did not want to seem unsympathetic to the issues raised by the neighbors, but they were out of the purview of the Planning Commission. He understood that the parking everyone has used for years in front of this lot will be eliminated, but that is not a reason for denying someone the ability to build on their property. Early in their training session the Commissioners learned that they do not have to like a project or think it looks good but if it meets the law they have to approve it. He believed Mr. Houston had met all the conditions and there was nothing he could object to as a Commissioner. Commissioner Campbell

stated that the neighbors did not have to like this project, but the same laws that protect Mr. Houston also protect them. For those reasons he would vote in support of this application.

Commissioner Suesser remarked that the Staff reports outline the criteria and lay it out for public review. She recognized that it is cumbersome for the public to take time to read the Staff report but it is important and necessary. When people want to voice sound arguments against a project they have to look at the criteria and what the Planning Commission is obligated to find if the project meets the criteria.

Vice-Chair Pro Tem Phillips agreed with his fellow Commissioners. He sympathized with the neighbors but the job of the Planning Commission is to follow the Code. He believed this projects met the criteria and there was no reason not to support it.

Vice-Chair Pro Tem Phillips noted that the applicant had not maximized the site and built a larger home that he could have potentially built.

Planner Grahn reminded the Planning Commission to add the Finding of Fact regarding the address change that she read during her presentation.

MOTION: Commissioner Thimm moved to APPROVE the Steep Slope Conditional Use for 215 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended to add a Finding of Fact regarding the change in address.

Mr. Kenworthy asked what the Planning Commission intended to do about the encroachment agreement, and whether he would have to suffer through the next six months with the encroachment agreement against his properties.

Assistant City Attorney McLean explained that the encroachment agreements would have to be resolved as part of the platting process. It would have to be resolved between him and his neighbor. She understood that Snyderville Basin was being very pro-active, and she would also ask for an update the next time she meets with the Sewer District. Mr. Kenworthy asked for some requirement that this issue would be resolved in a timely manner.

Director Erickson noted that there was a pending motion on the table. Vice-Chair Pro Tem Phillips called for a second on the motion.

Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously. Commissioner Band was recused.

Findings of Fact – 215 Park Avenue

1. The property is located on 215 Park Avenue. The legal description is Lot 5 of Block 2 of the Park City Survey.
2. The Park City Council approved the 217 & 221 Park Avenue Plat Amendment on December 3, 2015; the plat has not yet been recorded.
3. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
4. There is a vacant lot; the applicant is proposing to construct approximately 2,758 square feet of new space. The proposed footprint of this addition is 903 square feet.
5. A single family dwelling is an allowed use in the HR-1 District.
6. Following recording of the plat amendment, the lot will contain 2,044.8 square feet. This is an uphill lot with a slope of approximately 46% at the back of the lot, where the grade rises steadily uphill.
7. A Historic District Design Review (HDDR) application is currently under review.
8. Access to the property is from Park Avenue, a public street.
9. Two (2) parking spaces are proposed on site. The applicant is proposing a single-car garage and one uncovered parking space in the driveway.
10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes. The streetscape on the west, uphill side of the road, is dominated by garages and pedestrian entryways.
11. The proposal will create a single family dwelling of approximately 2,758 square feet, including the basement area and one-car garage.
12. An overall building footprint of 903 square feet is proposed following construction of the addition. The maximum allowed footprint for this lot is 911.4 square feet.
13. The proposed addition complies with all setbacks. The minimum front and rear yard setbacks are ten feet (10'). The minimum side yard setbacks are three feet (3').

14. The proposed addition complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height.

15. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Park Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.

16. 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. There are three (3) existing overgrown trees on this lot. The applicant proposes to replace these with one thin leaf alder, two aspens, and two big tooth maples.

17. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the area that exceeds 30% slope.

18. The design includes setback variations as well as lower building heights for portions of the structure on the front and side elevations where facades are less than twenty-seven feet (27') in height. The stepping of the mass and scale of the new structure follows the uphill topography of the lot.

19. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

20. The proposed 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 foundation, roofing, materials, window and door openings, and two-car garages.

21. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

22. On April 12, 2016, the Planning Department received an application for a Steep Slope Conditional Use Permit (CUP); the application was deemed complete on May

9, 2016.

23. The property was posted and notice was mailed to property owners within 300 feet on June 8, 2016. Legal notice was also published in the Park Record in accordance with requirements of the LMC on June 4, 2016.

24. The property is located outside of the Soils Ordinance.

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

26. The property address is currently 215 Park Avenue per the Summit County Recorder's Office; the address will be changed to 217 Park Avenue following the recording of the plat.

Conclusions of Law – 215 Park Avenue

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 – 215 Park 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. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. No building permit shall be issued until the 217 & 221 Park Avenue Plat is recorded.
5. This approval will expire on June 22, 2017, 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.

6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on June 22, 2016, and the Final HDDR Design.

7. 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.

8. Modified 13-D residential fire sprinklers are required for all new construction on this lot.

9. 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. Final lighting details will be reviewed by the Planning Staff prior to installation.

10. Construction waste should be diverted from the landfill and recycled when possible.

11. All excavation work to construct the foundation shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

12. Final landscape plan shall be provided at the time of the building permit and shall include existing vegetation, and include a replacement plan for any significant vegetation proposed to be removed.

13. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

3. 1385 Lowell Avenue Unit A1-com 7- Conditional Use Permit request for an office in an existing building. (Application PL-16-03132)

Commissioner Band returned to the meeting and assumed the Chair.

Planning Tech Makena Hawley reviewed the application for a conditional use permit for an office in an existing building. Planner Hawley stated that the Planning Commission was looking at two issues. The first related to two definitions in the Code. The first falls with Office General where it describes this particular office being discussed this evening. It includes low client visits and low traffic. The definition for Office Intensive describes a different type of office; however, it includes the word "real estate" in the definition.

Planner Hawley stated that if the Planning Commission decides that this is an Office General the Staff found no unmitigated impacts. If they determine it is Office Intensive, it would be a prohibited use.

Mark Sletten, the applicant, thought the intended use was the crux of the issue. It could be Office General or possibly Office Moderate, which are two allowed conditional uses. Mr. Sletten provided some background. He had a real estate office at the Resort Center continuously since 1994 until January 2016 when he tried to move his office. He was unable to obtain a building permit and was required to go through this conditional use permit process. Mr. Sletten commented on the number of real estate brokerages that have existed over the years, as well as the 440 residential condominiums at the base of the Resort which represents approximately 400 owners. Real estate needs get ingrained into the fabric of the Resort Center. His request is not new or unique. It is a historic use that has gone a long way towards maintaining a reasonable balance.

Mr. Sletten noticed that a condition of approval recommended by Staff should the Planning Commission approve this application, has to do with what he calls the Westgate Provision. When he was a Planning Commissioner in the mid-2000s Westgate had an office on lower Main Street and they literally manhandled people physically and verbally. The police were involved and it eventually went to the Planning Commission and the City Council. Mr. Sletten noted that a condition of approval says they will not use any horns, sirens, or any other means to grab clients. He promised that if the Planning Commission approves this conditional use permit he would never do anything offensive to pull in clients.

Mr. Sletten read a letter he had written at the request of the Planning Staff outlining the proposed business use for their office. The letter was included as Exhibit A on page 93 of the Staff report. He pointed out that Office General, a defined term in the LMC, defines precisely what his operations would entail. It is a building offering executive, administrative, professional and clerical services, or a portion of a building wherein services

are performed involving predominantly operations with limited client visits and limited traffic generated by employees and/or clients. In terms of parking and traffic, Mr. Sletten stated that he and his team have four unassigned but allocated parking spaces. For all intent and purposes, their clients are already at the Resort. They are not a destination office. Over his tenure at the Resort Center they average two walk-in client visits per day during the winter, and those are primarily from people at the Resort Center. Over the course of a year approximately one dozen destination clients come to the Resort Center specifically to meet with him or his team.

Mr. Sletten stated that a second part of his business is the commercial aspect. He represents the Davis Family, the ownership of a substantial amount of the commercial real estate at the base of Park City Mountain Resort. Through their father also developed the majority of the residential real estate as well. The family has a long-term involvement in the Resort Center. His involvement with the Davis Family on the commercial side has to do with managing rent roles, and managing existing tenants, perspective tenants and perspective buyers. He can walk whenever he needs to talk to ownership or tenants at the Resort Center, which lessens traffic and other impacts.

Mr. Sletten commented on the Office Intensive issue and read the definition from the LMC as found on page 84 of the Staff report. "Businesses offering executive, administrative, professional or clerical services, which are performed with a high level of client interaction and traffic generated by employees and/or clients, and the intensity of employees if five or more employees per 1000 square feet of net leasable office space". Mr. Sletten believed the last sentence was the crux of the issue. "These uses include real estate, telemarketing and other similar uses". Mr. Sletten noted that there are currently three property management companies doing business in the Resort Center. He stated that a property management in the State of Utah is regulated the same way he is. He asked if they should also be included. Mr. Sletten believed that last sentence was intended to give future Planning Commissions a framework of what might be included. The difference between real estate and telemarketing is significant and many uses could fall under that classification.

Mr. Sletten remarked that if the original writers had intended it to be a definition it would have been much more substantive and more specific and much less open to interpretation. Also, as stated in the Staff report the Staff recognizes this conflict within the Code and therefore proposes an amendment to the LMC definitions to correct this by striking the last sentence of the Office Intensive definition, which states "The difference between real estate and telemarketing and other similar uses".

Chair Pro Tem Band opened the public hearing.

There were no comments.

Chair Pro Tem Band closed the public hearing.

Chair Pro Tem Band believed that real estate was the issue because the definition calls out a real estate office as an intensive use. She thought that may have been the case years ago. However, as a real estate agent herself who has an office that is not an intensive use, she thought real estate was more appropriate as a general use.

Chair Pro Tem Band noted that Intensive Office Use was one of the LMC changes on the agenda this evening to strike real estate from the definition. If the Commissioners were comfortable with it they could approve the CUP this evening. If they preferred to wait until after the LMC discussion Mr. Sletten would have to wait until the LMC is changed.

Commissioner Suesser agreed that real estate office should fall within the General Office Use due to limited amount of traffic and client visits and the low number of employees. She thought the impacts were mitigated as outlined in LMC 15-1-10 and she was comfortable approving the conditional use permit on those grounds.

Commissioners Thimm and Phillips agreed with all the comments.

MOTION: Commissioner Suesser moved to APPROVE the Conditional Use Permit for an Office General at 1385 Lowell Avenue, Unit 1A in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Office, General

1. Applicant requests to remodel the existing unit, interior only (tenant improvement) to have a real estate sales office at 1385 Lowell Avenue, Unit COM7.
2. The proposed use requires a Conditional Use Permit in the Recreation Commercial (RC) District.
3. Only the interior is proposed to be remodeled and exterior areas will not be changed.
4. The space was previously 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 COM7 as a real estate office which equates to 950 square feet.
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)(13) indicates that an Office, General is a conditional use in the RC District.
12. Unit COM7 is shown on the master plan as part of the commercial area designation.
13. 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.
14. The Land Management Code defines the Office, General as A Building offering executive, administrative, professional, or clerical services, or portion of a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients. (LMC § 15-15-1.176)(A).
15. Due to the size of the requested use, staff does not find any impacts that need to be mitigated regarding size and location.
16. The requested use of the space is similar in nature to the support uses to the primary development/use in the area. Staff does not find that additional impacts need to be mitigated in terms of traffic considerations due to the small size and lower number of clients expected to visit the space of the requested use.
17. No additional utility capacity is required for the requested use.

18. Emergency vehicles can easily access the unit and no additional access is required.
19. The requested use, considered an office, general, triggers a parking requirement of three (3) parking spaces based on the maximum floor area of 950 square feet.
20. The former use, a restaurant, triggers a parking requirement of nine (9) parking spaces based on the maximum floor area of 950 square feet.
21. 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 six (6) parking spaces.
22. 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.
23. The parking area/driveway is directly accessed off Lowell Avenue.
24. 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.
25. The requested use will not affect the existing building mass, bulk, orientation and the location on site, including orientation to adjacent building, as there are no exterior changes proposed to the building.
26. No useable open space will be affected with the requested use from what is currently found on site.
27. No signs and lighting are associated with this proposal.
28. 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.
29. All signs are subject to the Park City Sign Code and sign permits are required prior to installation of any exterior signs..
30. The requested use will not affect the existing physical design and compatibility

with surrounding structures in mass, scale and style.

31.Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the retail/commercial/office use.

32.The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.

33.The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.

34.The entire unit is owned by Village Venture, Ltd., both spaces, the Cutting Board, next door, and this requested space are being leased.

35.The proposal is not located within the Sensitive Lands Overlay.

36.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.

37.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.

38.The Land Management Code does not authorize the requested use to be conducted outside of the area.

39.The Municipal Code does not allow the requested use, to be conducted outside the enclosed building on private or public property.

40.The Municipal Code indicates that it is unlawful for 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.

41.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 – Office General

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 – Office General

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.
4. **7800 Royal Street East #16 – Condominium Amendment for Building E Unit 16 of Sterlingwood Condos. This Amendment will change a common staircase to private area in order to enclose it. (Application PL-16-03140)**

Planning Tech Hawley reviewed the proposal to enclose an open stairway that is common area and convert it to private area. Planner Hawley stated that there is a discrepancy in the first original plat where a section view shows the garage as private area and a plan view shows it as limited common. In the CC&Rs it is clear that the area was intended as limited common. That would also be changed to reflect the correct limited common area.

Chair Pro Tem Band opened the public hearing.

Catherine Blanken stated that she and her husband are the property managers for the Schwartz's who lives next door. They were here as their representatives to make sure there was no other structural changes. Ms. Blanken understood what was being proposed she only wanted to confirm it so they could report back to the homeowner that nothing was different.

Planner Hawley clarified that in one area the exterior staircase was being enclosed. Nothing else was being proposed. She recalled that slightly less than 300 square feet was being added.

Chair Pro Tem Band closed the public hearing.

Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the Sterlingwood Condominiums second amended, amending Unit 16, based upon the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 7800 Royal Street East #16

1. The property is located at 7800 Royal Street East #16 within the Residential Development (RD) District.
2. The Sterlingwood Condominium Plat was originally approved by City Council on December 12, 1979 and recorded on December 17, 1984.
3. The Sterlingwood First Amended Condominium Plat was approved by City Council on June 27, 2002 and recorded on October 25, 2002.
4. The total area of the Sterlingwood condos is 2.48 acres.
5. There are eighteen (18) units in the Sterlingwood Condominium Plat consistent with the density allowed by the Deer Valley Master Planned Development.
6. On March 8, 2016, the applicant submitted an application to amend the existing Sterlingwood Condo Condominium Plat.
7. The Sterlingwood Homeowners Association have met and consented with a two thirds (2/3rds) vote to allow the transfer of limited common to private area ownership

to Unit 16.

8. The application was deemed complete on May 18, 2016.

9. The proposed plat amendment would memorialize the proper ownership of the existing garage to limited Common Area for Unit 16 as well as change a Common Area stairwell to private area for Unit 16 of the Sterlingwood Condos.

10. Enclosing the stairwell area within the existing building does not change the existing building setbacks, height, or building footprint.

11. The square footage of Unit 16 will change from 2,861 to 3,103.

12. On June 27, 2002 the City Council approved the First Amended Sterlingwood Condominium Plat which was then recorded on October 25, 2002. This amendment only referenced 6 of the 18 units, Buildings 'F', 'G', and 'H' which clarified these unit's limited common garage areas.

Conclusions of Law – 7800 Royal Street East #16

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 and condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
4. Approval of the condominium plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 7800 Royal Street East #16

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, Planning Commission Packet June 22, 2016 Page 112 of 228

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. The Sterlingwood Condominium Plat and First Amended Sterlingwood Condominium Plat shall otherwise continue to apply.

5. 1000 Ability Way – National Ability Center Subdivision plat – to create one lot of record from a metes and bounds parcel (Application PL-16-03140)

Commissioner Thimm recused himself and left the room.

Planner Kirsten Whetstone reviewed the application for a proposed subdivision for the National Ability Center creating one platted lot of record for the entire property of 26.2 acres located in the Quinn's Junction neighborhood at 1000 Ability Way. The proposed one lot plat is consistent in size and location with the metes and bounds described property. The applicant is not adding anything to it or making changes to any of the existing roads. The property is accessed by a public road and a private drive.

Planner Whetstone noted that the application is consistent with the Chapter 15.7 – Subdivision, as well as the Community Transition Zone (CT). It is also consistent with the National Ability Center SPA, which was approved by the Summit County Commission. The plat does not create any remnant parcels.

The Staff found good cause and recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council pursuant to the findings of fact, conclusions of law and conditions of approval in the draft ordinance.

Michael Barille, representing the applicant, had not seen the draft ordinance with the recommended conditions. However, he responded to three references in the Staff report. The first was public trails, which he had no issue with. The second talked about setback from any wetlands on the site for development. Mr. Barille suggested that it read "new development" to avoid confusion over the existing roadway that crosses the wetland corridor or any existing improvements on the site. The last reference talks about dry utility boxes and that in any future development the dry utility boxes are screened appropriately. Mr. Barille stated that without knowing exactly what the utility plan will look like, he suggested that it be held until the conditional use permit review. At that time they would have a better plan to look at and the applicant would have a better idea of what to propose.

Planner Whetstone noted that it was a standard condition recommended by the City Engineer. She read Condition #3, "Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify the areas provided for their facilities are viable and exposed meter boxes can be screened with landscaped elements". Director Erickson pointed out that the utility box issue is pushed out to the conditional use and building permit per the condition, and it has no effect on this plat. He clarified that it is a normal condition of approval for every plat.

Chair Pro Tem Band opened the public hearing.

There were no comments.

Chair Pro Tem Band closed the public hearing.

Commissioner Suesser asked if the Staff had any objections to changing Condition #7 to add the word "new" as suggested by Mr. Barille. Director Erickson stated that the Staff was going to recommend that the condition of approval with respect to wetlands be modified to indicate that the setbacks apply for any new construction.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council for the 1000 National Ability Center Subdivision plat to create one lot of record according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended to revise Condition #7 to indicate the setback from wetlands for "new" construction. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously. Commissioner Thimm was recused.

Findings of Fact – 1000 Ability Way

1. The property is located at 1000 Ability Way.
2. The zoning is Recreation Open Space (ROS), subject to the Park City Recreation Complex Annexation Ordinance.
3. 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.
4. Access to the property is from Round Valley Drive and Gillmor Way, which are public streets and Ability Way, which is a private access drive.

5. On July 26, 1999, prior to annexation, the property received approval of a Specially Planned Area (SPA) by the Summit County Commission, as well as a Conditional Use Permit. The NAC Specially Planned Area (SPA) was recorded at Planning Commission Packet June 22, 2016 Page 132 of 228 Summit County on August 3, 1999. The SPA and CUP allow for development of various uses and buildings.

6. 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.

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

8. The National Ability Center (NAC) is a non-profit organization specializing in community sports, recreation, therapy, and education programming. Overnight lodging is also provided for participants.

9. The property currently includes a 24,800 sf equestrian arena (17,150 sf indoor arena and 7,650 sf of stalls and offices) an outdoor challenge course, a playground area, an outdoor equestrian arena, a 2,200 sf archery pavilion, a gazebo, various barns and storage buildings, an 18,300 sf residential dormitory building, a 12,780 sf support administrative building, and 113 parking spaces.

10.A Conditional Use Permit for a hay storage barn was approved in 2015 and constructed in 2016.

11.On December 10, 2014, the Planning Commission held a public hearing, discussed a pre-MPD application for proposed expansion of the National Ability Center and

12.The Pre- MPD application was found to be generally consistent with the purpose statements of the ROS Zoning District and the goals and objectives of the General Plan.

13.On January 26, 2016, the City received a complete application for a Master Planned Development (MPD) located at 1000 Ability Way. The MPD application proposed additional lodging (22,266 sf), expansion of the indoor equestrian arena (12,188 sf), an addition to the existing administration building for office uses (3,400 sf), center campus activity/multi-purpose area (7,000 sf), and new archery pavilion, classrooms, and restrooms (2,200 sf).

14. An additional 101 parking spaces were requested with the MPD application, along with future improvements to the stables, equipment and storage sheds, challenge ropes course, interior plaza and landscaping, a small greenhouse for gardening programming, a test track area, and a tent platform/single room camping cabins area to foster self-reliance in camping and outdoor skills.

15. The proposed MPD was noticed for an April 13, 2016, Planning Commission meeting. The item was continued to May 11, 2016, where it was continued to a date uncertain to allow additional time for staff to research the existing zoning in greater detail to address the Planning Director's determined that the ROS Zone does not specifically allow a Master Plan Development or lodging uses. Staff is preparing an analysis of a future rezone of the property from Recreation Open Space (ROS) to Community Transition (CT).

16. On April 12, 2016, the applicant submitted a complete application for National Ability Center Subdivision plat proposing one platted lot of record (Lot 1) consisting of 26.2 acres.

17. The property is currently developed in part with structures and parking and undeveloped in part consisting of native grasses, shrubs and other low vegetation and with areas of delineated wetlands.

18. The wetlands delineation was recently updated and the May 2015 report was submitted to the City with the MPD application.

19. Any wetlands delineation that is more than five years old is required to be updated, re-delineated and re-submitted to the Corp and the City prior to issuance of a building permit.

20. All development, such as buildings and parking areas, are required to comply with the LMC required setbacks from delineated wetlands. The current requirement is a 50' wide wetlands protection buffer area.

21. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south.

22. There are existing public utilities on the property, as well as existing easements that will be memorialized on this subdivision plat prior to recordation, to ensure that public utilities, access, and trails are located within adequate easements.

23. Utility easements are necessary along property boundaries for potential future utility installations

24. A twenty foot (20') wide public trail easement is required for the existing public trail on the southwest corner of the property.

25. A thirty foot (30') wide water and public utility easement is shown on the plat as an existing easement for utilities at the southeast corner of the lot.

26. A twenty foot (20') wide sanitary sewer easement is shown on the plat as an existing easement for sewer at the southeast corner of the lot.

27. No changes are proposed to the existing property lines or to the location of platted Round Valley Drive or to platted Gillmor Way.

28. Snow storage easements are not required along private streets.

29. Attention to the location of visible dry utility boxes and installations is an important consideration when designing a site in order to ensure that adequate area is available for landscape elements to provide adequate screening from public view.

30. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 1000 Ability Way

1. There is good cause for this subdivision plat amendment.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions, the Park City General Plan, and the NAC SPA.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat amendment.
4. Approval of the subdivision 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 – 1000 Ability Way

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with the Land Management Code, and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing prior to expiration and is approved by the City Council.
3. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.
4. Final utility, storm water, and grading plans must be approved by the City Engineer prior to building permit issuance.
5. A financial guarantee for any required public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney shall be in place prior to plat recordation.
6. Any wetlands delineation older than five (5) years shall be updated and submitted to the City prior to building permit issuance for new development on the lots. All required Corps of Engineer approvals and permits shall be submitted prior to issuance of a building permit on the lots.
7. A note shall be included on the plat prior to recordation stating that all new development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time of building permit application.
8. A ten foot (10') wide non-exclusive public utility easements shall be shown along the property lines as required by the City Engineer during final plat review. A public trail easement shall be shown on the plat for public trails located on the property. Utility easements, for SBWRD shall be provided at the direction of SBWRD. Public utility easements shall be provided as required by utility providers and shall be shown on the plat prior to recordation.

6. 700 Round Valley Drive – Park City Medical Center Lot 8 Subdivision plat to create two lots of record from Lot 8 of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat. (Application PL-16-03115)

Commissioner Thimm returned to the meeting. Commissioner Suesser recused herself and left the room.

Planner Whetstone handed out copies of a revised plat, Exhibit A. Morgan Bush, representing the applicant, noted that the revised plat also included the two additional notes that were requested to address snow removal and other items.

Planner Whetstone reviewed the application to amend the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility subdivision. The applicant was requesting a plat amendment to divide the existing Lot 8 into Lot 8 and Lot 12. She reported that in January the Planning Commission approved a conditional use permit for the Peace House on Lot 8. Both lots are subject to the IHC Master Planned Development. A Finding states that Lot 12 has no assigned density under the current IHC Amended Master Planned Development. Lot 8 is subject to a CUP.

The Staff reviewed the plat amendment and found that it was in compliance with LMC Section 15-7, Subdivision, subsection Plat Amendments. It also meets all the requirements of the Community Transition (CT) Zone. The proposed lots are consistent in size and location with uses contemplated during the approved amendment to the IHC master plan and the Peace House CUP.

The Staff found good cause for the plat amendment and recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council pursuant to the findings of fact, conclusions of law and conditions of approval in the draft ordinance.

Morgan Bush had questions on some of the proposed conditions of approval found in the Staff report. He understood from the discussion on the last item that Conditions #4 and #5 are required to be put on plats. Condition #6 requires a financial guarantee for any public improvements prior to plat recordation. Mr. Bush noted that any improvements would be associated with the Peace House project; however, the condition implies that it is the responsibility of Intermountain Healthcare to provide the financial guarantee.

Assistant City Attorney McLean replied that the responsibility is on the owner, but IHC can work out an agreement with their tenant. As long as the City has the financial guarantee it does not matter who puts up the money. Mr. Bush referred to Conditions #7 and #8

regarding the wetlands and had requested the same modification that was made in the previous item to add the word “new” so it only applies to new development. Mr. Bush stated that Condition #9 says “a ten-foot wide non-exclusive public utility and snow storage easement shall be shown along the frontages of Round Valley Drive and Gilmore Way. He noted that the revised plat shows the existing public utility easement along Round Valley Drive on Lot 8 and a small section of Lot 12. There is no current public utility easement on Gilmore Way along the side of Lot 12. However, since no density is associated with that lot, he asked if it was necessary to include that easement.

Planner Whetstone stated that it is a standard requirement to put public utility easements and snow storage along the frontage of any public right-of-way. The condition was added at the request of the City Engineer.

Mr. Morgan stated that he basically wanted clarification of the conditions before this moved forward to City Council. He was satisfied with the explanations.

Chair Pro Tem Band understood that the only revisions to the conditions was to add the word “new” to Conditions 7 and 8. Director Erickson explained that Condition 7 affects the wetland delineation and Condition 8 affects the development.

Chair Pro Tem Band opened the public hearing.

There were no comments.

Chair Pro Tem Band closed the public hearing.

MOTION: Commissioner Phillips moved to forward as POSITIVE recommendation to the City Council on the Third Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus/USSA Training Facility, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended to add the word “new” before the word “development” in Conditions #7 and #8. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously. Commissioner Suesser was recused.

Findings of Fact – 700 Round Valley

1. The property is located at 700 Round Valley Drive (location of Lot 8).
2. The zoning is Community Transition (CT) within the IHC Master Planned Development (CT-MPD).

3. On December 7, 2006, City Council approved an annexation ordinance and annexation agreement for the property. The annexation agreement was recorded on January 23, 2007.
4. The annexation agreement sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat, such as roads, utilities, and trails.
5. On January 11, 2007, the City Council approved the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision plat for the purpose of creating lots of record so that associated property sale and property transfers could be completed. The plat was recorded at Summit County on January 23, 2007 and consisted of 5 lots of record.
6. The IHC Master Planned Development was approved by the Planning Commission on May 23, 2007.
7. The First Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision was approved by the City Council on October 11, 2007 and recorded at Summit County on May 20, 2008. The first amended plat memorialized various easements and road layouts and adjusted the location of various lots consistent with the approved MPD. The plat consisted of nine lots of record.
8. The Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat was approved by the City Council on July 31, 2008 and recorded at Summit County on November 25, 2008. The second amended plat created new Lots 10 and 11 out of the previous Lot 8. Lot 10 was created for the Summit County Health Department and the People's Health Clinic building and Lot 11 was created as a separate lot for IHC as it was located south of Victory Lane. The plat consisted of eleven lots of record.
9. The property is subject to the Amended Intermountain Healthcare Master Planned Development (IHC MPD), originally approved on December 7, 2006 and amended in 2014 to transfer support medical office uses and density from Lots 6 and 8 to Lot 1.
10. A second MPD amendment was approved on January 13, 2016 to identify Lot 8

for the Peace House facility, address affordable housing requirements, and address administrative amendments of the first MPD amendment.

11. The MPD amendments were found to be consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.

12. On November 10, 2015, a Conditional Use Permit for the Peace House on a portion of Lot 8 was submitted to the Planning Department.

13. On January 13, 2016, the Planning Commission approved the Peace House CUP located on a portion of Lot 8.

14. On April 25, 2016, the applicant submitted a complete application for this Third Amended Subdivision Plat for Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility to divide the 9.934 acre Lot 8 of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat into two platted lots of record, namely Lot 8 consisting of 3.6 acres and Lot 12 consisting of 6.334 acres.

15. The amended subdivision plat consist of twelve lots with ownership, acres, and use consistent with the amended IHC MPD as follows:

Lot 1 and Lot 2: IHC- Intermountain Healthcare Campus MPD (107.551 acres)

Lot 3: USSA- Headquarters and Training Facility MPD (5 acres)

Lot 4: PCMC- previous affordable housing site (5 acres)

Lot 5: PCMC- Ice Facility/Fields Complex Expansion (15 acres)

Lot 6: IHC MPD- no assigned density or uses (density transferred to Lot 1) (3.041 acres)

Lot 7: Physicians Holding- Support Medical Office CUP (3.396 acres)

Lot 8: IHC- Peace House CUP (3.632 acres) (previously 9.934 acres- rest to new Lot 12)

Lot 9: Questar facility (0.174 acres)

Lot 10: Community Medical Summit County Health and People's Health Clinic CUP (3.088 acres)

Lot 11: IHC, no assigned density or uses (0.951 acres)

Lot 12 (new lot): IHC, no assigned density or uses (6.302 acres) (previously part of Lot 8)

16. Development of each lot requires a Conditional Use Permit.

17.Existing Lot 8 includes a total lot area of approximately 9.934 acres. Peace House has recently entered into a 50 year ground lease from IHC on the eastern 3.63 acres of existing Lot 8, which is proposed Lot 8.

18.The property is currently undeveloped and consists of native grasses and low vegetation with areas of delineated wetlands located on the north and west portion of Lot 8 and a majority of Lot 12.

19.The wetlands delineation was done more than five years ago and will need to be updated, re-delineated and re-submitted to the Corp prior to issuance of a building permit.

20.All development, such as buildings and parking areas, are required to comply with the LMC required setbacks from delineated wetlands. The current requirement is a 50' wide wetlands protection buffer area.

21. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south. Lot 12 will have frontage and access on both Round Valley Drive and Gillmor Way, accessed from the north.

22.There are existing sidewalks along the street frontage as well as interconnecting paved trails throughout the subdivision.

23.There are existing utilities within the streets and within platted public utility easements along the front lot lines. Utility and snow storage easements are necessary along public street frontages for installation of utilities and snow storage.

24.A twenty-foot (20') wide public trail easement is located on existing Lot 8. The trail will remain and the twenty-foot (20') wide public trail easement will be included on the amended plat, on Lot 12, in the location of the paved trail.

25.No changes are proposed to the location of platted Round Valley Drive or to platted Gillmor Way.

26.Attention to the location of visible dry utility boxes and installations is an important consideration when designing a site in order to ensure that adequate area is available for landscape elements to provide adequate screening from public view.

27. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 700 Round Valley Drive

1. There is good cause for this subdivision plat amendment.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions, the Park City General Plan, and the IHC Annexation and Master Planned Development.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat amendment.
4. Approval of the subdivision 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 – 700 Round Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with the Annexation Agreement, State law, the Land Management Code, and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing prior to expiration and is approved by the City Council.
3. All conditions of approval of the IHC Annexation and IHC/USSA Subdivision, as amended, shall continue to apply.
4. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.
5. Final utility, storm water, and grading plans must be approved by the City Engineer prior to Building Permit issuance.

6. A financial guarantee for any required public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney shall be in place prior to plat recordation.

7. Any wetlands delineation older than five (5) years shall be updated and submitted to the City prior to building permit issuance for new development on the lots. All required Corps of Engineer approvals and permits shall be submitted prior to issuance of a building permit on the lots.

8. A note shall be included on the plat prior to recordation stating that all new development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time of the building permit application.

9. A 10' wide non-exclusive public utility and snow storage easement shall be shown along the frontages of Round Valley Drive and Gillmor Way prior to plat recordation.

7. Land Management Code (LMC) amendments- various administrative and substantive amendments to the Park City Development Code regarding 1) standard of review for appeals and noticing;; 2) standard of review for applications with regard to the General Plan; 3) Steep Slope CUP applicability; 4) common wall development (in HR-1, HR-2, and CT Districts); 5) exceptions to building height and footprint for Historic Sites as valid Complying Structures in HRL, HR-1, HR2 and RC; 6) mechanical service, delivery, and loading areas (GC, LI Districts); 7) lighting requirements or reducing glare and landscape mulch materials; 8) specifications for barrel roofs; 9) require historic site information in MPD applications and review; 10) clarify review criteria to be met when making a determination of historic significance, 11) administrative corrections for consistency and clarity between Chapters such as noticing requirements; and 12) definitions for barrel roof, billboard, glare, and intensive office. (Application PL-16-03115)

Commissioner Suesser returned to the meeting.

Planner Whetstone stated that if the Planning Commission forwards a positive recommendation to the City Council for the proposed amendments the Motion should be pursuant to the Ordinance as opposed to pursuant to the Findings of Fact and Conclusions of Law.

Chair Pro Tem Band suggested that the Planning Commission review the LMC amendments item by item as listed in the Staff report.

1. Standards of Review for Appeals and Noticing

Planner Whetstone noted that the noticing changes were reflected in Exhibit A. The changes were primarily for consistency with change to the State Code.

Commissioner Suesser stated that she did not have the opportunity to review the amendments closely prior to the meeting, and she was not prepared to comment this evening.

Chair Pro Tem asked if these amendments were noticed for action. Assistant City Attorney stated that it was noticed for public hearing and action and the Planning Commission could forward a recommendation to the City Council or continue to another meeting. They could also forward the amendments where there was agreement and continue the ones that need further discussion.

Planner Whetstone explained that this was the only process in Appeals that had a seven day noticing requirements. On appeals the State does not specify a period. Planner Whetstone stated that most of the noticing processes for Park City are 14 days. The Staff recommended changing to a 14 day notice for consistency, unless the State Code has a different requirement, since 14 days is standard in the Code.

Commissioner Suesser referred to the added language in 151-18K, and suggested that "Staff determination" should be plural, to read "Appeals of Staff determinations."

Planner Whetstone noted that another change consistent with State Law is to post to the Utah Public Notice website, which is a State requirement.

Commissioner Suesser asked if there were multiple hearings in these appeals. Planner Whetstone stated that the requirement is for the first hearing. If the public hearing is continued and the public hearing is not closed on any item that has been noticed, a republication of notice is not required. Assistant City Attorney McLean stated that this was the current practice. Before the first hearing before the Planning Commission the item will be noticed 14 days prior. If it is continued to a date certain it is not re-posted or re-

published in the paper. It is always re-noticed on the Park City website and on the Utah Public Notice website, along with the agenda. That is done for every meeting under the Open Public Meetings Act laws. The only distinction is that the language clarifies that before the first meeting before City Council there will be a published noticed. That has not been consistently done in the past.

The Commissioners were comfortable with Item 1.

2. Standards of Review for applications with regard to the General Plan

Planner Whetstone stated that this amendment was a recommendation from the City Attorney. Under D, Standards of Review, having the use consistent with the Park City General Plan was struck in that section and inserted under the Review Criteria, where an application is reviewed for consistency with the goals and objectives of the Park City General Plan. She noted that it changes the standard of review for an MPD or CUP application. The Code is supposed to reflect the General Plan. Planner Whetstone read the added language, "...review for consistency with the goals and objectives of the General Plan, however, such review for consistency shall not alone be binding."

Planner Whetstone replied that the same language applies to MPDs. It was removed from 15-6-6, under Required Findings and Conclusions of Law and added under General Review. The change was reflected on page 213 of the Staff report.

Director Erickson clarified that the amendments were cleaning up the language to reflect that the General Plan is guidance and not regulation.

Commissioners were comfortable with Item 2, with the exception of Commissioner Suesser who was not prepared to sign off on the proposed change.

Chair Pro Tem Band stated that this item could be removed for action if the Commissioners wanted to discuss it further when Commissioners Joyce and Strachan were present. The Commissioners agreed to continue this amendment for further discussion.

3. Steep Slope CUP applicability

Planner Whetstone remarked that this amendment would increase the regulation in Historic Districts for what counts as footprint for steep slopes. Director Erickson stated that the issue is when a Steep Slope CUP would be required. If the steep area was a horizontal plane and something projected over it, it would not be regulated. Based on the new language, if it is a vertical plane and a deck projects into it, it would require a steep slope

CUP. Planner Whetstone pointed out that it would not apply to decks because decks are not building footprint.

Commissioner Campbell noted that a cantilever floor counts as a footprint. Director Erickson remarked that floor area is different than regulating for Steep Slope. Commissioner Campbell was unsure why the proposed language was necessary. Director Erickson explained that if someone tried to avoid doing a steep slope CUP and maximizing building volume, he would design the footings and foundation and the first floor to not impact the steep slope, and then on the second floor cantilever a deck over it. Commissioner Campbell stated that his understanding of building footprint is that if you shine a light from above directly down, anything in the shadow of that was part of the building footprint. Planner Whetstone stated that if the house cannot project over the steep slope area. Commissioner Campbell thought the existing footprint rule would catch it if that occurred. Planner Whetstone noted that the current language only states "If the footprint is located upon an existing slope", meaning that the footprint actually touches the steep slope.

Director Erickson suggested that the Staff might need to further consider this amendment. The intent was to clarify that a Steep Slope CUP could not be avoided. Commissioner Campbell favored the intent but he questioned the necessity of the added language. Commissioner Phillips agreed with Commissioner Campbell that it was already regulated by the footprint rule. However, he was not opposed to leaving in the added language for additional clarification. The Commissioners concurred.

4. Common Wall Development

Planner Whetstone stated that this amendment would not apply in the HR-L zone because only single-family is allowed in the HR-L zone. Reference to the HR-L should be stricken from the language. The proposed amendment would apply to HR-1, HR-2 and CT zones. It also currently applies in the other zones.

Planner Whetstone revised the proposed language on page 214 of the Staff report, "A side yard between connected structures is not required where structures are designed with a common wall on a property line, each structure is on an individual lot, and the lots are burdened with a party wall agreement in a form approved by the City Attorney, Chief Building Official, and all applicable Building and Fire Code requirements are met." She clarified that IBC was replaced with Building.

Assistant City Attorney recalled that the Staff had an internal discussion on policy issues in terms of setbacks and new construction versus old construction. She explained the issues that were created by this amendment related to setbacks and the common wall. Another

issue is whether this amendment is meant to clean up the non-conformities that were historically done and preventing having to go through the condominium process; or whether the Planning Commission thinks this should be allowed in the future.

Chair Pro Tem Band thought this item needed further consideration and discussion. The Commissioner agreed to continue item 4 for discussion.

5. Exceptions to building height and footprint for Historic Sites as valid complying Structures in HRL, HR-1, HR2 and RC.

Chair Pro Tem understood from the Staff that this item was not ready to be forwarded to the City Council.

Planner Whetstone explained that the intent of this language was to say that a historic structure should not have to be modified to have a ten foot step at 23 feet to meet the Code. It should be a legal complying structure if it does not have a setback.

Planner Whetstone stated that another exception is when you have a historic structure 35 feet below grade with a garage at the top, there would be an exception to the 35 feet. Another exception is a historic structure that does not meet the total 35 feet in height from finish floor to the wall plane because that is how it sits as an existing historic structure and it is non-complying. The proposed amendment recognizes that if something is historic they are legally non-complying structures. However, additions must comply with building setbacks, building footprint, driveway location standards and building height. That language did not change.

Planner Whetstone stated that the exception has always been used for a basement under a historic structure. A basement or driveway location could be approved with a conditional use permit if all the other criteria are met. Planner Whetstone remarked that one additional criteria was added requiring that it comply with the Design Guidelines. The second exception related to a house being so far below the street that a new garage would keep it from meeting the overall building height.

The Commissioners agreed to continue this item for further discussion. Director Erickson suggested a drawing or a site tour to help with the discussion.

6. Mechanical service, delivery and loading areas (GC, LI Districts).

Planner Whetstone stated that the language is currently in the LI District and the Staff was proposing to put the same language into the GC zone. The only change to the language is

to replace eliminate the view with mitigate the view from nearby properties. The Commission recommended this item be forwarded to City Council.

7. Lighting requirements for reducing glare and landscape mulch materials

Commissioner Campbell thought lighting and landscaping were important issue and he suggested that they wait until all the Commissioners were present to have the discussion.

Commissioner Phillips asked if there is a way to measure lighting. Director Erickson replied that there are three different ways of measuring three different kinds of lighting including glare. He noted that Community Development Director, Anne Laurent has a proposed lighting ordinance that carries a full suite of measurements, including for glare, which is defined in the amendments as the difference between how dark it is and how light it is.

Planner Whetstone remarked that the amendment upgrades the purpose statements and adds a definition for "Glare". It also add LEDs as an approved light source and the temperature for LEDs should be less than 3000K.

The Commissioner agreed to continue this item, for additional information and discussion with the rest of the Commission.

8. Specifications for barrel roofs.

Director Erickson suggested that the definition of barrel roofs could be moved forward subject to removing the phrase, "such as cathedrals, railroad station, theaters and sports venue arenas", because it was intended to address residential structures.

Chair Pro Tem Band stated that unless the Commissioner had other issues this item would be forwarded to the City Council as amended by Director Erickson.

9. Require historic site information in MPD applications and review.

Director Erickson believed this item would need input from the public as well as discussion by the planning Commission. He noted that they require MPDs to identify mine sites and mine hazards, but they do not require identification of potentially historic structures. Director Erickson recalled that the Planning Commission required a new inventory at Park City Mountain Resort; however, it was not required on Alice Claim and it was later discovered that there was a historic site. This would require historic sites to be identified in an MPD.

Planner Whetstone read the proposed language under (O) on page 220 of the Staff report. "All MPD applications shall include a map and a list of known historic sites on the property and a historic Structures Report, as further described on the MPD applicant. The Report shall be prepared by a qualified historic preservation professional".

Director Erickson stated that the Planning Commission should decide whether or not to give the Planning Director the authority to waive the requirement on small MPDs. Planner Whetstone did not think it should be waived if the intent is to know all historic sites in an MPD.

Commissioner Thimm remarked that those types of things become difficult in terms of defining when it is waivable. Chair Pro Tem Band thought this amendment helps more than it hurts and if they find that it causes problems with smaller developments it could always be amended.

Commissioner Suesser asked if there was a requirement to have the property inspected for historic sites. She noted that the proposed language says "a map and list of known historic sites on the property". She noted that it does not require someone going out to the site to look at it. Planner Whetstone stated that the remainder of that language requires a report to be prepared by a qualified professional, which would require someone going to the site. Commissioner Suesser wanted to know what the report would entail. Director Erickson explained that there is a professional standard for an inventory of known historic sites which involves using the Historic Sites Inventory and mapping anything on the MPD. He pointed out that this language does not require a reconnaissance of new sites. If they want a reconnaissance the Staff would need to revise the language.

Commissioner Campbell thought the language was vague. Chair Pro Tem Band noted that the language requires a report to be prepared by a qualified historic preservation professional. Commissioner Suesser thought reconnaissance was important and it should possibly be required.

Planner Whetstone noted that the language came from the Historic Planners and they may have a definition for a Historic Structures Report. Commissioner Campbell suggested a definition for a qualified historic preservation professional.

Chair Pro Tem Band suggested that they continue this item to discuss some of the issues that were raised.

10. Clarify review criteria to be met when making a determination of historic significance.

Planner Whetstone presented an exhibit from Chapter 11-11 – Criteria for designating sites to the Historic Sites Inventory. She indicated where “and’s” and “or’s” were corrected in the language after review by the Historic Preservation Planners and Assistant City Attorney McLean.

Chair Pro Tem Band asked for the essential change in this section. Assistant City Attorney McLean stated that Essential Historic Form is a defined term in the Code but it was not clear. The intent was to clarify that it was the same term. Planner Whetstone stated that Essential Historical Form was incorrect and it was changed in the definition to Essential Historic Form.

Commissioner Suesser understood that the changes might not be significant, but not having had the opportunity to review it she was not prepared to sign off on it.

This item was continued this item for further discussion.

11. Administrative corrections for consistency and clarity between Chapters such as noticing requirements.

Planner Whetstone referred to the notice matrix and noted that that the changes were made to be consistent with State Code. Assistant City Attorney referred to noticing for Zoning and Rezoning and noted that after “first hearing”, language should be added to say, “of the Planning Commission and the City Council”.

Chair Pro Tem Band suggested that the Planning Commission continue this item for further changes and clarification.

12. Definitions for barrel roof, billboard, glare and intensive office.

Planner Whetstone added a definition of Affected Entity and handed out a sheet to the Commissioners with the definition and what it involves. She requested that it be included in the definitions being forwarded to the City Council. Assistant City Attorney McLean noted that the language for Affected Entity was directly from the State Code.

Chair Pro Tem Band noted that the language for barrel roofs was revised earlier in this discussion and the same revision applied.

The Commissioners discussed the definition of a billboard and what constitutes a billboard. Due to various regulations related to billboards, Director Erickson suggested that they pull billboard from this list of definitions.

Chair Pro Tem Band added Affected Entity to the definitions.

Regarding the definition for glare, Commissioner Campbell remarked that excessive and uncontrolled is hard to define and could be argued. He asked if they revise the language to say "caused by brightness". Chair Pro Tem Band stated that anything could be considered brightness. Planner Whetstone stated that if the light bulb is not shielded and in an opaque it creates glare. Director Erickson believed the definition for glare was taken from the International Lighting Code. Commissioner Campbell asked Ms. McLean if she could defend the words "excessive and uncontrolled" by someone who argues that they do have control of their light bulb. Ms. McLean agreed that the more definitive the better.

Director Erickson stated that there are standards coming forward that define the contrast in terms of luminosity. He was not opposed to continuing the definition for glare for further discussion. Commissioner Suesser was not comfortable with the word "sensation". She recommending using "impact" instead of "sensation".

The Commissioners agreed to continue the definition of glare for further discussion.

Chair Pro Tem Band opened the public hearing.

There were no comments.

Chair Pro Tem Band closed the public hearing.

Chair Pro Tem Band summarized that Items 1, 3, 6 and 8 as amended and a portion of item 12, would be forwarded to the City Council. The remaining items would be continued.

MOTION: Commissioner Campbell moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments Items 1, 3, 6 and 8 as amended and a portion of Item 12, the definitions for Affected Entity, and Barrel Roof, Office, General, Office Intensive, and Office, Moderately Intensive. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Campbell made a motion to CONTINUE LMC Amendments Items 2, 4, 5, 7, 9, 10 and 11, and a portion of Item 12, the definitions for glare and billboard, to a date uncertain. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

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The Park City Planning Commission Meeting adjourned at 9:15 p.m.

Approved by Planning Commission: _____



Planning Commission Staff Report

Subject: 158 Ridge Avenue
Author: Makena Hawley, City Planner
Project #: PL-16-03149
Date: July 13, 2016
Type of Item: Administrative - Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to July 27, 2016, to allow additional time for internal review of the lot's history.

Description

Applicant: Thaynes Capital Park City LLC – Damon Navarro, represented by Jonathan DeGray
Location: 158 Ridge Avenue
Zoning: Historic Residential Low Density (HRL)
Adjacent Land Uses: Vacant lots, two lots under construction, and residential.
Reason for Review: Construction of structures with greater than 200 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit.

Planning Commission Staff Report



Project Number: PL-16-03169
Subject: North Silver Lake Amended and Restated Condominium Plat 1st Amendment to Units 6A, 6B, 10, 11, and 13
Author: Louis Rodriguez, Planning Analyst
Francisco Astorga, Senior Planner
Date: July 13, 2016
Type of Item: Legislative – Condominium Plat Amendment

Summary Recommendations

Staffs recommends the Planning Commission hold a public hearing for the North Silver Lake Amended and Restated Condominium Plat 1st Amendment to Units 6A, 6B, 10, 11, and 13 at 7101 Silver Lake Drive amending units 6A, 6B, 10, 11 and 13 and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: SR Silver Lake LLC represented by Marinel Robinson
Location: 7101 Silver Lake Drive
Zoning: Residential Development (RD) District
Adjacent Land Uses: Ski resort and residential
Reason for Review: Amendment to Record of Survey's are required to be reviewed by the Planning Commission and reviewed and approved by the City Council

Acronyms in the Staff Report

RD Residential Development
CUP Conditional Use Permit
LMC Land Management Code
MPD Master Plan Development
ADA American with Disabilities Act

Proposal

Due to market demand and buyer requests revisions, the applicant is requesting to adjust building envelopes and condominium interiors from the existing plat for units 6A, 6B, 10, 11, and 13 to reflect approved building plans for the units. Under the Deer Valley Resort Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial/support space. In 2010 the Park City Planning Commission approved a Conditional Use Permit (CUP) for

the development consisting of fifty four (54) private total units: sixteen (16) detached single-family dwellings/duplexes and four (4) condominium buildings containing thirty eight (38) private dwelling units. In 2014, the City Council approved a Condominium Plat finding it consistent with the approved 2010 CUP. In 2015, the City Council approved an amended Condominium Plat amending building envelopes and interiors from the plat approved by City Council on May 08, 2014.

Background

On May 24, 2016, a complete application was submitted to the City requesting approval of a Condominium Plat Amendment to the North Silver Lake Amended and Restated Condominium Plat Amending North Silver Lake Condominium Plat located at 7101 Silver Lake Drive. The site is located in the Residential Development (RD) District. The proposed Condominium Plat amends buildings envelopes and interiors from the existing amended Condominium Plat approved by City Council on October 13, 2015.

2009/2010 Conditional Use Permit

The original CUP application was before Planning Commission on five (5) different occasions: August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009. During the July 8, 2009 review, the Planning Commission approved the application with a three to one vote. One Commissioner abstained.

On July 17, 2009, neighboring property owners submitted an appeal of the CUP approval for development of the North Silver Lake Subdivision Lot 2B. The City Council reviewed the appeal on October 15, 2009 and again on November 12, 2009. During the November 12, 2009 meeting, the City Council remanded the CUP application to the Planning Commission with specific items to be addressed.

The Planning Commission reviewed the remand during two (2) work sessions on November 11, 2009 and January 13, 2010 and two (2) Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010 to address specific findings of the City Council. The Planning Commission approved the revised CUP with a four to one vote on April 28, 2010. The applicant stipulated to additional condition of approval #19 that "Lockout units have not been included within the current CUP application. The addition of lockout units would be a substantial deviation from the current plan and must be approved by the Planning Commission."

The approval was appealed by two (2) separate parties. On May 7, 2010, Mr. Eric Lee submitted an appeal on behalf of property owners in the neighborhood and on May 10, 2010, the City received an appeal from Ms. Lisa Wilson. The City Council reviewed both appeals on June 24, 2010. The Council did not find merit in the notice issues, the compatibility of revised design or other issues raised in Ms. Wilson's appeal. The City Council added an additional requirement of an opportunity for neighborhood input prior to approval of the phasing plan(s), but found that the Planning Commission adequately addressed the issues of the remand. Accordingly, the City Council affirmed and denied in part the Planning Commission's decision to approve the North Silver Lake Lot 2B CUP. The City Council findings were ratified on July 1, 2010. The CUP approval

included a condition that the approval would expire on July 1, 2011 if no building permits are issued within the development.

First CUP Extension

Land Management Code (LMC) § 15-1-10(G) allows for two (2) extensions of an approved CUP. On March 17, 2011, the Planning Department received a Request for Extension of the CUP approval. The Planning Director reviewed the extension request, Staff analyzed the application as provided within the administrative staff report, and public input was considered. On April 28, 2011, the Planning Director approved the Extension of the CUP for an additional year as conditioned.

The Planning Director's approval of the extension was appealed by Ms. Lisa Wilson and on June 8, 2011 the Planning Commission held a public hearing to consider the appeal. After hearing testimony from the appellant, the property owner, and Staff, the Planning Commission reviewed the matter de novo and rendered a decision to uphold the Planning Director's decision and grant the extension of the CUP to July 1, 2012.

On June 20, 2011, the City Council received a written appeal of the Planning Commission's final action of June 8, 2011, upholding the Planning Director's decision to approve an extension of the CUP for the North Silver Lake Lot 2B development. On July 21, 2011, the appeal was heard by the City Council, who held a quasi-judicial hearing before voting unanimously to uphold the Planning Commission's decision to uphold the Planning Director's issuance of an extension of time for the July 1, 2010 CUP. Because the appeal to uphold the Planning Director's decision was decided on July 21, 2011, the extension of the CUP was extended to July 21, 2012.

The Building Department had previously collected a bond to ensure that the existing impacts of the site will be repaired at the time of first CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18) new trees that vary in height from ten to twelve feet (10' - 12'), and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work was completed by July 1, 2011 and complies with the July 1, 2010 City Council conditions of approval. The applicant has continued watering the trees and vegetation as required.

Second CUP Extension

On October 27, 2011, Staff received a complete application to extend the CUP for an additional year, and on January 11, 2012, the Planning Commission heard the applicants request for an additional and final one-year extension from July 21, 2012 to July 21, 2013. After a public hearing, the Planning Commission voted 4-0 to approve the request for the one-year and final extension to the original CUP for North Silver Lake, Lot 2B.

On February 9, 2012, the City Council received a written appeal of the Planning Commission's final action of January 11, 2012, approving the request for the one-year extension to July 21, 2013 of the CUP for the North Silver lake Lot 2B development.

The second appeal of the second extension was originally scheduled for the March 22, 2012 City Council meeting. The appellant was unable to make it to the meeting due to an accident. The City Council voted to continue the item to the April 5, 2012 City Council meeting and directed Staff not to accept any additional materials from the appellant or the applicant. On April 5, 2012 the City Council conducted a public hearing and voted unanimously to deny the appeal and approve the extension of the CUP and upheld with the following conditions of approval:

1. All conditions of approval of the City Council's July 21, 2011 order continue to apply.
2. This approval will expire July 21, 2013, 12 months from the first extension of the CUP.
3. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

In March 2013, the applicant received a building permit for the first single-family dwelling. Through 2014 and 2015 several other building permits have been issued as the site has been considered an active building site since.

Nightly Rental Lockout Units

On February 26, 2014, the Planning Commission approved the applicant's request of thirty eight (38) Nightly Rental Lockout Units modifying the CUP approved by the City in 2010.

1st Condominium Plat (2014)

On May 8, 2014, the City Council approved the North Silver Lake Condominium Plat. The approved Condominium Plat identified private and common space and allowed the developer to sell the units. The approval consisted of twelve (12) stand-alone single-family dwelling units and (1) stand-alone duplex dwelling (containing 2 units) and forty (40) units within the main four (4) condominium buildings instead of the original ten (10) stand-alone single-family dwelling units and three (3) stand-alone duplex (containing 2 units each) dwellings equating to sixteen (16) units and thirty eight (38) units within the main four (4) condominium buildings.

2nd Amended Condominium Plat (2015)

On October 13, 2015, City Council approved the Amended and Restated North Silver Lake Condominium Plat. The approved Condominium Plat consisted of eleven (11) single-family dwellings and two (2) duplex dwellings with two (2) units each, thirty-nine (39) multi-unit dwellings, two (2) ADA compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.

Density

The [Deer Valley Resort Large Scale MPD](#) does not allocate for a specific residential unit type, unit size, or unit equivalent for the NSL Subdivision Lot 2B. The MPD allocates a maximum of 54 units. It should be noted that any development in Deer Valley still needs to comply with corresponding standards outlined in the LMC.

District Purpose

The purpose of the RD District is to:

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

Analysis

The proposed Condominium Plat Amendment adjusts the platted condominium units, common area, and limited common area for the development. The proposed plat identifies the private, limited common, support limited common and facilities, and common areas.

The current Condominium Plat (2015) consists of eleven (11) single-family dwellings, two (2) duplex dwellings with two (2) units each, thirty-nine (39) multi-unit dwellings, two (2) ADA compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units. The Condominium Plat approved in 2015 was consistent with the 2010 approved CUP containing 54 units.

The size of the private units within the single-family, duplex, and multi-unit dwellings range from 1,997 - 8,686 square feet. All of the unit sizes are listed in Exhibit C – Draft Condominium Declarations Third Amendment. The table below shows a size comparison from the current recorded declarations to the proposed. Please note the five (5) being amended in **bold**:

Table 1: Schedule of Units & Square Footage			
	Current	Proposed	Difference
1	6,505	6,505	0
2	6,160	6,160	0
3	6,148	6,148	0

4	6,148	6,148	0
5	6,688	6,688	0
6A	6,106	6,079	-27
6B	6,106	6,079	-27
7	6,760	6,760	0
8	8,686	8,686	0
9	6,572	6,572	0
10	6,261	6,385	+124
11	6,438	6,436	-2
12	6,851	6,851	0
13	6,051	6,334	+283
14	6,413	6,413	0
(Single-family dwellings/duplexes difference):			+351

The net increase in size is 351 square feet. The table was created by using the square footage on the recorded declarations and the drafted declarations submitted with this Condominium Plat Amendment. Staff does not find issues with the expansion of 351 square feet as the density remains the same. The Deer Valley MPD allocated a maximum of 54 units for this site (NSL Subdivision Lot 2B). This proposed Condominium Plat Amendment does not affect the approved Nightly Rental/Lockout Unit CUP in the multi-unit dwelling as the five (5) residential units being amended were not part of such approval. The requested Condominium Plat Amendment does not change parking and/or lockout unit requirements.

Condominium Plat

LMC § 15-4-12 indicates that existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Planning, Engineering and Building Departments, City Attorney, and plat approval from the City. Furthermore, required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The structure must be brought into substantial compliance with the Building code as a condition precedent to plat approval.

These structures are in the process of being built. Several building permits have been issued since the amended Condominium Plat was approved and recorded in October 2015. The applicant is actively working on the project. The structures are to be built per current building codes. Staff finds good cause for this Condominium Plat Amendment as the development will be in compliance with the approved CUP for the development.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-18.

Department Review

This project has gone through an interdepartmental staff review meeting. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

Public Input

No public input has been received by the time of this report.

Process

The approval of this amendment to record of survey application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the North Silver Lake Amended and Restated Condominium Plat 1st Amendment to Units 6A, 6B, 10, 11, and 13; or
- The Planning Commission may forward a negative recommendation to the City Council for the North Silver Lake Amended and Restated Condominium Plat 1st Amendment to Units 6A, 6B, 10, 11, and 13; or
- The Planning Commission may continue the discussion on North Silver Lake Amended and Restated Condominium Plat 1st Amendment to Units 6A, 6B, 10, 11, and 13

Significant Impacts

There are no significant impacts on the City from this application.

Consequences of not taking the Suggested Recommendation

The current Condominium Plat would govern what could be built. The property owner would not be able to accommodate market demand and buyer request revisions.

Recommendation

Staffs recommends the Planning Commission hold a public hearing for the North Silver Lake Amended and Restated Condominium Plat 1st Amendment to Units 6A, 6B, 10, 11, and 13 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 Ordinance with Proposed Condominium Plat Amendment

Exhibit B – Project Description

Exhibit C – Draft Third Amendment to Declaration of Condominium for North Silver Lake

Exhibit A – Proposed Ordinance with Condominium Plat

Ordinance No. 16-XX

AN ORDINANCE APPROVING THE NORTH SILVER LAKE AMENDED AND RESTATED CONDOMINIUM PLAT 1ST AMENDMENT TO UNITS 6A, 6B, 10, 11, AND 13 AT 7101 SILVER LAKE DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as Unit 6A, 6B, 10, 11, and 13 of the North Silver Lake Amended and Restated Condominium Plat, located at 7101 Silver Lake Drive have petitioned the City Council for approval of an amended and restated condominium record of survey 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; and

WHEREAS, the Planning Commission held a public hearing on July 13, 2016, to receive input on the North Silver Lake Amended and Restated Condominium Plat 1st Amendment; and

WHEREAS, the Planning Commission, on July 13, 2016, forwarded a recommendation to the City Council;

WHEREAS, the City Council on August 4, 2016 conducted a public hearing to receive input on the North Silver Lake Amended and Restated Condominium Plat 1st Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the North Silver Lake Amended and Restated Condominium Plat 1st Amendment

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. North Silver Lake Amended and Restated Condominium Plat 1st Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 7101 Silver Lake Drive in Deer Valley.
2. The site is located in the Residential Development (RD) District.
3. The proposed Condominium Plat Amendment amends building envelopes and interiors from the existing plat approved by the City Council on October 13, 2015.

4. The proposed Condominium Plat Amendment adjusts the platted condominium units, common area, and limited common area for the development.
5. The proposed Condominium Plat identifies the private, limited common, support limited common and facilities, and common areas.
6. The current Condominium Plat consists of eleven (11) single-family dwellings, two (2) duplex dwellings with two (2) units each, thirty-nine (39) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.
7. The Condominium Plat approved in 2014 was consistent with the 2010 approved Conditional Use Permit containing 54 units.
8. The proposed Condominium Plat consists of eleven (11) single-family dwellings, two (2) duplex dwellings with two (2) units each, thirty-nine (39) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.
9. The proposed Condominium Plat Amendment is consistent with the 2010 approved Conditional Use Permit containing 54 units.
10. Even though the number of detached structures and multi-unit dwelling is changing from the Condominium Plat, the density remains the same at 54 units as specified in the Deer Valley Master Plan.
11. The massing remains in substantial compliance with the 2010 CUP approval.
12. The original CUP does not have to be re-reviewed as the proposal complies with the approved CUP. The density of 54 units still remains the same.
13. The size of the private units within the single-family, duplex, and multi-unit dwelling ranges from 1,997 - 8,686 square feet.
14. This adjustment is consistent with the 2010 CUP plan and layout.
15. The net increase in size is 351 square feet.
16. The Deer Valley MPD did not allocate a maximum house size or a UE allocation for each residential unit.
17. The Deer Valley MPD density allocation was based on a density of fifty four (54) units.
18. The applicant is actively working on the project.
19. All findings in the analysis section of the staff report are incorporated herein.

Conclusions of Law:

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

5. The Condominium Plat Amendment is consistent with the approved North Silver Lake Conditional Use Permit.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Condominium 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 Condominium Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be added to the condominium plat referencing that the conditions of approval of the Deer Valley MPD and the 2010 North Silver Lake CUP apply to this condominium plat amendment.
4. All conditions of approval of the City Council's July 1, 2011 order on the Conditional Use appeal shall continue to apply.
5. All conditions of approval of the Planning Commission's February 26, 2014 action modifying the CUP to allow Lockout Units shall continue to apply.
6. All conditions of approval of the City Council's May 08, 2014 approval of the North Silver Lake Condominium Plat shall continue to apply.

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

PASSED AND ADOPTED this ____ day of _____, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

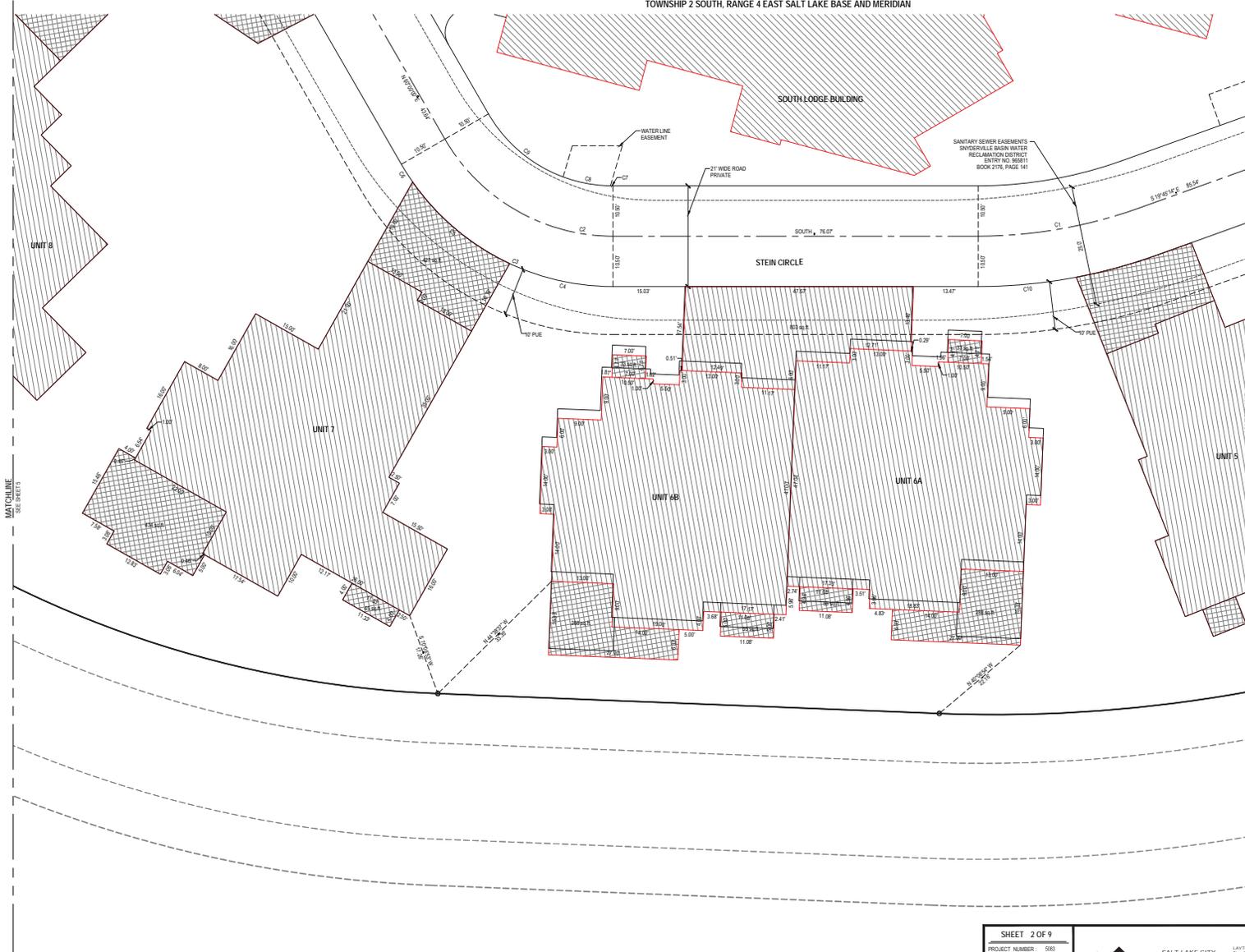
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

1ST AMENDMENT TO NORTH SILVER LAKE AMENDED AND RESTATED CONDOMINIUM PLAT (AMENDING UNITS 6A, 6B, 10, 11 AND 13)

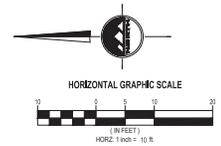
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	100.00	34.48	19°45'14"	S89°52'37"E	34.31
C2	40.00	42.41	80°00'00"	S30°00'00"W	40.00
C3	51.00	53.41	80°00'00"	S30°00'00"W	51.00
C4	51.00	22.27	20°01'00"	S12°30'30"W	22.08
C5	51.00	28.79	30°03'21"	S40°52'41"W	28.45
C6	51.00	4.29	4°09'58"	S87°32'11"W	4.28
C7	30.00	0.53	1°00'11"	S87°30'59"W	0.53
C8	30.00	10.10	10°17'28"	S17°38'55"W	10.00
C9	30.00	20.79	30°42'32"	S47°08'48"W	20.38
C10	110.00	20.70	10°45'50"	S87°22'38"E	20.72

LEGEND

- EXISTING STREET MONUMENT
- SECTION CORNER
- ENSIGN ENGINEERING LAND SURVEY SET 6" X 6" BEARER WITH YELLOW PLASTIC CAP OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- FIRE HYDRANT
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMON AREA



**1ST AMENDMENT TO NORTH SILVER LAKE
AMENDED AND RESTATED
CONDOMINIUM PLAT
(AMENDING UNITS 6A, 6B, 10, 11 AND 13)**
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 2 OF 9
PROJECT NUMBER: 5063
MANAGER: ROE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 5/18/16

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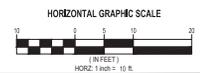
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CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
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C2	85.00	104.7	6°38'43"	N71°02'00"W	104.1
C3	85.00	33.10	22°13'21"	N89°41'11"W	32.96
C4	85.00	34.62	22°12'00"	S71°30'00"W	34.39
C5	67.00	16.71	14°17'00"	S41°03'00"W	16.67
C6	67.00	26.30	21°40'00"	S89°03'41"W	26.20
C7	67.00	6.68	0°42'48"	S72°40'00"W	6.68
C8	67.00	5.32	4°32'52"	S77°52'00"W	5.32
C9	40.00	6.84	9°48'00"	S75°10'00"W	6.84
C10	47.00	64.04	18°04'02"	S41°07'22"W	60.20
C12	95.00	10.00	6°00'00"	N87°30'00"W	10.00
C13	95.00	17.54	10°31'03"	N79°23'00"W	17.52
C14	95.00	13.11	7°51'50"	N70°11'20"W	13.10
C15	221.00	280.48	22°43'00"	S38°33'34"W	262.03
C16	221.00	280.48	22°43'00"	S38°33'34"W	262.03
C17	40.00	1.90	2°47'14"	N88°57'37"E	1.90
C18	60.00	13.18	12°30'22"	N73°51'41"E	13.18

LEGEND

- EXISTING STREET MONUMENT
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SHEET 3 OF 9
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 5/18/16



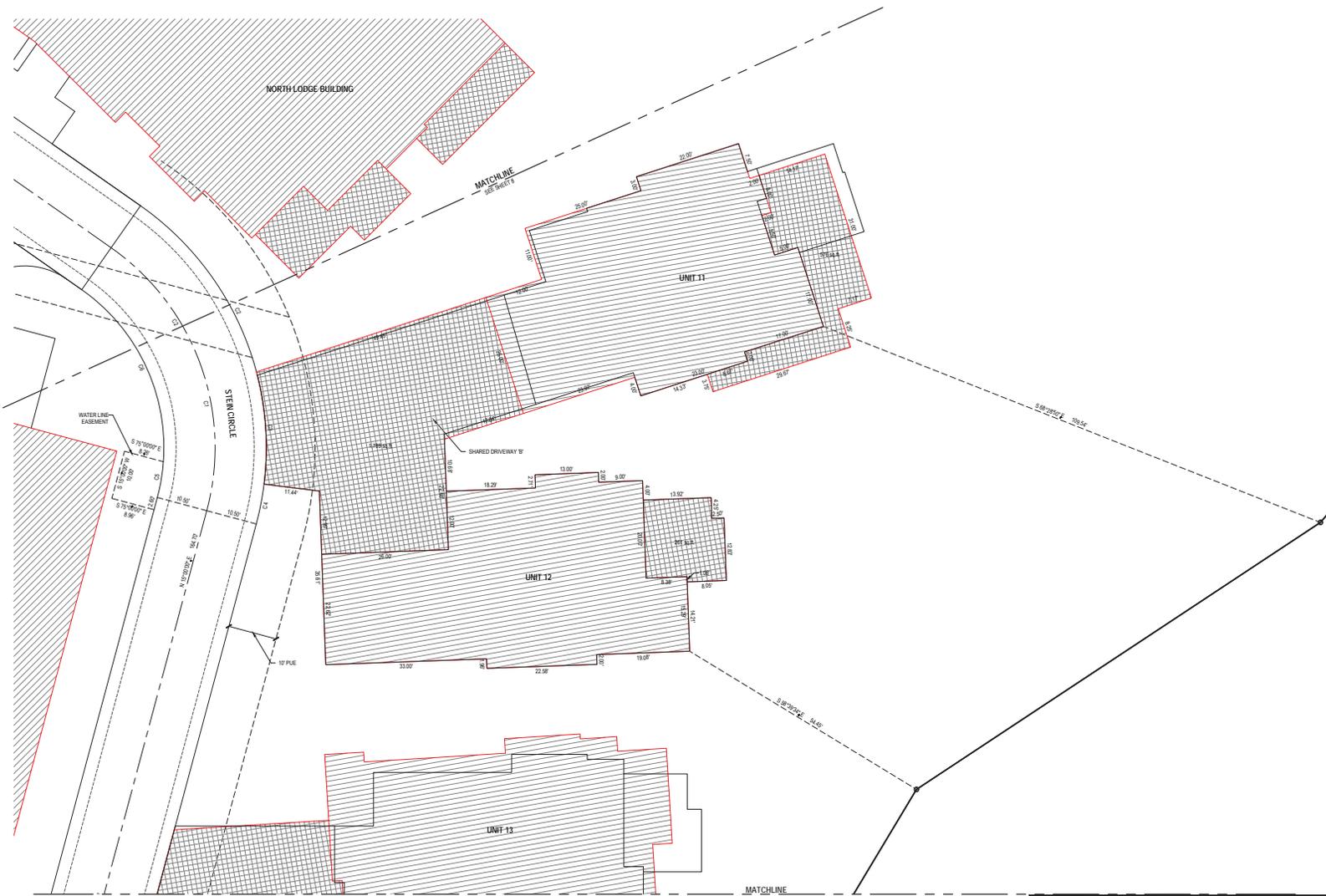
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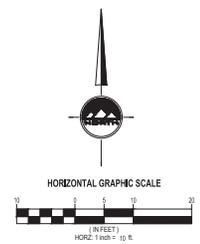
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CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
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C3	60.00'	33.19'	31°57'00"	N12°32'31"W	32.00'
C4	60.00'	8.32'	7°02'31"	N11°02'47"E	8.32'
C5	38.00'	7.46'	10°47'56"	N0°30'02"E	7.43'
C6	38.00'	40.81'	89°12'04"	N20°23'36"W	38.02'

LEGEND	
	EXISTING STREET MONUMENT
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	SET 5/8" REBAR WITH YELLOW PLASTIC CAP OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
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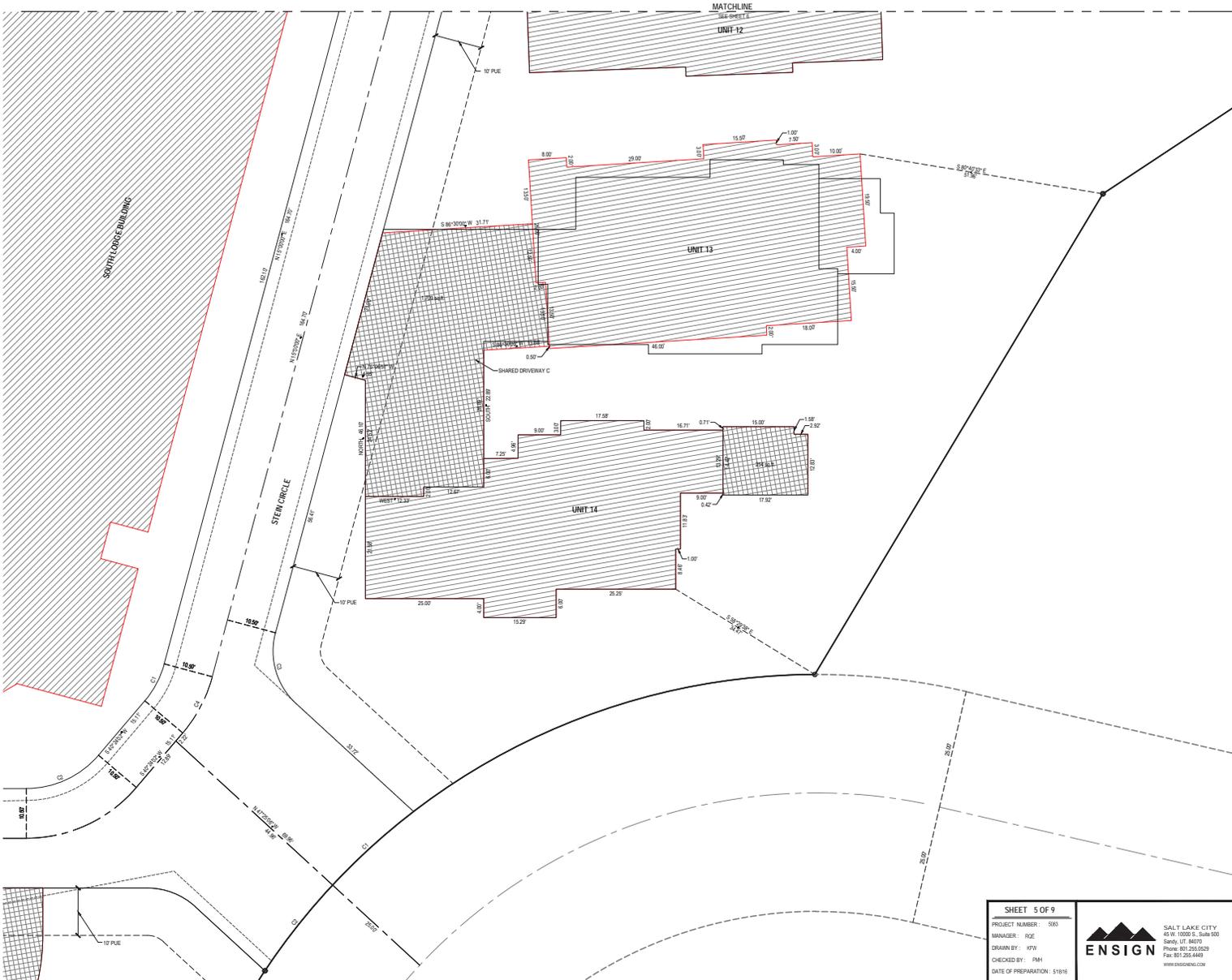
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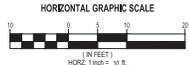
1ST AMENDMENT TO NORTH SILVER LAKE AMENDED AND RESTATED CONDOMINIUM PLAT (AMENDING UNITS 6A, 6B, 10, 11 AND 13)

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	140.00'	23.12'	9°27'44"	S47°49'47"W	23.09'
C2	140.00'	23.09'	9°28'00"	S38°18'00"W	23.06'
C3	15.00'	16.34'	67°28'00"	S18°12'33"E	15.54'
C4	30.00'	13.62'	20°34'02"	N07°42'01"E	13.41'

LEGEND	
	EXISTING STREET MONUMENT
	SECTION CORNER
	SET 10' REBAR WITH YELLOW PLASTIC CAP OR WAL STAMPED 'ENSIGN ENG. & LAND SURV.'
	BOUNDARY LINE
	SECTION LINE
	CENTER LINE
	EASEMENT LINE
	FIRE HYDRANT
	PRIVATE AREA
	LIMITED COMMON AREA
	COMMON AREA



**1ST AMENDMENT TO NORTH SILVER LAKE
AMENDED AND RESTATED
CONDOMINIUM PLAT
(AMENDING UNITS 6A, 6B, 10, 11 AND 13)**
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 5 OF 9
PROJECT NUMBER: 5063
MANAGER: ROE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 5/18/16

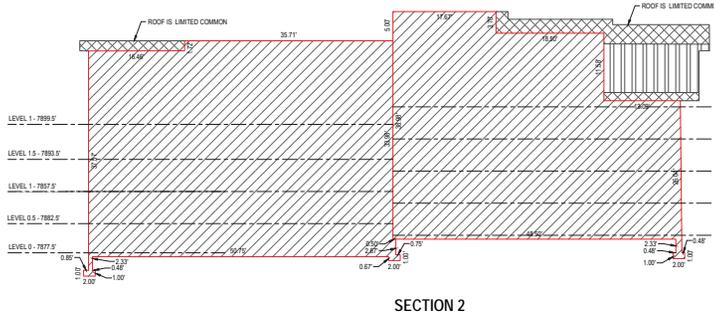
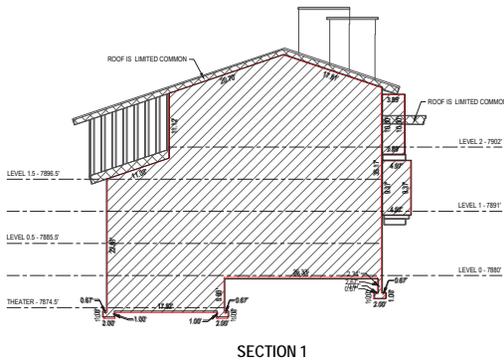
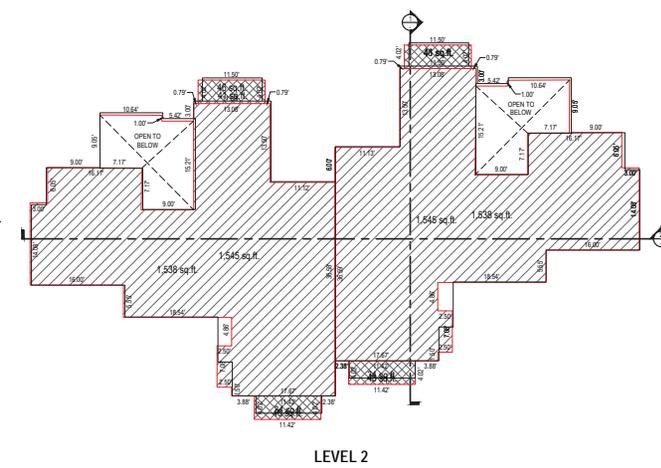
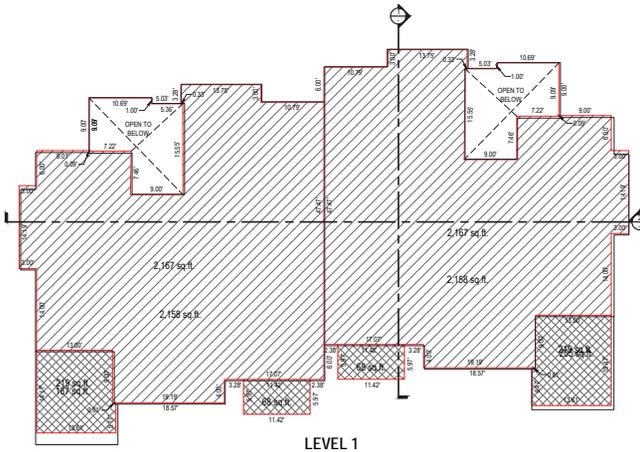
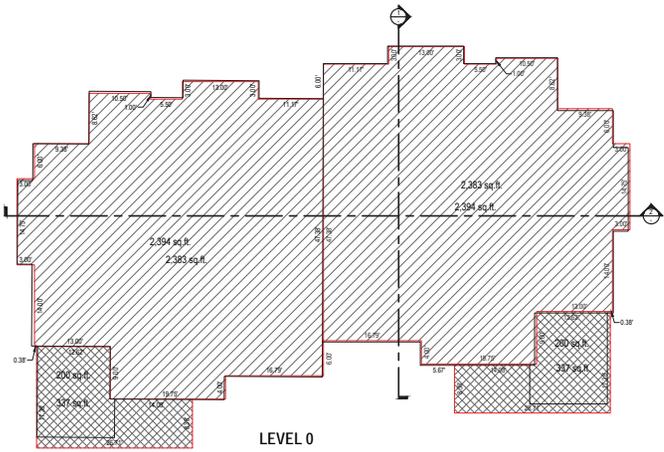


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TODD LEE
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CODY W. GIBSON
Phone: 801.486.3888

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ SUMMIT COUNTY RECORDER

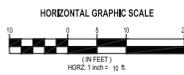
**1ST AMENDMENT TO NORTH SILVER LAKE
AMENDED AND RESTATED CONDOMINIUM PLAT
(AMENDING UNITS 6A, 6B, 10, 11 AND 13)**
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

UNIT 6A & 6B



SHEET 6 OF 9
PROJECT NUMBER: 5983
MANAGER: RGE
DRAWN BY: KFH
CHECKED BY: PMH
DATE OF PREPARATION: 5/23/16



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FOZELLE
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CEDAR CITY
Phone: 801.863.0388
HOOVER/LEE
Phone: 801.863.0388

**1ST AMENDMENT TO NORTH SILVER LAKE
AMENDED AND RESTATED
CONDOMINIUM PLAT
(AMENDING UNITS 6A, 6B, 10, 11 AND 13)**
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED # _____

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE

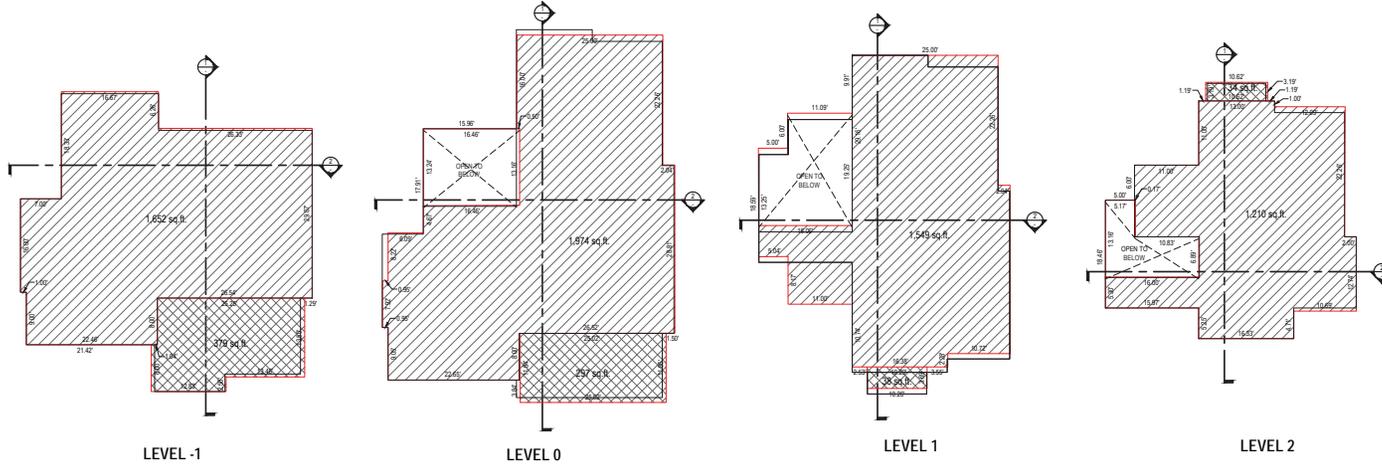
REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE: _____

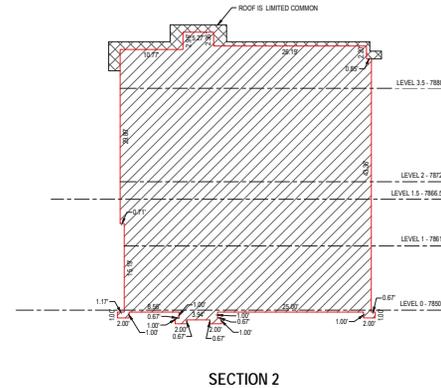
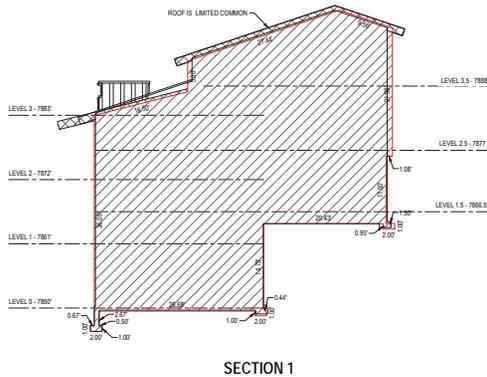
SUMMIT COUNTY RECORDER

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AMENDED AND RESTATED CONDOMINIUM PLAT
(AMENDING UNITS 6A, 6B, 10, 11 AND 13)**
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

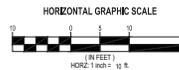


LEGEND

	HOME CONDOMINIUM UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES



UNIT 10



SHEET 7 OF 9
PROJECT NUMBER: 5983
MANAGER: RGE
DRAWN BY: KFH
CHECKED BY: PMH
DATE OF PREPARATION: 5/23/16



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DICKINSON
Phone: 435.863.3388

1ST AMENDMENT TO NORTH SILVER LAKE AMENDED AND RESTATED CONDOMINIUM PLAT (AMENDING UNITS 6A, 6B, 10, 11 AND 13)
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED # _____

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

REQUEST OF: _____

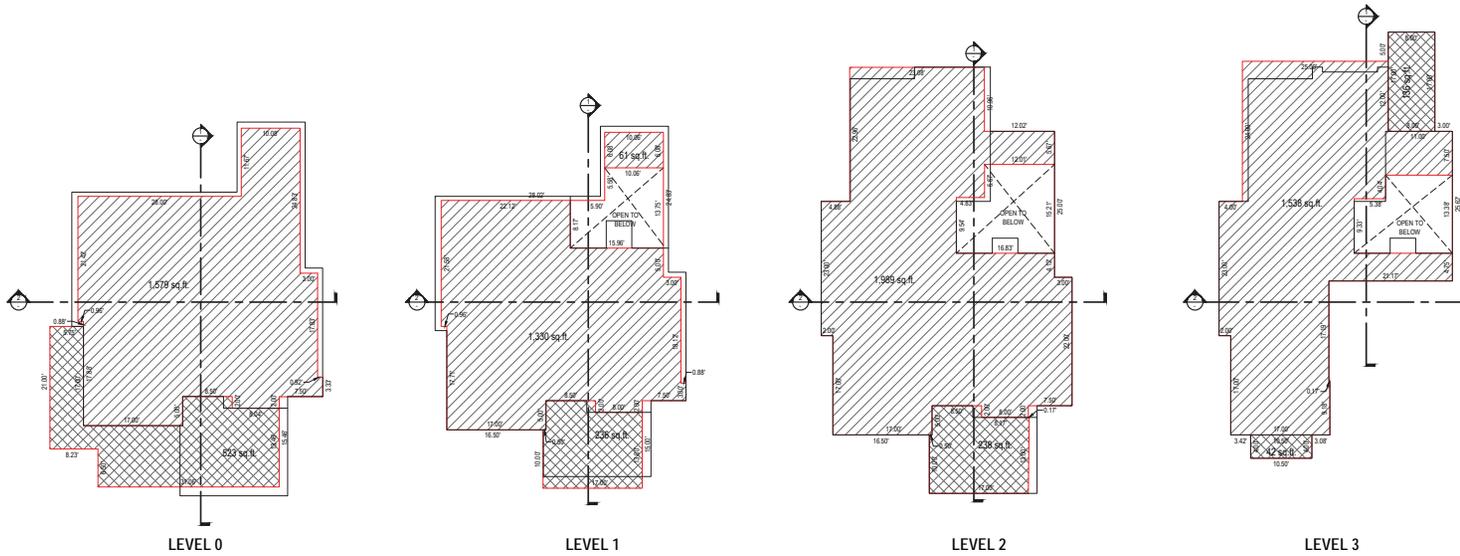
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FEE: _____

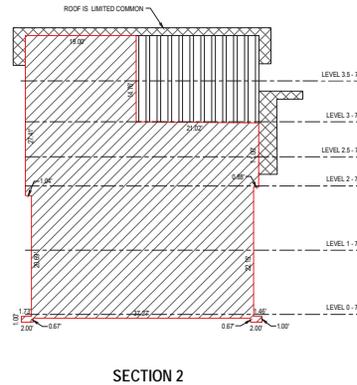
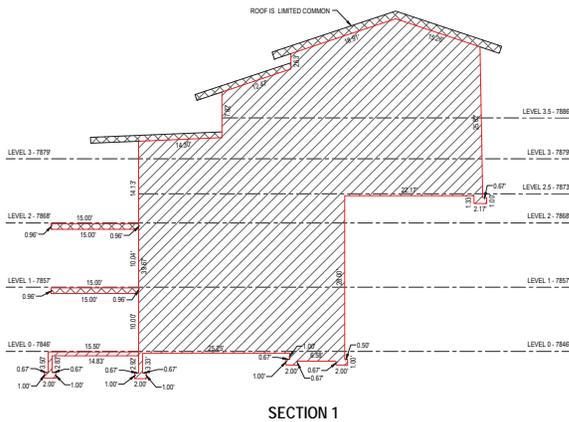
SUMMIT COUNTY RECORDER

1ST AMENDMENT TO NORTH SILVER LAKE AMENDED AND RESTATED CONDOMINIUM PLAT (AMENDING UNITS 6A, 6B, 10, 11 AND 13)

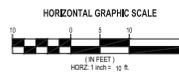
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



LEGEND	
	HOME CONDOMINIUM UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES



UNIT 11



SHEET 8 OF 9
PROJECT NUMBER: 5983
MANAGER: RGE
DRAWN BY: KFH
CHECKED BY: PMH
DATE OF PREPARATION: 5/23/16



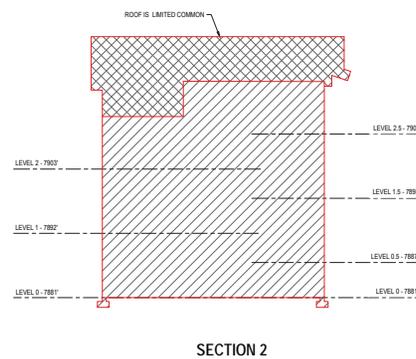
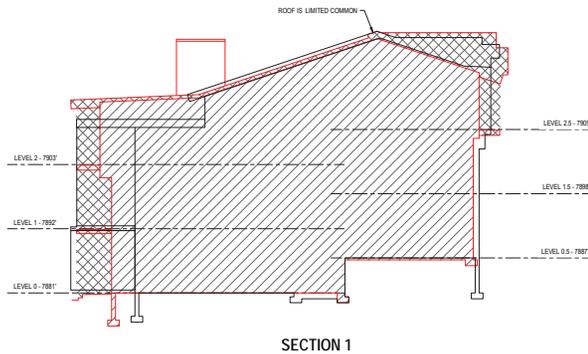
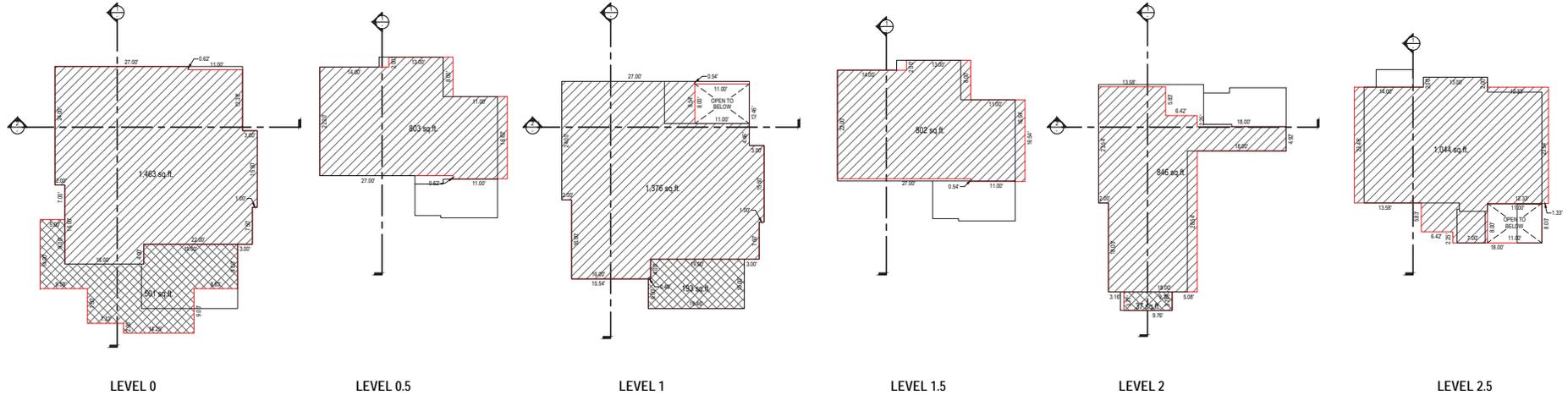
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(AMENDING UNITS 6A, 6B, 10, 11 AND 13)**
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TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED # _____
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REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ BLANK COUNTY RECORDER

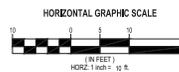
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AMENDED AND RESTATED CONDOMINIUM PLAT
(AMENDING UNITS 6A, 6B, 10, 11 AND 13)
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN**



LEGEND

	HOME CONDOMINIUM UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES

UNIT 13



SHEET 9 OF 9
PROJECT NUMBER: 5983
MANAGER: RGE
DRAWN BY: KFH
CHECKED BY: PMH
DATE OF PREPARATION: 5/23/16



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RECORDED # _____
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ BLANK COUNTY RECORDER

PROJECT AND PLAT DESCRIPTION

North Silver Lake Condominiums

This is an application for the approval of an amendment to the North Silver Lake Amended and Restated Condominium Plat Amending North Silver Lake Condominium Plat, recorded on October 23, 2015 as Entry No 1031075 in the Office of the Summit County Recorder (“Current Plat”).

The plat amendment would slightly modify Units 6A, 6B, 10, 11 and 13 to reflect approved building plans for the units, which have been modified during the course of sales and construction. The net impact of these changes to the above units is to add an additional 351 square feet to the project. Because this amendment only modifies these five units, the plat amendment being filed herewith only includes pages showing the five modified units.

WHEN RECORDED, MAIL TO:

Thomas G. Bennett
Ballard Spahr LLP
201 So. Main, Suite 800
Salt Lake City, UT 84111-2221

**THIRD AMENDMENT TO
DECLARATION OF CONDOMINIUM
FOR
NORTH SILVER LAKE**

THIS THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM FOR NORTH SILVER LAKE (“**Amendment**”), is made as of this ___ day of May, 2016, by SR SILVER LAKE, LLC, a Utah limited liability company (“**Declarant**”).

RECITALS:

A. SR Silver Lake, LLC is the Declarant under that certain Declaration of Condominium for North Silver Lake recorded June 17, 2014 as Entry Number 997266 in Book 2244 at Page 934 of the Official Records of the Summit County Recorder, as amended by that certain First Amendment to Declaration of Condominium for North Silver lake recorded June 24, 2014 as Entry Number 997701 in Book 2245 at Page 1273 of the Official Records of the Summit County Recorder, as further amended by that Second Amendment to Declaration of Condominium for North Silver Lake recorded October 23, 2015 as Entry Number 01031076 in Book 2321 at Page 0428 of the Official Records of the Summit County Recorder (“**Declaration**”) that encumbers the real property situated in Summit County, Utah as more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference.

B. Section 26.2 of the Declaration permits the Declarant to unilaterally amend Exhibit B to the Declaration to reflect the total square footages of each Unit after the Units have been constructed and permits Declarant to unilaterally amend the Declaration during the Declarant Control Period for any other purpose so long as such amendment does not materially adversely affect title to any property.

C. Declarant has made small revisions to the construction plans during the course of sales and construction of certain Units, resulting in changes to the Square Footage of those Units.

D. Declarant now desires to amend Exhibit B to the Declaration to reflect the as-built Square Footage of certain Units that have been constructed and to revise the projected Square Footage of other Units. Concurrently with this Amendment, Declarant is recording an amendment to the Plat to reflect the as built and projected Square Footage and boundaries of the affected Units.

AGREEMENT:

NOW, THEREFORE, Declarant hereby declares as follows:

1. Incorporation of Recitals and Definitions. The foregoing Recitals are true and correct and are incorporated herein as fully set forth hereinafter. Capitalized terms in this Amendment, unless otherwise defined herein, shall have the meaning given to them in the Declaration.

2. Replacement of Exhibit B. Exhibit B to the Declaration is hereby amended and restated in its entirety and replaced with Exhibit B attached hereto, which exhibit is incorporated herein by reference.

3. Declaration Remains in Effect. This Amendment shall be considered supplemental to the Declaration. Except as expressly amended by the foregoing, the Declaration shall remain in full force and effect and shall not be cancelled, suspended or otherwise abrogated by the recording of this Amendment. In the event of a conflict or inconsistency between the terms of this Amendment and the provisions of the Declaration, the provisions of this Amendment shall control.

4. Declarant Rights. Declarant shall retain all rights of Declarant as set forth in the Declaration, and this Amendment shall neither amend nor abrogate such rights.

5. Authority. Declarant hereby certifies that Declarant may execute this Amendment without the signature of any other party pursuant to its rights under Section 26.2 of the Declaration.

[Signatures on Following Page]

IN WITNESS WHEREOF, the undersigned has executed this Third Amendment to Declaration of Condominium for North Silver Lake as of the date first set forth above.

SR SILVER LAKE, LLC, a Utah limited liability company

By: _____
Jeffrey Dinkin, Executive Director

STATE OF _____)
: ss.
COUNTY OF _____)

On this _____ day of _____, 2016, before me _____, a notary public, personally appeared Jeffrey Dinkin, the Executive Director of SR Silver Lake, LLC, a Utah limited liability company, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same in his authorized capacity and that by his signature on the instrument, SR Silver Lake, LLC executed the instruction.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

NOTARY PUBLIC

EXHIBIT A

DESCRIPTION OF THE PROPERTY

All of the property included within the North Silver Lake Condominium Plat, according to the official plat thereof, recorded June 17, 2014 as Entry No. 997265 of the official records in the Office of the Summit County Recorder, which includes all of the following described property:

All of Lot 2B, Subdivision of Lot 2, North Silver Lake Subdivision, according to the official plat thereof, recorded September 18, 1997 as Entry No. 487578 of the official records in the Office of the Summit County Recorder.

Basis of Bearing is identical to that shown on said North Silver Lake Lodge Subdivision Plat and said North Silver Lake Condominium Plat.

EXHIBIT B

**SCHEDULE OF UNITS, SQUARE FOOTAGE,
VOTES AND UNDIVIDED INTERESTS**

Unit Identifying Number	Approx. Sq. Footage of Unit ¹	No. of Votes Per Unit	Undivided Interest Per Unit ²
131	4,137	17	1.75%
132	4,630	20	1.96%
231	4,149	18	1.75%
233	3,655	15	1.54%
311	2,544	11	1.08%
312	2,181	9	0.92%
331	3,965	17	1.68%
332	3,503	15	1.48%
333	3,651	15	1.54%
334	2,445	10	1.03%
341	1,997	8	0.84%
343	2,068	9	0.87%
411	2,541	11	1.07%
412	2,176	9	0.92%
413	4,333	18	1.83%
414	4,439	19	1.88%
421	4,579	19	1.94%
422	4,510	19	1.91%
431	4,761	20	2.01%
432	3,950	17	1.67%
433	2,993	13	1.27%
441	2,006	8	0.85%
442	2,008	8	0.85%
444	4,408	19	1.86%
511	2,702	11	1.14%
512	3,756	16	1.59%
521	4,704	20	1.99%
532	4,922	21	2.08%
541	1,999	8	0.84%
542	1,998	8	0.84%
543	4,064	17	1.72%
611	2,701	11	1.14%
612	3,733	16	1.58%

Unit Identifying Number	Approx. Sq. Footage of Unit ¹	No. of Votes Per Unit	Undivided Interest Per Unit ²
613	4,443	19	1.88%
621	4,704	20	1.99%
641	2,006	8	0.85%
642	2,000	8	0.85%
643	2,070	9	0.87%
644	4,417	19	1.87%
C-1	817	3	0.35%
C-2	909	4	0.38%
C-3	3,218	14	1.36%
SU-1	1,915	8	0.81%
1	6,505	27	2.75%
2	6,160	26	2.60%
3	6,148	26	2.60%
4	6,148	26	2.60%
5	6,688	28	2.83%
6A	6,079	26	2.58%
6B	6,079	26	2.58%
7	6,760	29	2.86%
8	8,686	37	3.67%
9	6,572	28	2.78%
10	6,385	26	2.65%
11	6,436	27	2.72%
12	6,851	29	2.90%
13	6,334	26	2.67%
14	6,413	27	2.71%

Totals: 236,951 1,000 100.00%

¹ Once the Units are completed, the Declarant has the unilateral right, but not the obligation to amend this Exhibit B to reflect the actual Square Footage of the Units, as constructed.

² May total slightly more or less than 100% due to rounding.



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: Treasure Hill
Project #: PL-08-00370
Author: Francisco Astorga, AICP, Senior Planner
Date: 13 July 2016
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review Conditional Use Permit (CUP) criteria no. 1 *Size and Scale of the Location of the Site* and no. 9 *Usable Open Space* as analyzed in the staff report and presented by the applicant. Staff recommends that the Planning Commission provide input and direction to Staff and the Applicant. Staff recommends that the Planning Commission conduct a public hearing and continue it to the August 10, 2016 Planning Commission meeting.

Description

Property Owner: Sweeney Land Company and Park City II, LLC
represented by Patrick Sweeney
Location: Creole Gulch and Mid-station Sites
Sweeney Properties Master Plan
Zoning: Estate District –Master Planned Development
Adjacent Land Use: Ski resort area and residential
Topic of Discussion: CUP Criterion no. 1 Size and scale of the location of the Site
CUP Criterion no. 9 Usable open Space
Reason for Review: Conditional Use Permits are required for development per the Sweeney Properties Master Plan. Conditional Use Permits are reviewed by the Park City Planning Commission.

Background

The Sweeney Properties Master Plan (SPMP) was approved by the Planning Commission on December 18, 1985. The City Council called up the project for review. On October 16, 1986, the City Council approved the SPMP with amendments to the maximum allowed building heights in Hillside Properties known as the Town Lift Mid-Station and the Creole Gulch sites.

The SPMP approval involves a number of individual development parcels. Combined, a total of 277 unit equivalents (UE) were approved, including 258 residential UEs and 19 UEs worth of support commercial space. The Sweeney Properties were located throughout the western edge of the historic district of Park City. The SPMP included the Coalition properties by the town lift plaza (1.73 acres), the HR-1 properties (0.45 acres), the Hillside Properties (123 acres), and three (3) single-family lots within Old Town.

The SPMP was amended in October 14, 1987 to provide for the Woodside (ski) Trail. It was then amended December 30, 1992 with respect to the Town Lift Base. It was amended once again on November 7, 1996 to provide for the Town Bridge. The Woodside Trail (now commonly referred to as the Town Run), the Town Lift Base, and Town Bridge have subsequently been built.

The Hillside Properties consists of the Town Lift Mid-Station (Mid-station) and the Creole Gulch sites. These Hillside Properties are the last two (2) parcels to be developed within the SPMP. The following is the maximum density allowed for each of the sites:

- Creole Gulch, 7.75 acres
 - 161.5 residential UEs
 - 15.5 support commercial UEs
- Mid-station, 3.75 acres
 - 35.5 residential UEs
 - 3.5 support commercial UEs

A combined total of 197 residential UEs and 19 support commercial UEs was approved for the 11.5 acre remaining development sites. Of the 123 acres of Hillside Property, 110 have become zoned recreation open space (ROS) due to the agreement within the SPMP.

Under the SPMP, each development site is required to attain the approval of a Conditional Use Permit (CUP) from the Planning Commission. On January 13, 2004, the applicant submitted a CUP application for the Creole Gulch and Mid-station sites. The CUP was reviewed by the Planning Commission from April 14, 2004 to April 26, 2006. A complete set of revised plans was received by staff on October 1, 2008. Additional materials were received by staff on December 18, 2008. The CUP was reviewed by the Planning Commission from January 7, 2009 to February 10, 2010.

In response to their submitted application, some sheets were revised in January 2009 and others were updated in March 2009. The City Council decided to proactively engage the applicant to explore additional alternatives and negotiate as a buyer in 2010. The negotiations, which included several public updates, surveys, and an open house, concluded in 2014 without a solution. Since then, the applicant has been meeting with the Planning staff to review and work on its application. On April 8, 2016, the Applicant submitted a letter requesting that their CUP application be placed back on the agenda for the Planning Commission's consideration. The Planning Commission held an introduction of the project and held a public hearing during the June 8, 2016 Planning Commission meeting.

Proposal

The applicant's [written & pictorial explanation](#) indicates the following regarding their proposal:

“The plan is to build a dense, compact, pedestrian oriented, extension of the historic district. The design is contemporary within a traditional framework. It leaves the vast majority of Treasure Hill as open space. The buildings are nested in the open space at the base of the Creole Gulch. The units are moderately sized and will provide a steady customer base for historic Main Street. The design incorporates a variety of building styles including single family, row houses, flats, apartments, hotel, and industrial.”

According to the applicant’s calculations found on [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#), the current proposal consists of the following:

Summary of Building Area by Use									Basement Spaces				Grand Total
Bldg. No.	Residential (net)	Common Space & Circulation (gross)	Allotted Commercial (MPD UE's) (gross)	Support Commercial (gross)	Meeting space (gross)	Accessory Space (gross)	Parking (gross)	Subtotal	Parking (gross)	Common Space & circulation	Accessory Space	Subtotal	
Prkng							3,661	3,661	218,535	6,753	33,175	258,463	262,124
R&R									22,867			22,867	22,867
1A	12,230	1,353						13,583					13,583
1B	30,803	12,028				1,220		44,051		5,365	4,382	9,747	53,798
1C	23,478	2,002						25,480		739	5,681	6,420	31,900
2	6,369	654	1,397					9,170				9,170	9,170
EH								6,669				6,669	6,669
3A			3,746					3,746				3,746	3,746
3B	23,781	9,093	8,273				3,936	45,083				45,083	45,083
3C	8,191	1,176	4,054					13,421				13,421	13,421
Plaza		450						972				1,422	1,422
4A	17,231	18,077		21,100	16,127	26,709		99,244					99,244
4B	152,608	57,678		5,626		24,517		240,429		5,148	6,634	11,782	252,211
5A	36,926	15,473				1,692		54,091		5,944	237	6,181	60,272
5B	9,445	1,070						10,515			4,426	4,426	14,941
5C	42,939	1,9079	1,393	6,686		2,833		72,930		3,182	5,012	8,194	81,124
5D	29,910	7,522				1,074		38,506		424	6,382		45,312
Total	393,911	145,655	18,863	33,412	16,127	70,372	3,661	682,001	241,402	27,555	65,929	334,889	1,016,887

Prkng – Parking, R&R – Ramp & Roadway, EH – Employee Housing, Plaza – Plaza Buildings.

The following table below is a summary of the category specific totals:

Building area by Use	Square feet
Residential (net):	393,911
Commons space & circulation (gross)	145,655
Allotted Commercial (MPD UE's, gross)	18,863
Support Commercial (gross)	33,412
Meeting Space (gross)	16,127
Accessory Space (gross)	70,372
Parking (gross)	3,661
Subtotal	682,001
<i>Basement areas:</i>	
Parking (gross)	241,402
Common Space & Circulation (gross)	27,555

Accessory Space (gross)	65,929
Subtotal	334,886
Grand Total	1,016,887

The applicant divided the building area by use into two categories as the 2004 definition of Gross Floor Area below does not basement spaces:

15-15-1.91. **Floor Area.**

(A) **Floor Area, Gross.** *The Area of a Building, including all enclosed Areas designed for human occupation. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Floor Area. Garages, up to a maximum Area of 600 square feet, are not considered Floor Area. Basement Areas below Final Grade are not considered Floor Area.*

(B) **Floor Area, Net Leasable.** *Gross Floor Area excluding common hallways, mechanical and storage Areas, and restrooms.*

The proposal consists of 46 residences, 202 hotel rooms, and 67 club units. The proposal consists of the following residential units:

Type	Units < 650 s.f.	Units 650-1,000 s.f.	Units 1,000-1,500 s.f.	Units 1,500-2,000 s.f.	Units > 2,000 s.f.	Total by Type
Residences				4	42	46
Hotel	161	4	35	1	1	202
Club			13	11	33	67
Total by size	161	4	48	16	76	305

The proposal consists of a combined total of 305 units in the form of residences, hotel rooms, and club units. Staffs choose to utilize the same categories on the table above to be consistent with the parking standard which will be analyzed with the Planning Commission in a future meeting. For the exact calculation of each unit please review [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#). The proposal consists of 424 parking spaces to be discussed in a future Planning Commission meeting. The following table below shows a square footage breakdown by residential size:

Unit Size	Quantity	Overall area in Square feet
Units < 650 s.f.	161	76,330
Units 650-1,000 s.f.	4	3,936
Units 1,000-1,500 s.f.	48	43,702
Units 1,500-2,000 s.f.	16	29,159
Units > 2,000 s.f.	76	230,781

Total	305	393,911
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The proposed residential net area is 393,911 square feet. The proposed gross common and circulation space is 145,655 square feet. The proposed gross allotted commercial is 18,863 square feet. The proposed gross support commercial is 33,412 square feet. The proposed gross meeting space is 16,127 square feet. The proposed gross accessory space is 70,372 square feet. The proposed gross parking is 3,661 square feet. The proposed subtotal of all of these spaces consists of 682,001 square feet. All of these spaces above are above grade as they are not considered basement areas below final grade per the 2004 adopted definition.

The proposed gross parking (basement space as indicated by the applicant) is 241,402 square feet. The proposed gross common and circulation space (basement) is 27,555 square feet. The proposed gross accessory space (basement) is 65,929 square feet. The proposed gross basement subtotal is 334,886 square feet.

The proposed project grand total is 1,016,887 square feet. The combined areas are summarized below:

Overall Building area by Use	Square feet
Residential (net):	393,911
Commons space & circulation (gross)	173,210
Allotted Commercial (MPD UE's, gross)	18,863
Support Commercial (gross)	33,412
Meeting Space (gross)	16,127
Accessory Space (gross)	136,301
Parking (gross)	245,063
Grand Total	1,016,887

On [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) the Applicant takes the proposed net residential square footage of 393,911 and divides by 2,000 (UE residential factor) which equates to 196.96 unit equivalents. The Applicant also takes the proposed gross allotted commercial square footage of 18,863 and divides by 1,000 (UE commercial factor) which equates to 18.86 unit equivalents.

Furthermore, the applicant, also on Sheet P.16, takes the proposed gross support commercial of 33,412 square feet and divides by the proposed subtotal of all spaces consisting of 682,001 square feet (except basement space) which equates to 4.9%. Also, the applicant, takes the proposed gross meeting space of 16,127 square feet and divides by the same proposed subtotal of all spaces consisting of 682,001 square feet (except basement space) which equates to 2.36%. The Applicant shows these two (2) percentages which are both under 5% of the gross area as they believe that the project can be assigned an additional 5% of support commercial space and an additional 5% of meeting space.

Analysis - Size and Scale of the Location of the Site

Finding of Fact no. 4 of the Master Plan indicates the following:

The commercial uses proposed will be oriented and provide convenient service to those residing within the project.

Development parameter/condition no. 3 of the Master Plan indicates the following:

The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon. Parking shall be provided on-site in enclosed structures and reviewed in accordance with either the table on the approved Restrictions and Requirements Exhibit or the adopted ordinances at the time of project approval. All support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to serve off-site or attract customers from other areas.

Section V. Narrative indicates:

The Sweeney Properties Master Plan involves a number of individual development parcels. Combined, a total of 277 unit equivalents are proposed; including, 258 residential and 19 unit equivalents worth of support commercial space. Based upon the zoning in effect at this time, in excess of 450 units could be requested. While this may be somewhat misleading due to certain physical and technical constraints (i.e.: access, slope, utilities), it does reveal that a significant reduction in total density proposed has been incorporated into the project. Each area proposed for development has been evaluated on its own merits. During the course of review, numerous concepts were considered with densities shifted around.

The various parcels of land included within the Sweeney Properties Master Plan are scattered about the Historic District and are detailed on the attached Exhibit. For additional clarity a brief narrative description of each development area follows:

[...]

Hillside Properties

By far the largest area included within the proposed Master Plan, the Hillside Properties involve over 123 acres currently zoned HR-1 (approximately 15 acres) and Estate (108 acres). The development concept proposed would cluster the bulk of the density derived into two locations; the Town Lift Mid-Station site and the Creole Gulch area. A total of 197 residential and an additional 19 commercial unit equivalents are proposed between the two developments with over 90% of the hillside (locally referred to as Treasure Mountain) preserved as open space. As part of the Master Plan, the land not included within the development area boundary will be rezoned to Recreation Open Space (ROS).

The Town Lift Mid-Station site contains roughly 3.75 acres and is located west of Woodside Avenue at approximately 6th Street. The majority of the developable area

is situated southeast of the mid-station loading area. A total of 35.5 residential unit equivalents are proposed with 3.5 equivalents worth of support commercial space as well. The concept plan shows a number of low profile buildings located on the downhill side of the access road containing 9 unit equivalents. Two larger buildings are shown above the road with 9.5 and 17 units envisioned. The average building height for the Town Lift site is less than 25' with over 85% of the building volume fitting within a 35' height envelope. Parking will be provided within enclosed structures, accessed via a private road originating from the Empire-Lowell switchback. The closest neighboring residence is currently located in excess of 200 feet away.

The Creole Gulch site is comprised of 7.75 acres and situated basically south of the Empire-Lowell switchback at approximately 8th Street. The majority of the property is currently zoned Estate (E). A total of 161.5 residential unit equivalents are proposed. In addition, 15.5 unit equivalents of support commercial space is included as part of the Master Plan. Average building heights are proposed to be less than 45' with a maximum of 95' for the highest point. As conceptually proposed, in excess of 80% of the building volume is within a 75' height envelope measured from existing grade. It is expected that the Creole Gulch site will be subdivided into specific development parcels at some future date. Parking is accessed directly from the Empire-Lowell switchback and will be provided within multi-level enclosed structures. Depending upon the character of development and unit configuration/mix proposed at conditional use approval, the actual numbers of parking spaces necessary could vary substantially. Buildings have been set back from the adjacent road approximately 100' and a comparable distance to the nearest adjoining residence.

Section VI. Major Issues indicates the following under the Land Uses subsection:

Land Uses - The predominant land uses envisioned at this time are transient-oriented residential development(s) with some limited support commercial. The building forms and massing as well as location lend themselves to hotel-type development. Although future developers of projects within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these projects will likely be geared toward the visitor looking for more of a destination-type of accommodation. The property involved in the Master Plan is directly connected to the Park City Ski Area and as such can provide ski-to and ski-from access. A number of smaller projects in the area are similarly oriented to the transient lodger. Although certainly a different kind of residential use than that which historically has developed in the old town area, it is still primarily residential in nature. The inclusion of attached townhomes serving to buffer between the existing residences and the denser areas of development will also help provide a transition of sorts. The amount of commercial space included within the Master Plan will be of the size and type to provide convenient service to those residing within the project, rather than possibly be in competition with the city's existing commercial areas.

As indicated on development parameter/condition no. 3 of the Master Plan: *The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon.* The copied table below is the SPMP Density Exhibit:

SWEENEY PROPERTIES MASTER PLAN DENSITY EXHIBIT					
Parcel	Acres	Residential Unit Equivalents	Commercial Unit Equivalents	Maximum Building Height ²	Minimum Open Space (%)
Coalition Properties					
East	0.986	40	Maximum Commercial space not to exceed FAR of 1:1	55'	39.8 ¹
West	0.543	13	---	35'	54.9
Hillside Properties					
Creole Quich	7.75	161.5	15.5	98' * 75	70
Town Lift Mid-Station	3.75	35.5	3.5	55' * 45	70
Three 1/4-acre Single Family Lots	1.5	3	---	25'	83.9
Develop IIR-1 Properties					
Carr-Sheen	0.288	3	---	28'	60
HPE	0.161	$\frac{2}{258 \text{ U.E.}}$	$\frac{19}{19 \text{ U.E.}}$		

¹ Does not include Town Lift base facility
² Maximum roof height, excludes elevator shaft

* Subject to revised conditions as stated in the Motion by City Council (10/16/18)

From these statements Staff makes the following findings:

1. The commercial uses proposed will be oriented and provide convenient service to those residing within the project.
2. The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon.
3. All support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to serve off-site or attract customers from other areas.
4. The Sweeney Properties Master Plan involves a number of individual development parcels. Combined, a total of 277 unit equivalents are proposed; including, 258 residential and 19 unit equivalents worth of support commercial space.
5. The various parcels of land included within the Sweeney Properties Master Plan are scattered about the Historic District and are detailed on the attached Exhibit.

6. For additional clarity a brief narrative description of each development area follows:
 - a. The development concept proposed would cluster the bulk of the density derived into two locations; the Town Lift Mid-Station site and the Creole Gulch area.
 - b. A total of 197 residential and an additional 19 commercial unit equivalents are proposed between the two developments with over 90% of the hillside (locally referred to as Treasure Mountain) preserved as open space.
 - c. The Town Lift Mid-Station site contains roughly 3.75 acres and is located west of Woodside Avenue at approximately 6th Street. The majority of the developable area is situated southeast of the mid-station loading area.
 - d. A total of 35.5 residential unit equivalents are proposed with 3.5 equivalents worth of support commercial space as well.
 - e. The Creole Gulch site is comprised of 7.75 acres and situated basically south of the Empire-Lowell switchback at approximately 8th Street.
 - f. A total of 161.5 residential unit equivalents are proposed. In addition, 15.5 unit equivalents of support commercial space is included as part of the Master Plan.
 - g. It is expected that the Creole Gulch site will be subdivided into specific development parcels at some future date.
7. Depending upon the character of development and unit configuration/mix proposed at conditional use approval, the actual numbers of parking spaces necessary could vary substantially.
8. The predominant land uses envisioned at this time are transient-oriented residential development(s) with some limited support commercial. The building forms and massing as well as location lend themselves to hotel-type development.
9. Although future developers of projects within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these projects will likely be geared toward the visitor looking for more of a destination-type of accommodation.
10. The property involved in the Master Plan is directly connected to the Park City Ski Area and as such can provide ski-to and ski-from access. A number of smaller projects in the area are similarly oriented to the transient lodger.
11. Although certainly a different kind of residential use than that which historically has developed in the old town area, it is still primarily residential in nature.
12. The amount of commercial space included within the Master Plan will be of the size and type to provide convenient service to those residing within the project, rather than possibly be in competition with the city's existing commercial areas.

Support Commercial Incompliance

The Hillside Properties (Mid-station and Creole Gulch sites) of the SPMP known as the Treasure Hill project is allowed a total of 197 residential and an additional 19 support commercial unit equivalents between the two (2) developments. As described in the Hillside Properties narrative description: *“The Town Lift Mid-Station site contains roughly 3.75 acres and is located west of Woodside Avenue at approximately 6th Street.*

The majority of the developable area is situated southeast of the mid-station loading area. A total of 35.5 residential unit equivalents are proposed with 3.5 equivalents worth of support commercial space as well.” Also, “The Creole Gulch site is comprised of 7.75 acres and situated basically south of the Empire-Lowell switchback at approximately 8th Street. The majority of the property is currently zoned Estate (E). A total of 161.5 residential unit equivalents are proposed. In addition, 15.5 unit equivalents of support commercial space is included as part of the Master Plan.”

The Master Plan was approved under the 1985 LMC Third Edition. Any additional support commercial and meeting space areas above the 19 UEs must be in compliance with the LMC at the time of the MPD vesting. These figures are maximum possible allowances as long as any adverse impacts attributed to the density have been mitigated. Any additional support commercial above the 19 UEs is not vested. For additional articulation regarding this matter, see published [Staff Report dated September 23, 2009](#) (starting on staff report page 19) and [Planning Commission meeting minutes](#) (Planning Commission comments start on page 3) as staff generally agrees with this and the applicant does not. The Planning Department will be prepared to cover this in detail during the next meeting

Difference in approved MPD and current application

The approved Master Plan, included exhibits showing calculations for the units within the project. Two (2) major differences have been identified in the review by staff of the current project versus the original master plan approval. The total square footage of the project is larger than originally anticipated within the master plan approval and original CUP submittal.

The original Master Plan exhibits did not quantify total square footage. The original Master Plan exhibits showed the total unit equivalents utilized within the Creole and Mid-station sites. The totals represented are 197 UEs of residential and 19 UEs of support commercial. No additional support commercial units were shown on these exhibits. Parking was also shown on the original Master Plan exhibits with 464 total parking spaces and approximately 203,695 square feet of area.

The original CUP application in 2004 for Planning Commission review indicated a total of 849,007 square feet. The following is a breakdown of the project from the 2004 submittal:

Use	Square Footage
Residential	483,359
Ancillary	86,037
Support Commercial	22,653
Parking	256,958
Total	849,007

In 2006, the Planning Commission asked the applicant to provide more details on the current plan. The revisions to the plan (that are now the current application under

review) include an additional 167,880 square feet. The following is a breakdown of the current submittal.

Use	Square Footage
Residential (net):	393,911
Common space & circulation, Accessory Space (gross)	309,511
Allotted Commercial (MPD UE's, gross)	18,863
Support Commercial (gross)	33,412
Meeting Space (gross)	16,127
Parking (gross)	245,063
Grand Total	1,016,887

The additional space has been added to the support commercial, meeting space, circulation, common space, and accessory space since the original 2004 submittal. This increase in area accounts for 16.5% of the current total square footage of the project.

The proposed square footage of this project does not comply with the purpose statements of the Land Management Code and the goals and actions listed within the General Plan. Within the Master Plan, the area was assigned a specific number of unit equivalents. The way in which these unit equivalents are designed within the project area must meet the General Plan. According to the LMC CUP Standard of Review, the City Shall not issue a CUP unless the Planning Commission concludes that the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. See LMC 50th § 15-1-10(D).

The project is located in the Estate zoning district of Park City. The purpose statements within the Estate zone, purpose statement 8 states “encourage comprehensive, efficient, compatible development which results in distinct and cohesive neighborhoods through application of the sensitive lands ordinance.” Although the application is not required to meet the standards of the Sensitive Lands Overlay, the design should be efficient and compatible. The current application is excessive and inefficient.

Within Chapter 2 of the Park City General Plan several goals are stated that address massing and scale. Specifically the following:

“new development, both commercial and residential, should be modest in scale and utilize historic and natural buildings materials. New structures should blend in with the landscape.”

“Preserve an attractive, healthy environment with clean air and natural landscapes. To preserve the natural views of the mountains and meadows, new development should not be allowed on ridges, but rather focused between the middle and the base of hills and in other less visible areas. New development

should retain the maximum possible amount of natural vegetation, to screen structures and preserve the natural quality of the landscape.”

“Park City should manage new development to control the phasing, type, appearance, location, and quantity of community growth by adopting and enforcing growth management strategies”

“The community’s growth should be managed so that direct and indirect adverse impacts can be anticipated, identified, and mitigated to the extent possible.”

The intent of Chapter 3, Community Character Element of the Park City General Plan, is to “sustain the character and image of the Park City community through specific policies, recommendations, and actions that will accomplish the primary goal of maintaining the community’s development patterns and way of life”. Within this section the downtown area is described as “with its historic character marked by buildings of simple design, modest scale, and modest height, is the community’s “crown jewel.” The discussion continues with “new commercial and residential development, modest in scale, and utilizing historic and natural building materials”. Staff has concerns with the requested amount of square footage requested. The amount of circulation area, lobby areas, parking circulation, etc. are not modest in scale and compatible to the surrounding area. Below is the side by side comparison of the 2004 application and the 2008 Update:

Use	2004 Square Footage	2008 Update Square Footage
Residential	483,359	393,911
Ancillary / Common space & circulation, and Accessory Space	86,037 (identified as Ancillary)	309,511 (identified as common space & circulation, and accessory space)
Support Commercial	22,653	(18,863 + 33,412 +16,127) = 68,402
Parking	256,958	245,063
Total	849,007	1,016,887

Ancillary includes common, circulation, accessory space, etc.

In comparison the 2008 updated included: a residential reduction of 89,448 square feet; an ancillary (including common, circulation, accessory space) increase of 223,474 square feet; a support commercial increase of 45,749 square feet, and a parking area reduction of 11,895 square feet. Overall the project increased by 167,880 square feet.

Discussion Requested. Staff requests discussion and direction on that fact that proposal has not decreased in size since it’s originally submittal in 2004. The project has increased in size by 167, 880 square feet. Staff acknowledges that this is a numeric analysis and will be prepared to discuss the mass, volume, etc., changes from the 2004 submittal to the 2008 update should the Planning Commission find it necessary for the CUP review and determination of

compliance, or lack thereof, of the CUP mitigating criteria, compliance with the Master Plan and 2004 LMC, etc.

Analysis – Circulation, Accessory Uses, Back-of-House

In 2011 the Planning Department's Planning Director completed an analysis of existing hotels to determine net/gross square footage including a back-of-house calculation. See Exhibit W. Based on the 2011 research by the Planning Director, an average of the five (5) hotels, excluding the proposed Treasure Project from the 2008 update, equates to 34.4% for circulation and common space/back-of-house areas/accessory uses. Based on the Department's research, there is generally a trend towards wider hallways, more open lobby and check-in space, a desire by guests for socializing space, sitting spaces with views, etc.

Discussion Requested. Does the Planning Commission find that the Planning Department should considering limiting the amount of Back-of-House/Circulation/Accessory Uses? The Planning Department is still confirming the calculations identified in Exhibit W as the source was the former Planning Director in 2011.

Analysis - Usable Open Space

The approved Master Plan indicates that the Creole Gulch and Town Lift Mid-Station sites are to have a minimum of 70% open space. When the Master Plan was approved it included the rezoning of the hillside (approximately 110 acres) to Recreation Open Space (ROS) District. Finding of Fact no. 3 states:

“The open space preserved and conceptual site planning attributes resulting from the cluster approach to the development of the hillside is sufficient justification for the requested height variation necessary, and that the review criteria outlined in Section 10.9 (e) have been duly considered.”

The following narrative below is the Open Space section written under section VI Major Issues:

Open Space - A key element of the proposed cluster approach is to preserve usable open space in perpetuity. A total of 97% (120 acres) of the hillside will be maintained as open space as a part of the proposed Master Plan. In excess of 110 acres will actually be rezoned to Recreation Open Space (ROS) in addition to 70% open space provided within each of the development parcels. Alternative concepts reviewed involving the extension of Norfolk Avenue would significantly have reduced the amount of open space retained. The potential for the subdivision and scattered development of the hillside would also have drastically affected the goal of preserving the mountain substantially intact and pristine.

The applicant indicates that the two (2) sites contain a combined of 70% open space. [Sheet SP.1 – Site & Circulation Plan](#) shows that the Mid-station site is 3.75 acres and contains 84.94% of open space. The same sheet SP.1 shows that the

Creole Gulch site is 7.75 acres and contains 70.58% of open space. The entire area consisting of 500,928 square feet or 11.5 acres contain a total of 75.26% open space. The applicant submitted the following exhibit below identified as [Sheet V-11 - Usable Open Space within Development Parcels](#) which shows the three (3) categories identified as Open Space not intended for Recreation use, usable Open Space, and dedicated open space outside of project area:



The 2004 LMC contains the following Open Space definition:

15-15-1.151. Open Space.

(A) Open Space, Landscaped. Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, but excluding Buildings or Structures.

(B) Open Space, Natural. A natural, undisturbed Area with little or no improvements. Open space may include, but is not limited to, such Areas as Ridge Line Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

(C) Open Space, Transferred Development Right (TDR). That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently transferred. This Area may be either Natural or Landscaped Open Space.

Discussion Requested. Staff finds that the proposal complies with the open space requirements identified in the Sweeney Properties Master Plan. Does the Planning Commission agree with this?

Additional Discussion Requested. Staff would like to explore with the Planning Commission the possibility of scheduling a site visit as a work session on August 10, 2016. Staff would like to schedule the site visit at 4:30 pm.

Notice

The property was posted and notice was mailed to property owners within 300 feet on May 11, 2016. Legal notice was published in the Park Record on April 27, 2016 and May 11, 2016 according to requirements of the Land Management Code. The Planning Commission continued this item to the July 13, 2016 Planning Commission meeting.

Public Input

Public input has been received by the time of this report. See the following [website](#) with public input received as of April 2016. All public comments are forwarded to the Planning Commission via the staff report link above and kept on file at the Planning Office. Planning Staff will not typically respond directly to the public comments, but may choose to address substantive review issues in subsequent staff reports. There are four (4) methods for public input to the Planning Commission:

- Attending the Planning Commission meetings and giving comments in the public hearing portion of the meeting.
- Preparing comments in an e-mail to treasure.comments@parkcity.org.
- Visiting the Planning office and filling out a Treasure CUP project Comment Card.
- Preparing a letter and mailing/delivering it to the Planning Office.

Summary Recommendations

Staff recommends that the Planning Commission review Conditional Use Permit (CUP) criteria no. 1 *Size and Scale of the Location of the Site* and no. 9 *Usable Open Space* as analyzed in the staff report and presented by the applicant. Staff recommends that the Planning Commission provide input and direction to Staff and the Applicant. Staff recommends that the Planning Commission conduct a public hearing and continue it to the August 10, 2016 Planning Commission meeting.

Exhibits/Links

[Exhibit A - Public Comments](#)

[Exhibit B - Approved MPD Narrative](#)

[Exhibit C - Approved MPD Plans](#)

[Exhibit D - Proposed Plans – Visualization Drawings1](#)

Sheet BP-01 The Big Picture

Sheet V-1 Illustrative Plan

Sheet V-2 Illustrative Pool Plaza Plan

Sheet V-3	Upper Area 5 Pathways
Sheet V-4	Plaza and Street Entry Plan
Sheet V-5	Building 4b Cliffscape Area
Sheet V-6	Exterior Circulation Plan
Sheet V-7	Parking and Emergency Vehicular Access
Sheet V-8	Internal Emergency Access Plan
Sheet V-9	Internal Service Circulation
Sheet V-10	Site Amenities Plan
Sheet V-11	Usable Open Space with Development Parcels
Sheet V-12	Separation-Fencing, Screening & Landscaping
Sheet V-13	Noise Mitigation Diagrams
Sheet V-14	Signage & Lighting
Sheet V-15	Contextual Site Sections - Sheet 1
Sheet V-16	Contextual Site Sections - Sheet 2

[Exhibit E - Proposed Plans – Visualization Drawings2](#)

Sheet V-17	Cliffscapes
Sheet V-18	Retaining Systems
Sheet V-19	Selected Views of 3D Model - 1
Sheet V-20	Selected Views of 3D Model – 2
Sheet V-21	Viewpoints Index
Sheet V-22	Camera Viewpoints 1 & 2
Sheet V-23	Camera Viewpoints 3 & 4
Sheet V-24	Camera Viewpoints 5 & 6
Sheet V-25	Camera Viewpoints 7 & 8
Sheet V-26	Camera Viewpoints 9 & 10
Sheet V-27	Camera Viewpoint 11
Sheet V-28	Illustrative Plan – Setback

[Exhibit F - Proposed Plans – Architectural/Engineering Drawings 1a](#)

Sheet VM-1	Vicinity & Proposed Ski Run Map
Sheet EC.1	Existing Conditions
Sheet SP.1	Site & Circulation Plan
Sheet GP.1	Grading Plan
Sheet HL.1	Height Limits Plan
Sheet HL.2	Roof Heights Relative to Existing Grade
Sheet FD.1	Fire Department Access Plan

[Exhibit G - Proposed Plans – Architectural/Engineering Drawings 1b](#)

Sheet P.1	Level 1 Use Plan
Sheet P.2	Level 2 Use Plan
Sheet P.3	Level 3 Use Plan
Sheet P.4	Level 4 Use Plan
Sheet P.5	Level 5 Use Plan
Sheet P.6	Level 6 Use Plan
Sheet P.7	Level 7 Use Plan
Sheet P.8	Level 8 Use Plan
Sheet P.9	Level 9 Use Plan
Sheet P.10	Level 10 Use Plan
Sheet P.11	Level 11 Use Plan

- Sheet P.12 Level 12 Use Plan
- Sheet P.13 Level 13 Use Plan
- Sheet P.14 Level 14 Use Plan
- Sheet P.15 Level 15 Use Plan
- Sheet P.16 Area, Unit Equivalent & Parking Calculations

Exhibit H – Proposed Plans – Architectural/Engineering Drawings 2

- Sheet E.1AC2.1 Buildings 1A, 1C& 2 Exterior Elevations
- Sheet E.1B.1 Building 1B Exterior Elevations
- Sheet E.3A.1 Building & Parking Garage Exterior Elevations
- Sheet E.3BC.1 Building 3BC Exterior Elevations
- Sheet E.3BC.2 Building 3BC Exterior Elevations
- Sheet E.3BC.3 Building 3BC Exterior Elevations
- Sheet E.4A.1 Building 4A Exterior Elevations
- Sheet E.4A.2 Building 4A Exterior Elevations
- Sheet E.4B.1 Building 4B Exterior Elevations
- Sheet E.4B.2 Building 4B Exterior Elevations
- Sheet E.4B.3 Building 4B Exterior Elevations
- Sheet E.4B.4 Building 4B Exterior Elevations
- Sheet E.5A.1 Building 5A Exterior Elevations
- Sheet E.5B.1 Building 5B Exterior Elevations
- Sheet E.5C.1 Building 5C Exterior Elevations
- Sheet E.5C.2 Building 5C Exterior Elevations
- Sheet E.5D.1 Building 5D Exterior Elevations
- Sheet S.1 Cross Section
- Sheet S.2 Cross Section
- Sheet S.3 Cross Section
- Sheet S.4 Cross Section
- Sheet S.5 Cross Section
- Sheet S.6 Cross Section
- Sheet S.7 Cross Section
- Sheet S.8 Cross Section
- Sheet S.9 Cross Section
- Sheet UP.1 Concept Utility Plan

Exhibit I – Applicant’s Written & Pictorial Explanation

- | | |
|-------------------------|------------------------------|
| I. Overview | VII. Lift Improvement |
| II. Master Plan History | VIII. Construction Phasing |
| III. Site plans | IX. Off Site Amenities |
| IV. Special Features | X. Material Board |
| V. Landscape | XI. Submittal Document Index |
| VI. Management | |

Exhibit J – Fire Protection Plan (Appendix A-2)

Exhibit K – Utility Capacity Letters (Appendix A-4)

Exhibit L – Soils Capacity Letters (Appendix A-5)

Exhibit M – Mine Waste Mitigation Plan (Appendix (A-6)

Exhibit N – Employee Housing Contribution (Appendix A-7)

[Exhibit O – Proposed Finish Materials \(Appendix A-9\)](#)
[Exhibit P – Economic Impact Analysis \(Appendix A-10\)](#)
[Exhibit Q – Signage & Lighting \(appendix A-13\)](#)
[Exhibit R – LEED \(Appendix A-14\)](#)
[Exhibit S – Worklist \(Appendix A-15\)](#)
[Exhibit T – Excavation Management Plan \(Appendix A-16\)](#)
[Exhibit U – Project Mitigators \(Appendix A-18\)](#)
[Exhibit V – Outside The Box \(Appendix A-20\)](#)
Exhibit W – Space Comparison
Exhibit X – Applicant’s Compliance w/SF Limitation & Requirements

Additional Exhibits/Links

[2009.04.22 Jody Burnett MPD Vesting Letter](#)
[Staff Reports and Minutes 2016](#)
[Staff Reports and Minutes 2009-2010](#)
[Staff Reports and Minutes 2006](#)
[Staff Reports and Minutes 2005](#)
[Staff Reports and Minutes 2004](#)
[2004 LMC 50th Edition](#)
[1997 General Plan](#)
[1986.10.16 City Council Minutes](#)
[1985.12.18 Planning Commission Minutes](#)
[1986 Comprehensive Plan](#)
MPD Amendments:
[October 14, 1987 - Woodside \(ski\) Trail](#)
[December 30, 1992 - Town Lift Base](#)
[November 7, 1996 – Town Bridge](#)

Exhibit W

	Proposed Treasure			Montage*		
	197 Res. UEs & 19 Com UEs = 413K SF			183 Res. UEs & 63 Com. UEs = 429K SF		
	SF	%		SF	%	
Residential	393,911	51%		370,235	50%	
Commercial	52,275	7%		57,569	8%	
Meeting	16,127	2%		21,187	3%	
Circulation	173,210	22%		93,865	13%	
Back of House / Acc. Uses	136,301	18%	40%	193,157	26%	39%
Deck / Outdoor Space / Attic	<u>NA</u>	<u>NA</u>		<u>NA</u>	<u>NA</u>	
Total	771,824	100%		736,013	100%	

	St. Regis*			Sky Lodge*		
	130 Res. UEs & 0 Com. UEs = 260K SF			23 Res. UEs & 14 Com. UEs = 37K SF		
	SF	%		SF	%	
Residential	186,937	50%		43,419	59%	
Commercial	43,023	11%		4,953	7%	
Meeting	0	0%		3,493	5%	
Circulation	49,583	13%		9,220	13%	
Back of House / Acc. Uses	95,196	25%	39%	12,649	17%	30%
Deck / Outdoor Space / Attic	<u>Deck = 25K</u>	<u>NA</u>		NA	NA	
Total	375,097	100%		73,734	100%	

	Yarrow*			Marriott Mountainside*		
	? Res. UEs. & ? Com. UEs			? Res. UEs. & ? Com. UEs		
	SF	%		SF	%	
Residential	143,522	58%		206,800	65%	
Commercial	33,094	13%		0	0%	
Meeting	0	0%		300	0%	
Circulation	52,655	21%		60,713	19%	
Back of House / Acc. Uses	19,997	8%	29%	36,996	12%	35%
Deck / Outdoor Space / Attic	Deck = 53K	NA		13,083	4%	
Total	249,268	100%		317,892	100%	



DATE: July 6, 2016

SUBJECT: Treasure Hill Properties' Compliance with Square Footage Limitations and Requirements

1. Introduction.

The following memorandum demonstrates how the Conditional Use Permit Application (“CUP Application”) for the Treasure Hill Properties, which is currently pending before the Park City Planning Commission, complies with the provisions of the applicable Land Management Code (“LMC”) relating to unit equivalents (“UE”) and additional allowed square footage. The memorandum also addresses how the current CUP Application is consistent not only with the express terms of the 1985 Master Planned Development (“MPD”) approval (“MPD Approval”), but also with the expectations of the parties to the 1985 MPD.

This memorandum does not address in detail all of the numerous issues raised in the draft staff report of the Planning Department,¹ which covers a variety of issues beyond those identified by the Planning Commission at the hearing on June 8, 2016. MPE, Inc.,² objects to the staff’s attempt to preemptively address issues beyond those that the Planning Commission directed MPE to address at the July 13, 2016, CUP hearing. In footnotes throughout the memorandum, MPE has identified some of the issues addressed by the draft staff report that are beyond the scope of the hearing scheduled for July 13, 2016, and provided a brief response. MPE intends to address each of these issues in a more substantive fashion when the Planning Commission directs MPE to do so, consistent with the applicant’s due process rights.

2. The Fiftieth Edition of Park City’s Land Management Code Applies to the CUP Application.

Utah law provides that MPE is entitled to substantive review of its CUP Application under the LMC in effect at the time the Application was submitted, which is the Fiftieth Edition of the LMC revised on July 10, 2003 (“2003 LMC”). *See* Utah Code Ann. § 10-9a-509(1)(a)(i)

¹ The Planning Department shared a draft of its staff report with MPE on July 1, 2016. This memorandum references certain statements contained in the draft report. Since the final staff report may be different from the draft report, it is possible the final report may not contain the referenced passages.

² The draft staff report continues to erroneously refer to the applicant as “Sweeney Land Company and Park City II, LLC.” MPE, Inc., is the applicant. Additionally, the CUP Application was submitted January 26, 2004, not January 13.

“An applicant who has filed a complete land use application . . . is entitled to substantive land use review of the land use application under the land use laws in effect on the date that the application is complete”). Indeed, the MPD Approval recognized that “[a]t the time of conditional use . . . review, the staff and Planning Commission shall review projects for compliance with the adopted codes and ordinances in effect at the time.” (MPD Revised Staff Report at 3.) The LMC in effect at the time of the MPD Approval (the “1985 LMC”) also provided that MPE was permitted to “take advantage of changes in zoning that would permit greater density or more intense use of the land,” further providing that the later CUP Application would be evaluated under the LMC in effect when MPE submitted its CUP Application in 2004. 1985 LMC § 1.22.

Before MPE initiated preparation of its current CUP Application, it sought confirmation from the Park City Attorney that the LMC in effect when MPE submitted the CUP Application would govern the City’s review of the Application, including its calculations of allowable square footage and floor areas. In a letter dated August 25, 1999, Mark Harrington, the City Attorney, confirmed to MPE that “[s]quare footage and floor areas for the Unit Equivalents (UEs) are calculated as provided in the Land Management Code and Uniform Building Code adopted by Park City, *at the time of application.*” (emphasis added).

Over the course of the next several years, MPE expended millions of dollars preparing its current CUP Application in reliance on Park City’s confirmation that square footage and floor area calculations would be governed by the LMC in effect at the time of the CUP Application—the 2003 LMC.³ MPE has invested enormous amounts of time and money since the CUP Application was first submitted to revise the plans and submission, all in reliance on Park City’s confirmation that square footage and floor area calculations are governed by the 2003 LMC.⁴

³ The Planning Department’s draft staff report suggests that the square footage and floor area calculations are governed by something other than the 2003 LMC, such as the LMC in effect when the original MPD was approved—the 1985 LMC. Even though the draft staff report’s interpretation of the 1985 LMC is erroneous in several respects, it is not applicable in any event. Notably, the Planning Department staff acknowledged that square footage and floor area calculations were governed by the 2003 LMC in numerous reports submitted to the Planning Commission in 2004. (*See, e.g.*, Staff Reports, dated April 14, 2004, May 26, 2004, July 14, 2004, August 11, 2004, and August 25, 2004.) Staff provides no explanation for its change in position.

⁴ MPE and its representatives, including its principals, architects, land planners, engineers, and attorneys, have spent tens of thousands of hours, and MPE and its principals have incurred well in excess of \$2 million in fees and expenses, in connection with their design efforts, preparation of the Application, and pursuit of MPE’s development rights as granted in the MPD Approval.

MPE has relied on the City’s representations that the 2003 LMC would apply to the CUP Application, including with respect to its calculations of the square footage and floor area permitted by the vested UEs. Had MPE used the square footage and floor area calculations permitted by the 1985 LMC, it could have potentially requested significantly more square footage and floor area. For example, under § 10.12 of the 1985 LMC, a 15,000 square foot

3. The Square Footage and Floor Area Requested in the CUP Application Is Permitted under the 2003 LMC.

Density for the MPD known as the Treasure Hill Project (the “Project”) was approved by the Park City Planning Commission on December 19, 1985, and then approved by the Park City Council on October 16, 1986. The MPD vested the applicant with certain densities for residential and commercial space. The Project is entitled to 197 residential UEs and 19 commercial UEs between the two development areas under the MPD.

Under the provisions of the 2003 LMC, these UEs establish the baseline for allowable square footage and floor area calculations for the Project. *The 2003 LMC contains a number of important provisions relating to additional allowable square footage and floor areas over and above this baseline.*⁵ As noted below, this additional square footage and floor area is vested space.

The draft staff report includes a number of incorrect statements regarding the 1985 MPD.⁶

3.1 The CUP Application’s Square Footage for Residential and Allotted Commercial Uses Complies with the 2003 LMC.

First, the 2003 LMC provides the square footage permitted for each UE. One residential UE equates to 2,000 net square feet, and one commercial UE equates to 1,000 net square feet. 2003 LMC § 15-6-8(A), (E). As such, the Project is entitled to 394,000 net square feet in residential space and 19,000 net square feet in allotted commercial space.

As set forth on [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) of MPE’s submittals, MPE’s Application seeks 393,911 in net residential square footage, which is less than vested residential square footage permitted under the MPD. Likewise, MPE’s Application

condominium only counted as 1.5 UEs; under the 2003 LMC, that same condominium counts as 7.5 UEs.

⁵ The draft staff report discusses at length differences between the 2004 submission and the current version of the submission. The 2004 submission has been superseded by the current revision, and any differences are legally immaterial to the question of whether the current submission under consideration complies with the 2003 LMC and is therefore entitled to approval. Per the letter from Geoffrey Mangum, one of MPE’s attorneys, to Park City Attorney, Mark Harrington, dated July 6, 2016, MPE will address these issues, among others, in subsequent written submissions and at future CUP hearings, as directed by the Planning Commission and consistent with MPE’s due process rights.

⁶ For example, the report concludes that “[t]he total square footage of the project is larger than originally anticipated within the master plan approval.” That is incorrect.

requests 18,863 in allotted net commercial square footage, which is less than the allotted commercial square footage allowed under the MPD.⁷

3.2 The CUP Application’s Square Footage for Support Commercial and Meeting Space Complies with the 2003 LMC.

Next, the 2003 LMC provides additional square footage—over and above square footage for UEs—for Support Commercial and Meeting Space uses.⁸ This too is vested space under applicable legal doctrines.⁹

Section 15-6-8(C)–(Support Commercial) provides that “within a Hotel or Nightly rental Condominium project, up to five percent (5%) of the total floor Area may be dedicated to support Commercial Uses . . . *without the Use of a Unit Equivalent for commercial space.*”¹⁰ (emphasis added).

Similarly, section 15-6-8(D) (Meeting Space) provides that “[w]ithin a Hotel or Condominium Project, up to five percent (5%) of the total floor Area may be dedicated for meeting room space without the use of Unit Equivalents. . . . Accessory meeting Uses, such as back of house, administrative Uses, and banquet offices, are Uses normally associated and necessary to serve meeting and banquet spaces. *These accessory meeting Uses do not require the use of Unit Equivalents.*” (emphasis added).

In order to calculate the additional square footage allowed for Support Commercial and Meeting Space uses, the total floor area of the Project must be determined. Section 15-15-1.91 defines “Gross Floor Area” to include the “Area of a building, including all enclosed Areas designed for human occupation. Unenclosed porches, Balconies, patios and decks, vent shafts

⁷ As explained further below, in 2009, MPE informed the Planning Department that it was eliminating the mine exhibit from its proposal, which accounted for 1,393 square feet of allotted commercial space, in addition to the support commercial space described below. As a result, MPE’s Application only seeks 17,470 net square feet in allotted commercial space.

⁸ The draft staff report claims that “[t]he applicant utilized the 2008/2009 LMC to calculate the support commercial area and meeting space within the development.” That too is incorrect.

⁹ See, e.g., *W. Land Equities, Inc. v. City of Logan*, 617 P.2d 388, 396 (Utah 1980).

¹⁰ Without explanation or justification, the Planning Department’s draft staff report takes the position that the Project is not entitled to any square footage for Support Commercial uses and that the Project is limited to the commercial UEs set forth in the MPD. Not only is this position contrary to (1) the law, (2) the MPD Approval, (3) the prior representations of the Park City Attorney, and (4) the positions taken in numerous previous staff reports, it is also contrary to the LMC in effect when the MPD was approved in 1985. Staff’s claim that “[a]ny additional support commercial and meeting space areas above the 19 UEs must be in compliance with the LMC at the time of the MPD vesting” is a manifestly incorrect statement of the law on several accounts. The staff errs when it suggests that the Project is not entitled to any square footage for Support Commercial uses in addition to the square footage for allotted commercial UEs.

and courts are not calculated in Gross Floor Area. . . . Basement Areas below Final Grade are not considered Floor Area.”

Applying this definition of Gross Floor Area to the CUP Application, [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) calculates the Application’s Gross Floor Area as 682,001 square feet.

As the Planning Department previously pointed out (and as draft staff report repeats), in order to calculate the additional square footage allowed for Support Commercial and Meeting Space under the 2003 LMC, those spaces must be removed from the Gross Floor Area before the calculation is made.¹¹ Removing that square footage from the Gross Floor Area calculation—33,412 for Support Commercial and 16,127 for Meeting Space—yields a total of 632,462 square feet of Gross Floor Area ($682,001 - 49,539 = 632,462$).

Thus, under the 2003 LMC, the Project is entitled to 31,623.1 square feet in Support Commercial uses and 31,623.1 square feet in Meeting Space uses.

Although [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) indicates that the CUP Application seeks 33,412 square feet in Support Commercial space, in 2009, MPE informed the Planning Department that it intended to eliminate the mine exhibit from the proposal (Building 5.C), which accounts for 6,686 square feet of Support Commercial space. The elimination of this space from the proposal puts the Support Commercial uses requested under the Application at 26,726 square feet, which represents 4.2% of the Gross Floor Area—less than the 5% allowed under the 2003 LMC.

Similarly, the CUP Application seeks 16,127 square feet in Meeting Space uses, which represents approximately 2.5% of the Gross Floor Area—again, well under the 5% allowed by the 2003 LMC.

Furthermore, all of the floor area requested in the CUP Application qualifies as Support Commercial and Meeting Space uses, respectively. For example, MPE has identified the possible Support Commercial uses as a restaurant, bar, clothing store, coffee shop, sporting goods store, convenience store, lounge, and deli. Likewise, the Meeting Space uses identified in the Application, both the meeting space itself and associated back-of-house and administrative uses (e.g., “banquet prep”), qualify under the 2003 LMC. See [P.1-P.5 – Level Use Plans](#).

¹¹ [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) contains a minor error on this point—it fails to deduct the square footage for Support Commercial and Meeting Space uses from the Gross Floor Area total before calculating the additional 5% square footage allowed for Support Commercial and Meeting Space uses. However, as set forth herein, MPE is aware of the error and has already proposed revisions to the Application to correct for it.

3.3 The CUP Application’s Square Footage for Residential Accessory and Resort Accessory Uses Complies with the 2003 LMC.

The 2003 LMC also provides for square footage and floor area for Residential Accessory and Resort Accessory uses over and above the area allowed for UEs. Again, the Project is legally entitled to this vested space.

Section 15-6-8(F) states that “Residential Accessory Uses” include uses that are for the benefit of the residents of a commercial residential use and *do not require the use of UEs*. Such residential accessory uses include, but are not limited to, ski/equipment lockers, lobbies, concierge, mechanical rooms, laundry facilities, back-of-house uses, elevators and stairs, and employee facilities.

Similarly, section 15-6-8(G) provides that “Resort Accessory Uses,” which also “*do not require the use of a Unit Equivalent*,” are “incidental to and customarily found in connection with . . . the principal resort Use,” and include uses such as administration, maintenance and storage, public restrooms, ski school/day care facilities, ticket sales, equipment check, and circulation and hallways.

The CUP Application includes 216,027 square feet of Residential Accessory and Resort Accessory uses above grade, as well as 93,484 square feet below grade.¹² All of these uses qualify under the 2003 LMC as accessory uses that do not require UEs. For example, the CUP Application includes the following uses under these categories: circulation (e.g., pedestrian tunnels and hallways); back-of-house uses (e.g., service tunnels, receiving); maintenance and storage (e.g., service tunnels, storage space); lobbies; ticket sales (e.g., lift ticket area); employee facilities (e.g., lockers); public restrooms; elevators and stairways; ski storage; laundry facilities; and hotel offices. See [P.1-P.5 – Level Use Plans](#).¹³

3.4 The CUP Application’s Square Footage for Parking Complies with the 2003 LMC and MPD Approval.

Although this issue will be addressed more fully in subsequent written submissions and at future CUP hearings, MPE notes at this time that (1) its Application seeks far less parking space than allowed under the 2003 LMC, (2) its Application requests less parking space than what was contemplated in the MPD Approval, and (3) the vast majority of the square footage devoted to parking is below grade.

¹² The square footage for Residential Accessory and Resort Accessory uses are identified on [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) under the headings “Common Space & Circulation” and “Accessory Space.”

As explained above, square footage and floor areas below final grade are not counted as part of the Gross Floor Area. 2003 LMC § 15-15-1.91.

¹³ Accessory space in [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) includes square footage for employee housing (6,669 square feet).

4. The CUP Application Complies with the Applicable Open Space Requirements.

MPE agrees with the draft staff report that the CUP Application “complies with the open space requirements identified in the” MPD Approval. Indeed, the CUP Application fully complies with the open space requirements of the MPD Approval and 2003 LMC.

5. Conclusion.

The CUP Application complies with the provisions of the 2003 LMC, under which it is vested, with respect to allowed square footage, floor area, and open space.

BJM:

Planning Commission Staff Report

Subject: Alice Claim Subdivision & Plat Amendment
CUP for Retaining Walls greater than six feet (6')
Ridge Avenue Plat Amendment

Project #: PL-08-00371, PL-15-02669, and PL-16-03069

Author: Francisco Astorga, AICP, Senior Planner

Date: 13 July 2016

Types of Item: Legislative – Subdivision & Plat Amendment
Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing and review (1) Alice Claim Subdivision and Plat Amendment, (2) Remand of the Conditional Use Permit for retaining walls greater than six feet (6') in height, and (3) Ridge Avenue Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, and Sampson Avenue.

Staff recommends that the Planning Commission provide direction and input to Staff and the applicant as to whether the proposal meets the requirements of the Land Management Code outlined in the staff report, and if the Planning Commission finds Good Cause for the Subdivision/Plat Amendments, and that the CUP for retaining walls greater than six feet (6') can be reasonably mitigated. Based on Planning Commission direction, staff will provide written Findings of Fact, Conclusion of Law, and Conditions of Approval for the Commission's consideration on the July 27, 2016 Planning Commission meeting.

Topic

Applicant: King Development Group LLC
123-129 Ridge LLC
represented by Brad Cahoon, Marc Diemer, Gregg Brown,
and Jerry Fiat

Location: Alice Claim south of intersection of King Road, Ridge
Avenue and Sampson Avenue

Zoning: Historic Residential (HR-1) and Estate (E) Districts

Adjacent Land Uses: Open Space and Residential (developed and undeveloped)

Reason for Review: Subdivisions/Plat Amendments require Planning
Commission review and recommendation to City Council.
Conditional Use Permits require Planning Commission
review and approval.

Proposal

The applicant is proposing that the Planning Commission review the application of a nine (9) lot Preliminary and Final Subdivision and a Plat Amendment on 9.031 acres, located at approximately the intersection King Road and Sampson Avenue within the

City's Historic Residential (HR-1) and Estate (E) Districts. Lot 1 is within the E District and is 3.01 acres (131,022 square feet) in size. Lots 2-9 are within the HR-1 District and are each 0.10 acres (4,150 square feet) in size, totaling 0.80 acres (33,200 square feet). See Exhibit Section 1 – Overall:

- Exhibit A - [Applicant's Project Intent Sub., Plat Amend., and CUP - April 2016](#)
- Exhibit B - [Gully Site Plan - May 2016](#)
- Exhibit C - [Panoramic Photographs - May 2016](#)
- Exhibit D - [Engineering Review of Gully Plan - April 2016](#)
- Exhibit E - [Open Space and Trails Plan - May 2016](#)
- Exhibit F - [Slope Analysis - February 2016](#)
- Exhibit G - [Vegetative Cover - February 2016](#)
- Exhibit H - [Vicinity & Zoning - February 2016](#)
- Exhibit I - [Zoning Map Diagram - May 2016](#)
- Exhibit J - [Emergency Vehicle Movement - May 2016](#)

The proposal also includes four (4) open space lots, totaling 4.634 acres consisting of Lot A, 1.96 acres; Lot B, 1.10 acres; Lot C, 0.004 acres; and Lot D, 1.57 acres. The proposal also includes a Plat Amendment, Parcel 4 which is 0.38 acres (16,486 square feet), that will remove existing lot lines on contiguous platted lots in the HR-L District encumbered by the existing King Road and Sampson Avenue. If approved, the property, Parcel 4, would be dedicated to the City for open space and roadway purposes. Parcel 5 consists of the Water Tank property as it extends from the tank down to Sampson Avenue and serves as the main access to the lots as the majority of proposed Alice Court sits on it. Parcel 5 is owned by Park City Municipal Corporation and is not included in this subdivision as no development is being proposed. The application requests to use this property to provide access. The applicant also requests Drive Lot A of 0.06 acres which connects platted Sampon Right-of-Way (ROW) with the Parcel 5/Alice Court, and Drive Lot B of 0.12 acres which is the turn-around hammerhead area. The following table is a lot by lot breaking including its acreage:

Table 1:

Description	Acreage	Combined Acreage
Estate Lot 1 (one single-family dwelling)	3.01	3.84
HR-1 Lots 2-9 (8 single-family dwellings)	0.83	
Parcel A (open space)	1.96	4.634
Parcel B (open space)	1.10	
Parcel C (open space)	0.004	
Parcel D (open space)	1.57	
Drive Lot A (Sampson ROW Alice Ct. connector)	0.06	0.18
Drive Lot B (turn-around hammerhead)	0.12	
Parcel 4 (HRL Lots, to be open space and roadway)	0.38	0.38
Parcel 5 (City owned, not included in the subdivision)	1.54	n/a
	Total	9.034

See Exhibit Section 2 - Subdivision and Plat Amendment:

- Exhibit K - [Applicant Description and Comparison to Previous Proposal - February 2016](#)
- Exhibit L - [Proposed Alice Claim Sub. & Plat Amendment - February 2016](#)
- Exhibit M – [Alice Claim Topo Boundary](#)

The applicant is requesting approval of a Conditional Use Permit (CUP) for three (3) retaining walls up to 10' in height to stabilize cut and fill slopes for the main entry. The retaining walls are located on the west side of the development proposed on open space Parcel A. The lowest retaining wall is adjacent to Sampson Avenue on its north side and starts as a four foot (4') wall and then becomes a ten foot (10') retaining wall towards the development (south). The other two (2) retaining walls are next to the lowest wall and both walls measure ten feet (10') in height each. The three (3) walls reach their individual highest point of ten feet (10') each and are approximately five feet (5') apart. The proposed retaining walls contain landscaping area between each wall consisting of coniferous and deciduous trees as well as shrubs to soften the visual impacts. See Exhibit Section 3 - Conditional Use Permit:

- Exhibit N - [Applicant Intent – Modified CUP Application - April 2016](#)
- Exhibit O - [Landscape Mitigation of Retaining Walls - May 2016](#)
- Exhibit P - [Key Map - May 2016](#) and [Site Sections - May 2016](#)

The Ridge Avenue Plat Amendment consists of a triangular area exchanging 2,057 square feet from Lot 1 of the Ridge Avenue Subdivision, located at 123 Ridge Avenue, with the area adjacent to proposed Lot 9 and 8. This area exchange reconfigures platted Lot 1 of the Ridge Avenue Subdivision, and both of Lot 9 and 8 into a rectangular shape instead of the existing triangular configurations. See Exhibit Section 4 - Ridge Avenue Plat Amendment:

- Exhibit Q - [Applicant Intent – Ridge Avenue Plat Amendment - February 2016](#)
- Exhibit R - [123 Ridge Avenue Topo Survey - Feb./Mar. 2016](#)
- Exhibit S - [Proposed Ridge Avenue Plat Amendment - February 2016](#)
- Exhibit T - [Property Swap Diagram – February 2016](#)

Background

Please reference prior Subdivision/Plat Amendment staff reports and minutes listed below for the history of this application, most recently being:

- October 8, 2014 [Planning Commission work session](#) and [minutes](#)
- April 8, 2015 [Planning Commission meeting](#) and [minutes](#)
- June 10, 2015 [Planning Commission meeting](#) and [minutes](#)
- July 8, 2015 [Planning Commission meeting](#) and [minutes](#)
- July 22, 2015 [Planning Commission meeting](#) and [minutes](#)

- August 12, 2015 [Planning Commission meeting](#) and [minutes](#) (Negative recommendation forwarded to City Council).
- October 8, 2015 [City Council work session meeting](#) and [minutes](#)
- October 29, 2015 [City Council meeting](#) and [minutes](#) (Application amended and remanded back to Planning Commission)
- December 9, 2015 [Planning Commission work session](#) and [minutes](#)
- May 25, 2016 [Planning Commission meeting](#) and [minutes](#)

Please reference prior CUP staff reports and minutes listed below for the history of this application, most recently being:

- June 10, 2015 [Planning Commission meeting](#) and [minutes](#)
- July 8, 2015 [Planning Commission meeting](#) and [minutes](#)
- July 22, 2015 [Planning Commission meeting](#) and [minutes](#)
- August 12, 2015 [Planning Commission meeting](#) and [minutes](#) (Denial)
- May 19, 2016 [City Council meeting](#) (CUP Denial remanded back to Planning Commission)
- May 25, 2015 [Planning Commission meeting](#) and [minutes](#)

Based on the discussions of the June 10, 2015, and July 22, 2015 Planning Commission meetings, staff prepared findings for denial. On August 12, 2015 the Planning Commission forwarded a negative recommendation to the City Council. Also on August 12, 2015, the Planning Commission denied the submitted Conditional Use Permit for retaining walls over six feet (6') in height. Within the ten (10) day appeal period, the applicant submitted an appeal of the denied CUP.

On October 8, 2015, the City Council held a work session discussion regarding the Subdivision/Plat Amendment. An updated plan, the "Gully Site Plan" concept was presented by the applicant to the City Council. Based upon the changes to the plan, the City Council remanded the application with the updated Gully Site Plan back to the Planning Commission on October 29, 2015. The Applicant has been working on updating their submittals based on the amended plan and asked for this first hearing to be schedule on May 25, 2016 after some dates in April 2016 did not work for their schedule. Finally on May 19, 2016, the City Council remanded the appeal of the denied CUP back to the Planning Commission for review and Action because the CUP and the Subdivision/Plat Amendment are inextricable intertwined. See published staff reports and adopted meeting minutes in the first two (2) paragraphs of this staff report section.

At the May 25, 2016 Planning Commission meeting the Commission focused on the following summarized concerns:

Commissioners Band, Thimm, Joyce, Campbell, & Strachan:

- Presented Gully Site Plan was similar to Alternative B presented years back, which was moving in the right direction.

Commissioners Band, Joyce, & Strachan:

- Concerns with the retaining wall.

Commissioner Band:

- Concerns with the substandard nature of King Road and Ridge Avenue.
- Appropriate time for another site visit.

Commissioners Thimm & Suesser:

- Lot size reduced appropriately and consistent with many surrounding lots.

Commissioner Thimm:

- Pleased to see improvements on King Road and the access.
- Retaining walls would improve with the erosion issues. Soil nails would also assist in mitigating issues.
- More information needed on specific planting materials and whether they could survive.
- In favor of allowing development that can provide a solution that stabilizes the slope and still provides access.

Commissioner Suesser:

- Concerns with traffic and emergency impacts.
- Construction mitigation needs to be looked due to sub-standard status of the roads.

Commissioner Joyce:

- Favored the proposal to improve King Road as it goes up the hill, and relied on traffic engineers/City Engineer expertise.
- Remarked that subdivisions require Good Cause.
- Requested clarification with the negotiations for the easement access and asked if the applicant could negotiate the access and eliminate the retaining wall.
- No issues with the Ridge Avenue land swap.

Commissioner Campbell:

- All points addressed and could not vote against the proposal.

Planning Commission Chair Strachan:

- Retaining wall can be tiered, stepped, and vegetated but it still creates a substantial visual impact.
- Significant vegetation would have to be removed. Not sure if code allowed the removal of significant vegetation.
- Concerns with the widening of King Road.
- Did not believe that the Retaining Wall could be mitigated.
- Requested to see visuals of what the walls would look like.

In preparation for this meeting, the applicant submitted four (4) separate responses addressing the Planning Commission concerns made on May 25, 2016. The applicant

also submitted a draft ordinance for the two (2) plats and CUP approval document with findings of fact, conclusions of law, and conditions of approval. These responses and applicant drafted documents are found in Exhibit Section 5 - Applicant's Responses:

- Exhibit U - [Proposed Density/Number of Lots](#) (received 06.17.2016, modified 06.28.2016)
- Exhibit V - [Landscaped Walls Example](#) (received 06.17.2016)
- Exhibit W - [Negotiations with Levitin](#) (received 06.10.2016)
- Exhibit X - [CUP Significant Vegetation Mitigation](#) (received 06.17.2016)
- Exhibit Y - [Applicant's Draft CUP Approval](#) (received 06.29.2016)
- Exhibit Z - [Applicant's Draft Plat/Subdivision Ordinance](#) (received 06.29.2016)

District Purpose

The purpose of the Historic Residential-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.

The purpose of the Estate District is to:

- A. allow very low density, environmentally sensitive residential Development which:
 1. preserves ridge tops, meadows, and visible hillsides,
 2. preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 3. preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 4. mitigates geologic and flood hazards,
 5. protects views along the City's entry corridors, and
 6. decreases fire risk by keeping Development out of sensitive wild land interface Areas.
- B. incorporate pedestrian trail linkages between and through neighborhoods; and
- C. encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

Analysis

As indicated on Exhibit A, the applicant responded to concerns raised by the Planning Commission during the April 8, 2015 meeting questioning the 'build-ability' of the

proposal as it relates to LMC § 15-7.3(D) Requirements for Improvements, Reservations, and Design. The applicant wrote a response to the following items:

- Flooding
- Improper Drainage
- Slopes
- Rock Formations
- Mine Hazards
- Potential Toxic Waste
- Adverse Earth Formations or Topography
- Wetlands
- Geologic Hazards
- Utility Easements
- Ridgelines

In addition to the six (6) documents prepared by the applicant for the Planning Commission to review, Planning Staff also provided three (3) supplementary Links to Additional Exhibits section:

- [Public Input](#)
- [May 25, 2016 Planning Commission Staff Report](#)
- [May 25, 2016 Planning Commission Meeting Minutes](#)

Subdivision/Plat Amendment

The applicant requests that the City review and approve the modified development proposal for the Alice Claim property that has been coined the “Gully Site Plan.” The Gully Site Plan illustrates the lots to be relocated to the bottom of the canyon found onsite. The Gully Site Plan consists of nine (9) residential lots. The current Gully Site Plan is similar to previous Plan B which was the most preferred plan by the Planning Commission.

The resulting land pattern is more compatible with the pattern found throughout the Historic Districts. The Gully Plan proposes eight (8) lots of record at the bottom of the canyon with four (4) on each side. Each lot is exactly 0.10 acres (4,510 square feet) or 2.4 Old Town lots. A standard Old Town lot is 1,875 square feet, which is also the minimum lot size in the HR-1. Each lot is restricted, as shown on the proposed plat, to a maximum Building Footprint of 1,750 square feet (which is equivalent to the maximum standard Building Footprint Formula found in the LMC). Proposed Lot 1 within the Estate District is 3.01 acres in size. The applicant indicates that it will have a disturbance area of approximately 0.15 acres.

The applicant notes that the Gully Plan preserves several existing large evergreen trees, moves home sites down into the bottom of the gully, clusters the home sites closer together, reduces the amount of disturbance within the subject property, provides trail access, places the lots on less steep areas, and makes the lots compatible with the surrounding neighborhood.

Vehicular access to the property is via existing King Road and then using the platted but un-built road, which provides legal access to the property. The applicant requests the access road to align onto the existing City property along the existing gravel road that then crosses an easement over applicant’s property to the water tank. The existing

road is currently constructed at approximately 14% grade and the applicant requests to place asphalt on the road at the same gradient with a maximum of 14% slope. Access to all lots, and to re-platted lot 1 of the Ridge Avenue Subdivision, will be from this private road. The applicant shows a hammerhead turn-around designed for emergency vehicles proposed across from Lot 1 of Alice Claim.

With the remand of the appeal of the CUP denial, a modified CUP has been requested for the access road retaining walls at the entrance of the property as the three (3) walls are greater than 6' in height. The walls at their maximum height are ten feet (10') each with extensive landscape planting proposed between each wall. Applicant proposes the walls to have stone veneer. "Soil nails" technique is proposed to minimize and mitigate construction impacts of the walls while also eliminating the need for an extensive footing.

The applicant requests to dedicate to the City the 0.38 acre of platted City lots within the HRL District that contains the existing King Road and potentially developable land. The applicant also submitted a plan to make improvements to the existing intersection. According to the applicant, their traffic engineer has demonstrated that the addition of 9 homes in this area has negligible traffic impact.

The applicant states that as part of the cleanup project, the drainage channel that runs through the site and carries seasonal run off was completely relocated and reconstructed as a rip rap channel. That channel will be piped and relocated beyond 50' from the lot 1 home.

Utility services are located near the entry point to the site. The applicant's engineer has studied the projected water pressure to all home sites in the previous plans in detail and found that all lots will have adequate pressure for domestic use and fire suppression. The newly proposed Gully Site Plan lowers the homes, some by as much as 70' in elevation, further improving water pressure to the homes. The Applicant's engineer continues to work with the City Engineer to assure utilities for the Alice Claim subdivision will not conflict with other utilities and can be provided in accordance with the City standards.

The site is currently used by recreation enthusiasts to access several recreational trails. Access to these trails will be allowed to continue across Alice Claim and enhanced with trail signage and trailhead markers. Large portions of the site will be platted as open space or no disturbance areas, and prohibited for development.

Estate Lot

In the E District, the proposed Subdivision creates one (1) lot of record consisting of 3.01 acres. A single-family dwelling is an allowed use in the E District. The minimum lot area for a single-family dwelling in the E District is 3 acres. The proposed lot meets the minimum lot area for single-family dwellings in the E District. A duplex dwelling is an allowed use in the E District. The minimum lot area for a duplex dwelling in the E

District is 6 acres. The proposed lot does not meet the minimum lot area for duplex dwelling.

The minimum lot width allowed in the E District is one hundred feet (100'). The shortest lot width is approximately 235 feet. The proposed lot meets the minimum lot width requirement in the E District. Table 2 shows applicable development parameters in the E District:

Table 2:

LMC Regulation	Requirements
Front/Side/Rear Yard Setbacks	The minimum Front, Side and Rear Yard for all Structures is thirty feet (30'). The Planning Commission may vary required yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade.
Building Height Exception	Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

Historic Residential Lots

In the HR-1 District, the proposed Subdivision creates eight (8) lots of record consisting of 4,510 square feet. A single-family dwelling is an allowed use in the Historic Residential-1 District. The minimum lot area for a single-family dwelling in the HR-1 District is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings. A duplex dwelling is a conditional use in the Historic Residential-1 District. The minimum lot area for a duplex dwelling in the HR-1 District is 3,750 square feet. The proposed lot meets the minimum lot area for duplex dwellings. Conditional uses are reviewed and approved by the Planning Commission.

The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25'). The proposed lot widths of the HR-1 District lots vary from 43.35 to 62.65 feet. The proposed lots meet the minimum lot width requirement. Table 3 shows applicable development parameters in the Historic Residential-1 District:

Table 3:

LMC Regulation	Requirements
Building Footprint	All lots: 1,750 square feet, maximum based on lot size.
Front/Rear Yard Setbacks	Lot 2, 4, 5, 8, & 9: 10 feet minimum, 20 feet total. Lot 3, 6, & 7: 12 feet minimum, 25 feet total. Based on lot width per LMC table 15-2.2.
Side Yard Setbacks	Lot 2, 3, 6 & 7: 5 feet minimum, 10 feet total. Lot 8 & 9: 5 feet minimum, 14 feet total. Lot 4 & 5: 5 feet minimum, 18 feet total.

	Based on lot depth per LMC table 15-2.2a.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
Lowest Finish Floor Plane to Highest Wall Top Plate	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 [...].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

All dwellings in the HR-1 District will need to go through a Historic District Design Review (HDDR) process. HDDRs are reviewed and approved by the Park City Planning Department. Staff anticipates, based on the submitted slope analysis (See Exhibit F - [Slope Analysis - February 2016](#)), that all lots, except Proposed Lot 2, will require Steep Slope CUP review. Steep Slope CUPs are reviewed and approved by the Park City Planning Commission. Staff does not make this determination until specific site plans are prepared in conjunction with required site surveys for development of each lot through the HDDR application process.

Access

Currently, legal access to the property is proposed to be gained through the platted but un-built King Road right-of-way. This access point is approximately 50 feet west (off-set) of the King Road – Ridge Avenue intersection where King Road turns north. Ideally, the primary access would be through the existing Woodside Gulch, thus avoiding the need to build a new road; however, this access isn't possible because legal access has not been secured over the private property at 135 Ridge Avenue.

The applicant states that the King Road right-of-way access (north access) would create a driveway gradient of 14%. The proposed northern access would also require three (3) tiered retaining walls (upwards of 10 feet in height) on the western side as the road would cut into the toe of the slope would protect the existing mature trees. Without access over the private property at 135 Ridge Avenue, the applicant's only proposed access is using the platted King Road right-of-way.

The proposed access to the Alice Claim Subdivision is at a point, although offset, where essentially four (4) existing roadways meet, King Road, Sampson Avenue, Ridge Avenue, and Woodside Gulch. The proposed Alice Court would be a fifth point of access in the existing intersection that would go around the Woodside Gulch entry.

As indicated on the June 10, 2016 Staff Report:

The Applicant does not propose to dedicate streets within the proposed development to the City but will complete the proposed Alice Court to meet City

Standards for emergency access and parking. If the Applicant decides to offer the streets for dedication at a later date, all of the streets will need to meet all City Standards, including right-of-way widths, minimum street widths, cul-de-sac standards, stubbed street standards, grading requirements, etc. (Even if the streets are offered for dedication, the City is not required to accept the dedication). All of the roads within the proposed subdivision are proposed to be private drives at this time. Private drives shall not exceed 14% gradients and the applicant has shown the drives meeting this requirement at 14%.

The existing City's easement for access has been revised on the plat to incorporate trails and the City's access easement changed by the Alice Court road. The Applicant will need to receive City Council's approval to give them an access over the City's property through Alice Court, which will have water lines, storm drainage, sewer, etc. as well as use of the City Property for the Alice Court road. This will need to occur prior to plat recordation and would be **listed as a condition of approval.**

Restriction due to Character of the Land
[LMC § 15-7.3-19\(D\)](#) indicates the following:

RESTRICTIONS DUE TO CHARACTER OF THE LAND. *Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.*

The Applicant has provided information regarding the mitigation of potential hazards due to the Steep and Very Steep Slopes. Staff had previous concerns on developments over 40% slopes with the soils and massing of homes. The Geotech report reviewed by the City Engineer demonstrated that the soils are acceptable and staff finds that the Steep Slope CUPs in the HR-1 District will mitigate the massing of homes on such steep slopes and the Planning Commission will have full review of those applications just as they have previously with other lots that are steep within the HR-1 District.

Staff had initial concerns for existing mine hazards that may be open as a historic mine shaft exists on this property to which the applicant submitted the Geotechnical Consultation Letter - December 2006 demonstrating that the mine shaft is filled. Any structures near the mine shaft shall be setback ten feet (10') if the mine shaft is filled, which the current plans and engineer's letter show that it is filled. The mine shaft needs

to be shown on the plat. The City Engineer has reviewed the Geotech report (which addressed the site holistically considering all steep slopes and not individual home locations) and mine shaft conditions report (which is just about the mine) and indicates that the report shows the ground is stable, with bedrock below. The City Engineer found that the report reflects that the ground conditions, existing mine shaft, and slopes are safe to build upon. The City Engineer can answer any questions from Commissioners in this regard. Prior to Building permit approval, the applicant will be required to submit Geotech reports for individual home sites which meet the City Engineer's approval. After the City Engineer reviews of the Geotech report and future review of each home by the Planning Commission for Steep Slope CUPs, staff recommends allowing the applicant to develop on such steep slopes with the conditions of approval listed in the Draft Ordinance.

Ridgelines and Clustering

The proposed Gully Site Plan brings the eight (8) dwellings towards the bottom of the Woodside Gulch. Staff does not find that ridgeline development is requested. The Gully Site Plan complies with the General Subdivision Requirements (LMC 15-7.3-2(E)) Open Space which states:

Units should be clustered in the most developable and least visually sensitive portions of the Site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with Significant Vegetation and in many cases, should be left in the natural state.

Water Delivery

The City's Department of Public Utilities has made the Planning Department aware that all of the Alice Claim property proposed for development may not be serviceable by the current City water system due to low water pressure. The low water pressure is due to the small elevation difference between the proposed development's elevation and the Woodside Tank's elevation. The applicant was informed about this issue and is responsible for modeling the water service to the development and if it is still insufficient they will need to provide a remedy. The applicant has prepared a water model addressing the limitations of the current water system on the proposed development (including factors such as the ability to meet: acceptable water system pressures and fire flow requirements to each home site (indoor and outdoor pressures are not adequate), the Fire Marshal's site specific requirements, and Division of Drinking Water regulations).

The applicant is to confirm the elevation of each of the proposed building sites to determine the affected sites and either redesign the project accordingly, or work with the Department of Public Utilities to determine the best solution. At the time of this report, the Department of Public Utilities, Fire, Building and Engineering have received a revised letter from the applicant's engineer addressing the previously submitted Water Model that will meet the City's requirements. Any revisions to the previously submitted

model will need to meet acceptable water pressure flows in order for the subdivision to meet water requirements. **This would be listed as a specific condition of approval.**

Water Reclamation District

Staff was informed by the Snyderville Basin Water Reclamation District (SBWRD) that the Applicant has only met with them briefly besides almost 10 years ago when the application was first submitted to discuss utility location and placement within the proposed roadways. The SBWRD has concerns regarding the placement of the sewer lines in relation to the retaining walls and in relations to other utilities. **This will need to be remedied before the proposed plat can be signed by SBWRD prior to plat recordation and would be listed as a specific condition of approval.** The Applicant is aware of SBWRD's concerns and will work to obtain a Line Extension Agreement upon approval of the plat. The utility design could affect the layout of the subdivision and if any changes are made to the layout of the subdivision upon SBWRD's approval, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.

Density

On June 17, 2016, the applicant submitted Exhibit U - Proposed Density/Number of Lots, which contains the applicant's supporting documentation regarding this topic including the July 27, 2005 work session Staff Report, October 30, 2008 Applicant's Memo to the Legal Dept., January 20, 2009 City e-mail correspondence from Legal Dept. to the Applicant, and County Plat Maps with the outline of the site.

The entire project site consists of the following:

- 12 HRL Old town lots: Lot 1, 2, 3, 4, 5, 6, 7, 36, 38, 39 & 40, within Block 77 of the Millsite Reservation. None of these lots meet the minimum lot area required for development consisting of 3,750 square feet. This HRL area consists of 0.38 acres (16,486 SF).
- Parcel no. PC-S-55 consisting of approximately 8.65 acres (5.08 acres in the Estate District and 3.57 acres in the HR-1 District).
- Parcel no. PC-S-55-X (Parcel 5) is the City owned property consisting of 1.54 acres. A good portion of this site is in the Estate District while the other portion is in the HR-1 District.

See Exhibit H - [Vicinity & Zoning - February 2016:](#)



The density associated with these three (3) areas, excluding the City owned parcel, is as follows assuming that optimal conditions for development exist and that every requirement in the Land Management Code required can be met:

- HR-L Old Town platted lots consisting 16,486 SF. The minimum lot area is 3,750 SF. Hypothetically based on minimum lot area only, the site could accommodate 4 HR-L lots.
- HR-1 area consisting of 3.57 acres or 155,509 SF. The minimum lot area is 1,875 SF. Hypothetically based on minimum lot area only, this site could accommodate 82 HR-1 lots.
- Estate area consisting of 5.08 acres. The minimum lot area is 3.0 acres. Hypothetically based on minimum lot area only, this site could accommodate 1 Estate lot.

One must understand that the entire site contains various challenges including, but not limited to, access, slope, ridgeline protection, etc., and that the numbers provided above are not vested or entitled as the entire Estate and HR-1 areas require subdivision approval. Development over the HR-L area requires plat amendment approval as not one lot of record currently meets the minimum lot area of that District.

Conditional Use Permit

LMC § [15-4-2 Fences And Retaining Walls](#) states the following:

- A. **LOCATION.** *Fences and retaining walls may be erected or allowed within the buildable Area, and as allowed in the Setback exceptions in Chapter 2.*

Fences and retaining walls shall not exceed six feet (6') in height measured from Final Grade within any required Rear Yard or Side Yard. Within any required

Front Yard or Street Side Yard, Fences and retaining walls shall not exceed four feet (4') in height, measured from Final Grade.

Where a Fence or retaining wall occurs along a Property Line separating two (2) Lots and there is a difference in the Grade of the Properties, the Fence or retaining wall may be erected or allowed to the maximum height permitted on either side of the Property Line.

1. **EXCEPTION.** *The height of retaining walls in the Front Yard may exceed four feet (4'), measured from Final Grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an Administrative Conditional Use permit or as approved as part of a Master Planned Development (MPD) or Conditional Use permit. Prior to issuance of an Administrative Conditional Use permit the Property shall be posted and affected adjacent Property Owners shall be noticed ten (10) days prior to Final Action.*

The height of retaining walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, subject to approval of an Administrative Conditional Use permit or as approved as part of a Master Planned Development or Conditional Use permit. Prior to issuance of an Administrative Conditional Use permit the Property shall be posted and affected adjacent Property Owners shall be noticed ten (10) days prior to Final Action.

[...]

- B. **PERMIT.** *A Building Permit is required for construction of any Fence or retaining wall greater than six feet (6') in height. Within any of the Historic zoning districts construction of any Fence or retaining wall greater than four feet (4') in height requires a Building Permit.*

The applicant requests that the City review a modified CUP concurrently with the amended Alice Claim Subdivision (the Gully Site Plan) and corresponding Plat Amendment applications. The vehicular access road via platted King Road will require retaining walls that are greater than six feet (6') in height, thereby requiring a CUP per the LMC. The applicant notes that the CUP application has been modified in the following manner from the previous application that was denied in August 2015:

- The wall has been broken into three tiers that are each a maximum 10 feet tall with landscape planting areas between each wall section as suggested by Planning Staff as adequate visual mitigation.
- An additional 20% of the tree planting to what was originally identified is now proposed as suggested by Planning Staff as adequate visual mitigation.
- These walls will be constructed by the process of "soil nailing" and overlaid with a decorative stone veneer. This process is less disruptive to existing vegetation

above the walls and does not require extensive footings that could have interfered with utilities in Alice Court roadway at the base of the walls.

- The walls have been extended around the corner created by the intersection with King Road. This is proposed in order to widen King Road in the area with the goal of improving the existing condition of King Road as well as improving visibility for the proposed Alice Court entry drive.

LMC § 15-1-10 Conditional Use Review Process states the following:

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.

[...]

D. **STANDARDS FOR REVIEW.** The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

1. the Application complies with all requirements of this LMC;
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 Plan, as amended; and
4. the effects of any differences in Use or scale have been mitigated through careful planning.

[...]

Staff finds that the application **complies as conditioned** with the four standards above and has been mitigated. LMC § 15-5-5. Architectural Design Guidelines sets the following standards for prohibited materials within the City:

- (B) (6) Synthetic stone products such as simulated stone or brick, cultured stone or brick, pre-cast stone or concrete imbedded with stone fragments.

The applicant proposes to use a blonde sandstone veneer which is a real stone, allowed within the City.

The Design Guidelines for Historic Districts and Historic Sites (which are incorporated into the LMC by reference in LMC § 15-11-11) help define compatibility with surrounding structures, etc. This is a separate process and all retaining walls no matter their height will be required to go through the Historic District Design Review (HDDR) process. In order to comply with the HDDR criteria the applicant will need to comply with the following section within the Historic District Design Guidelines but these criteria aren't tied to the CUP: Specific Guidelines for new construction in Park City's Historic Districts A.4. Site Grading and Steep Slope Issues sets the following guidelines:

- A.4.1. Building and site design should respond to natural features. New building should step down/up to follow the existing contours of steep slopes.
- A.4.2. The site's natural slope should be respected in a new building design in order to minimize cuts into hillsides, fill and retaining walls; excavation should generally not exceed one-story in depth.
- A.4.3. When retaining walls are necessary, the impact should be minimized by creating gradual steps or tiers, by using perennial plant materials to minimize visual impact, and by using forms and materials found on surrounding Historic Sites.
- B.2.5. Materials should be compatible in scale, proportion, texture, finish and color to those used on Historic Sites in the neighborhood.
- B.2.6. Materials, especially stone and masonry, should be used in the manner they were used historically.

LMC 15-1-10. (E) Review indicates the following:

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

1. *Size and location of the Site.* **Complies as conditioned.**

The applicant has determined the three (3) ten foot (10') walls must be placed in this location due to the access they are providing. Should the applicant work through the access issues with the adjacent property owner, less retaining would be needed and that could be a significant factor to mitigating the visual impact to the community. If the applicant were to shorten the height of the walls and further terrace the walls, the visual impact would be the same; however the visual image of the retaining would actually be higher. Staff finds that with ten foot (10') retaining walls, ten foot (10') trees and shrubs can be planted in the terracing to visually mitigate the image of the walls.

2. *Traffic considerations including capacity of the existing Streets in the Area.* **Not applicable.**

3. *Utility capacity, including Storm Water run-off.* **Complies as conditioned.**

The weight of the walls and/or placement of the utilities near the walls may affect and negatively impact the public utilities and infrastructure. This could reasonably be mitigated with the following condition: City Engineer and SBWRD giving approval of the engineered plans of the walls and utility plan would show there will be no impacts to utilities and infrastructure. However, if any changes to the utilities or infrastructure change the location and heights of the walls, then the applicant will need to amend this CUP application which will require going through the full process (staff review and Planning Commission Review).

4. *Emergency vehicle Access.* **Not applicable.**

5. *Location and amount of off-Street parking.* **Not applicable.**

6. *Internal vehicular and pedestrian circulation system.* **Not applicable.**

7. *Fencing, Screening, and landscaping to separate the Use from adjoining Uses.* **Complies as conditioned.**

This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could reasonably be mitigated with the following conditions: adding in 20% more trees than currently shown on [Exhibit B](#) on the June 10, 2015 Staff Report and trees with a minimum height of 10 feet.

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

The walls are ten feet (10') in height which is considered massive, mass and orientation within the Historic District and approximately 2 times the height of the majority of retaining walls within the District which are typically four to six feet (4' to 6') in height. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could be mitigated with the following condition: further landscaping the walls as discussed in (7) above and contouring the walls to the landscape;

9. *Usable Open Space.* **Not applicable.**

10. *Signs and lighting.* **Not applicable.**

11. *physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.* **Complies as conditioned.**

Physical design and compatibility with surrounding structures as the walls are not compatible in size. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could be mitigated with the following condition: incorporate additional landscaping with 20% more trees than currently shown and trees with a minimum height of 10 feet;

12. *Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. **Not applicable.***
13. *Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas. **Not applicable.***
14. *Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities. **Not applicable.***
15. *Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site. **Complies as conditioned.***

Environmentally sensitive lands, physical mine hazards, historic mine waste and steep slopes have not been properly addressed in these locations with final engineered plans. This presents a negative health, safety and welfare impact if not addressed. This could reasonably be mitigated with the following condition: Receive a Certificate of Completion for the VCP from UDEQ and Steep Slope CUPs for the adjacent homes to ensure the walls are stepping to the contours of the land and will not negatively impact any future homes in that area.

Other large retaining walls within or nearby the historic district can be found along Hillside Drive, around the north side of City Hall, and at Echo Spur but do not compare in size to the proposed height of the Alice Claim retaining walls and none of these walls were for private development. They were completed for Public ROW improvements. Those walls were mitigated through multiple terracing, adequate landscaping or homes that completely hide the height of the walls.

Staff finds that the walls as proposed at ten feet (10') are twice in excess to those four to six feet (4' to 6') heights typically found within the residential historic district. There is some but not adequate mitigation to the adverse visual impacts upon the adjacent and neighboring community. The landscape screen of Aspen trees and columnar evergreens as proposed will not appropriately screen the heights of the walls as shown in [Exhibit B](#) on June 10, 2015 Staff Report. Staff recommends requiring the applicant to replace any existing mature trees which are being removed due to the retaining walls in kind or with 3 smaller trees equating to the same caliper size. Staff also recommends requiring that the walls be landscaped more with 20% more trees than is shown on the proposed plans.

Any approval or denial of the CUP should be concurrent with recommending approval or denial of the proposed subdivision/plat amendment, meaning one cannot be approved or denied without the Planning Commission finding the other acceptable for approval or denial. The reason being that if the CUP is not approved or needs modification then it may change the site plan of the subdivision layout regarding house or road placements. The subdivision will not be approved until City Council review. No building permit can be issued until the plat is recorded. The applicant is requesting an expiration date of one (1) year from the date the plat is recorded. Staff however, recommends a two (2) year expiration date in order to complete all of the conditions of approval that are associated with the plat.

On June 17, 2016 the applicant submitted Exhibit V - [Landscaped Walls Example](#) which contains the applicant's response to the concerns expressed by the Commission regarding the viability and effect of landscape planting between the proposed retaining walls. The current design places the retaining walls five feet (5') apart and plants that space with an unspecified mixture of evergreen and deciduous trees and shrubs. The applicant's response contains four (4) photographs of the retaining walls of the Marsac Building's North parking lot showing plants flourishing between retaining walls.

Staff recommends adding the following two conditions of approval:

- The applicant shall submit a Landscape Plan prepared by a licensed landscape architect with the complete plant list showing botanical name, common name, quantity, size and spacing. All plant materials labeled or keyed to the plant list and the quantity for that group shown. The submitted Landscape Plan shall be wet-stamped.
- The applicant shall submit a letter from the Landscape Architect indicating that the requested trees, plants, vegetation, etc. between the retaining wall can be appropriately be accommodated to ensure a successful life span of each tree, plant, vegetation, etc.
- The Park City Planning Department will review the submitted Landscape Plan and Landscape Architect Letter and will be responsible of approving prior to receiving any building permit for the retaining wall.

On June 17, 2016 the applicant submitted a letter responding to concerns made regarding the significant vegetation found on site, See Exhibit X - [CUP Significant Vegetation Mitigation](#). The Land Management Code indicates the following regarding vegetation protection in the HR-1 District Chapter 2.2 and Estate District Chapter 2.10:

[15-2.2-10 Vegetation Protection](#) & [15-2.10-10 Vegetation Protection](#)

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC [Chapter 15-3-3](#) and [Title 14](#).

The current proposal requests to remove two (2) large coniferous trees to be removed. Staff is concerned that a third (3rd) coniferous tree will also have to be removed as its drip line was shown too close to the proposed retaining wall. Planning Staff acknowledges the practice that whenever an improvement is placed within the drip line of a tree it affects its life expectancy. Staff recommends that the applicant submit the caliper size of this tree to document its measurement.

The applicant wrote in their response that they cannot avoid removal of the two trees described and should be permitted to mitigate their removal. In terms of mitigation the applicant proposes to plant 33 evergreen trees and 31 deciduous trees for a combined total of 212 inches of caliper while the two (2) trees to be removed are approximately 53 inches in caliper combined. The applicant points its replaced ratio of 4:1 and the extensive site clean-up and re-vegetation.

Staff finds the applicant's mitigation effort appropriate for the two (2) trees that are being requested to be removed to accommodate the access/retaining walls into their development. Staff recommends adding the following condition of approval:

- Existing Significant Vegetation and mature landscaping shall be preserved per a tree preservation plan completed by a certified arborist and approved by the City prior to issuance of a building permit. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Ridge Avenue Plat Amendment

The applicant requests that the City review the Ridge Avenue Plat Amendment. The applicant owns Lot 1 (#123) and Lot 2 (#129) of that Subdivision. Applicant proposes a change to adjust Lot 1. The proposed amendment swaps a 2,057 square foot triangular portion of Lot 1 with corresponding 2,057 square foot triangular portion of Lot 9 and Lot 8 of the proposed Alice Claim Subdivision. There is no increase or reduction in the size of either subdivision. The resulting reconfiguration allows the "squaring up" of these lots.

Good Cause

The LMC defines Good Cause as the following:

Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and

benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Planning Staff finds there is good cause for this subdivision/Plat Amendment with the appropriate items described in the analysis being incorporated as conditions of approval. There may be future geographical visual impacts to the City as a result of this application with respect to additional site stabilization, proposed retaining walls, and other unforeseen issues related to development within steep slope areas that can be addressed at the time of Steep Slope CUP applications.

Department Review

SBWRD continues to express concern with lack of sewer lateral design but the applicant will need to continue to work with them until all requirements are satisfied in order for SBWRD to sign the plat. Each of these concerns have been incorporated into conditions of approval. The Planning Departments concerns are the visual impacts of such tall retaining walls in a historic residential district which the applicant has taken an attempt to mitigate.

Notice

In preparation for the May 25, 2016 Planning Commission meeting, the property was posted on May 11, 2016, and the courtesy notice was mailed to property owners within 300 feet in accordance with requirements of the LMC on May 11, 2016. Legal notice was published in the Park Record on May 11, 2016 and on the public notice website in accordance with the requirements of the LMC on May 9, 2016. During the May 25, 2016 Planning Commission the item was discussed and the public hearing was continued to the July 13, 2016 Planning Commission meeting.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes (see links provided above) reflect public input received on these proposals to date. Any [public comment](#) received prior to this meeting will be forwarded to the Planning Commission.

Process

This application is for a major Subdivision and Plat amendment as defined in LMC § 15-7.1-3(A)(2). A major Subdivision requires a Preliminary Plat and a Final Plat although the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval. Staff is recommending the hearings be combined and a final Subdivision Plat is considered. The approval or denial of a subdivision and plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-18. Any retaining walls over six feet (6') within the setback area requires a CUP to be reviewed and approved by the Planning Commission as currently remanded. Any new structure

may require a Steep Slope CUP and all will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Significant Impacts

There are no immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A geotechnical report has been previously submitted and reviewed. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site. Most, if not all of the lots in the HR-1 zone will require Steep Slope Conditional Use Permits. Each home, including the home within the "Estate" zoning designation, will require a Historic District Design Review prior to home design and construction.

Consequences of not taking the Suggested Recommendation

The lots and parcels would remain as is and no construction could take place.

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing and review (1) Alice Claim Subdivision and Plat Amendment, (2) Remand of the Conditional Use Permit for retaining walls greater than six feet (6') in height, and (3) Ridge Avenue Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, and Sampson Avenue.

Staff recommends that the Planning Commission provide direction and input to Staff and the applicant as to whether the proposal meets the requirements of the Land Management Code outlined in the staff report, and if the Planning Commission finds Good Cause for the Subdivision/Plat Amendments, and that the CUP for retaining walls greater than six feet (6') can be reasonably mitigated. Based on Planning Commission direction, staff will provide written findings of fact, conclusion of law, and conditions of approval for the Commission's consideration on the July 27, 2016 Planning Commission meeting.

Exhibits

Exhibit Section 1 - Overall

Exhibit A - [Applicant's Project Intent Sub., Plat Amendment, and CUP - April 2016](#)

Exhibit B - [Gully Site Plan - May 2016](#)

Exhibit C - [Panoramic Photographs - May 2016](#)

Exhibit D - [Engineering Review of Gully Plan - April 2016](#)

Exhibit E - [Open Space and Trails Plan - May 2016](#)

Exhibit F - [Slope Analysis - February 2016](#)

Exhibit G - [Vegetative Cover - February 2016](#)

Exhibit H - [Vicinity & Zoning - February 2016](#)

Exhibit I - [Zoning Map Diagram - May 2016](#)
Exhibit J - [Emergency Vehicle Movement - May 2016](#)

Exhibit Section 2 - Subdivision and Plat Amendment

Exhibit K - [Applicant Description and Comparison to Previous Proposal - February 2016](#)
Exhibit L - [Proposed Alice Claim Sub. & Plat Amendment - February 2016](#)
Exhibit M - [Alice Claim Topo Boundary](#)

Exhibit Section 3 - Conditional Use Permit

Exhibit N - [Applicant Intent – Modified CUP Application - April 2016](#)
Exhibit O - [Landscape Mitigation of Retaining Walls - May 2016](#)
Exhibit P - [Key Map - May 2016](#) and [Site Sections - May 2016](#)

Exhibit Section 4 - Ridge Avenue Plat Amendment

Exhibit Q - [Applicant Intent – Ridge Avenue Plat Amendment - February 2016](#)
Exhibit R - [123 Ridge Avenue Topo Survey - Feb./Mar. 2016](#)
Exhibit S - [Proposed Ridge Avenue Plat Amendment - February 2016](#)
Exhibit T - [Property Swap Diagram – February 2016](#)

Exhibit Section 5 - Applicant's Responses

Exhibit U - [Proposed Density/Number of Lots](#)
Exhibit V - [Landscaped Walls Example](#)
Exhibit W - [Negotiations with Levitin](#)
Exhibit X - [CUP Significant Vegetation Mitigation](#)
Exhibit Y - [Applicant's Draft CUP Approval](#)
Exhibit Z - [Applicant's Draft Plat/Subdivision Ordinance](#)

Links to Additional Exhibits

- [Public Input](#)
- [May 25, 2016 Planning Commission Staff Report](#)
- [May 25, 2016 Planning Commission Meeting Minutes](#)
- [Aerial Image with Site Plan Overlay - May 2016](#)
- [Aerial Image with Site Plan Overlay-100 - May 2016](#)
- [Civil Engineering Plans - May 2016](#)
- [Storm Drainage Narrative \(revised for Gully Plan\) - April 2016](#)
- [Engineering Geology and Geotechnical Engineering Report - October 2014](#)
- [Geotechnical Consultation Letter - December 2006](#)
- [Mine Remediation Diagram - July 2008](#)
- [Site Mitigation 2008 Field Report-Voluntary Cleanup Program - June 2013](#)
- [Water Distribution Model - February 2016](#)
- [Aerial Image with 123 Ridge Avenue Plat Overlay – February 2016](#)
- [Applicant's Presentation May 25, 2016 Planning Commission](#)
- [June 10, 2015 Exhibit B](#)

April 29, 2016

Via fastorga@parkcity.org

Francisco Astorga
Park City Planning Department
445 Marsac Ave
Park City, UT 84060

Re: Alice Claim Applications for Subdivision, Plat Amendment, and Conditional Use Permit

Dear Mr. Astorga:

In response to concerns raised by the Planning Commission during the April 8th 2015 public hearing questioning the 'build-ability' of the site for the development plan specific to the LMC. Title 15 of the LMC, Chapter 7.3 – "Requirements for Improvements, Reservations, and Design" specifies the potential site hazards that could not allow approval of a development plan. That section reads:

(D) **RESTRICTIONS DUE TO CHARACTER OF THE LAND**. Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.

Set forth below is King Development's response to each of the hazards listed above in the LMC. Some items have been previously noted by Staff as potential hazards and have already been addressed for future verification in the Conditions of Approval.

-Flooding: No Flooding

FEMA mapping does not show flood hazard on the site. The Applicant's Engineer does not believe there is a flood hazard on this site. No flooding has been reported or seen in this location.

The applicant has agreed to a study extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval. The Applicant accepts and expects to satisfy this condition.

-Improper Drainage: Drainage is correct

See attached memo by Stantec titled Alice Claim Drainage Narrative. The site currently drains down into the reconstructed (as part of the remediation project) channel that runs south to north through the site. That channel carries small volumes of spring runoff and the drainage from the site and the small basin above the site. Minor drainage alterations are proposed to accommodate site development, but generally proposed site drainage remains consistent with existing conditions. A portion of the existing drainage channel will be carried in a culvert pipe as shown on the Engineering Plans prepared by Stantec Engineers.

The Applicant has agreed to prepare a "Debris Flow Study" to be completed for the stream to determine if a debris basin is required.

The Applicant also understands that the 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.

-Slopes: No Issues were identified that would prohibit development

This item is addressed in the Geotechnical report which states: Active landslides were not identified in the office studies or during the field reconnaissance completed for the project. While each specific site was not addressed, the site as a whole was inspected and soil borings and sampling were taken. It is more appropriate to address specific site issues unique to each lot and mitigation of those issues, which may vary depending on the house design, after plat approval.

The Applicant suggests that a Geotechnical Engineer review each home design and site prior to issuance of a building permit by the City to determine if any additional measures and/or mitigation are needed.

-Rock Formations: No Development is proposed below rock outcrops

This item is addressed in the Geotechnical report that cautions development below rock outcrops. A small rock outcrop is located on this site within the Estate Lot, but on the other side of the gully from the proposed home site. We do not believe there is any instability and/or risk from this outcrop; however, there will be no development below this outcrop. A Geotechnical Engineer will review each home site development prior to and during construction to determine if there are any specific measures and/or mitigation needed.

-Mine Hazards: Have all been addressed

This item is addressed in the 2006 Geotechnical Report which recommends filling of the mine shaft as well as the follow up report from AGEC dated Dec 13, 2006, which outlines procedures for safely filling the mine shaft. The mine shaft was subsequently filled and compacted during the site remediation project in 2008 and is included in the mitigation report. As recommended by the AGEC report, home sites will be setback a minimum 10' from the mine shaft. All other mine related hazards were remediated in 2008.

-Potentially Toxic Wastes: Have all been addressed

In 2008, the Applicant's property, and the City's property that bisects the project site, was remediated in the VCP to levels necessary for the proposed residential subdivision. Alice Claim investigation and cleanup activities are being completed under the Utah Division of Environmental Response and Remediation Voluntary Cleanup

DHM DESIGN

Program. Mitigation of mine impacted soil was completed from July 2008 through September 2008 primarily by removal and proper disposal.

-Adverse Earth Formations or Topography: We do not believe exists.

The Geotechnical Report identifies "Surface Fault Rupture" and "Liquefaction" as two additional hazards for some developments but concludes that the conditions do not exist for either of these hazards.

The geo-tech report for each home will review these issues as well as evaluate avalanche potential and develop appropriate design impact pressures for structures.

-Wetlands There are none

In 2006, as part of the Stream Alteration Permit, the U.S. Army Corps of Engineers issued an email dated July 25, 2006 confirming that there are no wetlands onsite and that a wetland delineation is not required.

-Geologic Hazards; Have been identified and accounted for by planned subdivision

This item is addressed in the specific items above. The Engineering Geology and Geotechnical Engineering Report prepared by AMEC dated October 21, 2014 reviews many of the specific items listed above and provides guidance for construction specifications to address any potential concerns.

-Utility Easements: All Accounted for

All existing and proposed utility and access easements are included on the Plat that will be reviewed by the City Engineer in its final format prior to recordation. The City Engineer has not provided any negative reviews of the proposed easements.

-Ridgelines: No Development on Ridgelines

The City's Ridgeline Map indicates that there are no ridgelines within the property as defined by the Land Management Code. All homes have been moved to the bottom of the gully.

Thank you for your consideration on this item.

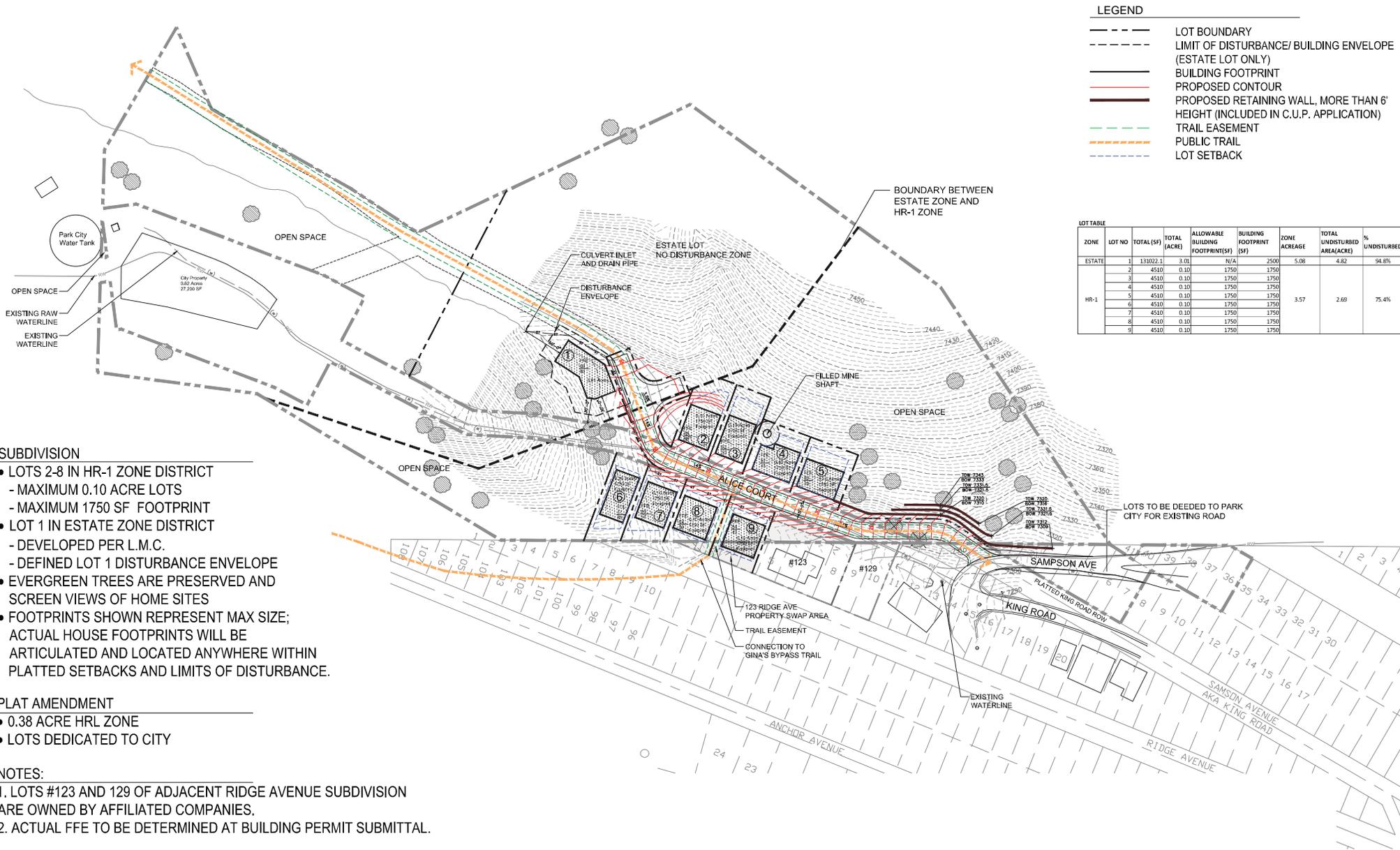
Respectfully,

DHM Design Corporation



Marc Diemer

Associate Principal



LEGEND

- LOT BOUNDARY
- - - - - LIMIT OF DISTURBANCE/ BUILDING ENVELOPE (ESTATE LOT ONLY)
- BUILDING FOOTPRINT
- PROPOSED CONTOUR
- PROPOSED RETAINING WALL, MORE THAN 6' HEIGHT (INCLUDED IN C.U.P. APPLICATION)
- - - - - TRAIL EASEMENT
- PUBLIC TRAIL
- LOT SETBACK

LOT TABLE

ZONE	LOT NO	TOTAL (SF)	TOTAL (ACRE)	ALLOWABLE BUILDING FOOTPRINT(SF)	BUILDING FOOTPRINT (SF)	ZONE ACREAGE	TOTAL UNDISTURBED AREA(ACRE)	% UNDISTURBED
ESTATE	1	133022.1	3.01	N/A	2500	5.08	4.82	94.8%
	2	4510	0.10	1750	1750			
	3	4510	0.10	1750	1750			
	4	4510	0.10	1750	1750			
	5	4510	0.10	1750	1750			
HR-1	6	4510	0.10	1750	1750	3.57	2.69	75.4%
	7	4510	0.10	1750	1750			
	8	4510	0.10	1750	1750			
	9	4510	0.10	1750	1750			

- SUBDIVISION**
- LOTS 2-8 IN HR-1 ZONE DISTRICT
 - MAXIMUM 0.10 ACRE LOTS
 - MAXIMUM 1750 SF FOOTPRINT
 - LOT 1 IN ESTATE ZONE DISTRICT
 - DEVELOPED PER L.M.C.
 - DEFINED LOT 1 DISTURBANCE ENVELOPE
 - EVERGREEN TREES ARE PRESERVED AND SCREEN VIEWS OF HOME SITES
 - FOOTPRINTS SHOWN REPRESENT MAX SIZE; ACTUAL HOUSE FOOTPRINTS WILL BE ARTICULATED AND LOCATED ANYWHERE WITHIN PLATTED SETBACKS AND LIMITS OF DISTURBANCE.

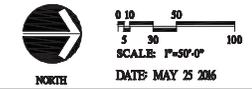
- PLAT AMENDMENT**
- 0.38 ACRE HRL ZONE
 - LOTS DEDICATED TO CITY

- NOTES:**
1. LOTS #123 AND 129 OF ADJACENT RIDGE AVENUE SUBDIVISION ARE OWNED BY AFFILIATED COMPANIES.
 2. ACTUAL FFE TO BE DETERMINED AT BUILDING PERMIT SUBMITTAL.

ALICE CLAIM

GULLY SITE PLAN

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060

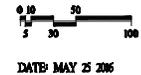




ALICE CLAIM

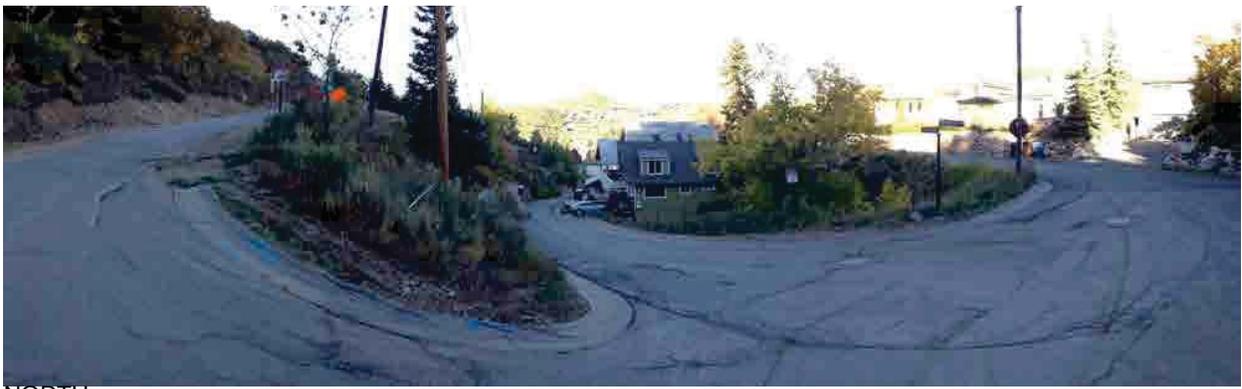
PANORAMIC PHOTO KEY PLAN

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



DATE: MAY 25 2016





NORTH



SOUTH



EAST



WEST

LOCATION 1

VIEWS OF EXISTING PROPERTY





NORTH



SOUTH



EAST



WEST

LOCATION 2
VIEWS OF EXISTING PROPERTY





NORTH



SOUTH



EAST



WEST

LOCATION 3
VIEWS OF EXISTING PROPERTY





Stantec Consulting Services Inc.
3995 South 700 East Suite 300, Salt Lake City UT 84107-2540

April 26, 2016
File: 205303057

Marc Diemer, PLA
DHM Design
311 Main Street, Suite 102
Carbondale, CO 81623

Reference: Engineering Review of Proposed Alice Claim Site Plan Modifications – “Gully” Plan

Dear Mr. Diemer,

The purpose of this letter is to provide engineering commentary related to the Proposed Alice Claim Plan currently in review by Park City staff. The plan is also known as the “Gully” plan. The following discusses the engineering improvements associated with the Gully plan:

WATER PRESSURE

Based on our analysis, the proposed water system now far exceeds the requirements laid out by the state for public drinking water systems. The Gully plan lowers the highest elevation lots significantly and removes the dead end water mains from the layout. The minimum expected pressures exceed the state required minimum pressures by 20-30 psi for all required modeling scenarios. Based on the findings in the *Alice Claim – Water Distribution Model*, dated February 19, 2016, water pressure is no longer an issue for the Alice Claim development

STORM DRAINAGE

The on-site drainage patterns will be roughly the same as the previous drainage concept prepared by Stantec. Detention is proposed for the storm water system as well as conveyance of Woodside Gulch flows. Under the Gully plan, total hardscape is reduced with the proposed plan based on less roadway and smaller proposed footprints.

RETAINING WALLS

The Gully plan further removes retaining walls from the proposed project. This reduction in the total retaining wall length and surface area is a direct result of the removal of the upper dead end lot shown on previous site plans.

Please let me know if you have any questions.

Regards,

STANTEC CONSULTING SERVICES INC.


Peter Duberow, PE
Senior Associate

cc. Brad Cahoon, Snell & Wilmer L.L.P.
Greg Brown, DHM Design



	ACRES	OPEN SPACE (ACRES)	% OPEN SPACE
ENTIRE SITE	9.03	7.853	86.97%

ZONE	ACRES	OPEN SPACE (ACRES)	% OPEN SPACE
HR1	3.57	2.69	75.35%
HRL	0.38	0.343	90.26%

ZONE	ACRES	NO DISTURBANCE/ OPEN SPACE (ACRES)	% NO DISTURBANCE /OPEN SPACE
ESTATE	5.08	4.82	94.88%

ALICE CLAIM

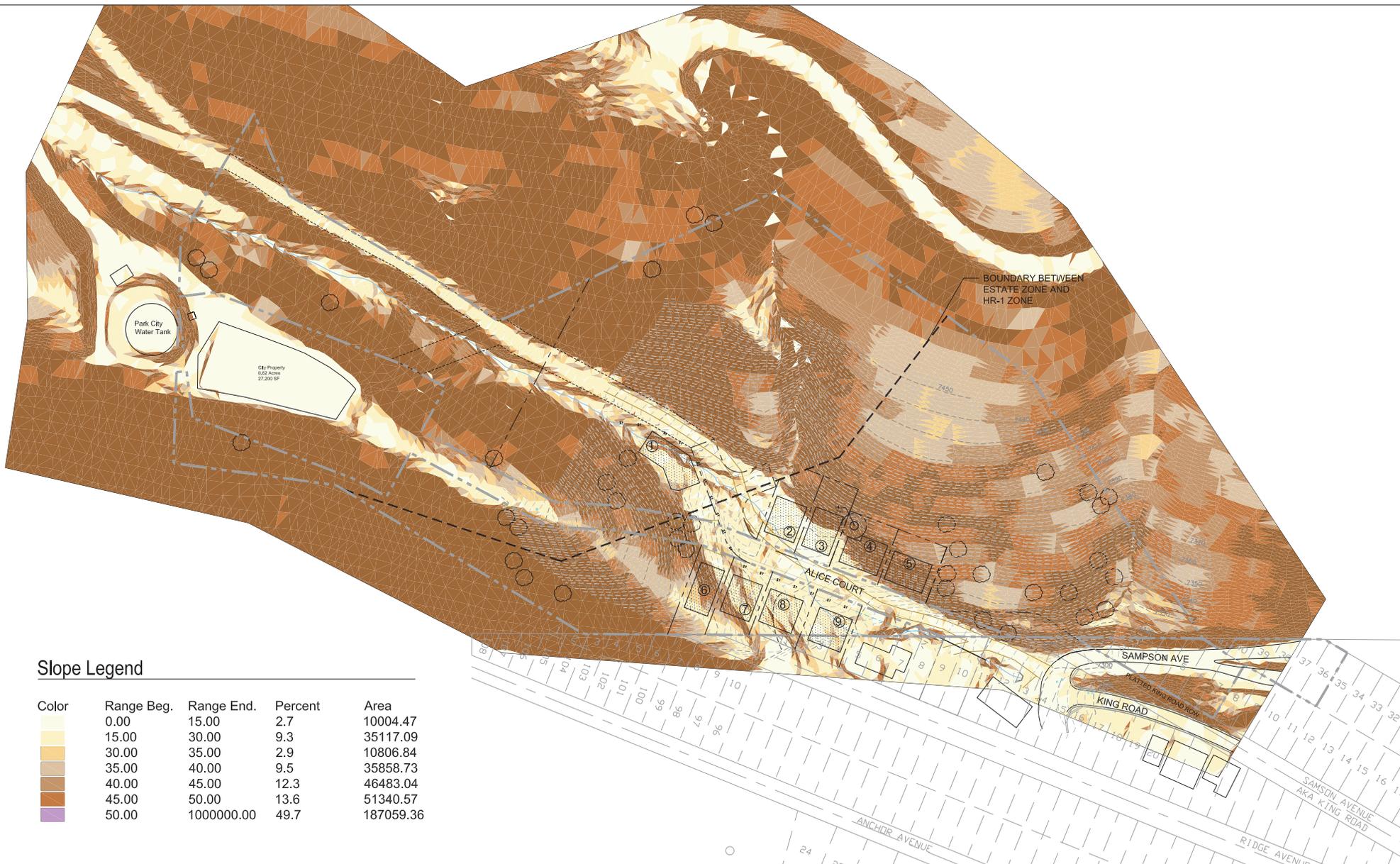
OPEN SPACE AND TRAILS PLAN

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



0 10 50
 5 30 100
 SCALE: 1"=50'-0"
 DATE: MAY 25 2016





Slope Legend

Color	Range Beg.	Range End.	Percent	Area
Lightest Yellow	0.00	15.00	2.7	10004.47
Light Yellow	15.00	30.00	9.3	35117.09
Yellow	30.00	35.00	2.9	10806.84
Light Orange	35.00	40.00	9.5	35858.73
Orange	40.00	45.00	12.3	46483.04
Dark Orange	45.00	50.00	13.6	51340.57
Reddish Brown	50.00	1000000.00	49.7	187059.36

ALICE CLAIM

SLOPE ANALYSIS

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



0 10 50
 5 30 100
 SCALE: 1"=50'-0"
 DATE: FEBRUARY 09 2016





- LEGEND**
- ① Disturbed Areas
 - ② Large Fir Trees, Grasses and Forbs
 - ③ Heavy Scrub Oak
 - ④ Grasses and Forbs
 - Existing Coniferous Tree

ALICE CLAIM

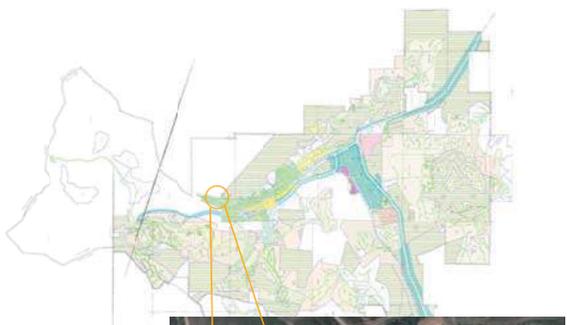
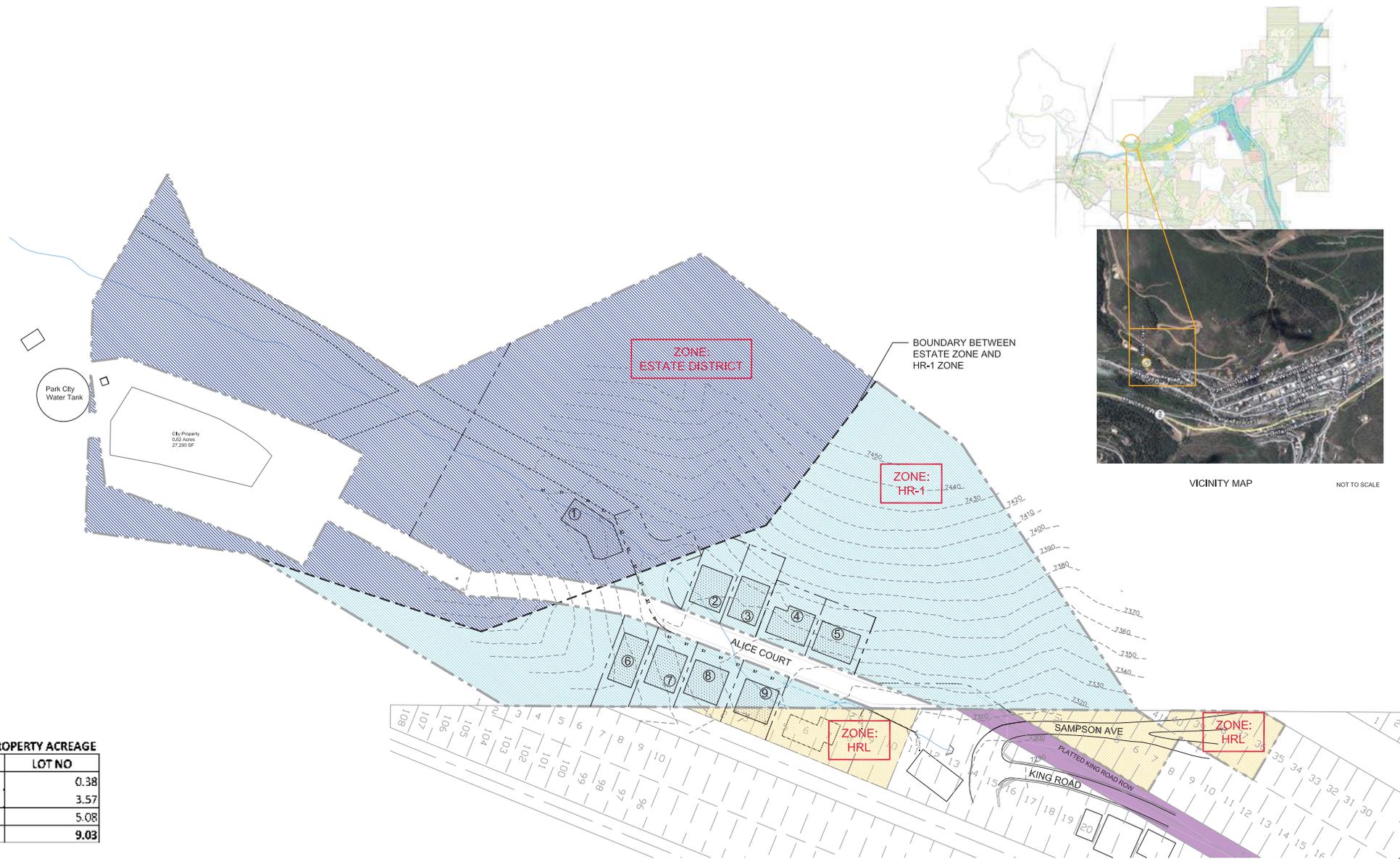
VEGETATIVE COVER

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



0 10 50
 5 30 100
 SCALE: 1"=50'-0"
 DATE: FEBRUARY 09 2016





VICINITY MAP NOT TO SCALE

TOTAL PROPERTY ACREAGE

ZONE	LOT NO	ACREAGE
HRL	0.38	
HR 1	3.57	
FSTATE	5.08	
TOTAL	9.03	

ALICE CLAIM

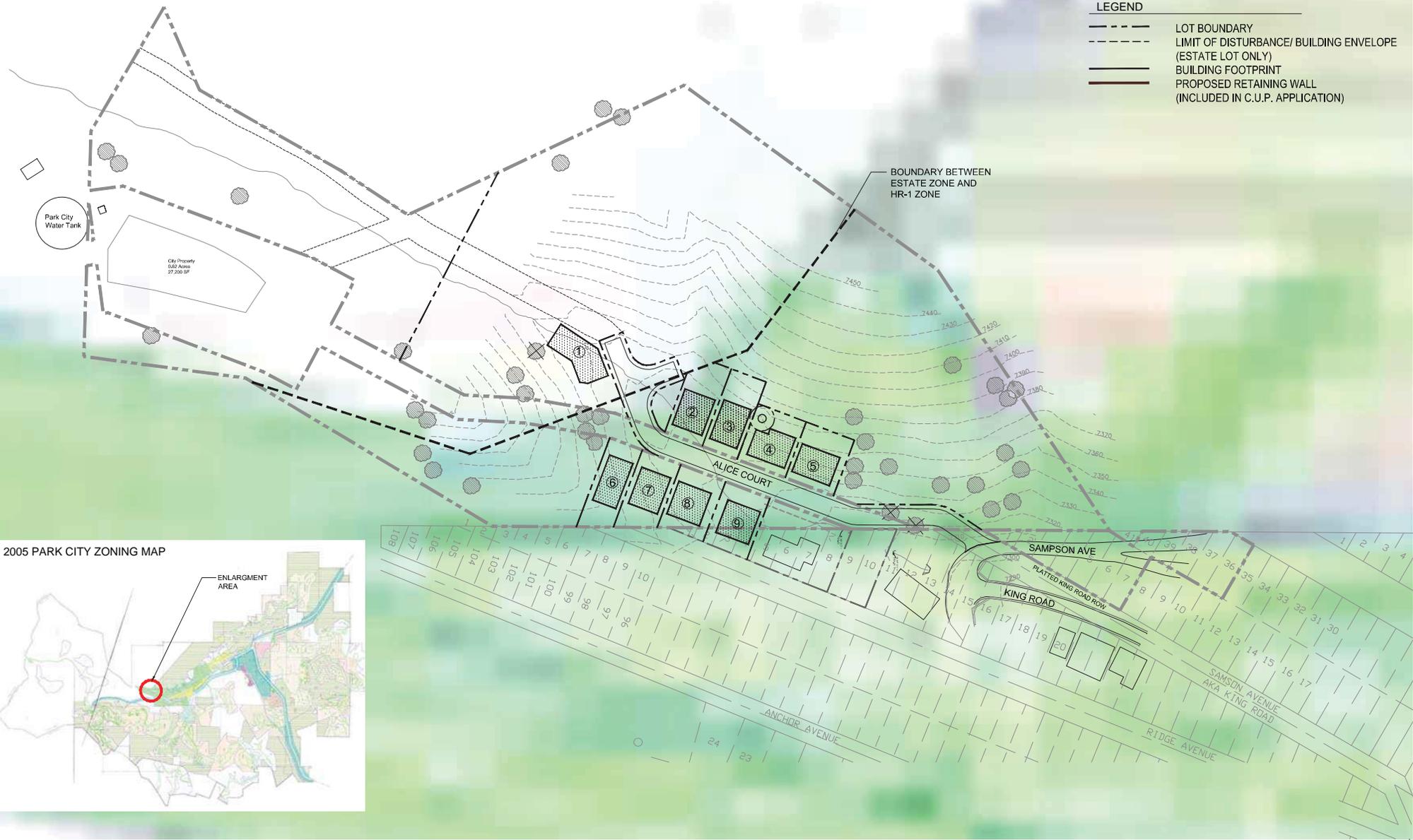
VICINITY & ZONING MAP

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



0 10 50
 5 30 100
 SCALE: 1"=50'-0"
 DATE: FEBRUARY 09 2016





ALICE CLAIM

SITE PLAN WITH ZONING MAP

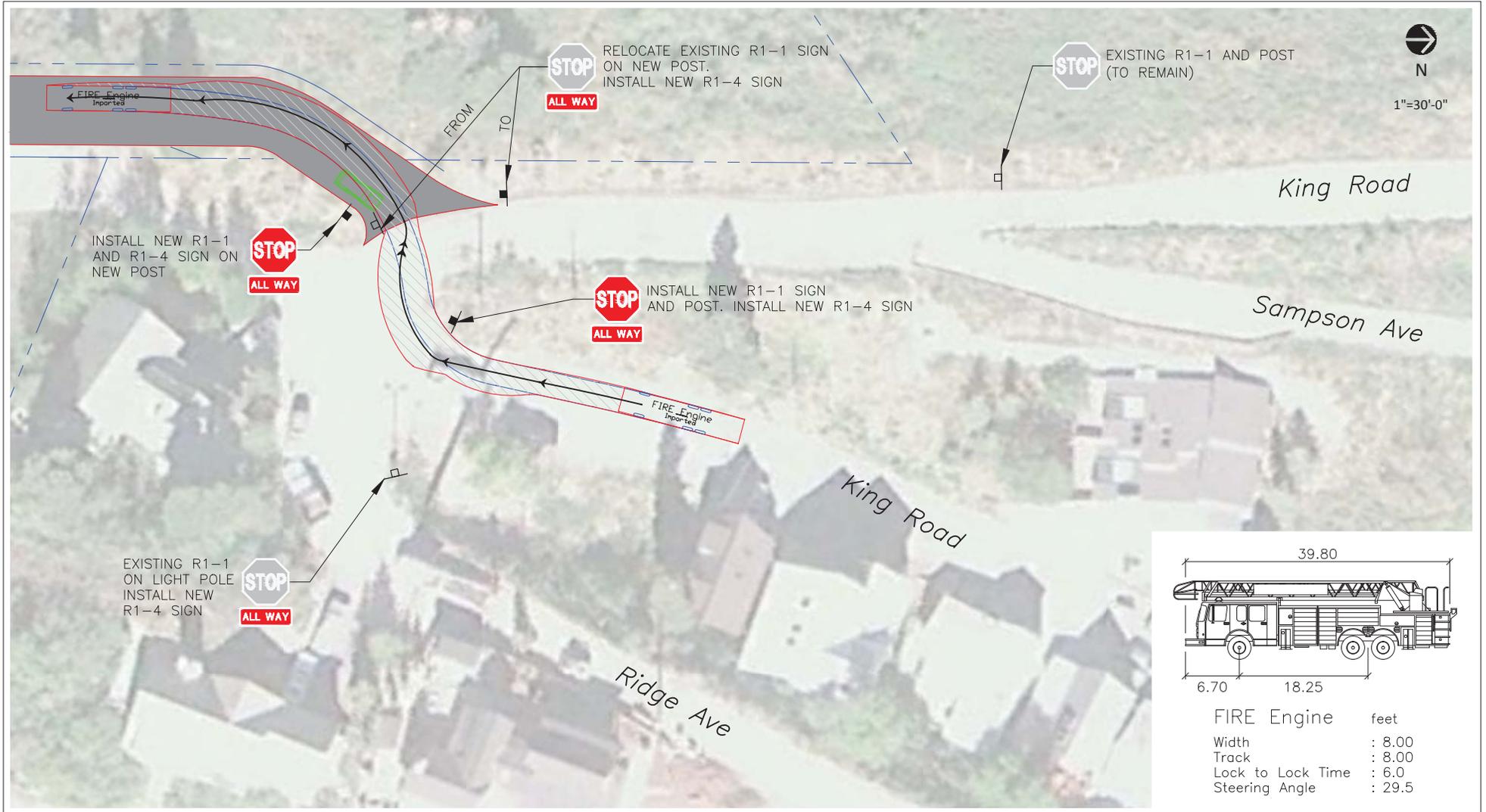
KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



0 10 50
 5 30 100
 SCALE: 1"=50'-0"
 DATE: MAY 25 2016



Exhibit J



February 19, 2016

Alice Claim (aka Alice Lode) Amended Subdivision & Plat Amendment Applications
Project Description and Comparison to Previously Proposed Plans

The Applicant, King Development Group, LLC, requests that the City Staff and Planning Commission review a modified development proposal for the Alice Claim property that has been coined the “Gully Plan.” In the December work session with Planning Commission, the Gully Plan illustrated how all the lots have been relocated to the bottom of the gully comprising the predominate landform of the Alice Claim.

The Gully Plan is for approval of a nine (9) residential lot Preliminary and Final Subdivision Plat on 8.65 acres and for a Plat Amendment on 0.38 acres, located at approximately the intersection of King Road and Sampson Avenue within the City’s Historic Residential Low Density (HRL), Historic Residential (HR-1) and Estate (E) Zone Districts. In addition, the Gully Plan proposes to amend the existing Ridge Avenue Subdivision to “square up” lot 1 (#123) of that subdivision and provide a land swap. The resulting land pattern is much more compatible with the pattern found throughout the historic districts in the City providing good cause for both subdivisions.

The Gully Plan proposes Lots 2-8 that are clustered within a very small portion of the HR-1 District area of the site, each 0.10 acres in size (reduced from 0.19 acres), and each restricted to a maximum 1,750 SF building footprint (reduced from 2,500 SF). Proposed Lot 1 in Alice Claim is within the Estate District, is 3 acres in size, will have a disturbance area of approximately 0.15 acres, has been moved down into the bottom of the gully, and is clustered closer to the other Lots 2-8 within the HR-1 District. The proposed location of the 9 home sites has resulted from input from City Staff and the Planning Commission over 11 years of discussion, nine work sessions, and five public hearings.

The Gully Plan preserves several existing large evergreen trees, moves home sites down into the bottom of the gully, clusters the home sites closely together, reduces the amount of disturbance within the 9 acres, maximizes the open space within the 9 acres, provides trail access, places the lots on less steep areas, and makes the lots compatible with the surrounding neighborhood.

Regarding the Estate Lot 1 building envelope, the applicant has relocated this to a lower, flatter location than shown in previous site plan submittals in response to feedback received from the Planning Staff and Planning Commission. The home site also has been shifted from the location shown at the December 2015 work session away from a large evergreen tree and more congruent with the Lots 2-8 in the HR-1 zone.

Each of the proposed home sites has been remediated with removal and capping of hazardous mine tailings that once polluted Alice Claim, including the City's parcel bisecting Alice Claim. That remediation project was a very successful public/private partnership between the Applicant and the City that cleaned up a heavily contaminated brownfield site for Park City. The City joined as co-applicant with King Development into the State Voluntary Cleanup Agreement, which was based on a nine home development plan consistent with the Gully Plan and had home sites located much farther up the hillside. In exchange, King Development funded 100% of the approximately \$1 million in cleanup costs for not only its land but the City's parcel as well, which had the highest levels of contamination. The joint cleanup has resulted in land that is now ready for the nine home residential development that will financially reimburse the cleanup effort. These Gully Plan home locations are within the area remediated by King Development.

Vehicular access to the property is via the existing platted King Road right of way, which provides legal access to the property. The access road then aligns onto the existing City property along the existing gravel road that then crosses an easement over Applicant's property to the water tank. This road is currently constructed at approximately 14% grade and will be improved within the subdivision with asphalt paving at the same gradient with a maximum of 14% slope. Access to all lots, and to re-platted lot 1 of the Ridge Avenue Subdivision, will be from this road. A 'hammerhead' turn-around designed for emergency vehicles is proposed across from lot 1 of Alice Claim. A modified Conditional Use Permit (CUP) has been requested for the access road retaining walls at the entrance of the property because the three walls are greater than 6' in height. The walls have been stepped back in increments of maximum 10' tall walls with extensive landscape planting proposed between each wall. The walls will be stone veneered as well. A technique using "soil nails" will be used to minimize construction impacts of the walls while also eliminating the need for an extensive footing.

The Applicant has offered to dedicate to the City the 0.38 acre of platted City lots (13 partial or full lots) within the HRL District that contains the existing King Road and potentially developable land. In addition, the Applicant has agreed to work with the City Engineer to make improvements to the existing intersection and potentially using Applicant's land for the same. The Applicant's traffic engineer has demonstrated that the addition of 9 homes in this area has negligible traffic impact. The City Engineer has confirmed this.

As part of the cleanup project, the drainage channel that runs through the site and carries seasonal run off was completely relocated and reconstructed as a rip rap channel. That channel will be piped and relocated beyond 50' from the lot 1 home.

Utility services are located near the entry point to the community and are easily extended onto the site. The Applicant's engineer has studied the projected water pressure to all home sites in the previous plans in

detail and found that all lots will have adequate pressure for domestic use and fire suppression. The newly proposed Gully Plan lowers the homes, some by as much as 70' in elevation, further improving water pressure to the homes. The Applicant's engineer continues to work with the City Engineer to assure utilities for the Alice Claim subdivision will not conflict with the new City water line in accordance with the City standards.

The site is currently used by recreation enthusiasts to access several recreational trails. Access to these trails will be allowed to continue across Alice Claim and enhanced with trail signage and trailhead markers. Additionally, large portions of the site will be platted as open space or no disturbance areas, and prohibited for development. Within the HR-1 zone district, 2.69 acres of land will be designated as no disturbance/open space; this represents 75.4% of the property's total 3.57 acres of HR-1 zone district land. Within the Estate zone district, 4.82 acres of land will be designated as no disturbance/open space; this represents 94.8% of the property's total 5.08 acres of Estate zone district land.

Please note that Lot 9 includes a triangle of land that is currently part of adjoining lot #123 of the Ridge Avenue subdivision. This triangle will be transferred into Alice Claim and become part of Lot 9. There is a corresponding triangle of land within Alice Claim that also is adjacent to lot #123 and will be transferred into lot #123. The owners of both parcels are affiliated companies and have agreed to these transfers, but the transfer will not be completed until after the subdivision plat has been approved by the City Council.

Alice Claim Project Data

- Existing Zoning: Historic Residential Low Density (HRL), Historic Residential (HR-1) and Estate (E) Zone Districts.
- Current Use of Property: Remediated brownfield mine scarred land ready for use as a residential single family home subdivision.
- Land has been previously platted, in part.
- 9.03 acres
- 9 Single family lots proposed; 8 within HR-1 Zone District and 1 within Estate Zone District
- Maximum Building Footprint of 1,750 SF in HR-1 Zone District
- Minimum 2 off-street parking spaces per lot
- Project Access via platted King Road ROW at intersection with Sampson Avenue
- Road within the community will be privately maintained by the HOA
- Utility services are currently available for the community
- Pedestrian trail access will be continued to be allowed and improved
- Proposed dedicated no disturbance/open space in HR1 zone is 2.69acres, which is 75.4% of property's total HR1 land area.

- Proposed no disturbance/open space area of the Estate zone is 4.82 acres, which is 94.8% of the total 5.08 acre Estate zone.

Consistent with past correspondence on this matter, please be advised that in amending its applications with the Gully Plan and presenting it to City Staff and the Planning Commission, King Development is not waiving or otherwise relinquishing any of its rights, claims, causes of action, defenses, or privileges relating to its "Current Plan" that on August 12, 2015 received a negative recommendation from the Planning Commission. In this respect, King Development acknowledges receipt of the email dated October 20, 2015 from Polly Samuels McLean of the Park City Legal Department stating that the "City agrees that you may amend your application back to the [Current] Plan so long as the application is pending."

Thank you for your consideration.

Sincerely,

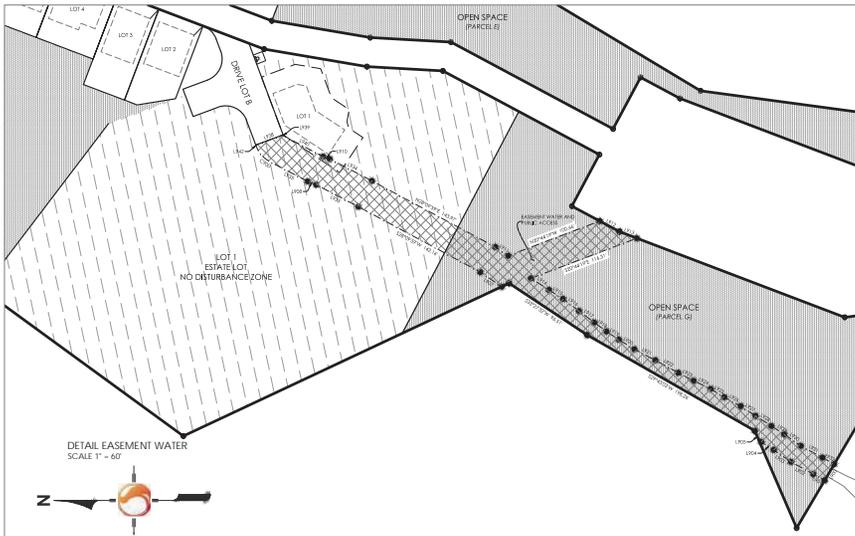
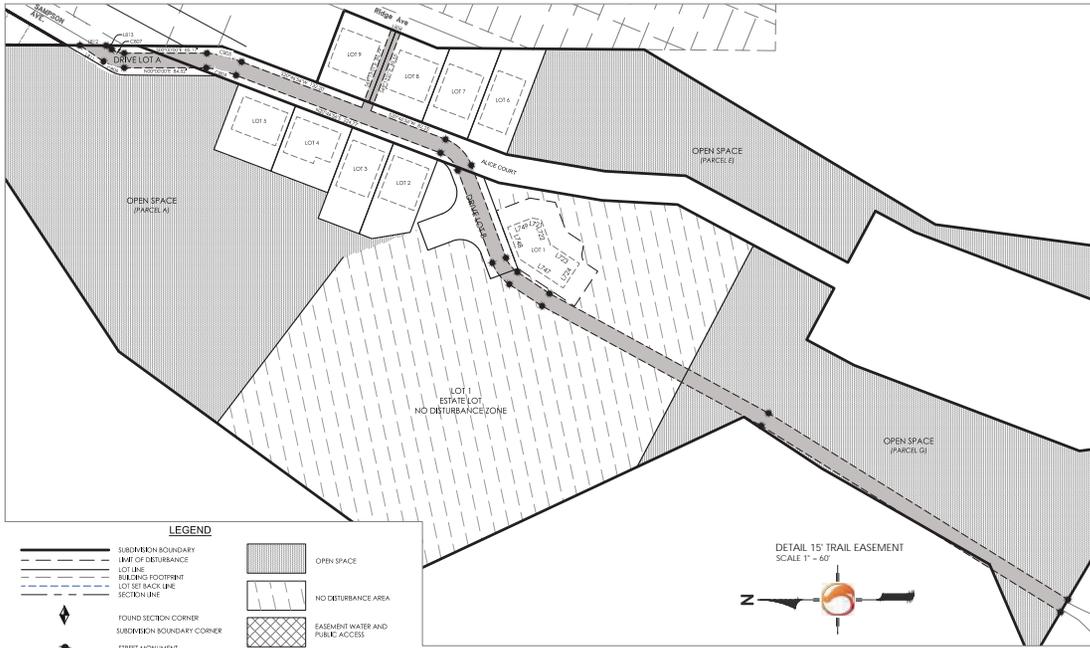


DHM Design Corporation
Marc Diemer, Associate Principal

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.

ALICE CLAIM

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



LINE #	BEARING	DISTANCE
1001	S45°15'00"W	110.07'
1002	N00°00'00"W	40.00'
1003	N00°00'00"W	20.00'
1004	N00°00'00"W	20.00'
1005	N00°00'00"W	20.00'
1006	N00°00'00"W	20.00'
1007	S00°00'00"W	11.00'
1008	N00°00'00"W	11.00'
1009	N00°00'00"W	11.00'
1010	N00°00'00"W	11.00'
1011	N00°00'00"W	11.00'
1012	N00°00'00"W	11.00'
1013	S00°00'00"W	11.00'
1014	S00°00'00"W	11.00'

LINE #	BEARING	DISTANCE
1015	N00°00'00"W	11.00'
1016	N00°00'00"W	11.00'
1017	N00°00'00"W	11.00'
1018	N00°00'00"W	11.00'
1019	N00°00'00"W	11.00'
1020	N00°00'00"W	11.00'
1021	N00°00'00"W	11.00'
1022	N00°00'00"W	11.00'
1023	N00°00'00"W	11.00'

LINE #	BEARING	DISTANCE
1024	N00°00'00"W	11.00'
1025	N00°00'00"W	11.00'
1026	N00°00'00"W	11.00'
1027	N00°00'00"W	11.00'
1028	N00°00'00"W	11.00'
1029	N00°00'00"W	11.00'
1030	N00°00'00"W	11.00'
1031	N00°00'00"W	11.00'
1032	N00°00'00"W	11.00'

LINE #	BEARING	DISTANCE
1033	N00°00'00"W	11.00'
1034	N00°00'00"W	11.00'
1035	N00°00'00"W	11.00'
1036	N00°00'00"W	11.00'
1037	N00°00'00"W	11.00'
1038	N00°00'00"W	11.00'
1039	N00°00'00"W	11.00'
1040	N00°00'00"W	11.00'
1041	N00°00'00"W	11.00'

LINE #	BEARING	DISTANCE
1042	N00°00'00"W	11.00'
1043	N00°00'00"W	11.00'
1044	N00°00'00"W	11.00'
1045	N00°00'00"W	11.00'
1046	N00°00'00"W	11.00'
1047	N00°00'00"W	11.00'
1048	N00°00'00"W	11.00'
1049	N00°00'00"W	11.00'
1050	N00°00'00"W	11.00'

Stantec Consulting Services Inc.
3995 S. 700 E. Ste. 300
Salt Lake City, UT
84105-2640
Tel: 801.261.0090
Fax: 801.566.1671
www.stantec.com

Project Number: P-16-001067
File Name: P-16-001067
Designed By: [Name]
Checked By: [Name]
Date: [Date]
Scale: AS SHOWN
Date Plotted: [Date]

RECORDED # _____
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
CLERK'S OFFICE
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ COUNTY RECORDER

Exhibit M



3995 South 700 East, Suite 300
 Salt Lake City, Utah 84107
 www.stantec.com

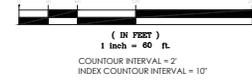
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Owner/Project

KING DEVELOPMENT GROUP LLC
 P.O. BOX 244
 PARK CITY, UTAH 84305



GRAPHIC SCALE



Legend

- CONTOUR MAJOR
- CONTOUR MINOR
- BOUNDARY LINE
- SECTION LINE
- BOUNDARY BE LINE
- ROAD (BT)
- ROAD ASPHALT
- (60) --- EMERGING WATER LINE
- (7400) --- EMERGING STORM DRAIN LINE
- (7400) --- EMERGING SEWER LINE
- (60) --- EMERGING GAS LINE
- (7400) --- EMERGING FENCE LINE
- (7400) --- EMERGING POWER POLE
- (7400) --- EMERGING WATER MANHOLE
- (7400) --- EMERGING WATER VALVE
- (7400) --- EMERGING SEWER MANHOLE
- (7400) --- EMERGING TREE
- (7400) --- EMERGING VEGETATION
- SECTION CORNER

Notes

SURVEYOR'S CERTIFICATE
 I, SHAWN R. VERNON, A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 87462884 IN ACCORDANCE WITH THE LAWS OF THE STATE OF UTAH HEREBY CERTIFY THAT I MADE A TOPOGRAPHY SURVEY AREA SHOWN.

NARRATIVE
 THE PURPOSE OF THIS SURVEY WAS TO MAP THE EXISTING TOPOGRAPHY OF THE BOUNDARY OF ALICE CLAIM. THIS SURVEY WAS PREPARED USING EXISTING TOPOGRAPHIC INFORMATION DATA FROM A 2005 SURVEY COMPLETED BY COLUMBUS AERIAL SURVEYS AND UPDATED IN OCTOBER 2014 BY STANTEC CONSULTING INC.. THE ACCURACY OF THE 2'-FOOT CONTOURS SHOWN IS EQUAL TO ONE-HALF (OR BETTER) THAN THE CONTOUR INTERVAL. THIS IS NOT A BOUNDARY SURVEY PLAN.

Revision	By	Appd.	YYMMDD
1	PARK CITY MUNICIPAL	SRV	SEP 15 2012
Issued	By	Appd.	YYMMDD

Permit Seal



Client/Project
**ALICE CLAIM
 CERTIFIED TOPOGRAPHICAL BOUNDARY SURVEY
 PARK CITY, UTAH**

Project No.	Scale	
205303057	1" = 60'	
Drawing No.	Sheet	Revision
1	1 of 1	0

NORTHEAST CORNER SECTION 21 TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. ACCORDING TO THE DRAWING, THIS MONUMENT APPEARS TO HAVE BEEN LOCATED AT THIS LOCATION SINCE AT LEAST 1867 (SEE MEAS 4 & 5) (SEE MEAS 6 & 7)

POINT OF BEGINNING PARCEL 1

POINT OF BEGINNING PARCEL 2

POINT OF BEGINNING PARCEL 3

POINT OF BEGINNING PARCEL 4

POINT OF BEGINNING PARCEL 5

POINT OF BEGINNING PARCEL 6

POINT OF BEGINNING PARCEL 7

POINT OF BEGINNING PARCEL 8

POINT OF BEGINNING PARCEL 9

POINT OF BEGINNING PARCEL 10

POINT OF BEGINNING PARCEL 11

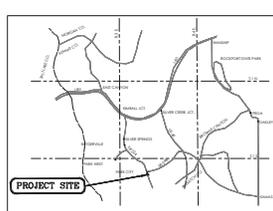
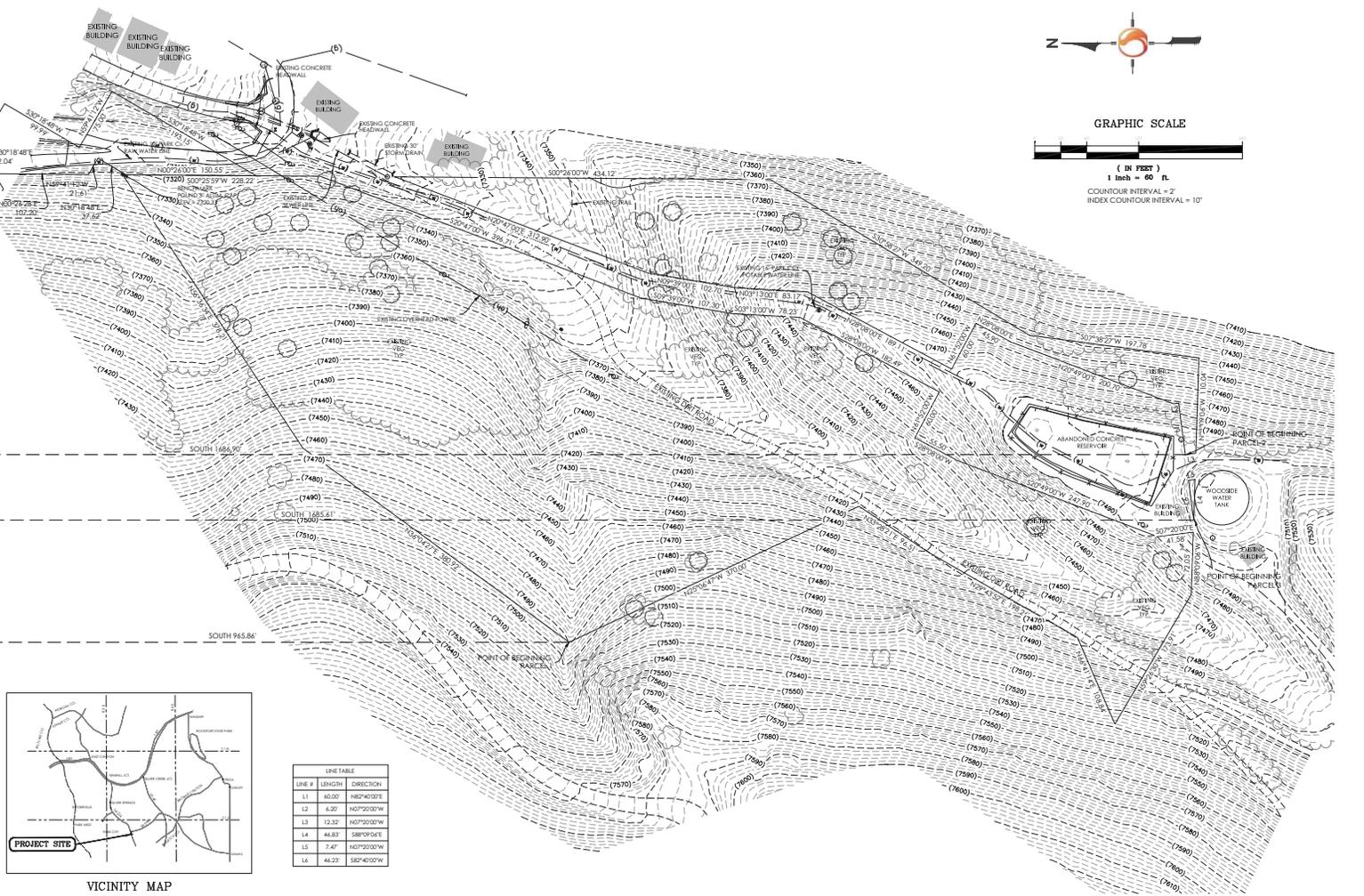
POINT OF BEGINNING PARCEL 12

POINT OF BEGINNING PARCEL 13

POINT OF BEGINNING PARCEL 14

POINT OF BEGINNING PARCEL 15

POINT OF BEGINNING PARCEL 16



LINE#	LENGTH	DIRECTION
L1	60.02	N82°40'00"E
L2	6.20	N02°00'00"W
L3	12.32	N02°00'00"W
L4	46.82	S89°09'00"E
L5	2.47	S02°00'00"W
L6	44.22	S82°40'00"E

Parcel No.1
 A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
 Beginning of a point on Line 6-7 of the Alice Lode, Mineral Survey #3331, said point being also S89°06'26" E 746.50 feet, along the Section Line, and South 945.86 feet from the North Quarter Corner of said Section 21, and running thence, along said Line 6-7 N83°04'27"E 380.92 feet to a point on Line 2-3 of the Newell Lode USL-653; thence, along said Line 2-3, Newell Lode, N54°38'34"E 378.21 feet to a point on the Westerly Boundary Line of Subdivision No. 1 of Millie Reservation (Filed Aug. 13, 1887), thence, along said Westerly Boundary Line, S00°26'00"W 228.22 feet to a point on the Westerly Right-of-Way Line of the Park City Water Company Access Road, thence, along said Westerly Right-of-Way Line, the following four (4) courses: (1) N02°00'00"W 12.32 feet, (2) N82°40'00"E 40.00 feet, (3) N02°00'00"W 6.20 feet, (4) S02°00'00"W 182.49 feet to a point on the Park City Property, thence, along the Westerly Boundary Line of said Park City Property, the following four (4) courses: (1) N61°52'00"W 60.00 feet, (2) S28°00'00"W 55.50 feet, (3) S02°49'00"W 247.90 feet, (4) S02°00'00"W 41.58 feet to a point on Line 1-2 of the Park View Lode USL-655; thence, along said Line 1-2, Park View Lode, N88°09'06"W 72.05 feet to a point on Line 1-2 of said Alice Lode M5-3331; thence, along said Line 1-2, Alice Lode, N59°06'30"W 189.25 feet to a point on Line 1-2 of the Huron Mine Lode USL-256; thence, along said Line 1-2, Huron Mine Lode, N66°41'14"E 108.84 feet to Post #1 of said Huron Mine Lode; thence N22°43'52"E 198.26 feet; thence N32°26'21"E 96.51 feet; thence N29°06'47"W 378.00 feet to the Point of Beginning.
 Containing 310,925 square feet or 7.138 acres.

Parcel No.2
 A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
 Beginning of a point on the Easterly Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89°06'26"E 944.94 feet, along the Section Line, and South 1686.90 feet from the North Quarter Corner of said Section 21, and running thence, along said Easterly Boundary Line, the following six (6) courses: (1) N02°00'00"W 12.32 feet, (2) N82°40'00"E 40.00 feet, (3) N02°00'00"W 6.20 feet, (4) N02°49'00"E 200.70 feet, (5) N28°06'00"E 45.91 feet, (6) N41°52'00"W 60.00 feet to the Easterly Right-of-Way Line of the Park City Water Company Access Road; thence, along said Easterly Right-of-Way Line of the Subdivision No. 1 of Millie Reservation (dated 04/25/1887), thence, along said Westerly Boundary Line, S00°26'00"W 434.12 feet to a point on Line 3-4 of the Alice Lode Mineral Survey #3331; thence, along said Line 3-4, Alice Lode, S30°58'27"W 249.20 feet to Corner #3 of said Alice Lode M5-3331; thence, along Line 2-3, Alice Lode, S07°38'27"W 197.78 feet to a point on said Line 1-2 of the Park View Lode USL-655; thence, along said Line 1-2, Park View Lode, N88°09'06"W 110.04 feet to the Point of Beginning.
 Containing 65,741 square feet or 1.509 acres.

Parcel No.3
 A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
 Beginning of a point on the Southerly Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89°06'26"E 887.76 feet, along the Section Line, and South 1485.61 feet from the North Quarter Corner of said Section 21, and running thence, along said Southerly Boundary Line, the following two (2) courses: (1) N82°40'00"E 46.23 feet, (2) S75°00'00"E 7.47 feet to a point on said Line 1-2 of the Park View Lode; thence, along said Line 1-2, Park View Lode, N88°09'06"W 48.83 feet to the Point of Beginning.
 Containing 173 square feet or 0.004 acres.

Parcel No.4
 A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
 Lots 1 through 7 inclusive and Lots 34 through 40 inclusive, block 77, Millie Reservation to Park City, according to the official plat thereof filed in the office of the Summit County Recorder, being more particularly described as follows:
 Beginning of a point on the Westerly Boundary Line of Subdivision No. 1 of Millie Reservation (dated 04/25/1887), said point being also on the Northwesterly Line of Lot 37 of said Millie Reservation, said point being also S89°06'26"E 1282.78 feet, along the Section Line, and South 294.60 feet from the North Quarter Corner of said Section 21, and running thence, along said Northwesterly Line of Lot 37 and Lot 34, N38°16'45"E 32.08 feet to the Northern Corner of said Lot 36, thence along the Northwesterly Line of said Lot 36, S59°41'12"E 75.00 feet to the Easterly Corner of said Lot 36; thence, along the Southerly Line of Lot 36 through 39 inclusive of said Millie Reservation, S39°18'48"W 99.99 feet to the Northern Corner of Lot 7 of said Millie Reservation; thence, along the Northwesterly Line of said Lot 7, S59°41'12"E 75.00 feet to the Easterly Corner of said Lot 7; thence, along the Southerly Line of Lot 7 through 1 inclusive of said Millie Reservation, S39°18'48"W 193.15 feet to the Southerly Corner of Lot 1 and of said Westerly Boundary Line of Millie Reservation; thence, along said Westerly Boundary Line, N02°43'00"E 150.50 feet to the Southerly Corner of Lot 41 of said Millie Reservation; thence, along the Southerly and Northwesterly Lines of said Lot 41, the following two (2) courses: (1) N09°18'48"E 37.42 feet, (2) N69°41'12"W 21.61 feet to said Westerly Boundary Line of Millie Reservation; thence, along said Westerly Boundary Line, N02°26'00"E 107.16 feet to the Point of Beginning.
 Containing 14,486 square feet or 0.378 acres.

April 29, 2016

Alice Claim (aka Alice Lode) Modified CUP Application

Project Description and Comparison to Previously Proposed Plans

The Applicant, King Development Group, LLC, requests that the City Staff and Planning Commission review a modified Conditional Use Permit (CUP) concurrently with an amended Alice Claim Subdivision (the Gully Plan) and corresponding Plat Amendment applications.

Vehicular access to the property is via the existing platted King Road right of way, which provides legal access to the property. This road will require retaining walls that are in some locations greater than 6 feet in height, thereby requiring a CUP per the Land Management Code (LMC). The CUP Application has been modified in the following manner from the previous application that was denied in October 2015:

- The wall has been broken into three tiers that are each a maximum 10 feet tall with landscape planting areas between each wall section as suggested by Planning Staff as adequate visual mitigation.
- An additional 20% of the tree planting to what was originally identified is now proposed as suggested by Planning Staff as adequate visual mitigation.
- These walls will be constructed by the process of “soil nailing” and overlaid with a decorative stone veneer. This process is less disruptive to existing vegetation above the walls and does not require extensive footings that could have interfered with utilities in Alice Court roadway at the base of the walls.
- The walls have been extended around the corner created by the intersection with King Road. This is proposed in order to widen King Road in the area with the goal of improving the existing condition of King Road as well as improving visibility for the proposed Alice Court entry drive.

The Applicant has offered to dedicate to the City the 0.38 acre of platted City lots (13 partial or full lots) within the HRL District that contains the existing King Road and potentially developable land. In addition, the Applicant has agreed to work with the City Engineer to make improvements to the existing intersection and potentially using Applicant’s land for the same. A proposed intersection improvements plan is included in the review packet. The Applicant’s traffic engineer has

demonstrated that the addition of 9 homes in this area has negligible traffic impact, and the City Engineer has confirmed this.

Consistent with past correspondence on this matter, please be advised that in amending its applications with the Gully Plan and presenting it to City Staff and the Planning Commission, King Development is not waiving or otherwise relinquishing any of its rights, claims, causes of action, defenses, or privileges relating to its "Current Plan" that on August 12, 2015 received a negative recommendation from the Planning Commission and its prior CUP application that was denied by the Planning Commission. In this respect, King Development acknowledges receipt of the email dated October 20, 2015 from Polly Samuels McLean of the Park City Legal Department stating that the "City agrees that you may amend your application back to the [Current] Plan so long as the application is pending."

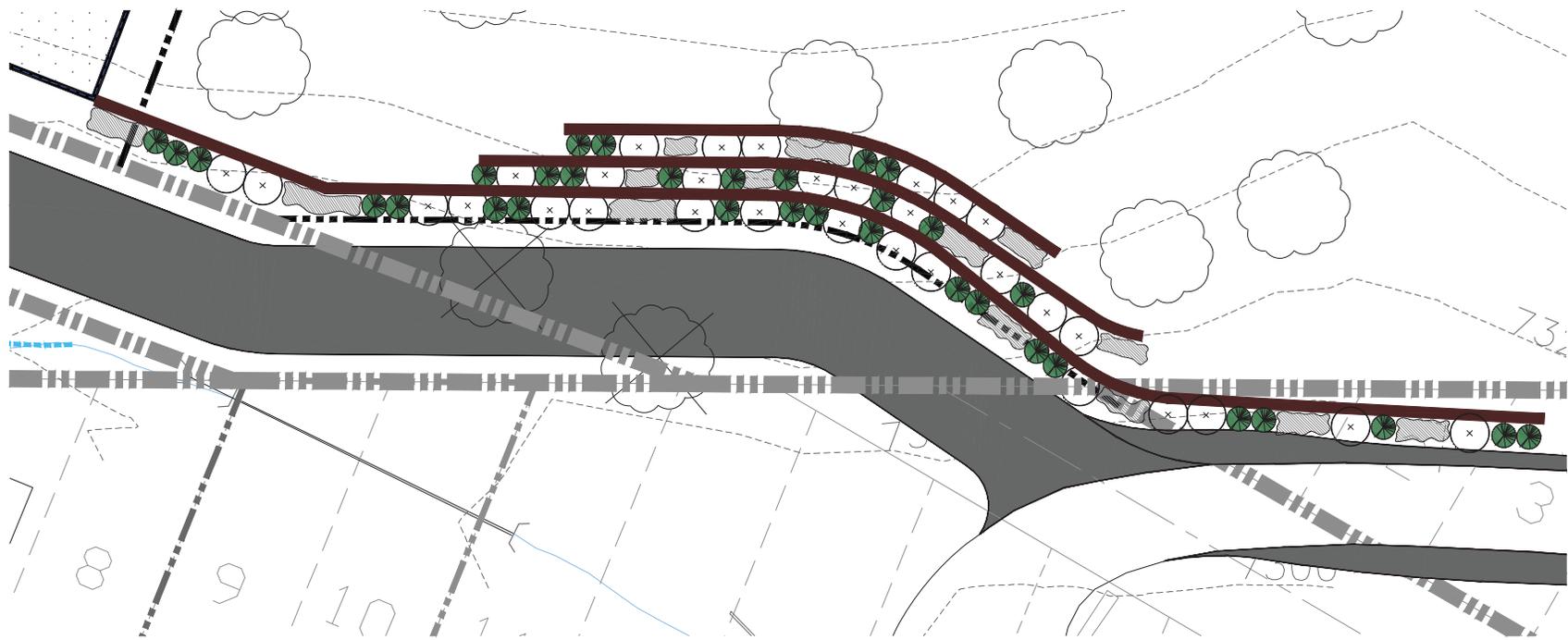
Thank you for your consideration.

Sincerely,



DHM Design Corporation
Marc Diemer, Associate Principal

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.



LEGEND

-  EXISTING CONIFEROUS TREE TO BE REMOVED
-  EXISTING CONIFEROUS TREE TO REMAIN
-  PROPOSED DECIDUOUS TREE
-  PROPOSED CONIFEROUS TREE
-  PROPOSED SHRUB

ALICE CLAIM

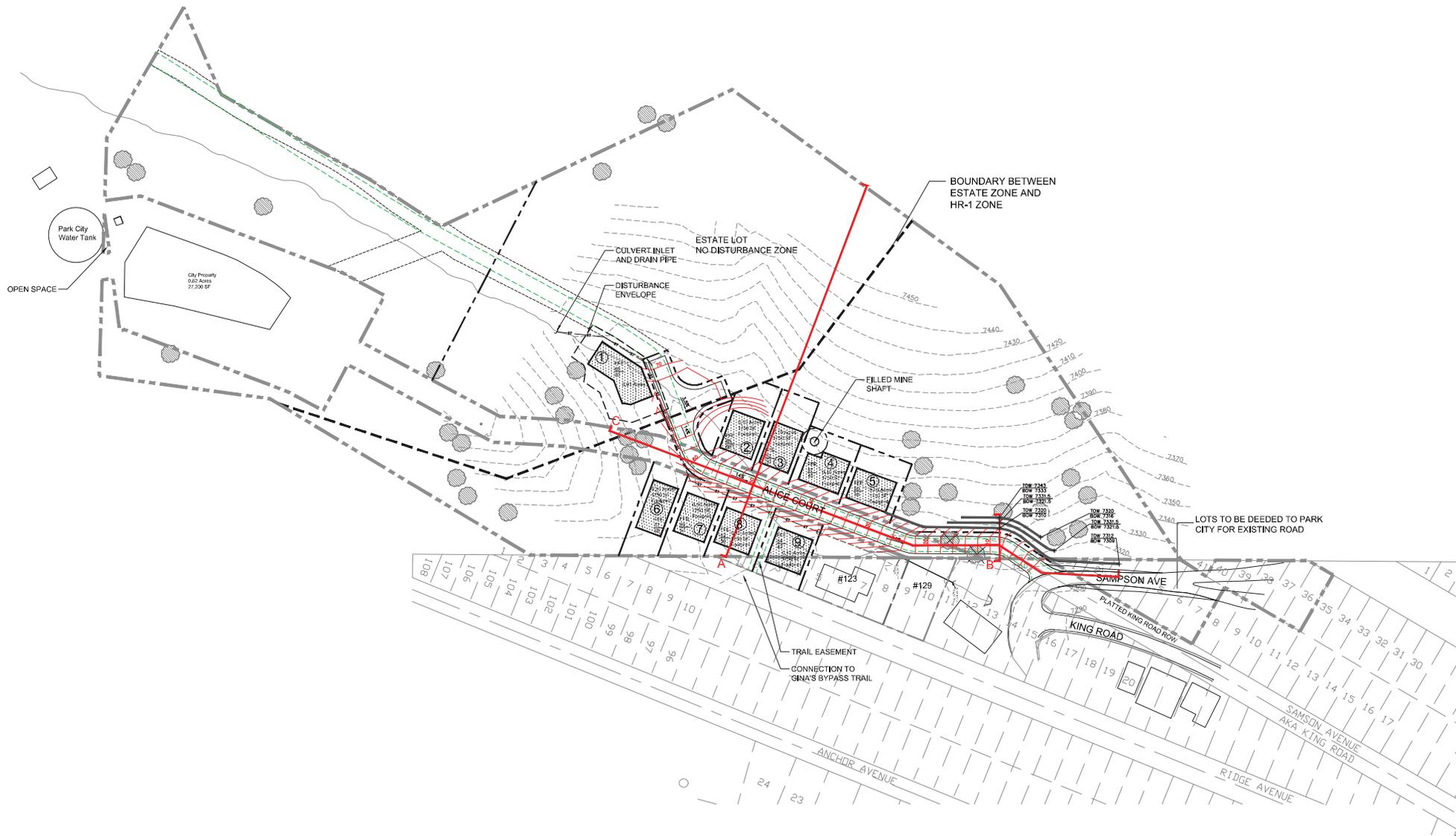
LANDSCAPE MITIGATION OF SITE WALLS PLAN

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



0 5 10 20
 SCALE: 1"=10'-0"
 DATE: MAY 25 2016

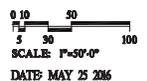


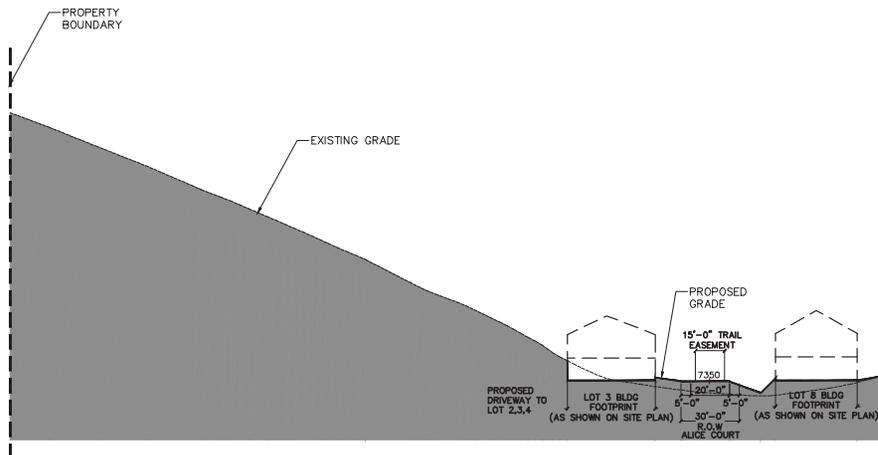


ALICE CLAIM

SITE SECTIONS KEY MAP

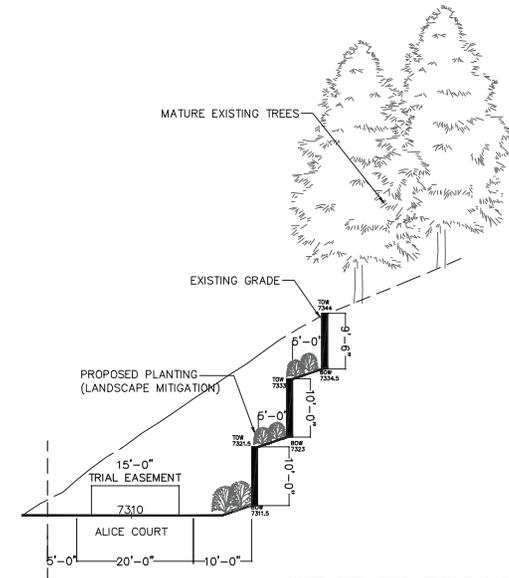
KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060





SECTION A

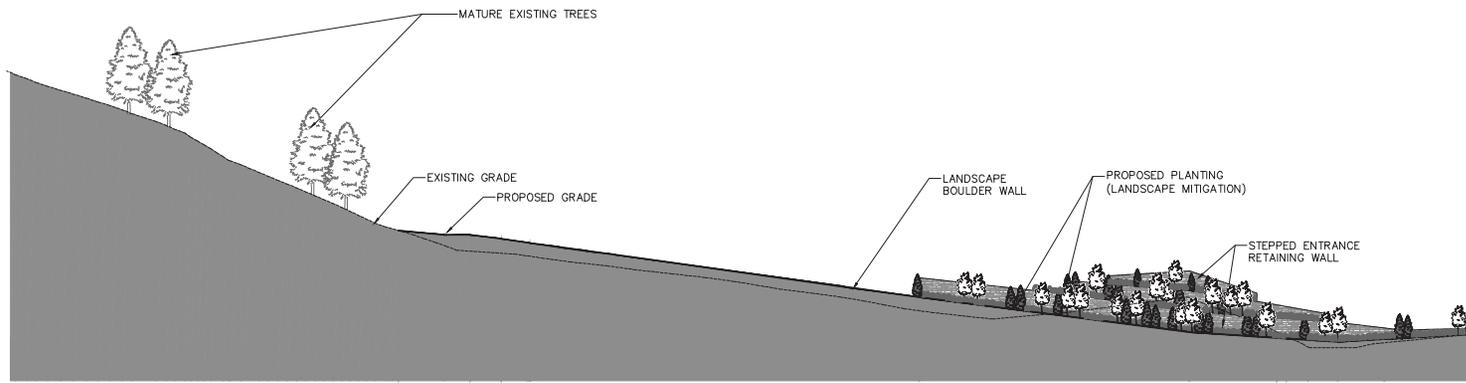
SCALE: 1"=30'



SECTION B (ENTRY WALL)

SCALE: 1"=10'

NOTE: CUP APPLICATION WALLS



SECTION C

SCALE: 1"=30'

ALICE CLAIM

SITE SECTIONS

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



DATE: MAY 25 2016

February 19, 2016

**Ridge Avenue Subdivision Amendment Application associated with the
Alice Claim (aka Alice Lode) Amended Subdivision & Plat Amendment Applications**

Project Description and Comparison to Previously Proposed Plans

The Applicant, 123-129 Ridge, LLC , requests that the City Staff and Planning Commission review a Subdivision Plat Amendment for the Ridge Avenue Subdivision. Applicant owns Lot 1 (#123) and Lot 2 (#129) of that Subdivision. Applicant proposes a change to just Lot 1 (#123). Applicant is affiliated with King Development Group, LLC, the proponent of the Alice Claim Subdivision.

The proposed amendment “swaps” a 2,057 square foot triangular portion of Lot 1 (#230)) with corresponding 2,057 square foot triangular portion of Lot 9 of the proposed Alice Claim Subdivision.

Lot 9 includes a triangle of land that is currently part of adjoining lot #123 of the Ridge Avenue subdivision. This triangle will be transferred into Alice Claim and become part of Lot 9. There is a corresponding triangle of land within Alice Claim that also is adjacent to lot #123 and will be transferred into lot #123. The owners of both parcels are affiliated companies and have agreed to these transfers, but the transfer will not be completed until after the subdivision plat has been approved by the City Council.

There is no increase or reduction in the size of either subdivision. The resulting reconfiguration allows for more buildable and livable lots 8 and 9 in the Alice Claim Subdivision while at the same time “squaring up” these lots and lot #123 of the Ridge Avenue Subdivision. This land pattern is much more compatible with the pattern found throughout the historic districts in the City providing good cause for both subdivisions.

Thank you for your consideration.
Sincerely,



DHM Design Corporation
Marc Diemer, Associate Principal

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.

TOPOGRAPHICAL BOUNDARY SURVEY

RIDGE AVENUE SUBDIVISION LOT 1

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

SURVEYOR'S CERTIFICATE

I, Gregory A. Cates, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 161226 as prescribed by the laws of the State of Utah. I further certify that this survey was made by me or under my direct supervision, and I have made a survey of the tract of land as shown on this survey.



DATE _____ Gregory A. Cates
P.L.S. 161226

LEGAL DESCRIPTION

All of Lot 1 of the Ridge Avenue Subdivision recorded as Entry No. 444460 in the Summit County Recorder's Office, being more particularly described as follows:

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said parcel being more particularly described as follows:
Beginning at a point on the West Boundary Line of said Ridge Avenue Subdivision, said point being also the Northeast Corner of said Lot 1, said point being also S89°06'26"E, along the Section Line, 1284.30 feet and South 752.00 feet from the North Quarter Corner of said Section 21 and running thence, along the Northeastly Line of said Lot 1, S69°12'24"E 83.20 feet to the Northeastly Corner of said Lot 1 and the Westly Right-of-Way Line of Ridge Avenue; thence, along said Westly Right-of-Way Line, S22°07'46"W 207.18 feet to the Southwesterly Corner of said Lot 1; thence, along the Westly Boundary Line of said Ridge Avenue Subdivision, N02°04'07"E 225.12 feet to the Point of Beginning.

Contains: 3,703 Square Feet or 0.20 Acres.

NARRATIVE

The Basis of Bearings of this Plat is between two existing Section Corner Monuments, the Bearing between the Northeast Corner and the North Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, is N69°12'24"E, as measured in the field.

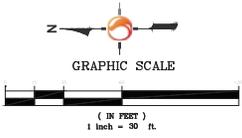
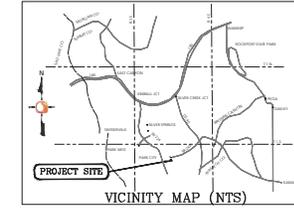
The purpose of this plat is to show Lot 1, as shown on the original plat of Ridge Avenue Subdivision as recorded December 15, 1995, Entry No. 444460 in the Summit County Recorder's Office.

The dimensions shown in parentheses as record on this plat are taken from said recorded Ridge Avenue Subdivision plat, which shows the distances to be calculated, rather than measured or record.



LEGEND:

---	PROPERTY LINE
---	EASEMENT LINE
---	SANITARY SEWER
---	WATER LINE
---	RAW WATER LINE
---	OVERHEAD POWER LINE
---	GAS LINE
---	MAJOR CONTOUR
---	MINOR CONTOUR
●	PINE TREE



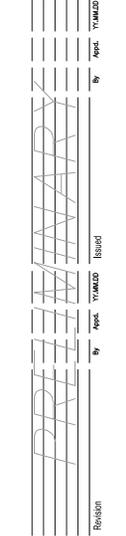
NORTHEAST CORNER SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
FOUND 3.3" DIAMETER
IRON PIPE BY REEDED TOP
THE MONUMENT APPEARS TO
HAVE BEEN EXCAVATED AT THIS
LOCATION SINCE AT LEAST 1907
(SEE 88-9466 & 8782)

1284.30

58°10'20" E, 2,492.70' MEAS. 2,035'
N 71°12'00" E, 1,000.00' MEAS. 1,000'
EAST 2,605.8' FROM 1907

1284.30

NORTH 1/4 CORNER SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
2" 1/4" DIA. ALUMINUM CAP 2" 1/2" ALUMINUM
PIPE WITH ASSISTED 1000' AND 1000' BY CIVIC WORKERS IN
1951 AND 1958 FROM CORNERS 1 OF 88-90, 8658 AND 1 OF
88-9000

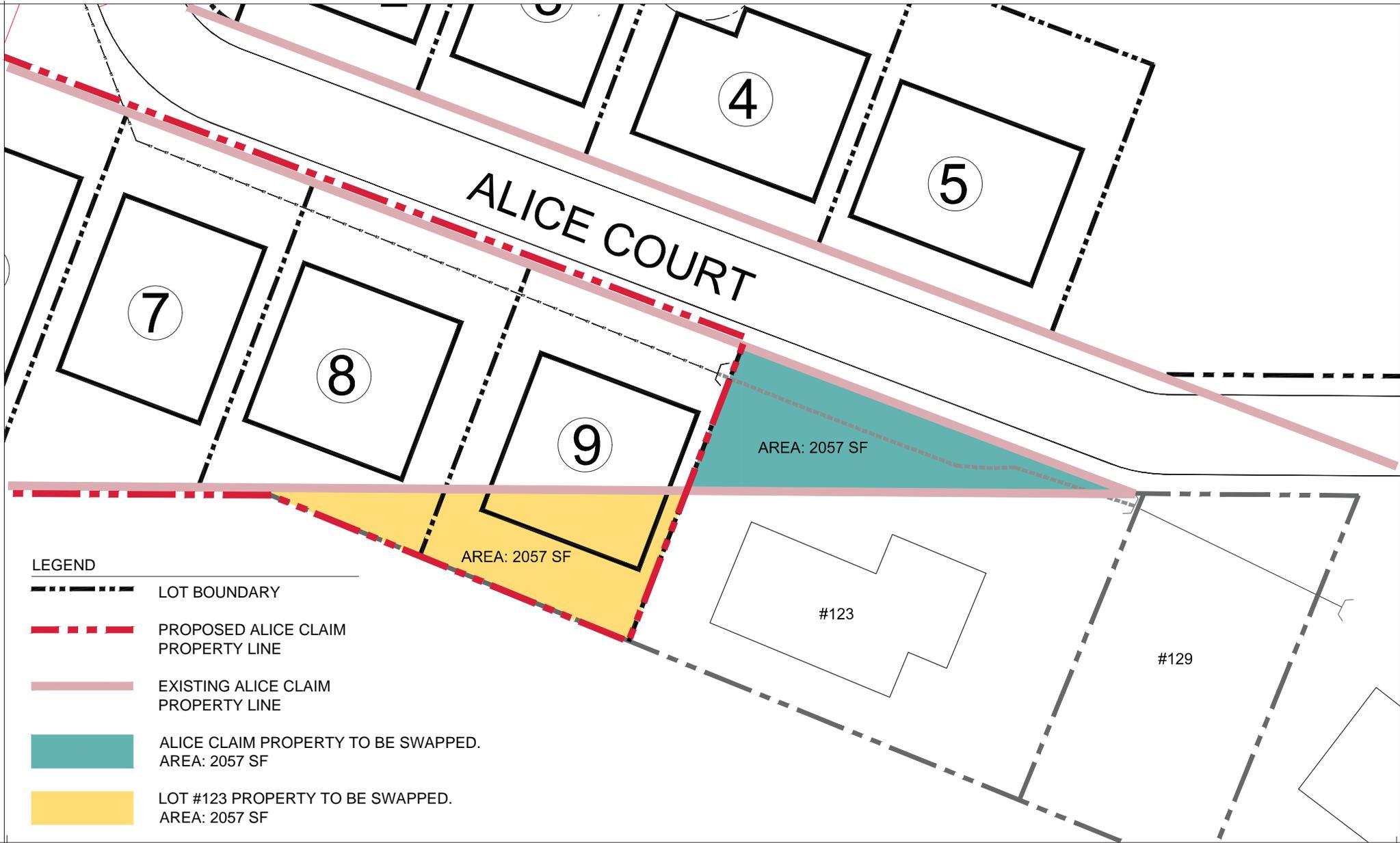


Client/Project
Ridge Avenue Lot 1
Teach Law Offices, PC
Section 21, T2S, R4E, S16B&M
Park City
Summit County, Utah
This
TOPOGRAPHICAL BOUNDARY SURVEY

Permit/Seal

Project Number:	205303057
File Name:	020726_161.dwg
GAC:	SB GAC 16/09/25
Dep.:	Chis Cagn YVM/MD

Revision Sheet



LEGEND

-  LOT BOUNDARY
-  PROPOSED ALICE CLAIM PROPERTY LINE
-  EXISTING ALICE CLAIM PROPERTY LINE
-  ALICE CLAIM PROPERTY TO BE SWAPPED. AREA: 2057 SF
-  LOT #123 PROPERTY TO BE SWAPPED. AREA: 2057 SF

ALICE CLAIM

**PROPERTY SWAP
DIAGRAM ENLARGEMENT**

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



0 5 10 20
SCALE: 1"=10'-0"
DATE: FEBRUARY 09 2015



17 June 2016

Francisco Astorga
Park City Planning Department
Via email: fastorga@parkcity.org

REGARDING: Proposed Density/Number of Lots for Alice Claim

Dear Francisco,

I write on behalf of King Development Group, LLC. Since King first filed its application in 2005, density has been raised and resolved in past work sessions and hearings with the Commission and has been resolved with the City Legal Department, but perhaps planning staff and the current Commission is unfamiliar with that historical record. During the May 25, 2016 hearing on Alice Claim, Commissioners once again asked about allowed density and if 9 lots are allowed on this site. With that in mind, set forth below is a summary along with attached supporting documentation for your review and for inclusion into the Commissioner information packet for the July 13, 2016 hearing.

1. The Alice Claim application was deemed complete for purposes of vested rights in 2005 and is subject to the 2004 LMC provisions regarding density.
2. The Staff report dated July 27, 2005 (attached) tabulated a maximum allowed density of 56 lots for the project, 41 of those lots within the HR-1 zone district. The report provided clarification that factors such as grading, vegetation protection, steep slope and access will reduce the ultimate LMC/Subdivision Code compliant density. The Applicant has demonstrated that the 9 proposed lots are Code compliant and are clearly within the 56 lot maximum allowed density.
3. The memorandum dated October 30, 2008 by the Applicant's attorney (attached) provides a detailed analysis of the vested density at the time of the 2005 complete application. In summary, this memo concludes that the Planning Commission or City Council may not reduce density below that permitted in the underlying zones, but may only adjust the dimensions of lots, the location, and other adjustments for good, efficient planning. In other words, the underlying zoning sets the maximum number of lots, and the Planning Commission and City Council defines their size, and their location based on the Code and best planning practices. The Applicant has proven that the 9 lots proposed meet the requirements of the Code and the requested "Gully Plan" meets the direction provided by Staff and the Planning Commission to meet best planning practices.
4. The email dated January 20, 2009 from the City Legal Department (attached) states that "Staff agrees that the underlying density allows for the 9 lots" and continues "however any lots must meet the subdivision and all other criteria of the Land Management Code, and the location and potential development impacts need to be approved by the Planning Commission and City Council." The Applicant has proven that the 9 lots proposed meet the requirements of the Code and the requested "Gully Plan" meets the direction provided by Staff and the Planning Commission in regards to lot locations and minimizing potential development impacts.
5. The property currently has 16 lots of record made up of 14 full and partial lots within the platted HR-L zone district and 2 lots within the metes and bounds parcel (attached). The platted HR-L parcel is encumbered by existing unplatted roads, yet still retains space for potential home sites. The Applicant has offered to deed this land to the City, but until final approval, the property has vested rights to the existing plat.

DHM DESIGN

In Planning Commission work sessions and hearings prior to presentation of the pending Gully Plan, the Commissioners have commented that the rejected plan was not compatible with the underlying zoning on grounds that it did not meet the land use pattern of the HR-1 lots within the city. Several Commissioners stated in the May 25 hearing that the new Gully Plan is now compatible. The Applicant contends that a certain density of homes are needed to provide the HR-1 land use pattern, and based on the site conditions, including existing homes in the adjoining subdivision, the 9 homes in the Gully Plan provides the land use pattern requested, as well as meeting the requirements of the Code. A lesser number of lots would not create the desirable land use pattern as currently zoned HR-1.

The proposed development is for 9 lots on 9.03 acres, a density of 1DU/acre. Within only the HR-1 zone district the plan proposes 8 lots on 3.57 acres, a density of 2.2DU/acre. These extremely low densities provide a significant amount of open space, 7.85 acres across the entire site which equates to 86.9%. Within only the HR-1 zone district, the area platted as open space equals 2.69 acres which equates to over 75% open space.

The Applicant contends that the proposed development plan provides a density that is well within the limits of the underlying zoning, meets the criteria of the Code, establishes the land pattern of the underlying HR-1 zoning, and yet still establishes and protects a significant portion of the site as open space.

Finally, the Applicant has explained many times to the Planning Commission, Legal Department, and Planning Staff that equitable considerations support the 9-home density for Alice Claim. The Applicant would never have spent \$1 million in the middle of The Great Recession to complete the voluntary cleanup if it had no assurance from Park City of developing nine homes to recover King's cleanup costs. As a Voluntary Cleanup Co-Applicant with King in cleaning up the Park City parcel in Alice Claim and King's property, the City manifested its approval of developing nine homes in Alice Claim. King Development's substantial change in position by incurring all of cleanup costs of \$1 million bars Park City from reducing the 9 lot density of the Gully Plan.

With this information we request that you clearly state in your staff report that the proposed density is well within the vested rights of the property.

Respectfully,
Marc Diemer
Associate Principal



DHM Design Corporation

Gregg E Brown
Director of Special Projects



DHM Design SMA

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.

Planning Commission Staff Report



Subject: ALICE LODGE
Date: July 27, 2005
Type of Item: Administrative; Subdivision

RECOMMENDATION: Staff recommends that the Planning Commission review the proposed subdivision as a work session item and provide the applicant and staff with direction.

DESCRIPTION

Project Name: Alice Lode Subdivision
Project Planner: Ray Milliner
Applicant: Jerry Fiat
Location: Woodside Gulch, from King Road
Zone: Historic Residential (HR-1), Historic Residential Low (HRL), Estate (E).

BACKGROUND

On May 23 2005, the applicant submitted a subdivision application for a 9 lot subdivision at the Alice Lode, located in Woodside Gulch above the intersection of Ridge Avenue and King Road. The property is currently a series of mining claims and metes and bounds parcels consisting of approximately 8.8 acres. It is located at an intersection of the HRL, HR-1 and Estate zones. Bisecting the property is the City owned water facility, including an abandoned water tank, an in-use water tank, and an active pipeline in a narrow strip of land leading to the intersection of Ridge and King (used for the pipeline). There is an existing gravel road running up Woodside Gulch to the City water tanks that provides access.

The property was historically used as a mining operation for ore extraction and processing from 1900-1920. The buildings and machinery used in the operation are now gone, but the hazardous tailings remain. In July of 2002 staff received an application for a 5 lot subdivision of the property (it was withdrawn prior to any hearing by the Planning Commission). At that time, an analysis of the property was conducted indicating that a large portion of the site exceeds minimum Federal regulations for hazardous materials. An application was filed for Brownfield (a federally funded grant program that provides communities with money to clean-up waste repositories) grant money to aid in the reclamation of the site. The application was denied by the Federal regulators.

ANALYSIS

The applicant is proposing a 9 lot subdivision on 8.8 acres. The site rises from a flat canyon bed up a steeply pitched hillside with significant evergreen and deciduous vegetation. The applicant is proposing that access to the property come from a road/driveway that would be cut from the intersection of King Road and Sullivan Avenue, switching back and running south toward the City owned water tanks where it would terminate with a cul-de-sac (see attached subdivision plan). All proposed units would have access from that road. The applicant is proposing 6 lots in the HR-1 zone, 2 in the HRL zone and 1 in the Estate zone. Because the applicant is proposing 9 lots (10 lots trigger MPD review), the requirements of the MPD section of the LMC are not applicable; rather, the applicant will be subject to the review of the HR-1 zone, HRL zone, Estate zone, Chapter 7, Subdivision Requirements of the LMC and for the lot in the Estate zone,

the Sensitive Lands Ordinance. Staff has conducted an initial review of the project and has outlined its concerns in the analysis provided below.

Waste Clean-Up

As part of the development process, the applicant is proposing to remediate the site to acceptable local and federal standards solely at his cost. This would include the portion of the site owned by the City. The Alice Lode site is known to contain significant mine tailing waste, and therefore heavy metal constituents (i.e. lead, arsenic, mercury). Although the site is located within the Park City limits, it is outside of the Expanded Soils Ordinance Area, so the ordinance is not applicable. As a result, any soils generated from construction activities will have to be managed in accordance with State (UDEQ) and Federal (USEPA) RCRA and CERCLA Standards. Staff will require an approved UDEQ Work Plan that defines all operational and constructional procedures during the remediation. The Work Plan will need to include, but not limited to, the means and methods of mitigating any human and environmental exposures, the extent and location of soil movement on and off-site, and the proposed remediation of the area upon which the subdivision will reside.

Density

The applicant is proposing 9 single family units on the site. In the HR-1 zone he is proposing 6, in the HRL zone 2 and in the Estate zone 1.

The HR-1 section of the property is has 77,382 square feet of unplatted land with 4 platted lots and 8 platted partial lots located between King Road and Sampson Avenue, all of the lots are bisected by either Sampson Avenue or King Road. Section 15-2.2-3(A) sets the minimum lot size for the HR-1 zone at 1,875 square feet. Therefore, 77,382 square feet of land area divided by 1,875 square feet yields a theoretic maximum density of 41 lots.

The HRL section of the property has 39,697 square feet of unplatted land. LMC Section 15-2.1-3(A) sets the minimum lot size for the HRL zone at 3,750 square feet. Therefore, 39,697 square feet of land area divided by 3,750 square feet is 10 lots.

The Estate section of the property is 5.5 acres in size. LMC Section 15-2.10-3(A) sets the minimum lot size for a single family home in the Estate zone at 3 acres per unit. Therefore, 5.5 acres of land divided by 3 acres is 1 lot.

ZONE	AMOUNT OF LAND	POTENTIAL LOTS	PROPOSED
HR-1	77,382 square feet	41	6
HR-1 Platted	11,364 square feet	4 full 8 partial	0
HRL	39,697 square feet	10	2
ESTATE	5.5 acres	1	1
TOTAL	8.82 acres	56	9

The above described maximum density calculation reflects the maximum density allowable under ideal circumstances. Factors such as grading, vegetation protection, steep slope and access are all limiting aspects that will significantly reduce the ultimate LMC/Subdivision Code compliant density.

Access / Grading

The applicant is proposing a separate road access to the property that would enter approximately from the intersection of Sampson Avenue and King Road. This road would switch back from King Road running south toward the water tanks. It would provide access for all of the proposed units. In order to access the HRL lots, the driveways would

be required to cross the strip of land for the water pipeline owned by the City, and may interfere with the existing trail that enters the property in that general vicinity. To gain access to these lots, the City would have to grant an access easement over the pipeline property. Driveways for the HR-1 lots and Estate lots would access up-hill off the road. Access to the City owned water tower would also come from the new road.

One reason for the requested new road is that the applicant does not have clear access to the property from the existing access drive from the intersection of Ridge Avenue and King Road, as the property is owned by the City and another adjacent property owner.

Grading for the new drive would be significant. Preliminary drawings submitted by the applicant indicate that the drive would have cuts and fill ranging from 5 to more than 20 feet in height. This amount of grading in addition to the cuts necessary for the homes would have a significant impact on the existing topography and vegetation.

Slope

Approximately 67% of the property is sloped at 40% or greater. The lot in the Estate zone is within the Sensitive Lands Overlay, and would be subject to Planning Commission review for appropriateness for development prior to the approval of the subdivision plat. The lots within the HRL and HR-1 zones would be required to receive a CUP for construction on a slope of greater than 30% prior to the issue of a building permit. However, because subdivision plat approval would entitle the applicant to the density within the HR-1 zone staff recommends that the Commission consider the application for steep slope criteria in analysis of the final subdivision approval.

Vegetation

On the hill side above the mine reclamation site, there is a significant amount of natural vegetation including both deciduous and large coniferous trees. To develop the property in its current configuration would require that a significant amount of the existing vegetation be removed, including many of the large if not most of the evergreen trees on the site. Although much of the necessary remediation will require the removal of vegetation, it is not yet clear how much will be required on the hill side above the former mine site. Staff has significant concerns with the overall amount of site grading and tree loss associated with this plan. Should the project move forward, the applicant will need to demonstrate how the proposed units can be constructed without mass grading the site.

QUESTIONS

Staff is requesting that the Planning Commission review the proposed subdivision and provide staff and the applicant with direction on the following questions:

1. The proposed density, house size, access and lot layout appropriate for the site?
2. Which sections of the property are considered most important for vegetation preservation and slope protection?

RECOMMENDATION

Staff recommends that the Planning Commission review the proposed subdivision application as a work session item and provide the applicant and staff with direction.

EXHIBITS

- Exhibit A – Proposed Plat Amendment
- Exhibit B – Site Survey

MEMO

To: Park City Attorney
From: Joe Tesch & Stephanie Matsumura
Date: October 30, 2008
Re: Alice Claim —Vested Density

We have researched the issue of whether the Planning Commission or City Council could reduce the density beyond that permitted in the underlying zones with regard to the application for a nine (9) lot Major Subdivision on the Alice Claim Property.

The Alice Claim Property consists of 8.8 acres located within the HR-1, HRL and Estate Zoning districts. The Major Subdivision application proposes to create eight (8) lots within the HR-1 Zone and one (1) lot within the Estate Zone. No lots are proposed within the HRL zone.

Analysis

Based upon our review, we conclude that the Planning Commission or City Council may not reduce the density below that permitted in the underlying zones, but may only adjust the dimensions of lots, this location and other adjustments for good, efficient planning.

1. Density with the Zoning Districts:

- i. HR-1 Historic Residential District: According to the Planning Commission Staff Report of October 2006, there are 77,832 square feet of unplatted land within the HR-1 Zoning District between Sampson Avenue or King Road. The minimum Lot Area is 1,875 square feet (minimum width 25' x minimum depth of 75'). Therefore, the maximum density allowed equals 41.51 lots (77,832 ÷ 1,875). The application is for only 8 lots in this zone, with a total square footage of significantly less than 77,832 sq. ft. Therefore, while some discretion exists concerning the location and size of those lots, the number of them cannot be reduced below eight (8) lots "while preserving the density" of the underlying zone.¹

The Planning Director determines Lot width measurements for unusual Lot configurations. *Section 15-2.2-3 of the Park City Land Management Code* ("LMC" hereinafter). There are no maximum size restrictions within Section 15-2.2-3. The

¹ In actuality there are 3.47 total acres in the HR1 Zone for a total of 151,153.2 square feet which translates into a base density of 80.62 residential lots. Alice Lode is requesting only 10% of the base density.

building pad, building footprint and height restrictions define the maximum building envelope within which all development must occur. *Section 15-2.2-3(B)*. The building pad, building footprint and setback requirements are defined in *Section 15-2.2-3* and provided in *Table 15-2.2* of the LMC. It should be noted that a Conditional Use permit is required for all structures with a proposed footprint of greater than 3,500 square feet. *Section 15-2.2-4*. Lot sizes determine the house size. However, the conditions imposed relate to specific lots, not to underlying density. The proposed use (i.e., single family dwellings) for the eight lots is considered an “allowed use” under *Section 15-2.2-2(A)(1)* of the LMC.

- ii. Estate Zoning District: The minimum Lot size for single family residences within the Estate Zoning District is three (3) acres. The Planning Commission may reduce the minimum Lot size during the review of a Major Subdivision Plat to encourage clustering of Density. The maximum density is one (1) unit per three (3) acres. In addition, the minimum Lot Width is one hundred feet (100'). The Planning Commission may reduce the minimum Lot Width during the review of the Major Subdivision Plat. Also, the minimum Front, Side and Rear Yards for all structures is thirty feet (30'). However, while the Planning Commission may vary the required yards, in no case shall it be reduced it to less than ten feet (10') between structures. *Section 15-2.10-3*. There are other front yard, rear yard, and side yard exceptions that can be found in *Section 15-2.10-3 of the LMC*. The single lot applied for that is located within the Estate Zoning District will be a single family dwelling and, therefore, it is an “allowed use” pursuant to *Section 15-2.10-2* of the LMC.
2. Subdivision Plat Approval Process: Under the LMC, an applicant has applied for a Major Subdivision. A Major Subdivision is one that contains “four (4) or more Lots [but not exceeding ten (10) lots], or any size Subdivision requiring any new Street.” As a result, since the Alice Claim Property application is for nine lots, it qualifies as a Major Subdivision.² As such, it is subject to the review process outlined in *Sections 15-7-1 et seq. and 15-7.1-1 et seq.* of the LMC.

As part of the Major Subdivision review process and prior to subdividing land, the Planning Commission reviews the Preliminary Plat of the proposed subdivision giving “particular attention” to “Lot sizes and arrangement.” *Section 15-7.1-5(D) of the LMC*. While the Planning Commission is provided with the authority to review lot sizes and arrangement, there is no provision in the Land Management Code authorizing the Planning Commission to reduce the number of Lots, or more specifically, the density below that allowed in the underlying zone.

In fact, under the General Subdivision Provisions of the LMC, there is a general policy and stated intent to preserve the density assigned to each zoning district. More specifically, the stated purpose of the Subdivision regulations is to, *inter alia*, “provide for open spaces through the most efficient design and layout of the land, including the Use of flexible Density or cluster-type zoning in providing for minimum width and Areas of Lots, while preserving the Density of land as established in the Land Management Code of

² Under the proposed development plan for eight lots within the HR-1 Zoning District and one lot within the Estate Zoning District, the application need not be submitted as a Master Planned Development.

Park City.” Section 15-7-2(L). (Emphasis Added) Clearly, the ordinances regulating Subdivisions are designed to preserve the density of the land as established in the LMC.

3. Zoning/ Lot Restrictions on HR-1 and Estate Zoning Districts: As previously mentioned, the Alice Claim Development proposes lots within the HR-1 and Estate Zoning Districts. The HR-1 Zoning District and Estate Zoning District are subject to different requirements and restrictions as follows:

- i. Lot Size Restrictions

- a. HR-1 Zoning District: Section 15-2.2: As established in Paragraph 1.i., the eight lots proposed in the HR-1 Zoning District comply with the zoning lot size requirements for the HR-1 Zoning District. There are no provisions within the HR-1 Zoning District restrictions that allow the Planning Commission and/ or Planning Department to require lots greater than the required minimum size dimensions.

However, it should be noted that under the HR-1 Zoning District Restrictions, Section 15-2.2-6 “Development on Steep Slopes,” a **conditional use permit is required** for any Structure³ in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/ or Access⁴ is located upon any existing Slope⁵ of thirty percent (30%) or greater.

As will be described in more detail below, under a conditional permit review the Planning Commission and/ or Planning Department are authorized to adjust the lot size, building height, and setback requirements. Again, there is no authority within this section for the Planning Commission and/ or Planning Department to reduce or make these adjustments to density below that allowed in the underlying zone. The review process for a Conditional Use permit is described in more detail below.

- b. Estate Zoning District: Section 15-2.10: As noted in Paragraph 1.iii, it appears that the one lot proposed in the Estate Zoning District meets the zoning restrictions and requirements. As previously mentioned in Paragraph 1.ii, the Lot Width and required setbacks may be reduced by the Planning Commission; however, there is no provision that allows the Planning Commission and/ or Planning Department to reduce density below that permitted in the underlying zone.

³ “Structure” is defined under the LMC as “anything constructed, the Use of which requires a fixed location on or in the ground or attached to something having a fixed location on the ground and which imposes an impervious material on or about the ground.” Section 15-15-1.224

⁴ “Access” is defined under the LMC as “the provision of vehicular and/ or pedestrian ingress and egress to Structures, facilities or Property.” Section 15-15.1.1

⁵ “Slope” is defined under the LMC as “the level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.” Section 15-15-1.215

ii. Whether Proposed Development is a Conditional or Allowed use:

a. HR-1 Zoning District: Pursuant to Section 15-2.2-2(A), single family dwellings are an Allowed Use, and therefore not a Conditional Use, within the HR-1 Zoning District. Therefore, the eight lots proposed in the HR-1 Zoning District are not subject to the Conditional Use process.

aa. Structures on Steep Slopes. However, as previously noted, if the proposed structure is greater than 1,000 square feet located on a slope greater than 30%, a conditional use permit is required. Based upon the previous Planning Commission Staff Reports (specifically of October 25, 2006), approximately 67% of the property is sloped at 40% or greater. The eight single family units proposed in the HR-1 Zoning District site may be in areas where the property is sloped at 40% or greater, and thus require a **conditional use permit**. See *October 25, 2006 Planning Commission Staff Report*.

The Planning Commission reviews a Conditional Use Permit application based upon criteria specified in Section 15-2.2.9(B) of the LMC. Among the criteria reviewed is the location of the development, visual analysis, building location, setbacks and dwelling volume. The Planning Department and/ or Planning Commission may require an applicant to adjust the building location, the building form and scale, the setbacks and the dwelling volume⁶. *Section 15-2.2-6 of the LMC*. However, there is no authority to eliminate density. The only authority is to place conditions on its use.

The “maximum volume of any Structure is a function of the Lot size, Building Height, and Setbacks.” *Section 15-2.2-10(8) of the LMC*. As part of the Conditional Use Application Review, the Planning Department and/ or Planning Commission “may further limit the **volume** of a proposed Structure to minimize the visual mass and/ or to mitigate differences in scale between a proposed Structure and existing Structures.” *Id.* Therefore, the Planning Department and/ or Planning Commission may limit the Lot size, Building Height, and Setbacks to minimize its visual mass and mitigate differences in scale; however, there is no provision that they may reduce density below the amount permitted in the underlying zone.

bb. Structures less than 1,000 square feet on Slopes Less than 30%. For those lots on Alice claim with structures less than 1,000 square feet (including the garage) and/ or Access to said

⁶ We were unable to locate a section of the LMC that defines and sets forth how dwelling volume is determined beyond the general statement that it is a function of Lot Size, Building Height, and Setbacks.

Structure is located upon an existing Slope greater than thirty percent (30%), those lots are not subject to the Conditional Use process.

- b. Estate Zoning District: Similar to the HR-1 District, pursuant to Section 15-2.10-2(A), single family dwellings are among the Allowed Uses, within the Estate Zone District. **Only Conditional Uses** in the Estate District are subject to the Sensitive Lands Overlay Review. *Section 15-2.10-6 of the LMC*. The Sensitive Land Overlay Zone Regulations imposes further review, restrictions and regulations upon development that may affect the overall density.⁷
4. Planning Commission and City Council are without Authority to Reduce Density under these facts: Since there is no grant of authority to reduce density under these facts, the Planning Commission is prohibited from doing so. Municipalities are granted the authority to enact ordinances, rules, regulations, etc. with regard to, among other things, density. *Utah Code Ann. § 10-9a-102*. An owner of property holds it subject to zoning ordinances enacted pursuant to a city's police power. *Smith Investment Company v. Sandy City*, 958 P.2d 245 (Utah App. 1998) (citing to *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388, 390 (Utah 1980)). If a zoning regulation or other land use restriction is unreasonable or irrational, it may violate substantive due process rights of the property owner and not be upheld. *Smith Inv. Co.*, 958 P.2d 245. However, zoning ordinances that promote the general welfare, or demonstrate a reasonably debatable inherent interest of the general welfare will be upheld and the municipality's legislative judgment controls. *Id.*

Under Utah statute, 10-9a-509, "an applicant is entitled to approval of a land use application if the application conforms to the requirements of the municipality's land use maps, zoning maps, and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless: (1) the land use authority on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or (2) in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted." In addition, under the Park City Land Management Code, vesting for purposes of zoning occurs upon the filing of a complete Application. *See Section 15-7.1-6 of the LMC*. The LMC also states that "an applicant is entitled to approval of a land Use Application if the Application conforms to the requirements of an applicable land Use ordinance in effect...unless...the land Use authority, on the record, finds that a compelling

⁷ It should be noted that the Planning Commission Staff Report of October 25, 2006 notes that the lot in the Estate zone is within the Sensitive Overlay Land Zone. Notably, however, the October 25, 2006 Planning Commission report accurately notes that the lots in the HR-1 zone are not subject to the Sensitive Overlay Land Zone. According to a telephone conversation with Planner Brooks Robinson on September 29, 2008, all Estate Property located within Old Town is subject to the Sensitive Land Overlay Zone restrictions. The current Zoning Map appears to show that the outer perimeter of the Estate Zoning District on the Alice Claim Property is part of the Sensitive Land Overlay Zone. However, this should be confirmed. Although the Planning Commission (as found in the October 25, 2006 Planning Commission Staff Report) suggests that the one lot within the Estate Zone is within the Sensitive Land Overlay Zone, this suggestion appears to be contrary to Section 15-2.10-6 of the LMC. Nonetheless, the following section discusses how the Sensitive Lands Review, if applied, could affect density.

countervailing public interest would be jeopardized by approving the Application.”
Section 15-1-17 of LMC.

The case of *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980) is instructive as to a city’s authority to withhold approval of subdivision that meets all zoning requirements at the time of application. In *Western Land Equities*, applicant owners sought relief from the city’s refusal to approve a proposed single-family subdivision that met the minimum zoning requirements. Specifically, the applicants sought approval of a single family residential subdivision on land within a manufacturing zone which permitted single-family dwellings.

The court held that “an applicant is entitled to a building permit or subdivision approval if his proposed development meets the zoning requirements in existence at the time of his application and if he proceeds with reasonable diligence, absent a compelling, countervailing public interest.” *Id.* at 396. In its decision, the court noted that “[t]here may be instances when an application would for the first time draw attention to a serious problem that calls for an immediate amendment to a zoning ordinance, and such an amendment would be entitled to a valid retroactive effect.” But the court further stated that, “[i]t is incumbent upon a city, however, to act in good faith and not reject an application because the application itself triggers zoning reconsiderations that result in a substitution of the judgment of current city officials for that of their predecessors.” *Id.* The reasons provided by the city for withholding approval, specifically for the city’s belief that fire protection would be undermined because of limited access to roads and the city’s objections to inadequate sidewalks and other problems, were not so compelling to overcome the presumption that the applicants were entitled to affirmative official action if they met the zoning requirements in force at the time of application.⁸ *Id.*

In addition to an applicant’s vested right to approval if the proposed development meets the zoning requirements, under Section 10-9a-509(2) of the Utah Code provides that, “a municipality is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.” Park City’s stated policy for subdivisions is to “preserve the Density of land as established in the Land Management Code of Park City.” *Section 15-7-2(L) of LMC.* This mandatory provision is an expressed intent to preserve the density established through zoning ordinances. Accordingly, neither the Planning Commission nor the City Council has the authority to reduce the applied for density of nine (9) lots since this density is consistent with the provisions of the underlying zones.

Thank you for your review of these authorities.

⁸ It should be noted, however, that in the case of *Mouty v. The Sandy City Recorder*, 122 P.3d 521 (Utah 2005), the Utah Supreme Court recognized that the exercise of the people’s referendum right is of such importance that it properly overrides “individual economic interests” and constitutes a “compelling, countervailing public interest.”

Thomas Eddington

From: Polly Samuels McLean
Sent: Tuesday, January 20, 2009 2:57 PM
To: Gregg Brown; Brooks Robinson; Thomas Eddington; 'jerry fiat'; joet@teschlaw.com
Cc: paullevy2242@yahoo.com; DAVID KAGAN
Subject: RE: Meeting notes from 12 Jan

Gregg – I have some changes to your summary. As for 10, Tom E might have further clarification.

5. "Staff agrees that 9 lots are allowed per the LMC, but the location and potential development impacts need to be approved by the Planning Commission and City Council. "

Staff agrees that the underlying density allows for the 9 lots, however any lots must meet the subdivision and all other criteria of the Land Management Code, and the location and potential development impacts need to be approved by the Planning Commission and City Council.

6. Staff agrees that the legal access to the property is through the existing, but undeveloped King Road ROW.

Staff agrees that access to the property through the existing, but undeveloped King Road ROW is legal.

7. DHM should explain to the PC why changes were made to the site plan that resulted in the current design. Also, how the remediation project affected the layout.

Staff suggested that it might be helpful for PC if DHM explained why changes were made to the site plan that resulted in the current design. Also, how the remediation project affected the layout.

10. The effect of the current LMC amendment on Alice Claim is uncertain. Tom believes, "this site has special and unique circumstances from the typical old town lots".

The pending Steep Slope CUP LMC amendment would apply to the Alice Claim sight. Tom stated that these lots are unique from the typical old town lots due to their large lot size.

Polly Samuels McLean
 Assistant City Attorney
 Park City Municipal Corporation
 445 Marsac, P.O. Box 1480
 Park City, UT 84060-1480
 (435) 615-5031

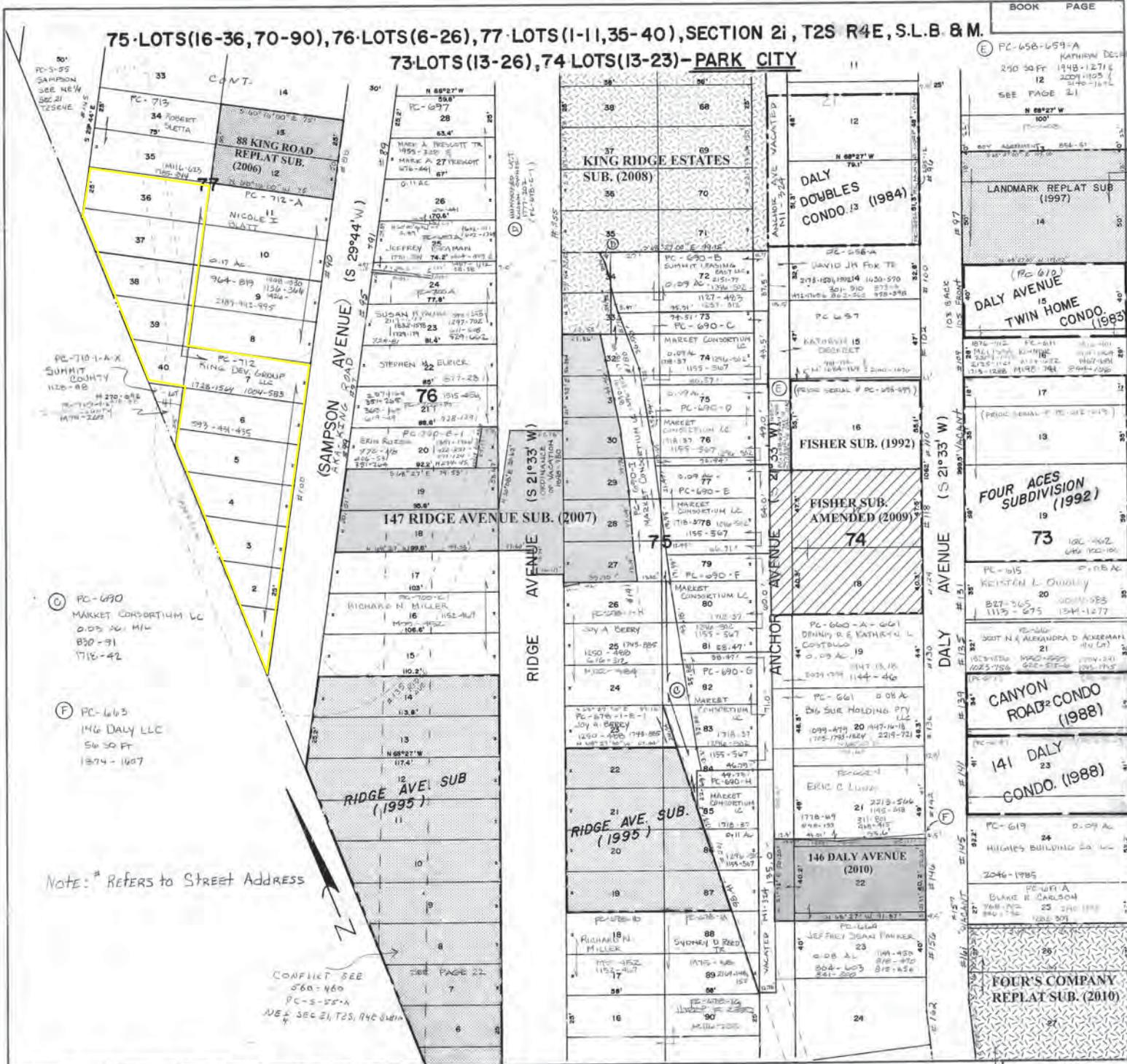
From: Gregg Brown [mailto:gbrown@dhmdesign.com]
Sent: Saturday, January 17, 2009 3:45 PM
To: Brooks Robinson; Thomas Eddington; Polly Samuels McLean; 'jerry fiat'; joet@teschlaw.com
Cc: paullevy2242@yahoo.com; DAVID KAGAN
Subject: Meeting notes from 12 Jan

Please let me know if you have any additions or corrections. Thank you for taking the time to review the

project.

Gregg Brown
Principal | **DHM Design**
1390 Lawrence Street, Suite 100 | Denver, CO 80204
Tel: 303.892.5566 | Fax: 303.892.4984
Denver | Carbondale | Durango
gbrown@dhtmdesign.com
<http://www.dhtmdesign.com>

75 LOTS (16-36, 70-90), 76 LOTS (6-26), 77 LOTS (1-11, 35-40), SECTION 21, T2S R4E, S.L.B 8 M.
 73 LOTS (13-26), 74 LOTS (13-23) - PARK CITY



BOOK	PAGE
PC-656-659-A	KATHRYN DE...
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	N 88°27' W
	100'
	60' ASSESSMENT
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	2007-07-04-19-0
	LANDMARK REPLAT SUB
	(1997)
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	100' ASSESSMENT
	856-51
	2007-07-04-19-0
	(PC 610)
	DALY AVENUE
	TWIN HOME
	CONDO (1983)
	15
	100' ASSESSMENT
	856-51
	2007-07-04-19-0
	17
	(PRIC SERIAL # PC-145-497)
	16
	FISHER SUB. (1992)
	13
	(PRIC SERIAL # PC-145-497)
	17
	13
	FOUR ACES
	SUBDIVISION
	(1992)
	19
	100' ASSESSMENT
	856-51
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	100' ASSESSMENT
	856-51
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	KEITHAN L. QUINN
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	827-365
	1115-675
	1344-1277
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	SEED N & ALEXANDRA D. ASSESSMENT
	(1974)
	100' ASSESSMENT
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	CANYON
	ROAD CONDO
	(1988)
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	100' ASSESSMENT
	856-51
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	CONDO. (1988)
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	100' ASSESSMENT
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	HIGGINS BUILDING Co. LLC
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	FOUR'S COMPANY
	REPLAT SUB. (2010)
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Approved	REVISIONS - DATE AND INITIAL	(In Pencil)
Utah State Tax Comm	Subs = 0/01	
Date	By	

SUMMIT COUNTY, UTAH

SCALE
 ONE INCH = 40 FEET
 BOOK PAGE



LANDSCAPE ARCHITECTURE | LAND PLANNING | ECOLOGICAL PLANNING | URBAN DESIGN

June 17, 2016

Via email: fastorga@parkcity.org

Mr. Francisco Astorga, AICP Planning Director
Park City Planning Department
445 Marsac Ave
Park City, UT 84060

Re: Alice Claim CUP Application - Landscaped Walls Example

Dear Francisco:

I write on behalf of the applicant, King Development Group, LLC, to respond to a concern expressed by the Planning Commission regarding the viability and positive effect of landscape planting between the retaining walls proposed at the entry to the Alice Claim project. The current design places the retaining walls 5 feet apart and plants that space with a mixture of evergreen and deciduous trees and shrubs. Based upon my experience with landscape in the Rocky Mountains, I believe these plants will grow and be healthy, and naturalize the appearance of the proposed retaining walls. Within Park City there is a good example of healthy plant materials growing between retaining walls in confined spaces. I have attached below photos of these plants flourishing between retaining walls. The planting proposed for the walls at Alice Claim is much denser, meaning the spacing between plants is closer together and will visually screen much more of the proposed walls. The 5-foot growing space will not inhibit plant viability.

Respectfully,
Marc Diemer
Associate Principal

DHM Design Corporation

Gregg E Brown
Director of Special Projects

DHM Design SMA

Attachments

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.

DHM DESIGN





ESCH
LAW OFFICES
A Professional Law Corporation

Joseph E. Tesch
Stephanie K. Matsumura
Jared W. Moss

314 Main Street - Suite 200
PO Box 3390
Park City, Utah 84060-3390
Tel: (435) 649-0077
Fax: (435) 649-2561

June 10, 2016

Park City Planning Commission
PO Box 1480
Park City, Utah 84060

Re: Alice Claim Applications, Negotiations with Shari Levitin

Dear Commission:

At your May 25, 2016 hearing on the Alice Claim matter, an allegation was made by Shari Levitin that since the year 2008, Applicant King Development Group has not been involved in any real negotiations with her.

This is inaccurate and misleading.

As an attorney representing Applicant, I have negotiated directly with Ms. Levitin in several telephone conversations and in email texts, and I have participated in written offers as early as the middle of July 2009 and as late as the summer of 2015. In addition, one of the members of Applicant's LLC has also had a telephone conversation and provided a written offer as late as August 12, 2015.

While these negotiations did not result in an offer that Ms. Levitin would accept, they were always conducted in good faith, generally with explanations and the bases for our positions. Similarly, we explained why we were not agreeable to her counteroffers.

We believe the detail of those negotiations should not be made public as they are generally considered protected. Suffice it to say that our rejected offers were for significant amounts of money, many times the fair market value of the requested easement.

Sincerely,
TESCH LAW OFFICES, P.C.


Joseph E. Tesch

JET/tw



LANDSCAPE ARCHITECTURE | LAND PLANNING | ECOLOGICAL PLANNING | URBAN DESIGN

June 17, 2016

Via email: fastorga@parkcity.org

Mr. Francisco Astorga, AICP Planning Director
Park City Planning Department
445 Marsac Ave
Park City, UT 84060

Re: Alice Claim Application for Conditional Use Permit, Significant Vegetation Mitigation

Francisco:

I write on behalf of the applicant, King Development Group, LLC, to clarify our understanding of the protection requirements of significant vegetation and the mitigation process for removal of significant vegetation, per LMC 15-2.1-9 Vegetation Protection.

As you are aware, the pending development application necessitates the removal of two mature evergreen trees (significant vegetation) due to their conflict with the proposed entry road that will be necessary to achieve legal access to our property over the platted King Road right-of-way.

During the Planning Commission hearing on May 25, 2016, Chairman Strachan stated correctly that we must protect significant vegetation but did not state that the Planning Director is authorized to allow mitigation for loss of significant vegetation.

The relevant LMC section is set forth below, for your convenience.

LMC: 15-2.1-9 Vegetation Protection

The Property Owner **must protect Significant Vegetation** during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4½') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and **may require mitigation for loss** of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3.... (Emphasis added.)

As shown on the latest development plan, we have protected all significant vegetation on the site; however, we cannot avoid removal of the two trees described above and should be permitted to mitigate their removal.

DHM DESIGN

In the staff report for the June 10, 2015 Planning Commission hearing, a Condition of Approval was included that stated, "All mature trees that will be lost due to the subdivision, retaining walls, addition of drives and building pads, shall be approved by the Planning Department and be replaced in kind or with three smaller trees as close to the original location as possible within 1 year of tree removal."

In terms of mitigation, we propose to plant 33 evergreen trees and 31 deciduous trees for a combined (minimum) 212 inches of caliper while the two trees to be removed are approximately 53 inches in caliper combined. This is a 4:1 replacement ratio. Further, the extensive site clean-up and revegetation of Alice Claim property and the City's property completely changed the site from an unsightly polluted dump to a beautiful vegetated site with significant improvements to water quality. This public benefit should also be taken into account in allowing the removal and mitigation of the two trees.

Sincerely,

A handwritten signature in black ink on a light gray background. The signature is cursive and reads "M. Diemer".

DHM Design Corporation
Marc Diemer, Associate Principal

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.

Alice Claim CUP application

Findings of Fact

1. The Alice Claim property is located approximately at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue, within the Historic Residential (HR-1) and Estate (E) Districts.
2. The Alice Claim plat includes nine (9) single family home building lots on 8.65 acres and a plat amendment of 0.38 acres.
3. A City water tank and land owned by the City is adjacent to the property on the south end, and a City-owned parcel bisects the applicant's property.
4. The applicant previously undertook a voluntary remediation of contaminated soils within the Alice Claim property and the City's property. Following the cleanup, applicant revegetated the remediated areas.
5. The applicant would never have spent upwards of \$1 million in the middle of The Great Recession to complete the voluntary cleanup if it had no assurance from Park City of developing nine homes to recover applicant's cleanup costs.
6. As a Voluntary Cleanup Co-Applicant with King Development in cleaning up the Park City parcel in Alice Claim and applicant's property, the City manifested its approval of developing nine homes in Alice Claim.
7. The extensive cleanup and revegetation of Alice Claim property and the City's property completely changed the site from an unsightly polluted mine dump to a beautiful vegetated site with significant improvements to water quality.
8. The property can only be accessed through the platted King Road right-of-way.
9. The applicant's entry way requires three retaining walls up to 10' in height each to stabilize cut and fill slopes. The first retaining wall will be adjacent to Sampson Avenue on its north side and starts as a four foot (4') wall and then gradually increases to a ten foot (10') wall towards the south. The other two (2) retaining walls will be next to the first wall, and each wall will not exceed ten feet (10') in height.
10. The walls will be separated by three (3) tiered landscaping areas between each wall consisting of coniferous and deciduous trees as well as shrubs. As recommended by Planning Staff, an additional 20% of tree planting has been added to what was originally identified. This landscaping will reasonably mitigate visual impacts.
11. The walls will be constructed by soil nailing and overlaid with decorative stone veneer. This process is less disruptive to existing vegetation above the walls and does not require extensive footings that could conflict with utilities at the base of the wall along roadway.
12. The lowest wall along the roadway will extend around the corner created by the intersection with King Road. This public improvement will widen King Road to improve the existing roadway turn movements at King Road, will improve visibility of the Alice Court entry way, and was designed in consultation with the City engineer.
13. The application for the Alice Claim CUP was deemed "complete" by the Planning Department on January 23, 2015 and the modified application was deemed complete on March 23, 2016.
14. The Planning Department and Planning Commission has reviewed the reasonably anticipated detrimental impacts of the CUP and has concluded that conditions for

Exhibit Y - Applicant's Draft CUP Approval

wall design and landscaping reasonably mitigate those impacts in accordance with applicable standards, including LMC § 15-1-10.E.

15. The walls as designed and mitigated are compatible with walls within the HR-1 zone and the surrounding neighborhood.

Conclusions of Law

1. The CUP, as conditioned, is consistent with all requirements of the Park City Land Management Code.
2. The CUP, as conditioned, is compatible with surrounding wall structures.
3. The CUP, as conditioned, is consistent with the Park City General Plan.
4. The conditions imposed are reasonable and mitigate the reasonably anticipated detrimental effects of the retaining walls in accordance with applicable standards, including LMC § 15-1-10.E.
5. The only legal access to the property is through the platted King Road right-of-way. The roadway requires the retaining walls. Applicant cannot place its property to economically viable use without approval of this CUP for the roadway entry walls.
6. Equitable considerations support approval of the CUP. Applicant's substantial change in position by incurring all of \$1 million in costs to complete the cleanup that included the City's property and the City's direct participation are all factors which support approval of the CUP.

Conditions of Approval

1. All Standard LMC Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. The City Engineer will need to approve the engineered construction plans for the walls prior to issuance of any building permit.
4. Historic District Design Review will be needed prior to issuance of a building permit.
5. A final landscape plan and guarantee shall be submitted with the Historic District Design Review for approval by the Planning Department prior to issuance of a building permit.
6. The Conditional Use Permit will expire one year after the date of recording of the Alice Claim Subdivision Plat, unless (i) the Conditional Use construction has commenced; (ii) a building permit has been issued; or (iii) an extension is granted by the Planning Director in accordance with LMC §15-1-10.G.
7. All significant trees that will be lost due to construction of the walls shall be replaced in kind with multiple smaller trees equaling the caliper size of the trees removed and located in the planting areas between the new walls within 1 year of tree removal or the spring planting season following 1 year of tree removal, whichever last occurs.
8. The Applicant will need to receive from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program a final Certificate of Completion for remediated soils within Applicant's property prior to building permit approval. In conjunction with its approval of this Application, if required by UDEQ, the City will cooperate in allowing for the Certificate of Completion to cover remediated soils inside the City's property within the Alice

Exhibit Y - Applicant's Draft CUP Approval

Claim Subdivision.

9. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ-approved Site Management Plan must be submitted to the Building Department prior to building permit approval.

Exhibits

- Exhibit A – Site plan
- Exhibit B – Perspective Rendering
- Exhibit C – Site Sections
- Exhibit D – Wall Illustrations
- Exhibit E – Landscape Mitigation of Site Walls Plan
- Exhibit F – Certified Topo
- Exhibit G – Vicinity & Zoning Map
- Exhibit H – Vegetative Cover
- Exhibit I – Slope Analysis
- Exhibit J – Visual Analysis

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE ALICE CLAIM SUBDIVISION AND PLAT AMENDMENT AND RIDGE AVENUE SUBDIVISION PLAT AMENDMENT, LOCATED AT THE INTERSECTION OF KING ROAD, RIDGE AVENUE, WOODSIDE GULCH AND SAMPSON AVENUE (APPROXIMATELY), PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Alice Claim Subdivision located approximately at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue, have petitioned the City Council for approval of the Alice Claim Subdivision Plat and Plat Amendment and Ridge Avenue Subdivision Plat Amendment; 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 work sessions on July 27, 2005, January 11, 2006, October 25, 2006, August 27, 2008, January 28, 2009, March 11, 2009, June 10, 2009, October 8, 2014, and December 9, 2015 and held public hearings on February 9, 2011, April 8, 2015, June 10, 2015, July 8, 2015, July 22, 2015, August 12, 2015, and May 25, 2016 to receive input on the proposed and multiple iterations and modifications of the subdivision and plat amendments;

WHEREAS, on _____, 2016 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on _____, 2016 the City Council held a public hearing on the proposed Alice Claim Subdivision Plat and Plat Amendments; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Alice Claim Subdivision Plat and Plat Amendments.

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 Alice Claim Subdivision Plat and Plat Amendment and Ridge Avenue Subdivision Plat Amendment, as shown in Exhibit A, are approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Alice Claim property is located approximately at the intersection of King

Exhibit Z - Applicant's Draft Plat/Subdivision Ordinance

- Road, Ridge Avenue, Woodside Gulch and Sampson Avenue, within the Historic Residential (HR-1) and (HRL) and Estate (E) Districts.
2. The Alice Claim application was deemed complete in 2005.
 3. The applicant previously undertook a voluntary remediation of contaminated soils within the Alice Claim property and the City's property. Following the cleanup, applicant revegetated the remediated areas.
 4. The applicant would never have spent upwards of \$1 million in the middle of The Great Recession to complete the voluntary cleanup if it had no assurance from Park City of developing nine homes to recover applicant's cleanup costs.
 5. As a Voluntary Cleanup Co-Applicant with King Development in cleaning up the Park City parcel in Alice Claim and applicant's property, the City manifested its approval of developing nine homes in Alice Claim.
 6. The extensive cleanup and revegetation of Alice Claim property and the City's property completely changed the site from an unsightly polluted mine dump to a beautiful vegetated site with significant improvements to water quality.
 7. The property can only be accessed through the platted King Avenue right-of-way.
 8. Water Service is available to meet required water pressure to all of 9 lots.
 9. The Alice Claim Plat and amendments to existing plats is set forth at Exhibit A.
 10. Alice Court will not exceed 14% grade and will remain a private road.
 11. Trails are shown on Exhibit A with a 15' public recreational trail easement.
 12. Lots 2-9 in HR-1 zone are each 0.10 acre in size and have a maximum building footprint of 1,750 square feet. The E district Lot 1 is 3.01 acres in size.
 13. In response to Planning Commission, Planning Department and Public comments, applicant over the past decade has submitted multiple modifications to its site plans, plats and all required submittals for the subdivision and plat amendments. The Planning Commission considered these iterations during work sessions held on July 27, 2005, January 11, 2006, October 25, 2006, August 27, 2008, January 28, 2009, March 11, 2009, June 10, 2009, October 8, 2014, and December 9, 2015 and during public hearings held on February 9, 2011, April 8, 2015, June 10, 2015, July 8, 2015, July 22, 2015, August 12, 2015, and May 25, 2016, respectively.
 14. The final proposed subdivision and plat amendments locate home sites into bottom of Alice Claim gully, preserve several existing large evergreens that will provide screening, substantially mitigate the removal of some significant vegetation, cluster home sites, minimize area of disturbance, place home sites on less steep slopes, avoid sensitive areas, and make homes sites compatible with the surrounding neighborhood and HR-1 and Estate zoning.
 15. The following facts support a finding that there is good cause for the Alice Claim subdivision and plat amendment applications:
 - a. Applicant's extensive \$1 million cleanup of the unsightly mine waste dump on City's and applicant's property and transformation of a brownfield into a 9 home neighborhood is a significant benefit to health, safety and welfare of the Park City community.
 - b. The project provides public amenities and benefits, including significant open space of 7.85 acres (86.9% of property), public trail access with formal easements, donation of 0.38 acre open space and safety improvements to King/Sampson Road intersection, closure of an open mine shaft, revegetation of remediated polluted areas where nothing

Exhibit Z - Applicant's Draft Plat/Subdivision Ordinance

would grow, cleanup to streambed and water shed, improved access to City water tank, 84% reduction in allowed density.

- c. Project was vetted over a decade by Planning Commission , City Council and public input, a process that promoted excellent and sustainable design and applied best planning and design practices resulting in a plan that is compatible with the character of the neighborhood, zone districts, and General Plan.

Conclusions of Law:

1. The Alice Claim application was deemed complete in 2005 for purposes of vested rights in 2005 and is subject to the 2004 LMC.
2. There is good cause for this subdivision and the plat amendments.
3. The subdivision and plat amendments are consistent with the Park City Land Management Code and applicable State law regarding subdivisions and plat amendments.
4. Neither the public nor any person will be materially injured by the subdivision or plat amendments.
5. Approval of the subdivision plat and plat amendments, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
6. The subdivision and plat amendments satisfy the requirements of LMC § 15-7.3(D).
7. Equitable considerations support approval of the Alice Claim Plat and Plat Amendment and Ridgeview Subdivision Application. Applicant's substantial change in position by incurring all of \$1 million in costs to complete the cleanup that included the City's property and the City's direct participation supports the City's approval of the Alice Claim applications.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat and plat amendments for compliance with State law, the LMC, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision plat and plat amendments at the County within two (2) years from the date of City Council approval. If recordation has not occurred within two (2) 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 based on good cause by the City Council. If the plat is not recorded within this time period or an extension is not granted, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.
3. Recordation of the subdivision plat and plat amendments and completion and approval of final Historic District Design Review and Steep Slope CUP for each individual lot, if applicable, are required prior to building permit issuance for each individual lot for any construction of buildings or retaining walls within this subdivision.
4. Snow storage for roads and private drives must meet the requirements of the

Exhibit Z - Applicant's Draft Plat/Subdivision Ordinance

LMC.

5. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the subdivision plat can be signed by SBWRD.
6. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
7. No building permits for the Estate Lot 1 shall be issued until the culvert on that lot is fully installed.
8. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation.
9. A Stream Alteration Permit from the State is required for the Estate Lot 1 culvert prior to plat recordation.
10. Prior to building permit approval, a Debris Flow Study will be completed for the ditch channel to determine if a debris basin is required.
11. The utility plan will need to be revised to show how each of the main and dry utilities will be able to be placed within Alice Court with required separations, or with special conditions approved by the City Engineer prior to plat recordation.
12. Any road over 10% grade will not be eligible to be converted to a public road in the future.
13. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking.
14. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.
15. The Applicant will need to receive from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program a final Certificate of Completion for remediated soils within Applicant's property prior to building permit approval. In conjunction with its approval of this Application, if required by UDEQ, the City will cooperate in allowing for the Certificate of Completion to cover remediated soils inside the City's property within the Alice Claim Subdivision.
16. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.
17. The applicant will need to receive CUP approval for the proposed retaining walls prior to plat recordation, unless alternate access is obtained over the historic roadway and is approved by the Planning Director.
18. If the site plan is altered due to any utility redesign or retaining wall redesign or other unforeseen issues, any substantial change as determined by the Planning Director shall be subject to Planning Commission review and, if necessary, approval. If the applicant secures alternate access over the historic roadway, then that change may be approved solely by the Planning Director.

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

Planning Commission Staff Report

Subject: Park City Mountain Resort MPD Development Agreement
Mountain Upgrade Plan

Author: Anya Grahn, Historic Preservation Planner
Francisco Astorga, AICP, Senior Planner

Project Number: PL-14-02600

Date: 13 July 2016

Type of Item: Administrative – MPD Amendment Historic Preservation
Condition of Approval Date Extension

Summary Recommendations

Staff requests that the Planning Commission hold a public hearing, review the Historic Preservation Condition of Approval No. 4 of the PCMR Master Planned Development (MPD), Development Agreement Mountain Upgrade Plan amendments approved on April 27, 2016. Staff recommends extending the deadline 66 days to September 28, 2016, with the added Condition of Approval that no further Planning applications will be accepted and reviewed by the Planning Department until the Planning Commission finds that the applicant has complied with Historic Preservation Condition of Approval No. 4 of the 2015 MPD.

Description

Applicant: VR CPC Holdings, Inc. d/b/a Park City Mountain
Property Owner: TCFC LEASECO LLC and TCFC PROPCO LLC
Location: 1345 Lowell Avenue
Zoning: Recreation and Open Space (ROS) District
Adjacent Land Uses: Recreation open space
Reason for Review: MPD Amendments are reviewed and approved by the Planning Commission

Proposal

Staff recommends the Planning Commission approve the amendment to the MPD to extend the deadline specified in the Historic Preservation condition of approval above of July 23, 2016, to September 28, 2016, (66 days); this would be the second extension for this MPD. Staff requests the additional time to allow the applicant to work with Staff to finalize the details of the submitted documents, and specifically, Section (c) of the condition which can only be met after the inventory of historically significant structures and preservation/restoration for such structure is finalized to be able to dedicate preservation easements. The extension date allows for approximately 30 days for the applicant to complete the required information including language for the preservation licenses and easements, and a similar amount of time for the Staff to prepare through reports.

Background

On December 23, 2014 the applicant submitted a request to amend the existing Master Planned Development & Development Agreement. The current application was for the following items:

- a. Amendment to the Mountain Upgrade Plan for the Interconnect Gondola and expansion of the Snow Hut on-mountain restaurant.
- b. Amendment to the Park City Mountain Resort Master Plan Development (MPD) to satisfy requirements of the 2007 annexation which added the upper mountain ski terrain to PCMR's original MPD.

On March 25, 2015, the Park City Planning Commission approved the requested amendment to the Mountain Upgrade Plan for the Interconnect Gondola and expansion of the Snow Hut on-mountain restaurant; Amendment to the Park City Mountain Resort Master Plan Development (MPD) to satisfy requirements of the 2007 annexation which required the addition of the upper mountain ski terrain to PCMR's original MPD; and Conditional Use Permit (CUP) for a ski lift (interconnect). Click on this [link](#) to view the published staff report (page 85).

In addition, there was a City Council work session discussion in July 2015. Pursuant to direction given at that work session, Planning Department Staff, Historic Preservation Planner Anya Grahn and Planning Director Bruce Erickson, met with the Park City Historical Society and Museum to develop a prioritized list of mine structures that needed immediate stabilization.

On March 23, 2016, the Planning Commission had a work session annual check-in discussion regarding the historic preservation efforts as outlined on the condition of approval. The Planning Commission indicated that they would be willing to consider the proposed extension to July 23, 2016.

Additionally, Park City Mountain Resort, Park City Historical Society, and Park City Municipal announced the formation of a new group dedicated to preserving the historic mining structures located at various locations at Park City Mountain Resort on April 8, 2016. The Friends of Ski Mountain Mining History is dedicated to overseeing a five-year fundraising plan to preserve the mine sites located on the resort property. The group will be planning various fundraising events throughout the year, with Park City Mountain Resort continuing to provide ski mining tours for locals and visitors. The group's primary focus will be on the seven (7) priority mine sites:

- Thaynes Mine—Hoist house
- Thaynes Mine— Conveyor gallery
- Jupiter Mine—Ore bin
- Silver King Mine –Head Frame Building

- King Con Mine—Ore bin
- King Con Mine— Counter weight
- California Comstock Mine

Park City Mountain has already committed to \$50,000 toward mine site preservation which the group above determined should go to the of the California Comstock Mill, and Vail as owner of Park City Mountain began the rehabilitation work on the California Comstock in June. The project has not yet been completed.

Analysis

The MPD Amendment application approved in March 2015 is subject to specific Findings of Fact, Conclusions of Law, and Conditions of Approval found by clicking on this [link](#) (page 29, Adopted Planning Commission minutes). MPD Amendment Condition of Approval No. 4 required a number of items relating to historic preservation be completed prior to March 25, 2016. On April 27, 2016, the Planning Commission granted an extension of 120 days for the applicant to complete the work; a copy of the staff report can be found by clicking on this [link](#) (page 41). See the exact language below with the extension in Red:

Historic Preservation

*In furtherance of assisting the developers in meeting their obligations under Section 2.9.3 of the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007, the Developer under the PCMR Development Agreement shall, (a) identify historically significant structures within the PCMR Development Agreement Property by October 1, 2015, (b) complete the inventory of historically significant structures and the preservation and restoration plan for such structures, as located within the PCMR Development Agreement Property (provided such sites are confirmed to be located within the property either owned by VR CPC Holdings, Inc. or held by VR CPC Holdings, Inc. pursuant to its ground lease from TCFC LeaseCo LLC) by ~~March 25, 2016~~ **July 23, 2016**; (upon completion of the staff approval of the preservation and restoration plan, the applicant shall come back to the Planning Commission to report on the prioritization, annual check-in schedule and progress report on work complete to date) and (c) no later than ~~March 25, 2016~~ **July 23, 2016**, dedicate and/or secure preservation easements for the historically significant structures (or reasonably equivalent long-term rights satisfactory to the City if easements are unavailable) for the City with respect to the identified sites within the PCMR Development Agreement Property. In addition, by October 1, 2015, the Developer under the PCMR Development Agreement shall contribute a total of \$50,000 towards the preservation of the prioritized historically significant structures on the PCMR Development Agreement Property as approved by the Planning Department/Preservation Planner, and propose a five (5) year capital fundraising plan dedicated towards restoration/stabilization of the historically significant structures. Nothing herein shall release the original Flagstaff Mountain Developer (e.g., United Park City Mines) or current property owner from any existing obligation under the Ordinance 07-10, and all related*

agreements including the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007.

Staff finds that the Condition of Approval can be broken up into four (4- A. B. C. D.) main tasks. We have used this break-up to outline the applicant's progress on each task:

A. Identify historically significant structures within the PCMR Development Agreement Property by October 1, 2015. **In progress towards compliance.**

Vail submitted a Historic Preservation Plan completed by SWCA Environmental Consultants in September 2015. Staff found that the applicant met section (a) of this Condition of Approval as indicated in the April 27, 2016, staff report; however, upon further analysis of the maps that have been provided, staff has since found additional sites that were not identified, including the Silver King and King Con aerial tramway towers. The applicant has indicated that they will add the towers.

B. Complete the inventory of historically significant structures and the preservation and restoration plan for such structures as located within the PCMR Development Agreement Property (provided such sites are confirmed to be located within the property either owned by VR CPC Holdings, Inc. or held by VR CPC Holdings, Inc. pursuant to its ground lease from TCFC LeaseCo LLC) by July 23, 2016; (upon completion of the staff approval of the preservation and restoration plan, the applicant shall come back to the Planning Commission to report on the prioritization, annual check-in schedule and progress report on work complete to date). **In progress towards compliance.**

Staff met with Vail on June 8th and requested that they update the maps that had been provided to identify all of Vail's leased and owned (Specifically as noted above) properties in accordance with the Historic Preservation Condition of Approval No. 4 of the 2015 MPD, as well as locate and identify by name the mine sites on these property. Staff is working with the applicant to finalize these maps. Staff is currently reviewing the maps against the applicant's title report to ensure there are no discrepancies.

Because of the discrepancies in identifying leased and owned areas, staff has requested that Vail add an addendum to the SWCA prepared Historic Preservation Plan incorporating the King Con and Silver King Aerial Tramway towers. This has not yet been received by the Planning Department.

The submitted Historic Preservation Plan included options to stabilize the structures; however, the plan did not provide a clear timeline for when the work would be completed. Previously, the City had elected to develop a Memorandum

of Understanding (MOU) between the City, Vail, and the Park City Historical Society & Museum. This has since been replaced with an Action Plan provided by Vail (Exhibit C). Staff is reviewing but finds general agreement with terms of the Action Plan.

- C. No later than July 23, 2016, dedicate and/or secure preservation easements for the historically significant structures (or reasonably equivalent long-term rights satisfactory of the City if easements are unavailable) for the City with respect to the identified sites within the PCMR Development Agreement Property. **In progress towards compliance.**

Vail has submitted signed and notarized preservation easements and licenses (these are separate agreements depending on whether the property is owned or leased) for the properties identified in the SWCA Preservation Plan, but not including the Silver King and King Con aerial tramway towers. The City has not yet accepted these preservation easements and licenses due to differences regarding some of the terms of the agreements. Staff met with Vail on June 30, 2016, to discuss these differences in approach to responsibilities for preservation maintenance, liabilities for failure to meet terms of the license or easement, and similar matters. Staff and the applicant have had several further meetings in the past weeks and progress is being made to create the appropriate preservation agreement tools.

- D. In addition, by October 1, 2015, the Developer under the PCMR Development Agreement shall contribute a total of \$50,000 towards the preservation of the prioritized historically significant structures on the PCMR Development Agreement Property as approved by the Planning Department/Preservation Planner, and propose a five (5) year capital fundraising plan dedicated towards restoration/stabilization of the historically significant structures. **Complete.**

The applicant did submit \$50,000 to the City to be used towards the preservation of the prioritized list of historically significant structures. The applicant, with City concurrence has chosen to dedicate the \$50,000 towards the structural stabilization of the California Comstock Mill building. Work began in November 2015; however, due to winter conditions, it did not resume until the week of June 13th, 2016. The structure is in worse condition than initially anticipated, and a significant amount of the building detached from the standing structure over the winter. Staff is working in conjunction with Clark Martinez of the Xcavation Company, Inc., Vail, the engineer, and the Park City Museum to determine the best course of action for stabilization. The project has is anticipated to be completed by October 1, 2016, and indicated in Condition of Approval #3 of this staff report.

Additionally, as previously mentioned, Park City Mountain, Park City Historical Society, and Park City Municipal announced the formation of the Friends of Ski Mountain Mining History, a new group dedicated to preserving the historic mining

structures located at various locations at Park City Mountain Resort, on April 8, 2016.

Staff recommends that the Planning Commission review Staff's analysis and determine whether or not the applicant has complied with the Historic Preservation Condition of Approval No.4. Should the Planning Commission find that the applicant is not in compliance, the site will be in violation of their MPD approved on March 25, 2015. The Planning Commission may also choose to continue the discussion.

Process

The approval of this MPD Historic Preservation Condition of Approval date extension by the Planning Commission constitutes Final Action that may be appealed following the procedures found in Land Management Code § 1-18.

Department Review

The proposed extension has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet on June 29, 2016. Legal notice was published in the Park Record on July 13, 2016 according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may approve the proposed Historic Preservation Condition of Approval No. 4 date extension to September 28, 2016; or
- The Planning Commission may deny the proposed Historic Preservation Condition of Approval No. 4 date extension to September 28, 2016 and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the proposed Historic Preservation Condition of Approval No. 4 to the August 10th Planning Commission meeting or a date uncertain.

Significant Impacts

There are no significant fiscal or environmental impacts from this application other than what is listed on the Consequences section below.

Consequences of not taking the Planning Department's Recommendation

Should the Planning Commission find that the applicant has not complied with the Historic Preservation Condition of Approval No. 4, the site would be in violation of their MPD Amendment approved on March 25, 2015

Summary Recommendations

Staff requests that the Planning Commission hold a public hearing, review the Historic Preservation Condition of Approval No. 4 of the PCMR Master Planned Development (MPD), Development Agreement Mountain Upgrade Plan amendments approved on April 27, 2016, and determine if the applicant VR CPC Holdings, Inc. is in compliance.

Findings of Fact:

1. All Findings of Fact, Conclusions of Approval, and Conditions of Approval of the MPD Development Agreement Mountain Upgrade Plan Amendments & Conditional Use Permit dated March 25, 2015 shall continue to apply with the exception of MPD Amendment Condition of Approval No. 4 Historic Preservation as listed on the updated Condition of Approval section below.
2. Park City Mountain has already committed to \$50,000 toward the preservation of the California/Comstock Mill.
3. Vail Resorts, as owner of Park City Mountain has started the rehabilitation work on the California Comstock. Work began in late-June 2016 and was not completed at the time of this report.
4. The 2015 amended MPD Development Agreement requires the resort to identify and stabilize extant mining structures within its leasable area.
5. The applicant contracted SWCA Environmental Consultants (SWCA) to conduct a reconnaissance level survey of their property, which was completed in September 2015.
6. Following the survey, the applicant, SWCA, and the Planning Department met to create a prioritized list of endangered buildings.
7. The prioritized list of structures has been agreed to by the Park City Historical Society and Museum, the applicant, and Park City Municipal.
8. The submittal of the reconnaissance level survey in September 2015 meets section (a) of this condition of approval.
9. The first project with the initial stabilization of the California Comstock started in November 2015, and Vail intends to complete the stabilization and preservation work in summer 2016; this work is dependent on the accessibility of the site for large construction equipment and weather conditions.
10. The MPD required a five (5) year fund-raising plan by the applicant to further support stabilization of the historic structures; the plan was submitted according to the terms of the approval.
11. The City has requested Title Reports and boundary survey from the Applicant and The City is preparing separate Geographic Information System (GIS) mapping to assist in determining if boundaries of the Annexation Agreement and Development Agreement(s) are consistent and there are no remnant parcels.
12. On April 8, 2016, Park City Mountain Resort, Park City Historical Society and Museum, and Park City Municipal announced the formation of a new group dedicated to preserving the historic mining structures located at various locations at Park City Mountain named Friends of Ski Mountain Mining History.
13. Friends of Ski Mountain Mining History are dedicated to overseeing a five-year fundraising plan to preserve the mine sites located on the resort property.
14. Friends of Ski Mountain Mining History will be planning various fundraising

events throughout the year, with Park City Mountain Resort continuing to provide ski mining tours for locals and visitors.

15. Friends of Ski Mountain Mining History's primary focus will on the seven (7) priority mine sites:

- Thaynes Mine—Hoist house
- Thaynes Mine— Conveyor gallery
- Jupiter Mine—Ore bin
- Silver King Mine –Head Frame Building
- King Con Mine—Ore bin
- King Con Mine— Counter weight
- California Comstock Mine

Conclusions of Law:

1. The MPD Historic Preservation Condition of Approval No. 4 date extension amendment, complies with all the requirements of the Land Management Code;
2. The MPD Historic Preservation Condition of Approval No. 4 date extension amendment, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
3. The MPD Historic Preservation Condition of Approval No. 4 date extension amendment, as conditioned, is consistent with the Park City General Plan;
4. The MPD Historic Preservation Condition of Approval No. 4 date extension amendment has been noticed and public hearing held in accordance with this Code.

Conditions of Approval:

1. All previous conditions of approval of the 2015-approved MPD apply.
2. The Park City Planning Department will not accept and review any additional Planning permit application requests until the Planning Commission finds that the applicant has come into compliance with Condition of Approval No. 4 of the MPD.
3. The applicant shall complete stabilization work on the California Comstock no later than October 1, 2016; this includes securing and protecting any historic materials that were removed during the stabilization process.
4. The \$50,000 for preservation of the California Comstock shall be released by the City only when the Planning Director has determined that the stabilization work, as outlined in the agreed upon plan, has been completed.
5. This extension does not release the applicant from any of the obligations of Historic Preservation Condition of Approval No. 4 of the 2015-approved MPD.

Updated Condition of Approval No. 4:

Historic Preservation

In furtherance of assisting the developers in meeting their obligations under Section 2.9.3 of the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007, the Developer under the PCMR Development Agreement shall, (a) identify historically significant structures within

*the PCMR Development Agreement Property by October 1, 2015, (b) complete the inventory of historically significant structures and the preservation and restoration plan for such structures, as located within the PCMR Development Agreement Property (provided such sites are confirmed to be located within the property either owned by VR CPC Holdings, Inc. or held by VR CPC Holdings, Inc. pursuant to its ground lease from TCFC LeaseCo LLC) by **September 28, 2016**; (upon completion of the staff approval of the preservation and restoration plan, the applicant shall come back to the Planning Commission to report on the prioritization, annual check-in schedule and progress report on work complete to date) and (c) no later than **September 28, 2016**, dedicate and/or secure preservation easements for the historically significant structures (or reasonably equivalent long-term rights satisfactory to the City if easements are unavailable) for the City with respect to the identified sites within the PCMR Development Agreement Property. In addition, by October 1, 2015, the Developer under the PCMR Development Agreement shall contribute a total of \$50,000 towards the preservation of the prioritized historically significant structures on the PCMR Development Agreement Property as approved by the Planning Department/Preservation Planner, and propose a five (5) year capital fundraising plan dedicated towards restoration/stabilization of the historically significant structures. Nothing herein shall release the original Flagstaff Mountain Developer (e.g., United Park City Mines) or current property owner from any existing obligation under the Ordinance 07-10, and all related agreements including the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007.*

Exhibits

Exhibit A – Draft Prioritized list

Exhibit B – PCMR MPD & CUP Action Letter

Exhibit A - Draft Prioritized list

1. Thaynes Mine Hoist Hs.
2. Silver King Hoist Hs.
3. Thaynes- West Conveyor Gallery
4. Silver King Con- Ore Bin
5. Silver King Con- Tramway Counterweight
6. Silver King Coalition- Stores Department bldg.
7. Silver King- Change House
8. Silver King Boarding House
9. Thaynes- North Conveyor Gallery
10. Silver King – Water Tanks A & B
11. Thaynes- West Accessory Building
12. Jupiter Mine- Ore Bin
13. Silver King – Boarding House vault
14. Thaynes- Northwest bldg.



7 April 2015

VR CPC Holdings, Inc. d/b/a Park City Mountain Resort
 C/O Tim Beck
 1310 Lowell Avenue
 PO Box 39
 Park City, Utah 84068

NOTICE OF PLANNING COMMISSION ACTION

Application #: PL-14-02600
Subject: Master Planned Development, Development Agreement, and Mountain Upgrade Plan Amendments & Conditional Use Permit
Address: 1345 Lowell Avenue
Action Taken: Approved with Conditions
Date of Action: March 25, 2015

On March 25, 2015, the Park City Planning Commission approved your requested: Amendment to the Mountain Upgrade Plan for the Interconnect Gondola and expansion of the Snow Hut on-mountain restaurant; Amendment to the Park City Mountain Resort Master Plan Development (MPD) to satisfy requirements of the 2007 annexation which requires the addition of the upper mountain ski terrain to PCMR's original MPD; and Conditional Use Permit (CUP) for a ski lift (interconnect). Your submitted application was approved subject to the following MPD/CUP Findings of Fact, Conclusions of Law, and Conditions of Approval:

MPD - Findings of Fact:

1. The site is known as Park City Mountain Resort.
2. The site address is 1345 Lowell Avenue.
3. On December 23, 2014 the applicant submitted a request to amend the existing Master Planned Development & Development Agreement.
4. The current application is an amendment to the Mountain Upgrade Plan for the Interconnect Gondola and expansion of the Snow Hut on-mountain restaurant

- AND an amendment to the Park City Mountain Resort Master Plan Development (MPD) to satisfy requirements of the 2007 annexation which requires the addition of the upper mountain ski terrain to PCMR's original MPD.
5. A Ski Lift is listed as a Conditional Use Permit (CUP) in the ROS District. CUPs are reviewed and approved by the Park City Planning Commission.
 6. In June 1997, the Park City Planning Commission approved the Park City Mountain Resort Large Scale Master Plan.
 7. The Development Agreement was recorded with the County in July 1998.
 8. The approved Master Plan includes development according to the PCMR Concept Master Plan and conditions of approval.
 9. The conditions of approval include development of skiing and related facilities identified in the Mountain Upgrade Plan.
 10. In March 2007, additional Park City Mountain Resort ski terrain was annexed into Park City Municipal Corporation known as the Annexation Agreement for the United Park City Mines Company Lands at Park City Mountain Resort.
 11. The annexation indicated that the next Development Activity Application or amendment under the PCMR MPD must add the PCMR lease land annexed to the PCMR MPD.
 12. In conjunction with the other amendments the applicant requests to fulfill the requirements of the annexation by incorporating PCMR's upper terrain into the PCMR Master Planned Development & Development Agreement.
 13. The Mountain Upgrade Plan was recorded with the Development Agreement and identifies the background/methodology, design criteria, existing ski resort facilities, Mountain upgrading plan, future expansion potential, and conclusion.
 14. The amendment of the Mountain Upgrade Plan includes the construction of those portions of the interconnect lift with Canyons Resort, and related lift towers, ski trails, terminals, buildings, infrastructure, and related appurtenances located in Park City.
 15. The interconnect gondola is not specifically referenced in the Mountain Upgrade Plan, the terrain in which the lift is proposed is already designated in the Mountain Upgrade Plan for future ski pod development.
 16. The proposed interconnect gondola will connect Park City Mountain Resort and Canyons Resort.
 17. The amendment of the Mountain Upgrade Plan also includes the expansion of the Snow Hut on-mountain restaurant.
 18. The improvement and enlargement of the Snow Hut is to improve mountain guest services.
 19. The Planning Commission held a public hearing and reviewed this request on February 25, 2015.
 20. During the February 25, 2015 Planning Commission meeting staff requested discussion by the Planning Commission on four items: building height, parking, employee housing, and historic preservation.
 21. The purpose of the Master Planned Development Amendment application public meeting is to have the applicant present their amendments and give the public and Planning Commission an opportunity to evaluate those amendments in accordance with the applicable code criteria.

22. The proposed amendment to the Development Agreement does not change approved densities.
23. The site is not located in the HR-1 or HR-2 District. The proposed amendments take place with the areas shown in the Mountain Upgrade Plan, located in the Recreation and Open Space District (zone).
24. The proposed amendments are not nearby the exterior boundary of the MPD with the exception of the interconnect line.
25. The Snow Hut on-mountain restaurant and the PCMR interconnect line terminal are a minimum of 2,000 feet from PMCR perimeter.
26. Open space is established by the approved MPD. Of the approximately 3,700 acres in the ski resort, nearly 95% of the property is considered recreation/open space (i.e. trails and forested areas).
27. The proposed projects will not materially affect the required open space.
28. The LMC indicates that the Planning Department shall review the parking analysis and provide a recommendation to the Planning Commission. The Commission is to make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.
29. The Developer shall comply with the parking mitigation plan. This plan shall be reviewed and modified, if necessary, as a part of the Small Scale MPD (CUP) for each phase to evaluate transit alternatives and demonstrated parking needs.
30. If, in practice, the parking mitigation plan fails to adequately mitigate peak day parking requirements, the City shall have the authority to require the Resort to limit ticket sales until the parking mitigation plan is revised to address the issues. The intent is that any off-site parking solution include a coordinated and cooperative effort with the City, other ski areas, the Park City School District, Summit County, and the Park City Chamber/Bureau to provide creative solutions for peak day and special event parking.
31. The replacement of the Snow Hut does not affect skier capacity and subsequently does not affect parking requirements.
32. Skiers and riders are already on the mountain during operations, and the replacement Snow Hut Lodge is designed to significantly improve service at a major connection area in a central area of the ski resort.
33. The Interconnect Gondola functions only as an access/transfer lift between existing ski operations and has not been designed with round trip skiing on it. Given it is an access lift only between the two areas there is no skier capacity increase associated with it.
34. No additional parking is impacted by the Snow Hut on-mountain restaurant expansion.
35. The applicant indicated that in 2014 the Snow Hut has 154 indoor seats and 200 outdoor seats.
36. The Mountain Upgrade Plan called for several items in the conclusion of Section III - Existing Ski Resort Facilities, one of which was to position additional on-mountain seating to accommodate existing and upgrade facilities.
37. The Mountain Upgrade Plan indicated that the Snow Hut needed additional seating based on the seating requirement summary based on logical distribution

- of the CCC. As indicated in the document in 1997, the Snow Hut had 168 indoor seats available but should have 414 indoor seats.
38. The applicant currently proposes to increase the indoor seating from the 168 indicated in 1997 to approximately 500 and the outdoor seating to stay the same at approximately 250 seats (indicated in 1997).
 39. The net increase, from what was necessary in 1997, is 86 seats, which is 21% above the required number of seats.
 40. The increase of 86 indoor seats (1997) from the identified CCC necessitates no additional parking at the base since the skier capacity is not affected.
 41. Skiers are already on the mountain during operations and the CCC remains unchanged.
 42. The proposed Interconnect Gondola does not need more parking as it functions only as an access/transfer lift between existing ski operations and has not been designed with round trip skiing on it.
 43. The approved and recorded Development Agreement states that parking mitigation is reviewed at each Small Scale Master Planned Development (Conditional Use Permit) approval.
 44. The review that occurred for "Parcel A," was satisfied, noting that no additional parking issues would be occurring until later phases were built-out at the base.
 45. The applicant requests an increase in building height for the Snow Hut expansion.
 46. In the ROS District no structure may be erected to a height greater than twenty-eight feet (28') from existing grade.
 47. To allow for a pitched roof and to provide usable space within the structure, a gable, hip, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
 48. The majority of the proposed new building does not meet the maximum roof height, according to its corresponding roof pitch, of either 28 or 33 feet.
 49. The corner on the left on the front elevation is approximately 52 feet above existing grade.
 50. The corner on the right on the front elevation is approximately 68 feet above existing grade.
 51. The front elevation has the tallest points found on the proposed snow hut expansion.
 52. When viewed from the side elevation, north, about a quarter of the building on the right meets the maximum of height 28/33 feet.
 53. When viewed from the other side, south elevation, two thirds (2/3s) of the building from the left on the lowest form and about 1/3 of the ridge towards the left meets the maximum building height.
 54. When reviewing the rear of the building, west elevation, the entire wall (rear façade) meets the maximum height.
 55. The roof however, as indicated on the other elevations does not meet the height.
 56. It is estimated that approximately 70% of the overall roof does not meet the maximum corresponding building height.

57. In order to grant building height in addition to that which is allowed in the ROS District, underlying zone, the Planning Commission is required to make specific findings Outlined in LMC § 15-5-5(F)(1)-(5).
58. The proposed increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density.
59. Even though the building is indeed tall, not just in form but also due to the terrain (height measured from existing grade per Park City codes), the proposed building is a one (1) story building which maximizes sun-light exposure from the windows on the front, east elevation.
60. There is no density increase as the existing support commercial use for the restaurant does not require use of unit equivalents. A different design with the same capacity at height would result in greater site disturbance, grading and less architectural variation.
61. The proposed Snow Hut is remote from any other building.
62. The minimum setback for the building is 2,000 feet. No other structures, except ski lifts are within this area. No impact to view, solar access, shadows, or other criteria will occur.
63. The site is centralized in the upper mountain of the existing ski resort, and not generally visible from developed off-site locations in Park City. As a ski resort operation, the site will be re-vegetated with a proven seed mix.
64. The adjacent open space is designated ski terrain. With approximately 3,700 acres of ski terrain the proposed projects 17,200 square feet of footprint will have no effect on open space or its usability.
65. The proposed height of the building is the result of a combination of the single story accessible design and the roof design which does not shed snow to public areas or decks, and does not require heat taping in roof valleys or edges to prevent large icicle development.
66. The large glazed areas are designed to maximize solar gain in support of the project sustainability goals. Interruptions in the roof plane would interrupt snow shed and possible increase height with no purpose.
67. There are no other buildings within one-half mile to match roof façade or variations.
68. The proposed roof form maximizes sun-light exposure on the east elevation.
69. The proposed one (1) story structure meets the following Architectural Design Guidelines outlined in LMC § 15-5-5.
70. The Architectural Style and Motif is not prohibited by the LMC.
71. The proposed siding is not prohibited by the LMC.
72. The applicant proposes the following three (3) main exterior wall materials on the front and side elevations: 1. reclaimed board and batten; 2. horizontal chinked trestlewood; and 3. rusted corten ribbed siding. The applicant proposes concrete masonry unit (CMU) on the bottom half of the rear elevation.
73. Applicant proposes a dark green shingle roof and a metal standing seam for the two smaller shed roofs as seen on the rear, west elevation.
74. The combination roof shape is not listed under prohibited roof forms.
75. Window treatments are not prohibited by the code.

76. The applicant has not submitted plans regarding this provision.
77. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting.
78. The applicant has not submitted plans regarding this provision.
79. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding trash/recycling enclosures.
80. The applicant has not submitted plans regarding this provision.
81. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding mechanical equipment.
82. LMC § 15-5-8 indicates the following regarding façade length and variations, following: Structures that exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.
83. The east elevation, front does not meet the façade façade length and variations requirement.
84. The façade is 140 feet long and does not provide a prominent shift in the mass of the structure.
85. The north and south elevations provide appropriate breaks, both horizontally and vertically (height) where a shift was incorporated in the design.
86. The west elevation, rear, meets the shift in the form of a fifteen foot (15') change in the building height.
87. LMC § 15-5-7 indicates that in some cases, the Planning Director, may vary from these standards if warranted by unusual or unique circumstances. This may result in variation from the strict interpretation of this section and may be granted by the Planning Director.
88. The Planning Director has reviewed the submitted plans and finds that the site is unusual and unique due to its remote location.
89. The Snow Hut is located on the mountain, accessible to skiers.
90. The location of the Snow Hut is not in a typical Park City neighborhood.
91. The intent of the façade length and variation criteria is to break up the massing of buildings so that they relate to the pedestrian scale.
92. The amount of glass on the front, east elevation, also helps mitigate the width of the building adding an aesthetically pleasing component.
93. When the Planning Commission grants additional Building Height due to a Site Specific analysis and determination, that additional Building Height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.
94. The additional height due to the specific site analysis is not detrimental and in compliance with applicable LMC standards regarding the height allowance.

95. The Snow Hut Lodge is located on the footprint of the existing building and against an existing hill side to maximize skier circulation in the area.
96. Placing excavated material on site will remove the reverse slope between the King Con run and the building location. Skier circulation down to the King Con lift will be improved by the site grading on Broadway and the new location of the building.
97. The Interconnect Gondola is located not to interfere with skier circulation and provides direct access to the Snow Hut Lodge.
98. No retaining structures are proposed. Site grading is minimized while providing an on-snow / no stairs access to Snow Hut.
99. Existing summer biking and hiking trails on the Park City Mountain Resort side of the project are avoided to extent possible. Within the Summit County portion of the site, the evacuation routes may cross existing biking / hiking trails within the terms of the property agreements with trail operators and landowners.
100. Snow storage is on-site. The building is designed to shed snow away from public areas and service doors.
101. Refuse and recycling will take place in the building footprint consistent with the sustainability goals of Park City Mountain Resort. Refuse removal will not change from current operations.
102. Transportation to the site is via lifts, skiing and snowboarding only. No public vehicle access is proposed.
103. Significant vegetation is retained and protected.
104. Vegetation removed for site grading consists mainly of existing ski runs grasses and brush. The lift line corridor will require tree removal but ground disturbance will only occur in lift tower areas, base terminal area and evacuation route construction.
105. The visual simulations have been conducted properly for review of viewshed and ridgeline protection. The terminal structure minimizes the intrusion on the ridgeline from either east or west sight lines.
106. The lift line impacts are reduced as it is below the sky line and in many places within a forested area.
107. A visual analysis from designated viewpoints has been submitted to illustrate the visual effects of the proposed lift system.
108. The interconnect gondola system, towers and terminals, and evacuation route in Thaynes Canyon are shown on the visual simulation from the designated viewpoints.
109. The location of the proposed Snow Hut building is also shown in the simulations.
110. All other elements of the Sensitive Land analysis for the original MPD remain in effect and unchanged by this project.
111. The MPD Development Agreement states the following:
Developer shall construct or provide deed restricted off-site housing for 80 PCMR employees on or before October 1, 2003. The rental rate (not including utilities) for the employee housing will be determined by the City Council Housing Resolutions Establishing Guidelines and Standards, but will not exceed 1/3 of the employee's base gross wages. The rental rate shall be assured in perpetuity through deed restrictions in form and substance satisfactory to the City.

Developer must commence construction or complete the purchase of housing to accommodate 80 employees within 90 days of receiving a Small Scale MPD which, in combination with previously granted Small Scale MPDs, represent approvals for a total of 50% of the total square footage of the Concept Master Plan. Developer must work expeditiously to complete the employee housing project(s). In no case shall Small Scale MPDs, which represent approvals for a total of 60% of the Small Scale MPDs within the PCMR Concept Master Plan, be issued until the required housing is available for occupancy. Park City will provide Developer a letter of compliance when it fulfills this requirement.

If there is a downturn in the market, and the Developer fails to obtain approval for 60% of the Small Scale MPDs within the PCMR Concept Master Plan, on or before October 1, 2003, Developer shall, at a minimum acquire, by lease or by purchase its proportionate obligation to produce employee housing, and shall offer such housing to employees at a price at or below Park City's applicable affordable housing rates and standards. For example, if only 40% of the Small Scale MPDs have been approved by October 1, 2003, Developer shall provide housing for 32 PCMR employees at the lesser of the City's Affordable Housing rate or no more than 1/3 of the employee's monthly income. Once Developer ultimately achieves the 60% Small Scale MPD approval, it must provide deed restricted housing for all 80 employees as detailed above.

112. The existing MPD contains the requirement for employee housing, this project does not change these requirements.
113. Employee housing is actually triggered ONLY by the receipt and approval of Conditional Use Permits (Small Scale MPD's) of the base area, "Parcels A - E."
114. As indicated in the Development Agreement, there was a trigger date of October 1, 2003, for 60% of the Small Scale MPDs (CUPs for each parcel), with an exception of a market downturn hit, which did take place.
115. Under this situation, the employee requirement was proportionally based on approved Small Scale MPD's (CUPs for each parcel).
116. The Planning Department calculates, Parcel A, the first and only approved Small Scale MPD/CUP for Marriott Mountainside/Legacy Lodge, accounted for approximately 334,000 total s.f. of the total 1,156,787 s.f. in the Large Scale Master Plan or 28.8% of the required housing for 80 PCMR employees. This equates to housing for 23 PCMR employees required after October 1, 2003.
117. Section 2.2 of the Development Agreement states, "In no case shall Small Scale MPDs...be issued until the required housing is available for occupancy."
118. No additional base parcels can be approved until the housing for the 23 PCMR employees are available and in use.
119. The employee housing requirement is not triggered by the requested amendment for on-mountain upgrades, updates, etc.
120. No child care is proposed in this application.
121. The project does not affect possible child care demands.
122. The City has received a map and list of known Physical Mine Hazards on the property.

123. A mine hazard mitigation plan has also been submitted to the City with appropriate mitigation. The map and mitigation plan are filed in the office of the City's Environmental Regulatory Program Manager and mitigation is scheduled to be completed by December 1, 2015.
124. Proposed development activity is not anticipated to encounter known historic mine waste.
125. The site is not within the soils boundary. In the event mine waste is encountered, it must be handled in accordance to State and Federal Law.
126. In accordance with LMC §15-8-5 (B)(15) and (C)(9), the prior applicants at the time of the 2007 annexation agreed to update the Preservation Plan submitted in 2000 for the additional annexed area.
127. The 2007 annexation included the following analysis in the February 1, 2007 staff report:

18. Historic and cultural resources. This annexation will include historic mining era structures within the Park City limits. The Silver King mine and other mining structures throughout the annexation area are more than 50 years old and would be considered to be historic structures due to the age of construction. No determination of historical significance has been made. Any changes to the historic buildings would require review by the Planning Department for compliance with the LMC preservation ordinance and Historic Design Guidelines. The Flagstaff Historic Preservation Technical Report will necessarily need to be amended to include those resources within the annexed area. The annexation therefore has a significant public benefit in the area of historic or cultural resources, in that several historic structures will be included within the City limits. If the structures are rehabilitated to building code, resort support uses could be permitted subject to a Conditional Use Permit.
128. Finding of Fact no. 7, of the 2007 annexation indicated that the proposed annexation protects the general interests and character of Park City including several historic mining era structures within the Park City Boundary.
129. The applicants agreed to update the mitigation as identified in the original Annexation Agreement regarding historic preservation:

Historic Preservation. The Historic Preservation Plan, at a minimum, shall contain an inventory of historically significant structures located within the Project and shall set forth a preservation and restoration plan, including a commitment to dedicating preservation easements to the City, with respect to any such historically significant structures. The head frame at Daly West site is historically significant.
130. The Annexation Agreement for the United Park City Mines Company Lands at PCMR tied the various agreements together.
131. This 2007 Annexation is conditioned upon the Amended and Restated Development Agreement For Flagstaff Mountain, the Talisker Conservation Deed Restriction and the Conservation Easement executed and recorded herewith. (Annexation Agreement paragraph 26).
132. The inventory is to be completed to comply with the 2007 Annexation and the Preservation and Restoration Plans are finished and approved by the City.

133. A Condition of Approval to this MPD amendment requiring completion of the outstanding inventory and subsequent Preservation and Restoration Plans prior to the City accepting any application for base area development is to be added.
134. The Preservation and Restoration plans shall also indicate a stabilization timeframe for each site.
135. In accordance with LMC §15-8-5(C)(3), the prior applicants at the time of the 2007 annexation acknowledged numerous trails in the annexed area, and their public use through dedication to the Park City Master Trails Map. See exact language below:
5. Trails. Numerous trails exist on the annexation property. These trails will be available for public use subject to reasonable restrictions due to construction, maintenance, and environmental factors including wildlife and erosion. The existing and any newly required trails shall be added to the Park City Master Trails and as necessary dedicated to the City either on the Annexation plat or at the time of PCMR MPD amendment.
136. A Condition of Approval to this MPD amendment requiring trails language needs to be added to this approval.
137. The proposed Interconnect Gondola and Snow Hut on-mountain restaurant are not detrimental impacts of the Mountain Upgrade Plan.
138. The Interconnect increases accessible terrain as it connects PCMR with the Canyons Resort.
139. The Snow Hut expansion reduces the resort's restaurant seating deficiencies.

MPD - Conclusions of Law:

- A. The MPD Amendment, as conditioned, complies with all the requirements of the Land Management Code;
- B. The MPD Amendment, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- C. The MPD Amendment, as conditioned, is consistent with the Park City General Plan;
- D. The MPD Amendment, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
- E. The MPD Amendment, as conditioned, strengthens and enhances the resort character of Park City;
- F. The MPD Amendment, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- G. The MPD Amendment, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- H. The MPD Amendment, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- I. The MPD Amendment, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

- J. The MPD Amendment, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- K. The MPD Amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- L. The MPD Amendment has been noticed and public hearing held in accordance with this Code.
- M. The MPD Amendment, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
- N. The MPD Amendment, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- O. The MPD Amendment, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

MPD - Conditions of Approval:

- 1. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting, trash/recycling enclosures, mechanical equipment, etc.
- 2. In the event mine waste is encountered, it must be handled in accordance to State and Federal Law.
- 3. Employee Housing
Unless Section 2.2 of the Development Agreement is previously satisfied by the developer in an off-site location which shall include employee housing required by the development of Parcel A (the "Required Employee Housing"), or an updated housing plan is approved by the Housing Authority, the Developer shall include as part of the next application for a Small Scale MPD/CUP approved after March 25, 2015 under the Development Agreement for Parcels A-E (the "Next Small Scale MPD Application") an affordable housing plan subject to Park City Housing Authority approval per the Housing Resolution in effect at the time of application for the Required Employee Housing and the employee housing required for the Next Small Scale MPD/CUP Application as determined by such resolution. Unless otherwise approved in the housing plan or previously satisfied, a completion bond or letter of credit in a form approved by the City Attorney will be required for the Required Housing as a condition of building permit issues for the Next Small Scale MPD. Nothing in this condition shall be deemed to relieve any owner or prior developer of Parcel A from any liability that may exist to the City, the Developer, or any future developers in the MPD for failure to comply with Section 2.2 of the Development Agreement.
- 4. Historic Preservation:
In furtherance of assisting the developers in meeting their obligations under Section 2.9.3 of the Amended and Restated Development Agreement for

Flagstaff Mountain dated March 2, 2007, the Developer under the PCMR Development Agreement shall, (a) identify historically significant structures within the PCMR Development Agreement Property by October 1, 2015, (b) complete the inventory of historically significant structures and the preservation and restoration plan for such structures, as located within the PCMR Development Agreement Property (provided such sites are confirmed to be located within the property either owned by VR CPC Holdings, Inc. or held by VR CPC Holdings, Inc. pursuant to its ground lease from TCFC LeaseCo LLC) by March 25, 2016; (upon completion of the staff approval of the preservation and restoration plan, the applicant shall come back to the Planning Commission to report on the prioritization, annual check-in schedule and progress report on work complete to date) and (c) no later than March 25, 2016, dedicate and/or secure preservation easements for the historically significant structures (or reasonably equivalent long-term rights satisfactory to the City if easements are unavailable) for the City with respect to the identified sites within the PCMR Development Agreement Property. In addition, by October 1, 2015, the Developer under the PCMR Development Agreement shall contribute a total of \$50,000 towards the preservation of the prioritized historically significant structures on the PCMR Development Agreement Property as approved by the Planning Department/Preservation Planner, and propose a five (5) year capital fundraising plan dedicated towards restoration/stabilization of the historically significant structures. Nothing herein shall release the original Flagstaff Mountain Developer (e.g., United Park City Mines) or current property owner from any existing obligation under the Ordinance 07-10, and all related agreements including the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007.

5. Trails:

Public trails existing at the time of annexation in 2007 were added to the Park City Master Trails Plan in 2008 as depicted on Exhibit P. Developer is finalizing survey and other closing matters with regards to their acquisition and ground lease of the property. A final trails plan shall be submitted and evaluated as part of the next application for a Small Scale MPD/CUP approved after March 25, 2015 under the Development Agreement for Parcels A-E (the "Next Small Scale MPD Application") to determine which existing trails or any newly required trails are required to be dedicated to the City. Unless such trails are previously dedicated by plat/subdivision, prior to the issuance of a Certificate of Occupancy for the Next Small Scale MPD Application, the Developer and any other necessary owner/party shall execute an irrevocable offer of dedication or easement in compliance with the requirements of Section 5 of the Annexation Agreement which remains in full force and effect, and states: Numerous trails exist on the annexation property. These trails will be available for public use subject to reasonable restrictions due to construction, maintenance, and environmental factors including wildlife and erosion. The existing and any newly required trails shall be added to the Park City Master Trails and as necessary dedicated to the city either on the Annexation plat or at the time of PCMR MPD amendment.

CUP - Findings of Fact

1. LMC § 15-4-18 indicates that the location and use of a passenger tramway, including a ski tow or ski lift, is a Conditional Use.
2. CUPs under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met.
3. The interconnect complies with the Ownership of Liftway and Public Purpose criteria.
4. The interconnect complies with the Width, Utility Clearance, Liftway Setback, State Regulation, criteria, as conditioned.

CUP Conclusions of Law:

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.

CUP - Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, 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 plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
7. This Conditional Use Permit approval will expire on March 25, 2016, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.

Please be aware that the approval of this MPD Amendment and Conditional Use Permit by Park City in no way exempts the property from complying with other requirements that may be in effect on the property, and building permit regulations, as applicable. It is

the responsibility of the property owner/applicant to ensure compliance with these regulations.

Land Management Code (LMC) § 15-6-4(G) indicates the following regarding Development Agreement ratification:

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

As the applicant, this letter is intended as a courtesy to document the status of your request. The official minutes from the Planning Commission are available in the Planning Office. We will continue to work with you closely on the project. If you have questions regarding your application or the action taken please don't hesitate to contact me at 435-615-5064 or fastorga@parkcity.org.

Sincerely,



Francisco Astorga
City Planner

The Applicant agrees to meet with the City's Historic Preservation staff, at a minimum, twice a year in February and October to discuss project prioritization, scope and funding. Unless mutually agreed upon by the Applicant and the City, all projects shall be located on the Applicant's leased or owned land.

1. Prior to March 1 of each year, the scope of the meeting shall be focused on selecting a project for work for the upcoming summer. This shall include:
 - a. Evaluation of available funding;
 - b. Selection of a project based on the prioritized list or at a site otherwise mutually agreed to by the parties;
 - c. Communication and coordination, as necessary, with the Friends of Ski Mountain Mining History;
 - d. Determination of the necessary permitting process, including timelines and responsible parties; and
 - e. Preparation for annual report for the Planning Commission.
2. Prior to November 1 of each year, the scope of the meeting shall be focused on review and documentation of the prior summer's work and funding strategies for the upcoming year's project. This shall include:
 - a. Review of the process, timeline and costs associated with the most recent summer's project;
 - b. Determination of scope, process, responsibility and timeline for documenting and recording the project's work;
 - c. Determination if additional scope is needed for the following year for the recently completed site;
 - d. Assessment of remaining funds and identification of funding strategies for the next year's budget; and
 - e. Review and update of priority projects.

VR CPC HOLDINGS, INC.,
a Delaware corporation

By: _____
Name: _____
Its: _____

PARK CITY MUNICIPAL CORPORATION

By: _____
Name: Diane Foster
Its: City Manager



Planning Commission Staff Report

Subject: 1450 Park Avenue
Author: Anya Grahn, Historic Preservation Planner
Bruce Erickson, Planning Director
Project Number: PL-16-03162
Date: July 13, 2016
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for limited access on Sullivan Road, and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Description

Applicant: Park City Municipal Corporation, represented by Rhoda Stauffer
Location: 1450 Park Avenue
Zoning: Historic Residential- Medium Density (HRM) District
Adjacent Land Uses: Historic and non-historic residential single family multi-family condominium developments, City Park
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

The owner of 1450 and 1460 Park Avenue, the City, is requesting approval of a Conditional Use Permit (CUP) for limited access on Sullivan Road. Per Land Management Code (LMC) 15-2.4-9, Limited Access includes, but shall not be limited to an additional curb cut for an adjoining residential project; paving or otherwise improving existing access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated area. This application is necessary as the applicant is proposing an additional curb cut/access for a residential project adjoining Sullivan Road.

Background

On March 29, 2007, Ordinance 07-20 approved the creation of two (2) legal lots of record from two (2) metes and bounds parcels at 1450-1460 Park Avenue. Later that year, the Retreat at the Park Subdivision was recorded on August 16, 2007.

In 2009, the City purchased the properties at 1450-1460 Park Avenue through the Lower Park Redevelopment Agency with the intent of creating an affordable housing project. In March 2012, City Council began collaborating with Green Park Cohousing, LLC on the purchase of the property following an RFP process. Following the approvals of the Conditional Use Permit (CUP) and a plat amendment that was not recorded,

Green Park Cohousing withdrew their applications as they were unable to secure financing for the project.

The City has since chosen to develop these two lots at 1450-1460 Park Avenue. The applicant is proposing to rehabilitate the existing two (2) historic houses at 1450 and 1460 Park Avenue as well as build six (6) new single-family houses; there will be a total of eight (8) affordable housing units located on the two (2) properties.

This application is for the Conditional Use Permit (CUP) at 1450 Park Avenue for an additional curb cut/access for a residential project adjoining Sullivan Road. The property is located at 1450 Park Avenue within the HRM zoning district. The lot currently has an existing house, designated as Significant on the City's Historic Sites Inventory (HSI). 1450 Park Avenue is designated as Lot 2 of the Retreat at the Park Subdivision, and contains 9,212 square feet. According to LMC 15-2.4-4(A), the minimum lot size for a single family dwelling is 1,875 square feet. A development consisting of four (4) dwelling units requires a Lot Area of 5,625 square feet. The existing lot size at 1450 Park of 9,212 square feet is greater than the minimum required lot size for a development of four (4) dwelling units (5,625 SF).

On December 8, 2015, the Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation and relocation of the historic house at 1450 Park Avenue; the application was deemed complete on December 17, 2015. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction at 1450 Park Avenue. The relocation of the house 8'6" to the west towards Park Avenue was approved by the HPB on March 2, 2016. The HDDR application for the rehab of the historic home was approved by the Planning Department on June 14, 2016.

On May 2, 2016, the Planning Department received a CUP application for access off Sullivan Road; the application was deemed complete on May 12, 2016. No HDDR application has yet been submitted for the construction of the three (3) new single-family dwellings behind the existing historic house.

Analysis

Section I: LMC § 15-1-10(E) - Standard Conditional Use Review Criteria

The Planning Commission shall review the Application according to Conditional Use permit criteria set forth in Section 15-1-10, as follows:

1. **Size and location of the Site. No unmitigated impacts.**

The applicant is proposing to rehabilitate the existing historic house and construct three (3) additional houses on site in order to provide a total of four (4) affordable housing units at 1450 Park Avenue. The lot size required for four (4) dwelling units is 5,625 square feet. The existing lot size at 1450 Park of 9,212 square feet is greater than the minimum required lot size for a development of four (4) dwelling units (5,625 SF).

2. Traffic considerations including capacity of the existing Streets in the Area. **No unmitigated impacts.**

The applicant has divided access to the site between Park Avenue and Sullivan Road. Two (2) parking spaces will be accessible from Park Avenue and the remaining four (4) parking spaces will be accessible from Sullivan Road. Please refer to Section II: LMC § 15-2.4-9 Sullivan Road Access for more detail.

3. Utility capacity, including Storm Water run-off. **No unmitigated impacts.**

The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be responsible for working with the many utility companies and the City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.

4. Emergency vehicle Access. **No unmitigated impacts.**

Emergency vehicles can easily access the project off Park Avenue and/or Sullivan Road and no additional access is required.

5. Location and amount of off-Street parking. **No unmitigated impacts.**

Per LMC 15-2.4-6 existing historic structures that do not comply with off-street parking requirements are valid non-complying structures. The historic house at 1450 Park Avenue is designated as "Significant" on the City's Historic Sites Inventory (HSI), and is not required to provide parking. The three (3) new single-family dwellings proposed on the lot are required to provide two (2) parking spaces each for a total of six (6). Two (2) of these spaces will be accessible from Park Avenue, while the remaining four (4) spaces will be accessible from Sullivan Road.

6. Internal vehicular and pedestrian circulation system. **No unmitigated impacts.**

The applicant will provide vehicular access to the site from Park Avenue and Sullivan Road. A pedestrian path will straddle the property line between 1450-1460 Park Avenue and provide a pedestrian connection between Park Avenue and Sullivan Road.

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses. **No unmitigated impacts.**

Fencing, screening, and landscaping have not been proposed at this time. Staff has added Condition of Approval #10 requiring all parking areas and driveways also be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots. **No unmitigated impacts.**

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions

constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist.

By constructing three (3) single-family residences behind the existing historic house, the applicant has significantly reduced the mass and scale of the development as compared to the previous design reviewed as part of the 2013 CUP. Each house is consistent in mass and scale to the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project. Concentrating the uncovered parking spaces along Sullivan Road has eliminated the need for additional building bulk and mass to be located on the lot. Access from Sullivan Road prevents parking areas from detracting from the site's historic character along Park Avenue.

9. Usable Open Space. **No unmitigated impacts.**

There are no open space requirements for this site as the applicant is proposing to construct single-family homes, not a multi-unit dwelling. Per LMC 15-2.4-5, only Triplex and Multi-Unit dwellings are required to meet the open space requirements. If this were a Multi-Unit dwelling, it would be required to provide 30% open space as it is a deed-restricted affordable housing development.

10. Signs and lighting. **No unmitigated impacts.**

No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. **No unmitigated impacts.**

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist.

The three (3) new cottages complement the mass and scale of the historic cottage at 1450 Park Avenue. The proposed design shows the new structure separated from the 1450 historic structure by approximately ten feet (10').

The Design Guidelines also specify that the scale and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites; moreover, the size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood. The size, mass, and height of the new construction, as well as its proximity to the historic cottage, are consistent in size and mass to the historically significant

structure. Further, from the Park Avenue right-of-way, the new development will be largely shielded from view by the historic structure.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. **No unmitigated impacts.**

The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas. **No unmitigated impacts.**

Trash storage and recycling storage areas are designated on the rear (south) elevation of each structure. Delivery and service will occur along Park Avenue and Sullivan Road.

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities. **No unmitigated impacts.**

Expected ownership of the entire project is anticipated as a single entity until the applicant files a Condominium Record of Survey to be able to sell each private unit individually. Following the sale, these will be deed-restricted affordable housing units.

Nightly rentals are an allowed use within the District; however, as affordable housing units, these units will be deed-restricted to prevent nightly rentals.

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

The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.

Section II: LMC § 15-2.4-3 - Conditional Use Permit Review

Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5. The Planning Director has reviewed the plans submitted on May 2, 2016, and included as Exhibit A of this staff report. Planning Director Erickson finds that, as proposed, the project complies with the Universal Design Guidelines.

Per LMC 15-2.4-9, the Planning Commission may issue a CUP for Limited Access on Sullivan Road ("Driveway"). "Limited Access" allowed, includes, but shall not be limited

to: an additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area. Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as Historic preservation in excess of that required in the zone.

This application is necessary as the applicant is proposing an additional curb cut for a residential project adjoining Sullivan Road. LMC 15-2.4-9(B) is not applicable in accordance with LMC 15-2.4-9(C) as the development consists of fifty percent (50%) or more deed restricted Affordable Housing Units, per the City's most current Affordable Housing Resolution; this development is proposed to be a one-hundred percent (100%) affordable housing project.

The Planning Commission shall also review the Application according to Conditional Use permit criteria set forth in Section 15-2.4-3.as

A. *Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites.*

Complies as conditioned. Staff finds that the design of the three (3) new single-family homes meets the Design Guidelines for Park City's Historic Districts and Historic Sites. The applicant has not yet submitted an HDDR for the construction of the three (3) new homes behind the historic house at 1450 Park; however, the applicant met with the Design Review Team (DRT) on February 24, 2016. Staff finds that the DRT comments have been addressed.

Additionally, staff finds that the proposed parking along Sullivan Road also complies with the Design Guidelines. The Design Guidelines encourage off-street parking within the rear yard and beyond the rear wall plane of primary structures. The applicant has minimized the appearance of the parking by consolidating the majority of the parking (four spaces) at the rear of the lot along Sullivan Road. The visibility of the parking is further visually buffered from Sullivan Road by an island separating the drive access to the parking spaces from the road. By limiting the parking along Park Avenue, the applicant will maintain the traditional pattern of development along Park Avenue by limiting parking to a single driveway. This will preserve the historic character of the site as viewed from the Park Avenue right-of-way.

The Design Guidelines require that any off-street parking area and associated vehicles be visually buffered from adjacent properties and the primary public right-of-way. At this time, no landscaping has been provided along Sullivan Road or the Park Avenue parking spaces. Staff recommends adding Condition of Approval #10 that says, "All parking areas and driveways shall be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way."

B. The applicant may not alter the Historic Structure to minimize the residential character of the Building.

Complies. The applicant is proposing to remove non-historic additions on the historic house, construct a new addition, and restore the existing historic structure. The house is currently designated as “Significant”, rather than “Landmark,” due to its incompatible materials, including the aluminum porch structure, asbestos siding, and 1970s windows. As previously mentioned, the HPB approved the applicant’s Material Deconstruction on February 3, 2016. The HPB also approved relocating the historic house 8’6” to the west, toward Park Avenue, on March 3, 2016. The HDDR for the work on the historic house was approved on June 14, 2016. The house will not be altered to change the residential character of the Building.

C. Dedication of a Façade Preservation Easement to assure preservation of the Structure is required.

Complies as conditioned. The applicant is to dedicate a façade preservation easement to the City following the restoration of the historic structure and prior to the sale of the historic building to a private property owner. Condition of Approval #6 has been added requiring the façade easement.

D. New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. Larger Building masses should be located to the rear of the Structure to minimize the perceived mass from the Street.

Complies. By constructing three (3) single-family residences behind the historic house, the applicant has significantly reduced the mass and scale of the development as compared to the previous design reviewed as part of the 2013 CUP. Each house is consistent in mass and scale to the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project. Concentrating the uncovered parking spaces along Sullivan Road has eliminated the need for additional building bulk and mass to be located on the lot. Access from and concentration of parking along Sullivan Road prevents parking areas from detracting from the site’s historic character along Park Avenue.

E. Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures; if the Applicant can document that on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

Complies. Per LMC 15-2.4-6 existing historic structures that do not comply with off-street parking requirements are valid non-complying structures. The historic house at 1450 Park Avenue is designated as “Significant” on the City’s Historic Sites Inventory (HSI), and is not required to provide parking. The three (3) new single-family dwellings proposed on the lot are required to provide two (2) parking spaces each for a total of six (6).

The applicant complies with the required parking for the development. The applicant proposes to provide parking for four (4) vehicles along Sullivan Road, and two (2) parking spaces in a tandem configuration accessible from Park Avenue. The applicant will be including parking provisions in their CCRs. They propose to assign one (1) parking space per unit and the remainder will be shared.

F. All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

Complies as conditioned. The applicant will retain the residential nature of the site through their landscape plan. Most of the existing landscaping is comprised of voluntary trees and shrubs that are significantly overgrown; these plants and shrubs are largely concentrated on the north side of the property, though some also exist on the south side.

The applicant intends to remove all of the landscaping as part of the relocation of the historic house. Due to the amount of construction that will occur on this site, existing trees and shrubs will likely be damaged by the construction of footings and foundations near root balls.

That said, staff and the HPB have found that it is important that the character of the site not be diminished because of the loss of these plantings, particularly the mature trees in the front yard. Part of the HPB’s Material Deconstruction Review included the site design, and the HPB approved the material deconstruction with the Condition of Approval that the applicant replaces any significant vegetation in-kind or a multiple of trees of the same caliper to match the dimension of the existing tree. Further, the Condition of Approval stipulated that the applicant incorporate fruit trees and lilac bushes, consistent with the current vegetation that exists on site, and the applicant would preserve the mature tree.

Staff recommends adding Condition of Approval #8 to this approval for the same purpose. It states, “Existing mature landscaping shall be preserved per a tree preservation plan submitted by a certified arborist and approved by the City prior to issuance of a building permit.”

G. Required Fencing and Screening between commercial and Residential Uses is required along common Property Lines.

Not applicable. The applicant is not proposing any fencing or screening between this property and 1460 Park Avenue and the property to the south. As the property is surrounded by residential uses and no commercial uses are proposed, there is no need for screening. The applicant has indicated that snow storage will occur on-site and in front of parking spaces.

This CUP does not preclude any new fences from being installed in the future. Should the applicant request construction of a new fence at a later date, the fence will be required to comply with LMC 15-4-2 and the Design Guidelines.

H. All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.

Complies as conditioned. The applicant is proposing to install a transformer on the northeast corner of the 1450 Park site, directly south of the sidewalk that runs from Park Avenue to Sullivan Road. Staff has added Condition of Approval #9 requiring that all ground-level equipment be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials.

The proposed transformer for the site will be located in the rear yard, beyond the required 15-foot setback and on the applicant's private property. In order to comply with the Design Guidelines, all parking areas and driveways shall also be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way. Staff has added this as Condition of Approval #10.

Department Review

This project has gone through an interdepartmental review. There will be a public utilities easement that will run 21 feet along the shared lot line with 1460 Park Avenue.

Notice

The property was posted and notice was mailed to property owners within 300 feet on June 29, 2016. Legal notice was also published in the Park Record on June 25, 2016.

Public Input

Staff has not received any public input at the time of writing this report.

Alternatives

- The Planning Commission may approve the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or

- The Planning Commission may continue the discussion on the Conditional Use Permit.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The project would not provide vehicular access for four (4) parking spaces perpendicular to Sullivan Road and two (2) off of Park Avenue. The applicant would have to reconsider their proposal and find an alternative method for parking six (6) total vehicles on site, accessible from Park Avenue. It is likely that such an arrangement would severely detract from the historic character of the site and the historic structure.

Future Process

The Planning Commission takes final action on Conditional Use permit applications. Approval or denial of a conditional use permit may be appealed according to LMC Section 1-18. Prior to building permit issuance, approval of a Historic District Design Review application is required and any conditions of approval of the CUP must be met.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for limited access on Sullivan Road, and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Findings of Fact

1. The property is located at 1450 Park Avenue.
2. The zoning is Historic Residential-Medium (HRM) Density District.
3. The lot at 1450 Park Avenue currently contains a historic house. The site is designated as Significant on the City's Historic Sites Inventory (HSI).
4. The property is identified as Lot 2 of the Retreat at the Park Subdivision, and contains 9,212 square feet. It has street frontages along both Park Avenue and Sullivan Road.
5. The Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation of the historic house on December 8, 2015. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction at 1450 Park Avenue. The relocation of the historic house 8'6" to the west towards Park Avenue was approved by the HPB on March 2, 2016. The HDDR application has not yet been approved.
6. On May 2, 2016, the Planning Department received a Conditional Use Permit (CUP) application for access off of Sullivan Road; the application was deemed complete on May 12, 2016.
7. No HDDR application for the construction of the three (3) new houses on the site has been submitted to the Planning Department.

8. The existing lot size at 1450 Park of 9,212 square feet is greater than the minimum required lot size for a development of four (4) dwelling units (5,625 SF).
9. The existing site is located on Park Avenue, which is a major residential collector street. The site is immediately surrounded by multi-family dwellings.
10. To lessen traffic congestion along Park Avenue, the applicants have chosen to locate most of the parking at the rear of the lot along Sullivan Road. Two (2) parking spaces in a tandem configuration will be accessible from Park Avenue, and the remaining four (4) spaces will be accessible from Sullivan Road.
11. The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.
12. Emergency vehicles can easily access the project off Park Avenue and/or Sullivan Road and no additional access is required.
13. The applicant requests that most of the direct access to the site come from Sullivan Road. The applicant is proposing two (2) parking spaces in a tandem configuration accessible from Park Avenue.
14. No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.
15. The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District.
16. Trash storage and recycling pick areas will be located on the rear (south) elevation of the new houses. Trash collection will occur along Sullivan Road.
17. Expected ownership of the entire project is anticipated as a single entity until the applicant files a Condominium Record of Survey to be able to sell each private unit individually.
18. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.
19. Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5. The proposed design of the three (3) new single-family dwellings meets the Design Guidelines for Park City's Historic Districts and Historic Sites.
20. The applicant is not proposing to alter the Historic Structure to minimize the residential character of the building; rather, the applicant is proposing to remove non-historic additions on the historic house, construct a new addition, and restore the existing historic structure.

21. The new buildings and addition to the historic structure will be in scale and compatible with existing historic buildings in the neighborhood. Larger masses will be located to the rear of the structure to minimize the perceived mass from the street. By constructing the three (3) single family residences behind the historic house, the applicant has significantly reduced the mass and scale of the development as viewed from Park Avenue. The small scale of these new houses is consistent to that of the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project.
22. Parking requirements of Section 15-3 will be met. The required amount of parking for three (3) new single family homes is six (6) spaces. The applicant will provide parking for four (4) vehicles perpendicular to Sullivan Road and two (2) spaces in a tandem configuration accessible from Park Avenue.
23. All yards are designed and maintained in a residential manner. Existing mature landscaping shall be preserved as possible.
24. As the property is surrounded by residential uses and no commercial uses are proposed, the applicant is not required to provide fencing and screening between commercial and residential uses along common property lines.
25. The staff findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use, as conditioned, 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. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
2. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City standards, is a condition precedent to building permit issuance.
3. Snyderville Basin Water Reclamation District (SBWRD) review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance. A 21 foot wide utilities easement shall be dedicated to SBWRD along the shared property line of 1450-1460 Park Avenue.
4. No building permits shall be issued for this project until the final plans for the proposed house are reviewed and approved by the Planning Department staff for compliance with the Design Guidelines for Historic Districts and Historic Sites.
5. A final landscape plan shall be submitted for approval by the Planning Department and the landscaping shall be complete prior to issuance of a final certificate of

occupancy for the house. The landscape plan shall provide mitigation of the visual impacts of the driveways, parking areas, and mechanical equipment.

6. The applicant shall dedicate a façade preservation easement to the City for the historic structure at 1450 Park Avenue following its restoration and prior to sale of the historic building to a private property owner.
7. The applicant is responsible for providing an updated landscape plan as part of the building permit application. Any significant vegetation that needs to be removed shall be replaced in-kind or a multiple of trees of the same caliper shall be provided to match the diameter of the existing tree. The updated landscape plan shall incorporate fruit trees and lilac bushes, consistent with the current vegetation that exists on site. If possible, the applicant will preserve the lilac bushes.
8. Existing mature landscaping shall be preserved per a tree preservation plan submitted by a certified arborist and approved by the City prior to issuance of a building permit.
9. All ground-level equipment shall be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials.
10. All parking areas and driveways shall be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way.
11. All Standard Project Conditions shall apply.

Exhibits

Exhibit A- Plans

Exhibit B- Applicant's letter

Exhibit C- Photos



Caddis Architecture, pc.
PARK CITY MUNICIPAL CORPORATION
1450/1460 PARK AVE.
AFFORDABLE HOUSING

PARK CITY
CONDITIONAL USE PERMIT

PARK AVENUE AFFORDABLE HOUSING
1450 & 1460 PARK AVENUE

Submitted by:
PARK CITY MUNICIPAL CORPORATION
April 29, 2016



- CUP-1 COVER SHEET
- CUP-2 AREA PLAN
- CUP-3 SITE PLAN
- CUP-4 ROOF PLAN
- CUP-5 LANDSCAPE PLAN
- CUP-6 SITE ELEVATIONS
- CUP-7 HISTORIC A - 1460 PARK AVE - EXISTING AND PROPOSED PLANS
- CUP-8 HISTORIC A - 1460 PARK AVE - ELEVATIONS AND BUILDING SECTION
- CUP-9 HISTORIC B - 1450 PARK AVE - EXISTING AND PROPOSED PLANS
- CUP-10 HISTORIC B - 1450 PARK AVE - ELEVATIONS AND BUILDING SECTION
- CUP-11 UNIT TYPE 1 - PLANS AND ELEVATIONS
- CUP-12 UNIT TYPE 2 - PLANS AND ELEVATIONS
- CUP-13 UNIT TYPE 3 - PLANS AND ELEVATIONS
- CUP-14 UNIT TYPE 4 - PLANS AND ELEVATIONS
- CUP-15 PERSPECTIVE VIEWS
- CUP-16 SURVEY



CONDITIONAL USE PERMIT

04.29.2016
PROJECT # 1521
CADDIS PC



Caddis Architecture, pc

**PARK CITY MUNICIPAL CORPORATION
1450/1460 PARK AVE.
AFFORDABLE HOUSING**

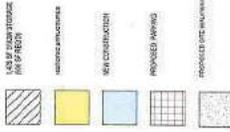
MAY 02 2016

**CUP-2
AREA PLAN**

1" = 30'-0"
04.29.2016

PROJECT # 1521
CADDIS PC





DEVELOPMENT DATA

(C) UNIT 1 - BEDROOM HISTORIC RENOVATION
(D) UNIT 2 - BEDROOM HISTORIC RENOVATION
(E) UNIT 3 - BEDROOM SINGLE FAMILY
(F) 3-BEDROOM SPACER

FLOOR AREA (HISTORIC RENOVATION) 1,546 GSF
FLOOR AREA (NEW CONSTRUCTION) 6,800 GSF
TOTAL FLOOR AREA 8,446 GSF

UNIT DATA

1 BR / 710 GSF
1 BR / 835 GSF
2 BR / 1,120 GSF
2 BR / 1,100 GSF
2 BR / 1,150 GSF
UNIT F - SINGLE FAMILY 2 STORY
3 BR / 1,200 GSF
2 BR / 1,100 GSF
2 BR / 1,100 GSF

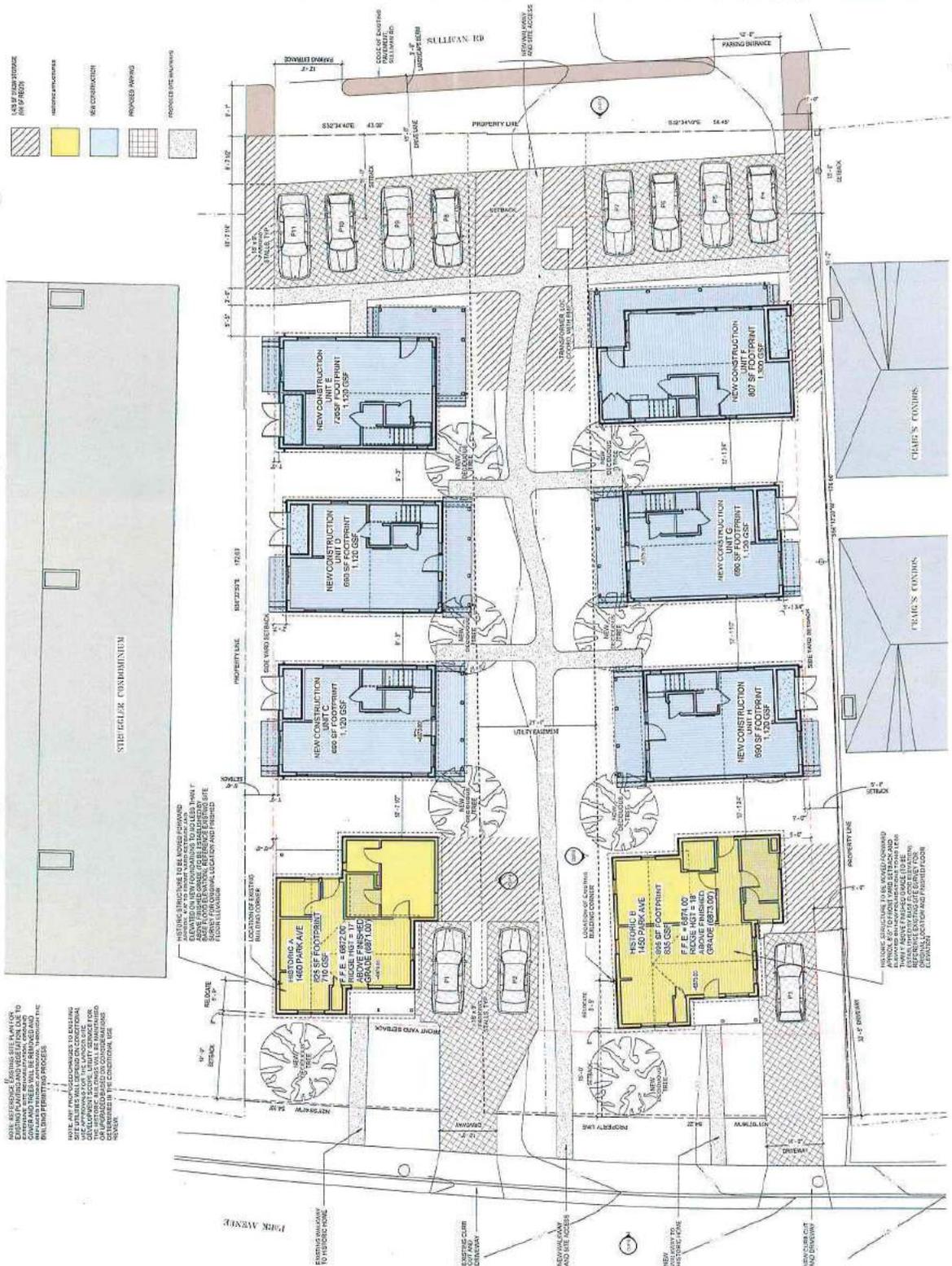
SITE DATA

LOT AREA 18,295 SF
BUILDING COVERAGE (HISTORIC RENOVATION) 9%
BUILDING COVERAGE (NEW CONSTRUCTION) 23%
PARKING AREA 2,392 SF
DRIVE LANE (ON LOT) 594 SF
DRIVE LANE (OFF LOT) 856 SF
DRIVE LANE TOTAL 1,441 SF
WALKWAYS 1,306 SF
LANDSCAPED AREA 8,107 SF
TOTAL LOT COVERAGE 10,188 SF
SNOW STORAGE REQUIRED 755 SF
SNOW STORAGE PROVIDED 1,400 SF

MAY 0 2 2016

CUP-3 SITE PLAN

AS INDICATED
04.29.2016
PROJECT # 1521
CADDIS PC



NOTE: HISTORIC PROPERTIES ARE IN RED. EXISTING PLAYERS AND VESTIBULES TO BE DEMOLISHED AND RECONSTRUCTED TO MEET CURRENT CODES AND STANDARDS. ALL EXISTING HISTORIC PROPERTIES WILL BE DEMOLISHED AND RECONSTRUCTED TO MEET CURRENT CODES AND STANDARDS. ALL EXISTING HISTORIC PROPERTIES WILL BE DEMOLISHED AND RECONSTRUCTED TO MEET CURRENT CODES AND STANDARDS.

HISTORIC STRUCTURES TO BE DEMOLISHED AND RECONSTRUCTED TO MEET CURRENT CODES AND STANDARDS. ALL EXISTING HISTORIC PROPERTIES WILL BE DEMOLISHED AND RECONSTRUCTED TO MEET CURRENT CODES AND STANDARDS.

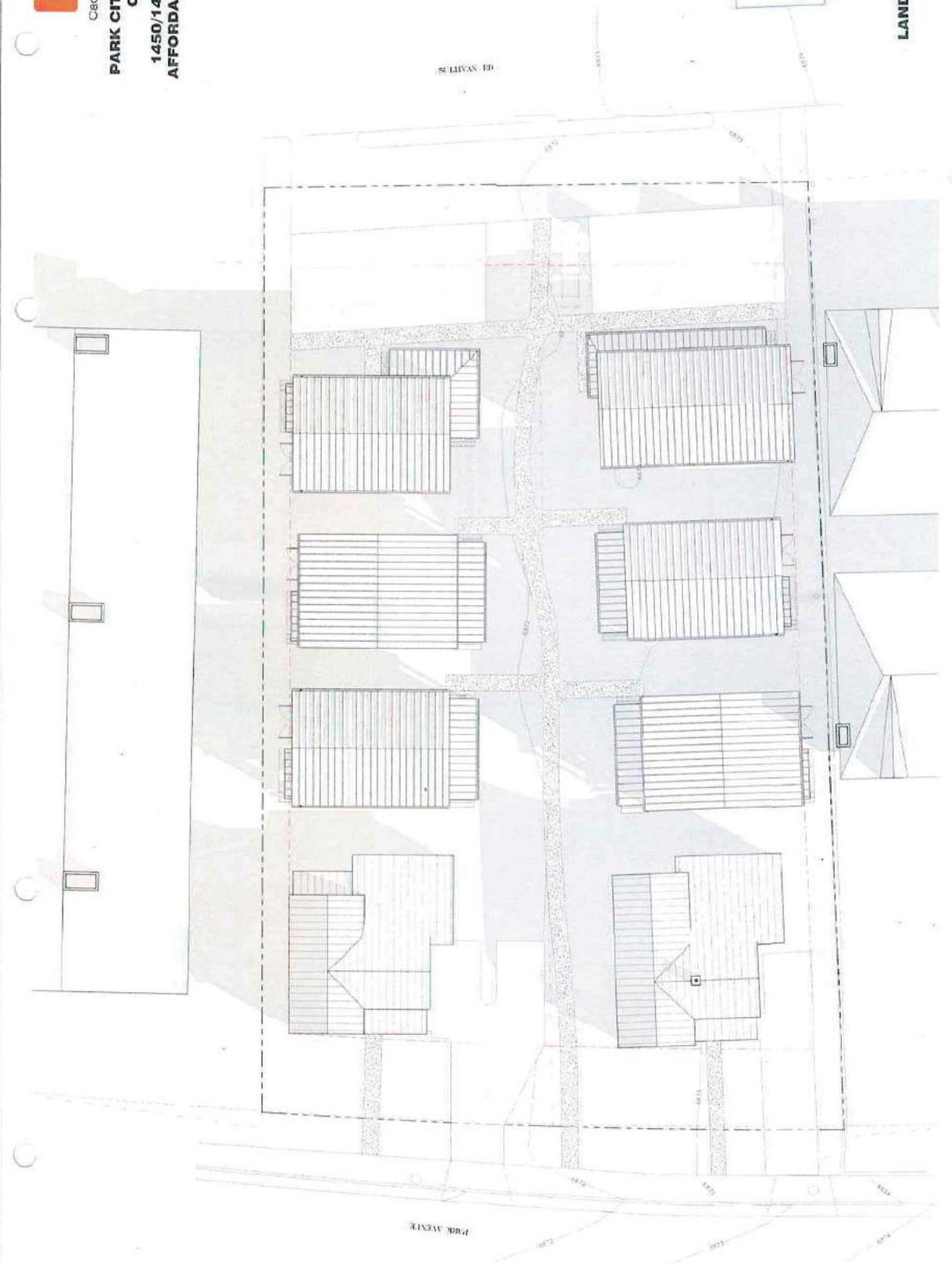
HISTORIC STRUCTURE TO BE DEMOLISHED AND RECONSTRUCTED TO MEET CURRENT CODES AND STANDARDS. ALL EXISTING HISTORIC PROPERTIES WILL BE DEMOLISHED AND RECONSTRUCTED TO MEET CURRENT CODES AND STANDARDS.



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1450/1460 PARK AVE.
AFFORDABLE HOUSING

FILED
MAY 02 2016
 PARK CITY
 PLANNING COMMISSION

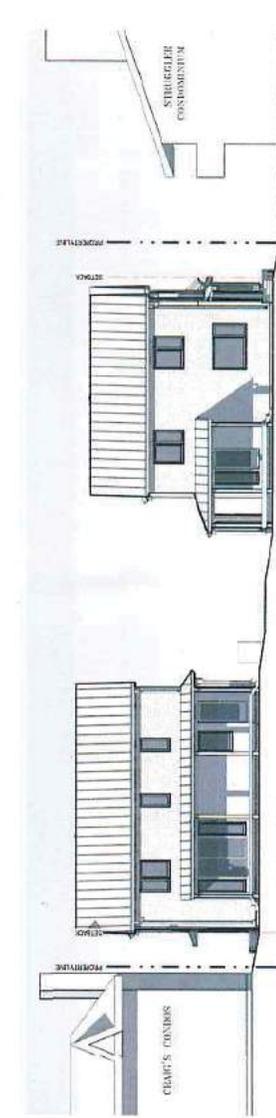
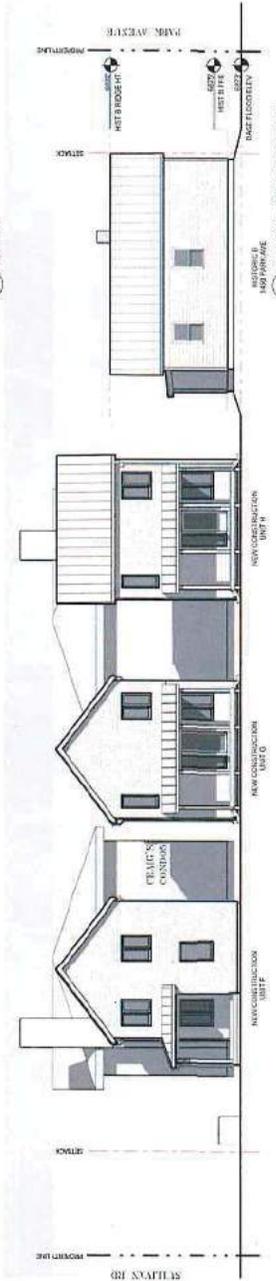
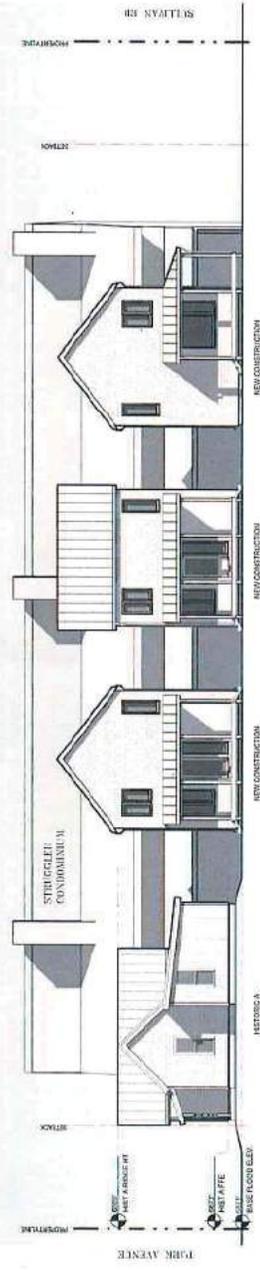
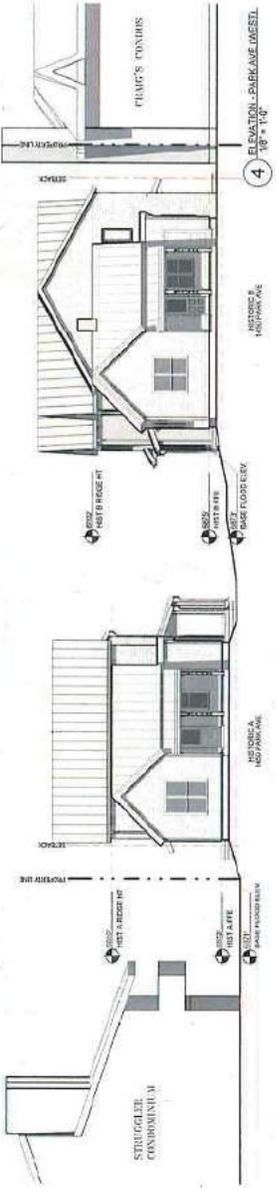
CUP-5
LANDSCAPE PLAN
 1/8" = 1'-0"
 04.29.2016
 PROJECT # 1521
CADDIS PC



MAY 02 2016

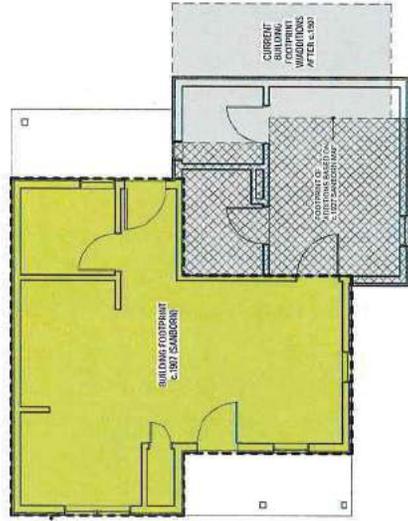


CUP-6
SITE ELEVATIONS
 1/8" = 1'-0"
 04.29.2016
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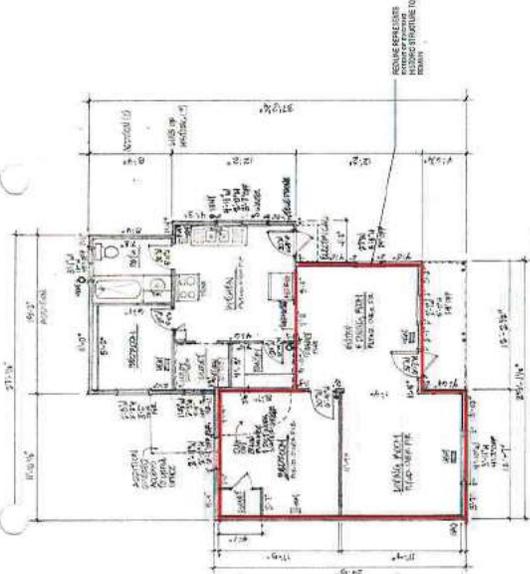


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PARK CITY MUNICIPAL CORPORATION
1450/1460 PARK AVE.
AFFORDABLE HOUSING

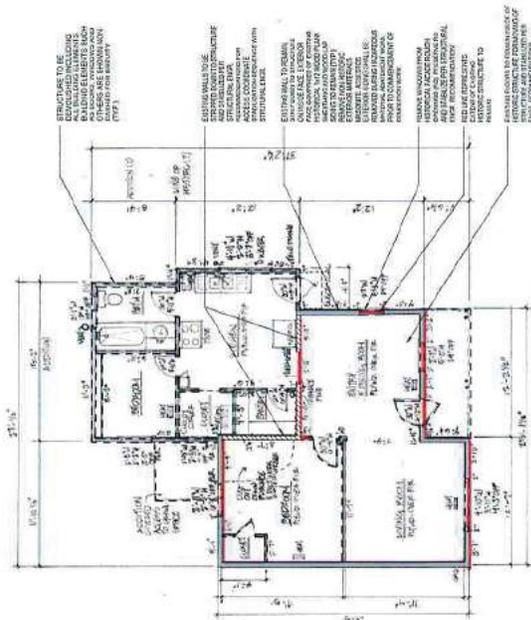


SPECIAL HISTORIC CHARACTERISTICS OF THIS BUILDING AND ITS LOCATION, SITE, DESIGN, AND LANDMARK SIGNIFICANCE, AND ENGINEERING ASSESSMENT.
ADDITIONAL MATERIALS ORIGINALLY IDENTIFIED AND PHOTO DOCUMENTED FOR HISTORIC CHARACTERISTICS AND BUILDING MATERIALS AND CONSTRUCTION TECHNIQUES TO BE PRESERVED.

LEGEND
SPECIAL HISTORIC CHARACTERISTICS
HISTORIC BUILDING FOOTPRINT
1907 ADDITION
HISTORIC BUILDING FOOTPRINT VARIATIONS

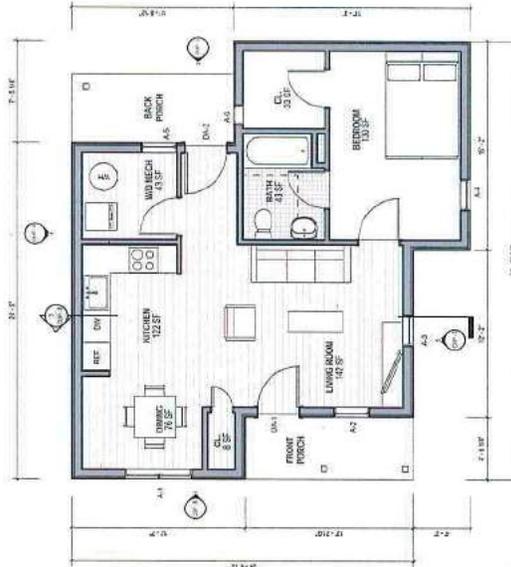


4. 1460A - EXISTING BUILDING FLOOR PLAN CUP
3/16" = 1'-0"



3. 1460A - EXISTING BUILDING DEMOLITION FLOOR PLAN CUP
3/16" = 1'-0"

2. 1460A - PROPOSED FLOOR PLAN AND HISTORIC FOOTPRINTS DIAGRAM
1/4" = 1'-0"



1. 1460A - PROPOSED FLOOR PLAN
1/4" = 1'-0"

UNIT DATA
1 STORY HISTORIC
1 BEDROOM
1 BATH

UNIT FLOOR AREA
FIRST FLOOR RESIDENTIAL 710 GSF

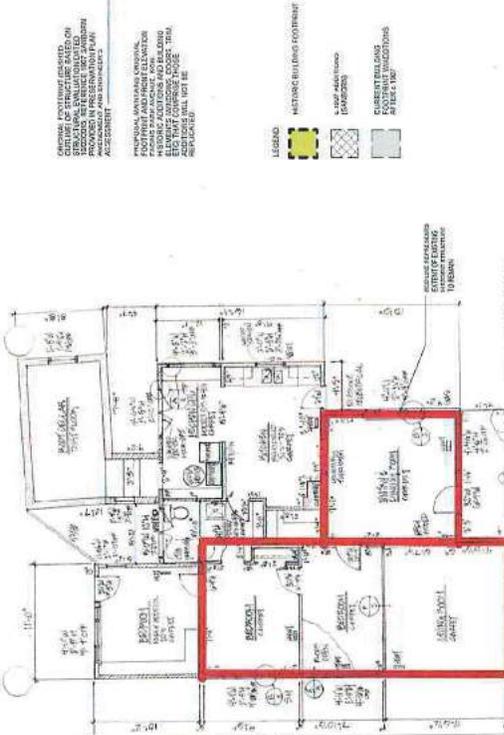


CUP - 7
HISTORIC A - 1460 PARK AVE -
EXISTING AND PROPOSED PLANS

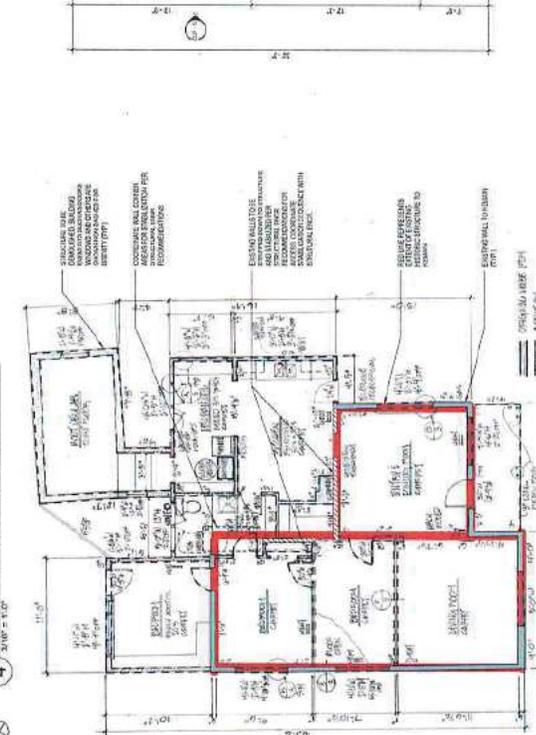
AS INDICATED
04.29.2016
PROJECT # 1521
CADDIS PC



2 1450B - PROPOSED FLOOR PLAN AND HISTORIC FOOTPRINTS DIAGRAM
 1/8" = 1'-0"



4 1450B - EXISTING BUILDING FLOOR PLAN
 3/16" = 1'-0"



3 1450B - EXISTING BUILDING FLOOR (REVOLUTION PLAN)
 3/16" = 1'-0"

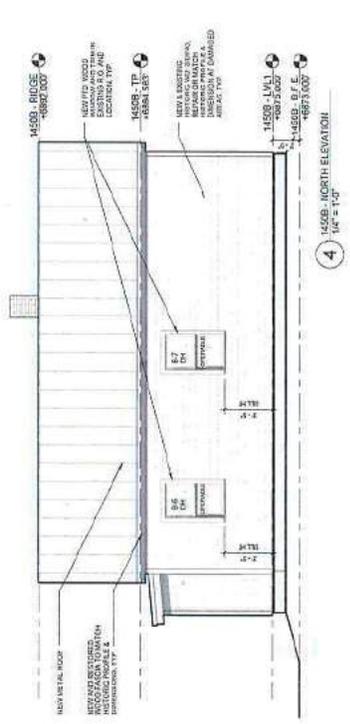
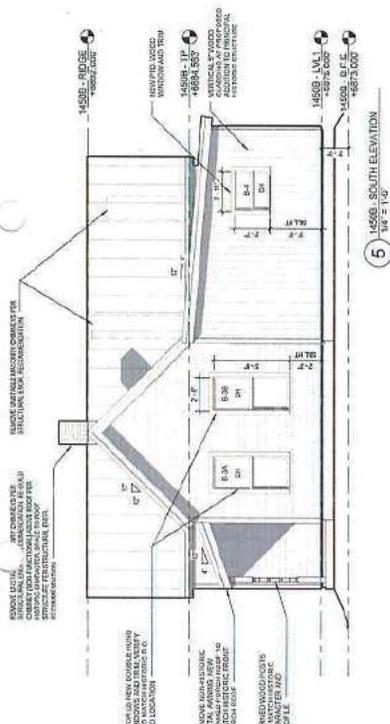
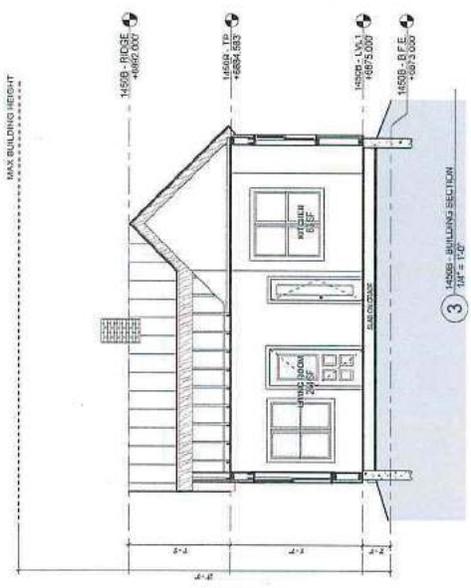
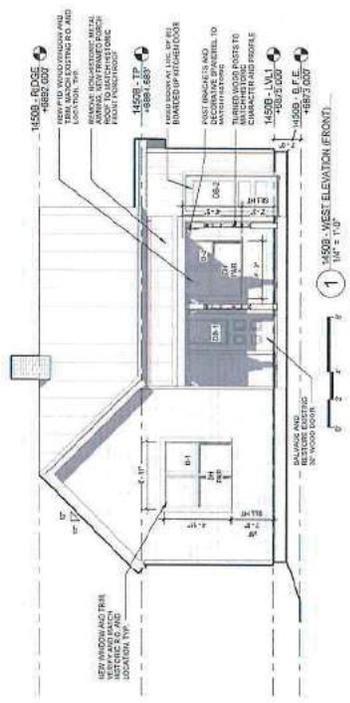
UNIT DATA
 1 STORY HISTORIC
 1 BEDROOM
 1 BATH
UNIT FLOOR AREA
 FIRST FLOOR RESIDENTIAL 836 GSF



CUP - 9
HISTORIC B - 1450 PARK AVE -
EXISTING AND PROPOSED PLANS
 As indicated
 04.29.2016
 PROJECT # 1521
CADDIS PC

MAY 02 2016

CUP - 10
HISTORIC B - 1450 PARK AVE -
ELEVATIONS/SECTIONS
 1/4" = 1'-0"
 04.29.2016
 PROJECT # 1521
CADDIS PC





UNIT DATA

- 2 STORY
- 2 BEDROOM
- 1 BATH

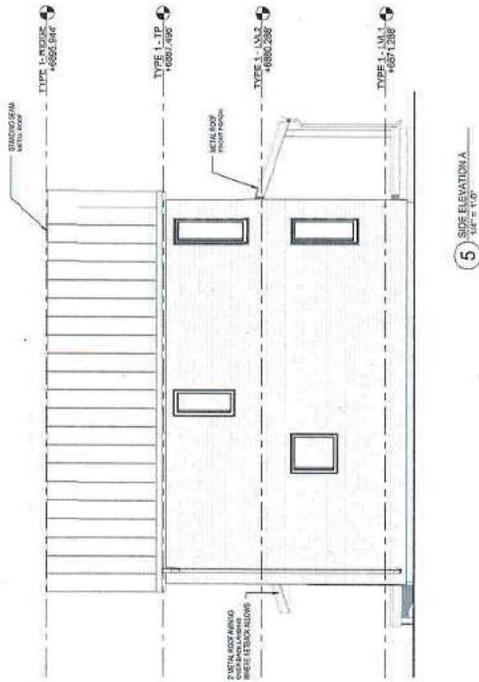
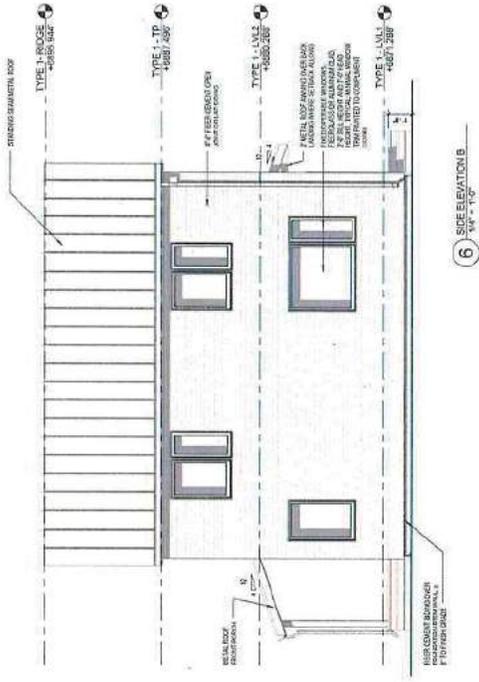
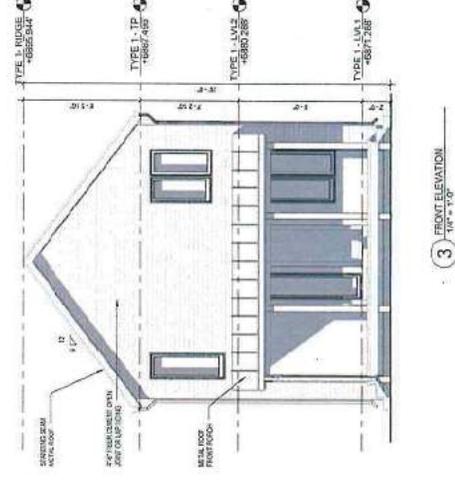
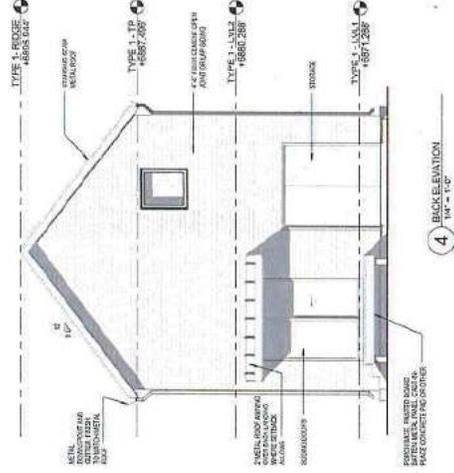
UNIT FLOOR AREA

FIRST FLOOR RESIDENTIAL	522 SF
EXTR. STORAGE	38 SF
SECOND FLOOR	560 SF
TOTAL	1,120 GSF

MAY 02 2016

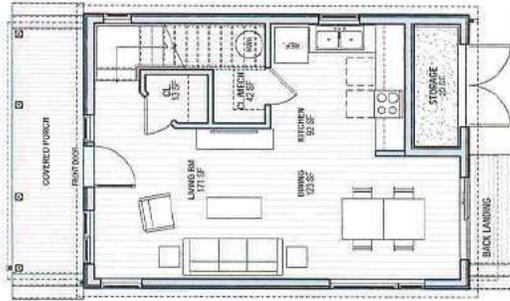
UNIT TYPE 1 PLANS & ELEVATIONS

1/4" = 1'-0"
 04.29.2016
 PROJECT # 1521
CADDIS PC

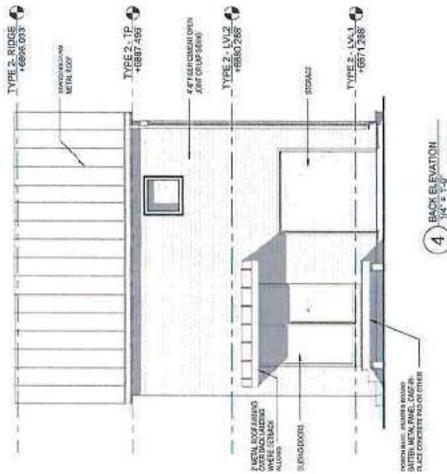




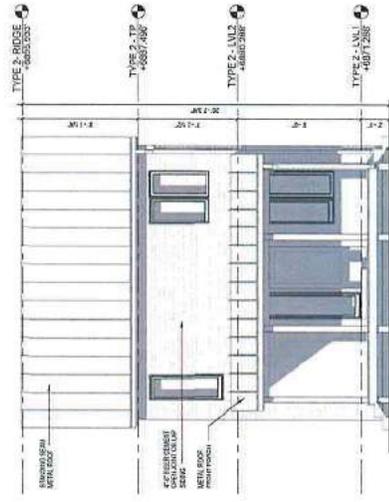
2 UNIT TYPE 2 - UPPER FLOOR PLAN
 1/4" = 1'-0"



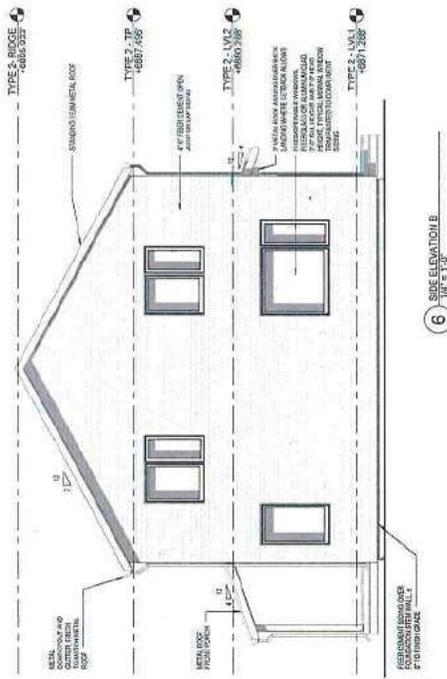
1 UNIT TYPE 2 - GROUND FLOOR PLAN
 1/4" = 1'-0"



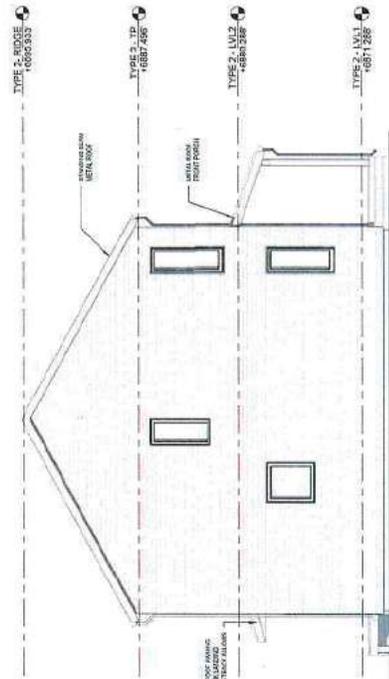
4 BACK ELEVATION
 1/4" = 1'-0"



3 FRONT ELEVATION
 1/4" = 1'-0"



6 SIDE ELEVATION B
 1/4" = 1'-0"



5 SIDE ELEVATION A
 1/4" = 1'-0"

UNIT DATA

- 2 STORY
- 2 BEDROOM
- 1 BATH

UNIT FLOOR AREA

FIRST FLOOR RESIDENTIAL	522 SF
EXTR. STORAGE	38 SF
SECOND FLOOR	560 SF
TOTAL	1,120 GSF



CUP-12
 UNIT TYPE 2 PLANS & ELEVATIONS

1/4" = 1'-0"
 04.29.2016
 PROJECT # 1521
CADDIS PC



UNIT DATA

- 2 STORY
- 2 BEDROOM
- 1 BATH

UNIT FLOOR AREA

FIRST FLOOR RESIDENTIAL	622 SF
EXTR. STORAGE	38 SF
SECOND FLOOR	560 SF
TOTAL	1,220 GSF

REVISED
 MAY 02 2016

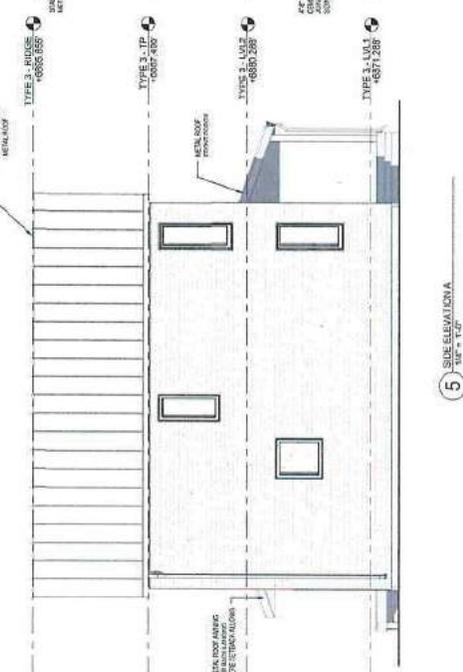
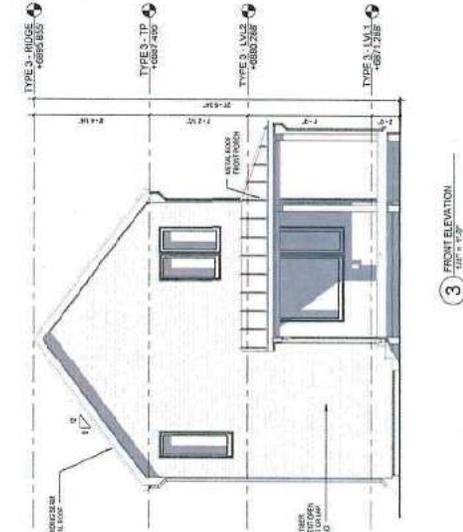
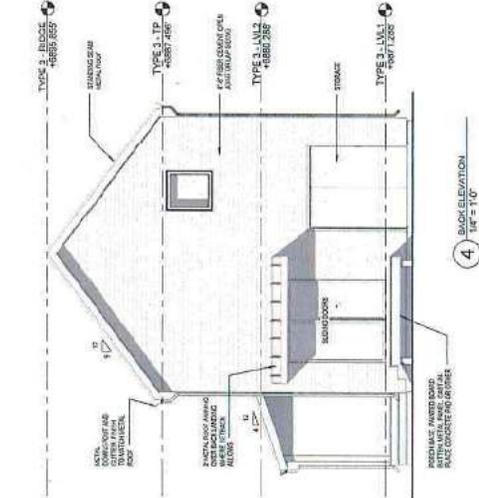
CUP-13
 UNIT TYPE 3 PLANS &
 ELEVATIONS

1/4" = 1'-0"

04.29.2016

PROJECT # 1521

CADDIS PC



MAY 02 2016

UNIT DATA

2 STORY
 3 BEDROOM
 1 1/2 BATH

UNIT FLOOR AREA

FIRST FLOOR RESIDENTIAL 629 SF
 EXTR. STORAGE 38 SF
 SECOND FLOOR 700 SF
 TOTAL 1,367 GSF

CUP-14
UNIT TYPE 4 PLANS & ELEVATIONS

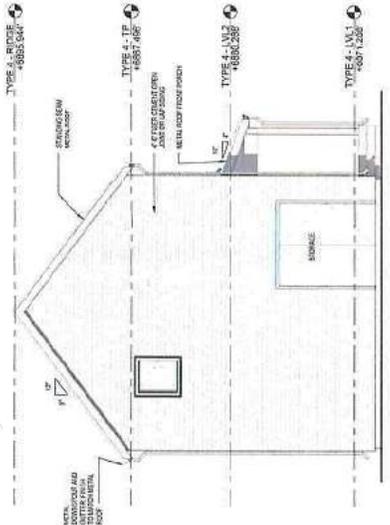
1/4" = 1'-0"
 04.29.2016
 PROJECT # 1521
CADDIS PC



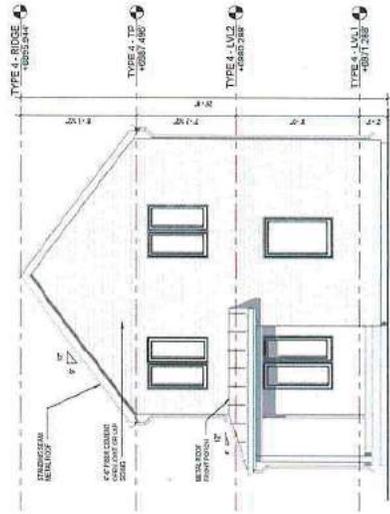
2 UNIT TYPE 4 - UPPER FLOOR PLAN
 1/4" = 1'-0"



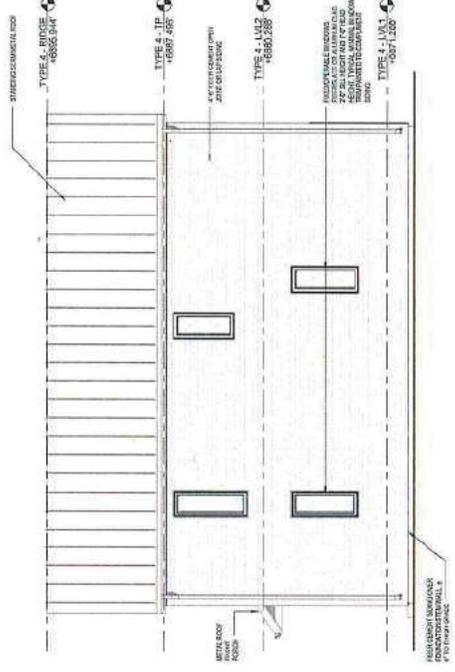
1 UNIT TYPE 4 - GROUND FLOOR PLAN
 1/4" = 1'-0"



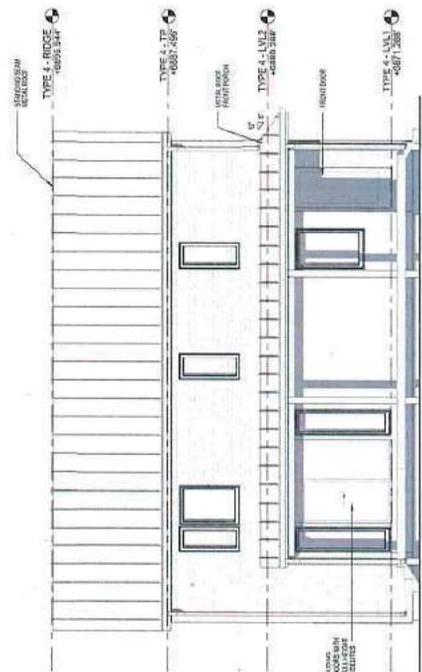
4 BACK ELEVATION
 1/4" = 1'-0"



3 FRONT ELEVATION
 1/4" = 1'-0"



6 SIDE ELEVATION B
 1/4" = 1'-0"



5 SIDE ELEVATION A
 1/4" = 1'-0"



Caddis Architecture, pc.

**PARK CITY MUNICIPAL CORPORATION
1450/1460 PARK AVE.
AFFORDABLE HOUSING**



VIEW FROM SULLIVAN RD

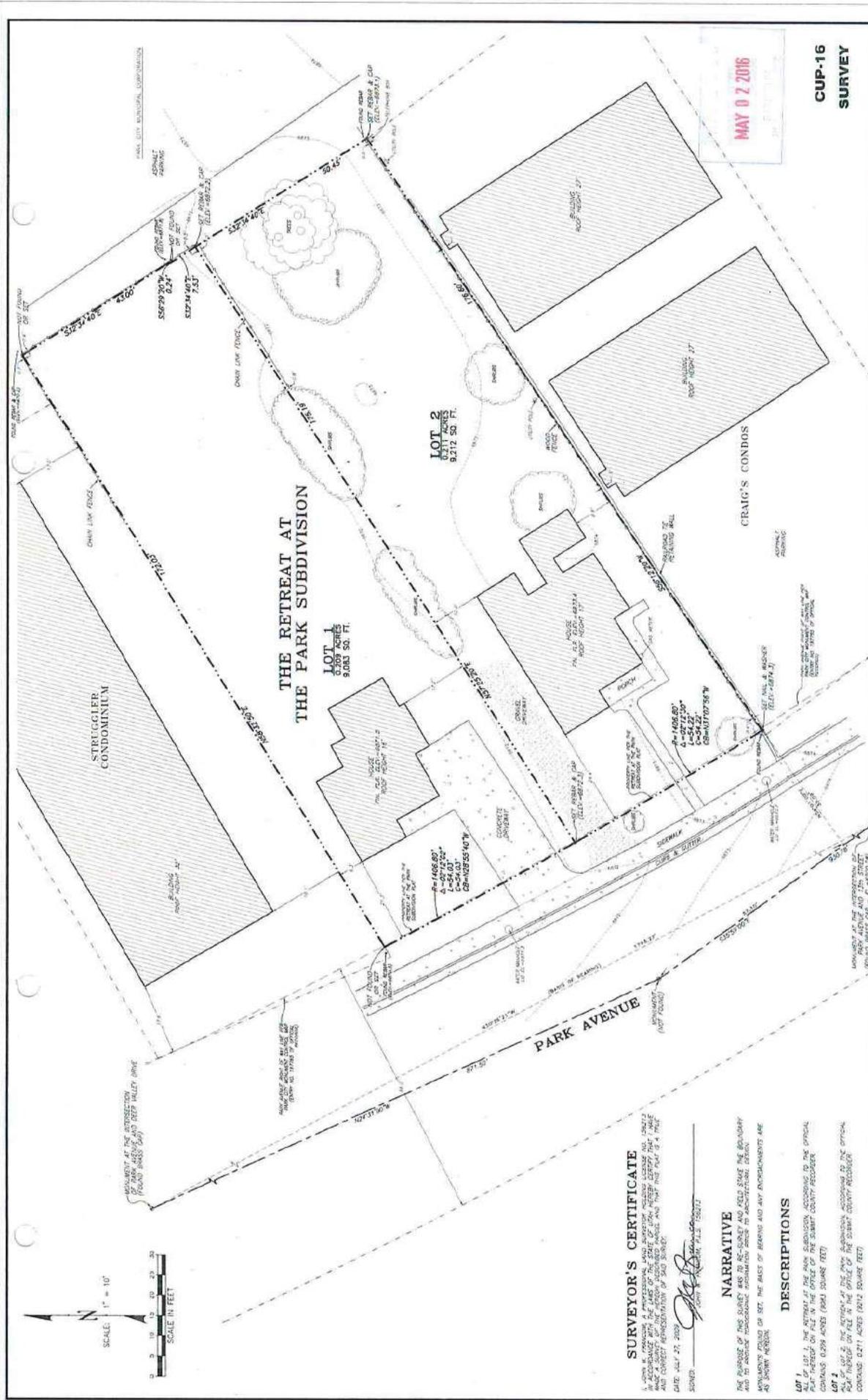


VIEW FROM PARK AVENUE

MAY 02 2016

**CUP-15
PERSPECTIVE VIEWS**

04.29.2016
PROJECT # 1521
CADDIS PC



**CUP-16
SURVEY**

MAY 02 2016

PROJECT INFORMATION BOUNDARY & TOPOGRAPHIC SURVEY		SHEET NO. 1 OF ONE
DRAWN BY: JAS CHECKED BY: JMT SURVEY DATE: 7/22/09 JOB NO. 09-025	SURVEYED BY: MEJ/JAS CALCULATED BY: MEJ REC. DATA COLLECTION DATE: 7/22/09 PLOT: RETREAT	REVISIONS: 1/2/11: ADD LOT 1
PARK CITY REDEVELOPMENT AGENCY 1450 PARK AVENUE PARK CITY, UTAH		
SANDRA S. HATCH, ARCHITECT PARK CITY REDEVELOPMENT AGENCY 1450 PARK AVENUE PARK CITY, UTAH <small>LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2, SOUTH, RANGE 4, EAST, 34th JAIL, BASE & MERIDIAN.</small>		
JOHN W. FRANCOM & ASSOCIATES BOUNDARY & SURVEYORS 505 SOUTH MAIN STREET, SUITE 200, PARK CITY, UTAH 84301 (435) 243-2300 FAX: (435) 243-2324		

SURVEYOR'S CERTIFICATE

I, John W. Francom, a Professional Land Surveyor, hereby certify that I have made a survey of the above described lands and that the map is a true and correct representation of said survey.

DATE: JULY 27, 2013
 SIGNED: *[Signature]*
JOHN W. FRANCOM, LICENSE NO. 156212

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO RE-SURVEY AND FIELD STAKE THE BOUNDARY AND TO PROVIDE TOPOGRAPHIC INFORMATION PRIOR TO ARCHITECTURAL DESIGN.

DESCRIPTIONS

LOT 1
 0.211 ACRES (9,083 SQ. FT.)
 CONTAINS 0.209 ACRES (9,084 SQ. FT.)
LOT 2
 0.211 ACRES (9,212 SQ. FT.)
 CONTAINS 0.211 ACRES (9,212 SQ. FT.)

**1450 Park Avenue
Application for Conditional Use Permit
Submitted by the Affordable Housing Program of
Park City Municipal Corporation**

1. How will the proposed use “fit-in” with surrounding uses?

The proposed use does not change from the historical use – residential single family homes. The proposed use maximizes the number of units that can be built within current code on the quarter acre lot. With the rehabilitation of the existing historic dwelling, three additional units will be built in the balance of the lot.. The surrounding uses are primarily larger multi-unit buildings, however the applicant proposes to retain this lot and the adjacent lot as a small pocket neighborhood for permanent, year-round residents. While small, single family homes might feel dwarfed by the larger structures, it will provide a linkage to other historic single family homes in the neighborhood.

2. What type of service will it provide to Park City?

The project will provide affordable workforce housing for Park City residents.

3. Is the proposed use consistent with the current zoning district and with the General Plan?

The proposed use complies with all set-back requirements for the zoning district with one exception – one less parking space. In light of one of City Council’s critical priorities to reduce energy use and the carbon footprint of the community, rather than the six parking spots required, the applicant is requesting allowance for five. It also provides for more open space and a cozy neighborhood feel to provide more green space rather than parking areas. Buyers will need to reduce their vehicle ownership in order to purchase one of the homes.

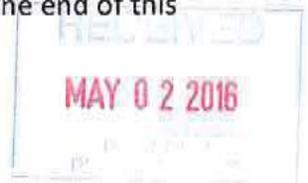
The proposed use is consistent with the General Plan to provide infill affordable units as well as locating them near public transit nodes. One of the Park City transit systems busiest routes is Park Avenue and the bus stop is located within two hundred yards of the property. General Plan Objectives 7D, 7E, 8A & 15E:

7D - Facilitate the implementation of a housing plan that promotes economic diversity.

7E – Create housing opportunities for the City’s aging population. (Two of the houses will be adaptable and configured for age-in-place occupants.)

8A – Provide increased housing opportunities that are affordable to a wide range of income levels within all Park City neighborhoods.

15E – Encourage adaptive reuse of historic resources – please note that details of how the historic home at 1450 will be rehabilitated can be found attached at the end of this narrative.



1450 Park Avenue
CUP Application narrative, page 1

4. Is the proposed use similar or compatible with other uses in the same area?

The proposed use is both similar and compatible. The property is surrounded on all sides by residential properties. Most properties are larger structures – multi-unit buildings – however, there is still a scattering of small, historic detached houses. This property will provide additional historic context to the street with similar small detached houses.

5. Is the proposed use suitable for the proposed site?

The proposed use fits within current zoning and code requirements. It will provide a lovely, small neighborhood for permanent residents to live close to their work and to most amenities necessary for a complete lifestyle. Grocery stores, banks, medical facilities and entertainment can be found within walking distance or a short bus ride.

6. Will the proposed use emit noise, glare, dust, pollutants, and odor?

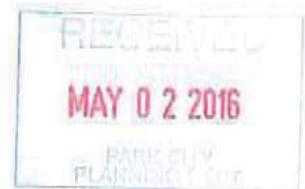
The proposed use will not contribute any of these.

7. What is the hour of operation and how many people will be employed?

The proposed use is residential and therefore will not have hours of operation, nor will people be employed on site.

8. Are other special issues that need to be mitigated?

- As was mentioned in item 3, the applicant is proposing that five parking spaces be approved rather than the six requested by code. See item 3 for the explanation.
- In addition, the project falls in the City's Soils District. The applicant has completed testing and all soils have come back very clean. Despite this, the applicant does not plan to truck any soils from the site. All soils will be contained on-site. The soils that get displaced for footings and foundations will be used to raise the houses to 24" above grade (12" is required due to the flood plain to which an additional 12" will be added for crawl space). Any remaining soils will be capped on site in the landscaping plan.



1450 Park Avenue
CUP Application narrative, page 2

Historic Home Structural Stabilization/ Upgrades 1450 and 1460 Park Ave,
Park City, Utah.

Please find the list of stabilization / upgrade list of structural upgrades required prior to moving the structure. This Stabilization plan is a dynamic document that will change as existing conditions are uncovered through the discovery and demolition process.

The basic plan will be to reinforce the structures in place, including the roof, bearing walls, new bearing walls and floor framing prior to relocating. This will allow the structure to with stand the forces on the structure during the move and meet code requirements after they are placed on a concrete foundation.

1. Complete removal of asbestos siding, without damaging existing clapboard.
2. Roof Framing 1450: The goal to preserve as much of the existing roof framing as possible.
 - a. Remove existing masonry chimney from attic.
 - i. Cover hole left in roof to protect from weather.
 - b. Roof sheathing:
 - i. Remove existing roof covering and possible "skip" sheathing. Possible leave sheathing in place, in case framing is damage by removal.
 - ii. Plywood over existing sheathing or over new framing is required.
 - iii. Is it best to build up the roof framing from the outside of the structure or from the attic?
 1. Concerns; load carrying capacity of the "attic" floor.
 - c. Roof framing:
 - i. Convert roof framing to trusses with plywood gussets and additional members.
 - ii. Provide new ceiling framing members aligning with each roof member. These ceiling framing members will be the new "bottom" chord of the truss created with the existing roof framing members.
 - iii. Key connections are connections to walls at bearing locations, and connection at ridge.
 - d. Ceiling Framing:
 - i. Currently at approximately 48" o.c. Ceiling "sheathing" is fastened to the underside of the ceiling framing members presumably nailed from the bottom up.
 - ii. When attic loading is determined and bottom chord of the newly created attic truss sized, this will confirm the new ceiling framing installed from the attic and fastened from the bottom up.
 - e. Gable ends:
 - i. The roof gable ends will remain in place and require reinforcement to meet code and kickers from the top of the wall up to the roof diaphragm.
3. Roof Framing 1460: Due to fire damage, the roof on 1460 will be entirely removed, with gable ends and the ceiling remaining in place.

MAY 02 2016

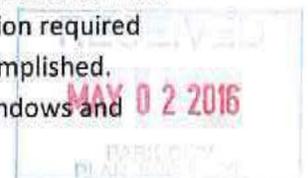
1450 Park Avenue

CUP Application narrative, page 3

- a. Prior to removal of the roof, the ceiling will be reinforced by adding members between the existing ceiling framing and fastened to the exterior wall plate.
 - b. The gable ends will be reinforced with stud framing, and kickers back to the ceiling framing.
 - c. Following items A & B, above removal of shingles, sheathing, and rafters can proceed
 - d. New ceiling framing will be installed between each existing ceiling framing member. Depth to be determined, notch at connection to wall plate.
4. Bearing and Shear walls, both structures:
- a. Wall Studs
 - i. 2x6s @ 24" proposed, this will allow bearing beneath each roof framing member, and allow for maximum insulation. Interior sheet rock may need to be 5/8" gyp.
 - b. Wall Sheathing
 - i. Existing Asbestos siding to be removed
 - ii. Existing clapboard to be saved
 - iii. Walls can be sheathed and stood up from the interior of the structure. Plate connections to roof and floor framing from the inside of walls after they are stood up.
 - c. Wall connection to floor framing / foundation
 - i. Holdowns will be required at wall ends. This will be detailed later.
 - d. Locations where non historic portions are removed from the historic portions of the building will be framed with 2x6 framing @ 24" o.c. and sheathed for bracing. Connection details to the roof and floor framing will be provided.

Floor framing both structures:

- 5. Access is the greatest issue.
 - a. Framing is practically on grade.
- 6. Existing framing is assumed to be un-salvageable, and too undersized to be used in any fashion, and discontinuous.
 - a. Are we saving the flooring? There is plywood over the tongue and groove. Can the plywood be removed prior to GC award?
 - b. Currently I'm proposing a beam, (3) 2x10s, be installed around the perimeter of the structure and continuing beneath the location of the roof ridge intersections, where the roof framing direction rotates; prior to moving the structure, sequencing needs to be established.
- 7. Foundations and Footings:
 - a. The foundation and footings will be completely new construction. The structures must be moved far enough away from the final location that any over excavation required due to the unknown material beneath the existing structure can be accomplished.
- 8. How out of plum, or out of square is existing framing, overall walls, individual windows and doors? Needs to be determined.























Memorandum

Date: 6/10/2016
 To: Rhoda Stauffer
 From: Jesus Bendezu
 Regarding: 1450/1460 Park Ave. Affordable Housing Parking Requirements Caddis Project #1521

This memo is being provided to show that, in our professional judgement, the 11 parking stalls provided for the project are adequate.

The well know Institute of Transportation Engineers, Parking Generation, 4th edition handbook, used by transportation engineers, calls for 1.83 parking spaces per detached residential dwelling unit. If we were to calculate the parking requirement per the ITE handbook the affordable housing development at Park Avenue would require 11 parking spaces ($6 \times 1.83 = 10.98$), which is the same on-site number of parking stalls that we are providing for the project. Note that the two historic units do not require parking in Park City. It is also worth note that the ITE study does not separate their residential codes into affordable housing and market rate housing so it is representative based on a single building type regardless of income level, location in a rural, suburban, urban, or downtown core area. It is a document that is widely referred to by authorities with jurisdiction but is not specific to context.

The often cited 2011 San Diego Affordable Housing Parking Study, which is specific to the affordable housing type, determined parking rates based on a low, medium, and high walkability/transit index (suburban, urban and core respectively). If our project were to follow the study's low walkability/transit index, the total parking needed for our development would be a total of 11 parking spaces [$1.0(2) + 1.3(5) + 1.75 = 10.25$]. Our site on lower Park Avenue is closer to an urban setting as it has a number of basic services that are nearby and easily accessible within walking distance. It has a total of three bus stops served by three bus lines that are within a five-minute walk of the site. Our site is therefore closer to that of an urban setting with a medium walkability/transit index, and it could be argued that it actually has a medium-high walkability/transit index making the parking requirements, based on the study, even lower if we were to follow it. The San Diego AHPS found that for an urban setting with a medium walkability/transit index, for a one-bedroom family housing unit the parking rate needed was 0.6. We would need 1.1 for a two-bedroom unit, and 1.4 for a three-bedroom unit. If we were to follow this model, more appropriate to our project type and urban context, the total number of spaces needed would be 9 [$0.6(2) + 1.1(5) + 1.4 = 8.1$].

The Park City softball field, across from Sullivan, a non-thoroughfare street that sees little traffic during the day, has 45 plus parking spaces that go mostly unused for the greater part of the year, except during softball games and special events. Though we are not proposing that occupants of the new affordable housing units use these spaces for parking the fact remains that they will be used by the occasional visitor to the units helping reduce the extra capacity that land use codes typically take into account to determine parking capacity requirements.

The City plans to have a selection criterion that will include a preference for households with one vehicle and the parking management for this location will include parking passes for its residents. Park City also chose to build at a much lower density than the maximum allowed thus making the requirements for the number of parking spaces that could have potentially been needed, and the related traffic increase, much lower than that which could have been possible.

Because of the information presented above and the particular location of the Park Avenue affordable housing project, providing 11 spaces, one less than what the current land use code for Park City requires, is adequate given its location, access to public transportation, housing type and socio economic status of its future occupants.

caddis architecture, planning, etc.

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