

# PARK CITY MUNICIPAL CORPORATION PLANNING COMMISSION



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

September 14, 2016

## AGENDA

**SITE VISIT – Treasure Hill – 4:30 PM - No discussion or action will be taken on site.**

Switchback of Lowell Avenue and Empire Avenue

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

**ROLL CALL**

**ADOPTION OF MINUTES OF AUGUST 10, 2016**

**ADOPTION OF MINUTES OF AUGUST 24, 2016**

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

**STAFF BOARD COMMUNICATIONS AND DISCLOSURES**

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

Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan <i>Review of proposed density and public hearing</i> <i>Consideration of Motion to Continue Public Hearing to October 12, 2016</i>	PL-08-00370 <i>Planner</i> <i>Astorga</i>	79
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158 Ridge Avenue – Steep Slope Conditional Use Permit for a new Single Family Dwelling. <i>Public hearing and possible action</i>	PL-16-03149 <i>Planner</i> <i>Hawley</i>	143
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7379 Silver Bird Unit 29 – Plat Amendment to change existing common area to private area. <i>Public hearing and possible recommendation to City Council on October 6, 2016</i>	PL-16-03207 <i>Planner</i> <i>Hawley</i>	239
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**ADJOURN**



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
SANTY AUDITORIUM  
PARK CITY LIBRARY  
AUGUST 10, 2016

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Makena Hawley, Planning Tech, Polly Samuels McLean, Assistant City Attorney; Jody Burnett, Outside Counsel

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REGULAR MEETING

**ROLL CALL**

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

**ADOPTION OF MINUTES**

July 13, 2016

MOTION: Commissioner Phillips moved to APPROVE the minutes of July 13, 2016 as written. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioner Thimm abstained since he was absent from the July 13<sup>th</sup> meeting.

July 27, 2016

MOTION: Commissioner Joyce moved to APPROVE the minutes of July 27, 2016 as written. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

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

Planning Director Bruce Erickson informed the Planning Commission that their decision on the Alice Claim CUP for the wall had been appealed and it would go before the City Council. It is a 45-day period and the Staff was working on the appeal.

Director Erickson had emailed the Commissioners earlier that day requesting input on the site visit to Treasure Hill on September 14<sup>th</sup>.

Chair Strachan believed there was value in flying balloons. When the Treasure Hill project came before the Planning Commission seven years ago, balloons were flown and he thought it was helpful in getting an idea of the heights associated with the project.

Commissioner Joyce liked the idea of the balloons, but he thought this was different because some of the questions regarding the CUP related to excavation and the amount of dirt that would be removed. He suggested stakes and a corresponding map telling how high it would be above the ground and the depth of the excavation. Director Erickson remarked that the Staff had that same thought. He would convey that direction to the applicant and he and Planner Astorga would work an adequate number and the locations to give the Planning Commission the best idea; recognizing that the balloons will not be 100% accurate.

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

### **1. Treasure Hill Conditional Use Permit, Creole Gulch and Town Life Mid-Station Sites – Sweeney Properties Master Plan. (Application PL-08099370)**

Planner Astorga presented a slide that was provided by the applicant in a previous year. The letters corresponded with the published Staff Report dated August 10, 2016, pages 126-129.

Planner Astorga stated that page 123 of the Staff report was a summary of P-16 that was prepared by the applicant. However, he believed it was difficult to understand the current proposal from P-16 or the summary. Planner Astorga noted that pages 126-129 of the Staff report was a simple breakdown of P-16. He intended to focus more on individual buildings and identify commercial, support commercial, residential, circulation and common space so the Commissioners can discuss each specific building. Planner Astorga stated that as they move forward he would like to continue to use the outline on pages 126-129, as well adding graphics, to help everyone understand exactly what was being proposed. He thought the breakdown would be extremely helpful and much clearer than what the applicant had provided on P-16.

Planner Astorga noted that he had spent a considerable amount of time reviewing the Woodruff Analysis, which is a combination of the site plan that was part of the original 1985/1986 approval. One sheet was labeled site plan, and another sheet had five cross sections. One was a horizontal component and the other was a vertical component. The two together create a 3-D mass and scale. Planner Astorga stated that the applicant had submitted their specific numbers which was included as an Exhibit in the Staff. The numbers are only an estimate and the Staff verified the numbers and found them to be accurate. Planner Astorga received additional information dated July 22<sup>nd</sup>, and there have been a number of meetings and phone calls regarding that specific analysis. He stated that the Staff was comfortable with putting the horizontal component next to the vertical component. Planner Astorga reminded the Planning Commission that the master plan did not approve a specific square foot, other than the unit equivalents of 197 residential and 19 support commercial.

Planner Astorga referred to Exhibit W, which was presented to the Planning Commission at the July 13<sup>th</sup> meeting, where they received backup documentation of similar hotels that were approved, such as the Montage, St. Regis, and the Sky Lodge. At the time the information was compiled a Master Planned Development was approved at the Yarrow, as well as the Marriott Mountainside. Planner Astorga noted that the backup documentation supports the accuracy of the numbers in Exhibit W. The parking calculation was not part of the original Exhibit W; however, it was added at the request of the Planning Commission at the last meeting. Planner Astorga had also added two approved Main Street projects to Exhibit W; 205 and 203 Main Street.

Planner Astorga referred to a comment that the former Mayor, Dana Williams, had made at the last public hearing regarding the benefit of seeing a specific work product. The Staff had met with Mr. Williams to confirm the information he was referencing, and that information was provided on page 141 of the Staff report.

Planner Astorga stated that the Staff report also talks about the 5% support commercial, beginning on page 130. He was prepared to answer questions on this topic if necessary; however, he thought it was best to let the applicant give their presentation first.

Chair Strachan requested that Planner Astorga walk through the horizontal versus vertical application on the Woodruff drawings. Planner Astorga reviewed the drawings on page 155 of the Staff report, which was part of the original approval. As indicated by the applicant at a previous meeting, the white marks were erasure marks on the mylar as the heights were amended during the MPD process. Planner Astorga referred to Sheet 17 on page 152 of the Staff report, and noted that the straight line going through the high rise component of each building corresponds with the specific vertical component. The Exhibit

on page 166 of the Staff report showed the results of adding the two components together. He estimated a total of 875,000 square feet.

Chair Strachan asked if page 168 was an overlay of the proposed Treasure project against the Woodruff drawing. Planner Astorga answered yes. It was an exhibit prepared by the applicant and believed they would address it in their presentation. Planner Astorga anticipated spending additional time reviewing this Exhibit when they review the physical components of the site, the mass and volume, and specific compatibility.

Shawn Ferrin, representing the applicant, stated that he was part of the working team with MPE on the conditional use permit application for Treasure Hill. Mr. Ferrin remarked that this was the third public hearing on Treasure Hill in the current consideration of the CUP application. In the past there were many other public hearings on Treasure Hill, but this was the final push.

Mr. Ferrin introduced others on the team, including the applicants and the project architect. Mr. Ferrin thanks the Staff and the Planning Commission for their efforts in reviewing the CUP application.

Mr. Ferrin stated that as requested by the Planning Commission at the last meeting, and as agreed to by the applicant, the presentation this evening would focus on square footage calculations and volume for Treasure Hill. He noted that the Staff report contained information with respect to support commercial, as well as information with respect to the General Plan; however, he was not prepared to discuss that this evening. The team did have an opinion on those issues, and they would be ready to with oral statements and a presentation when directed by the Planning Commission. Mr. Ferrin commented on the support commercial issue; and he believed the disagreement between MPE and Staff was only a difference of 30,000 square feet.

Mr. Ferrin commented on the standards of review. He stated that square footage and volume touch upon many of the standards of review that were contained in the MPD approval. In standards 2, 3 and 4, and CUP Criteria 1,4,5,7,8,11 and 15, square footage and volume touch on all those aspects across the board. Mr. Ferrin believed that was an important point because as they go through the process with the Staff and the Planning Commission, MPE needs to touch upon all the elements necessary to make sure the application is complete, and that the Planning Commission fully understands the application.

Mr. Ferrin assumed the Planning Commission had read the executive summary and the position statement that was provided. He stated that the presentations were simply an overview of the important aspects that MPE wanted the Planning Commission as they

consider the CUP application. The executive summary and the position statements were critical to fully understanding the entitlements and the evolution of the design of Treasure Hill. Mr. Ferrin stated that the applicant was keeping a list of all the questions and issues raised by the Planning Commission and the public. They intend to prepare answers to each of those questions and respond to each issue at the appropriate time when the meeting agenda dictates the specific topic for discussion.

Mr. Ferrin stated that the presentation this even would focus on four topics. It would demonstrate that at the time of the 1986 MPD approval, Park City knew that it was approving a large scale development. It would show the evolution of the design of Treasure Hill that occurred through the application of the 2003 LMC at the direction of the Staff and Planning Commission, and the resulting impact on square footage and volume of Treasure Hill. Mr. Ferrin intended to show how the square footage and volume of Treasure Hill compares to other large scale developments approved by Park City, including the allocation of back of house square footage. At the end of the presentation a sketch-up would show the Woodruff plan overlaid by the 2009 CUP application with several variations.

Mr. Ferrin stated that Treasure Hill has a long a complex history; and even though many in the public and certain members of the Planning Commission may not like Treasure Hill, that history and the resulting entitlements and historic directives from Staff and the Planning Commission could not be ignored in evaluating and approving the CUP application.

On the first topic, Mr. Ferrin explained why he believed that Park City knew that Treasure Hill was a large scale development. He remarked that after the Treasure Hill MPD was approved the Staff report was updated with comments and became a 1985/1986 Staff report. Mr. Ferrin stated that the 1985/1986 Staff report brings the MPD approval into context and is critical to understanding and evaluating the CUP application. In granting the MPD approval, Park City and the public knew that Treasure Hill was a large scale development. The Planning Commission, City Council and the Staff knew that Treasure Hill was larger than any prior commercial/residential development that had been approved. Mr. Ferrin believed that Park City know that Treasure Hill would involve the construction of significant buildings of significant scale and height, typical to what was proposed in the CUP application. Service and parking areas were required to be located underneath the development, and that ski runs would be put on top. Park City knew that the total gross square footage expected for the project would be in the range of 1 million square feet. Mr. Ferrin stated that Park City also knew that the development was directly adjacent to the Historic District, commonly referred to as Old Town.

Mr. Ferrin reviewed the site plan for Treasure Hill. The green line represented the boundary line of the Sweeney master plan area. The red line represented the building areas, comprised of 11.5 acre. He indicated the ski runs that come down on both sides of the project to an area where they meet and provide ski access down to Old Town.

Mr. Ferrin commented on open space and the protection of Treasure Hill. He stated that out of 119.5 acres, only about 3% of the entire hillside portion is developed with buildings. He pointed to the rooftops of Treasure Hill compared to the existing rooftops, and stated that the buildings were the same dimensions, the same widths, and the same lengths.

Mr. Ferrin thought it was important to understand that the MPD approval required that access be off Lowell and Empire. He explained that the critical point of elevation is getting off of Lowell and Empire and getting on to the site. He identified the entrance into the project, which goes into parking. Critical to the elevation point is access for emergency service vehicles. He explained the planned emergency vehicle access as required by the fire code. Ambulances could come in through the entrance, go under the project, and reach the bottom of every elevator shaft in the project. Mr. Ferrin remarked that the access point sets the baseline for where the development has to start. Mr. Ferrin indicated the Cabriolet, a non-motorized vehicle access between the town and the project.

Mr. Ferrin stated that the access and emergency vehicle circulation under Treasure Hill was designed with input and was approved by Park City before MPE submitted its application for a conditional use permit. MPE relied about that written agreement with Park City to go forward with its design of that project. That design and the approval are literally the foundation on which Treasure Hill is built, the subsequent design, and in many respects it is the driver of the volume located within Treasure Hill.

Mr. Ferrin summarized what Park City knew when it approved the MPD in 1986. The 1985/1986 Staff report describes the significant size and large scale of Treasure Hill, and the critical design and development considerations that were implemented at that time to mitigate the size and scale. He noted that those descriptions were contained at length on pages 2 and 3 of the position statement provided by the applicant. Mr. Ferrin stated that the 1985/1986 Staff report describes Treasure Hill as a high-rise concept, with direction from the Staff and Planning Commission to “cluster the bulk of the development into Creole Gulch”. The Staff report noted that the “cluster approach, although highly visible from certain points, does not impose massive structures in the most prominent areas. Instead, the tallest buildings have been tucked into Creole Gulch”. Mr. Ferrin stated that the Staff report also talks about Treasure Hill’s massiveness and large skyscraper type buildings. Mr. Ferrin emphasized that this was how Park City perceived Treasure Hill when it was approved in 1986.

Mr. Ferrin stated that prior to the approval, numerous design concepts for submitted and evaluated by Staff, the Planning Commission and the public. He read from the Staff report, "a variety of development concepts were submitted during the course of reviewing the proposed master plan. A total of eight distinct approaches to the development of the hillside were evaluated. The Staff, Planning Commission and general public have all favored the cluster of development as opposed to spreading it out. Several of the alternatives prepared in response to specific concerns expressed relative to the scale and mass of building necessary to accommodate the density proposed. The latest concept developed represents a refined vision of the cluster approach originally submitted". Mr. Ferrin remarked that the clustering concept was the City's brain child. It was approved after considering all the ramifications and analyzing a total of eight mountainside alternatives. Mr. Ferrin pointed out that the 1985/1986 Staff report also notes that various iterations submitted for review demonstrated the trade-offs between height and site coverage. Mr. Ferrin emphasized that Park City knew that the project was next to, and that it would impact Old Town. The Staff report demonstrates that Park City understood the scale, mass and size of Treasure Hill, and that it was a concern in 1986. The Staff report also demonstrates that those concerns were carefully and thoughtfully considered and addressed, including requiring MPE to incorporate certain design requirements and development restrictions. With an informed understanding of its size, mass and scale, Park City approved the MPD for Treasure Hill for a development of the size, mass and scale of the Treasure Hill development that is part of the CUP application.

Mr. Ferrin stated that understanding the history of Treasure Hill and the approvals, no one could claim that the Park City Staff, Planning Commission, City Council and the public did not understand and anticipate that at some point in the future Treasure Hill would be a large scale development immediately adjacent to Old Town. After much deliberation and consideration, Park City approved the MPD in 1986 because they believed it was in the best interest of the City. Mr. Ferrin remarked that individuals may choose to criticize that decision, but the approval granted to MPE cannot be taken away and it cannot be undone.

Regarding the second topic, Mr. Ferrin stated that the configuration of Treasure Hill has evolved since the 1986 MPD approval, and that evolution is important. He remarked that from 2004 to 2009 when the CUP was initially processed and reviewed, the project was primarily driven by the 2003 LMC and by the direction of Staff and the Planning Commission. Even though the process evolved, the process did not affect fundamental changes to the scale, mass and size. Mr. Ferrin stated that the process resulted in shifting mass around and decreased floor to floor height in the residential component. Meeting room and support commercial space was developed using percentages confirmed in writing by Staff on more than one occasion, and in full compliance with the 2003 LMC. Mr. Ferrin noted that employee housing was added, and parking services and circulation revisions were implemented. He pointed out that overall, with that evolution of the

Treasure Hill Design, additional square footage was added both above grade and below grade, and modest volume changes were incorporated above ground and there were volume increases underground. Mr. Ferrin stated that the project was also dropped a few feet further into Creole Gulch in order to do more to reduce the scale along Lowell and Empire.

As a follow up to their presentation last month, Mr. Ferrin commented on the square footage of Treasure Hill as contemplated under the MPD approval and the CUP application. He compared the square footage of Treasure Hill to the square footage of other large scale developments in Park City. Mr. Ferrin stated that in 1986 the MPD approval granted approximately 413,000 net square feet. The exact square footage was not fixed and it depended on many factors, including unit configuration. As shown at the last public hearing, the Woodruff drawings used for the development of the building zones and height limitations, and attached to the MPD approval, contemplated about 875,000 square feet. Mr. Ferrin noted that as stated earlier, Planner Astorga had confirmed the numbers submitted by MPE's architect. Mr. Ferrin pointed out that when the MPD approval was granted in 1986, the Woodruff drawings were conceptual in nature. Had the concept of the Woodruff drawings worked its way through the LMC, the Treasure Hill development would have grown even more. MPE's architect estimated that the size would be nearly 1 million square feet. Mr. Ferrin stated that a concept plan, detailed sketches, and refined development is the process that occurs for every project. Mr. Ferrin noted that the calculations permitted under the LMC, the 2004 CUP application contemplated upwards of 850,000 gross square feet. This calculation was based upon the agreement between MPE and the Staff that each residential UE is equal to 2,000 square feet, and each commercial UE is equal to 1,000 square feet. Without that agreement, the square footage and volume of Treasure Hill could be even greater.

Mr. Ferrin outlined the progression of Treasure Hill through the CUP process between 2004 and 2009, which led to a total of 1,016,877 square feet. He noted that the square footage was reduced based upon an agreement with Staff to take out the mine exhibition. Under the current application the gross square footage is 1,008,808. Mr. Ferrin stated that as detailed in their presentation last month and in their position statement, the square footage included in the CUP application fully complies with the 2003 LMC, and the additional square footage, sometimes referred to as back of house, is contemplated and permitted under the LMC. Mr. Ferrin clarified that additional square footage for meeting space and support commercial is authorized by the LMC but limited up to 5% of the floor area. He emphasized that the 2009 application complies with those 5% requirements, even if all of the floor area related to commercial space and meeting space is not included in that calculation. He stated that MPE was not double-dipping in making its calculations of square footage.

On the third topic, Mr. Ferrin stated that the Treasure Hill square footage was reasonable, compatible and comparable with other developments. In response to the question raised at the last public hearing by several Planning Commissioners regarding the square footage included in the CUP application, Mr. Ferrin remarked that the additional back of house square footage is reasonable. It is reasonable in the context of what is required to make Treasure Hill a functionally developed and profitably operating development. This was borne out by the review and vetting process that MPE went through by hiring a 5-star hotel operating and maintenance company to review the plans. Mr. Ferrin believed it was reasonable in the context of what Park City has permitted for other developments. The July 8, 2016 Staff report included Exhibit W, which is an analysis of the square footage permitted at the Montage, St. Regis and in other developments. He noted that MPE's architect and land planner had completed a similar analysis based upon the plats of record for Montage and for St. Regis, and for the 2009 application. Mr. Ferrin pointed out that there were small discrepancies between the Staff analysis and the applicant's analysis. The applicant intended to work with the Staff to resolve those discrepancies.

Mr. Ferrin referred to comments made at the last public hearing that it was not appropriate to compare Treasure Hill to the Montage and St. Regis because Treasure Hill is located adjacent to Old Town. He reminded the Planning Commission that outside to the City addressed this issue in a separate letter when he said that the compatibility issue for Treasure Hill was decided when the MPD approval was granted in 1986. Mr. Ferrin reviewed the analysis that MPE's architect and land planner had prepared comparing the three projects. He referred to a color coded chart that identified the back of house in orange, meeting space in yellow, commercial space in green, and residential in blue. Mr. Ferrin noted that the gross floor area of the Montage was 780,000 square feet. The gross floor area of the St. Regis was 416,000 square feet. The gross floor areas proposed for Treasure Hill is 775,000 square feet. In terms of the back of house comparisons, Montage has 341,000+ square feet. He thought it was important to note that the percentage of the total square footage for Montage is 43.8%. The St. Regis is 47%. Treasure Hill back of house is 40%. Mr. Ferrin pointed out that Treasure Hill has less back of house than either Montage or St. Regis.

Mr. Ferrin commented on the meeting space and noted that proportionally Treasure Hill is almost equal at 2% for Montage, 1.5% for St. Regis, and 2.1% for Treasure Hill. He stated proportionally the 6.7% commercial space at Treasure Hill is less than the 7.5% for Montage and slightly more than the 4.5% at St. Regis. Mr. Ferrin noted that Treasure Hill has proportionally more residential space than either the Montage or St. Regis.

Mr. Ferrin stated that overall, proportionately, Treasure Hill is modestly more efficient than comparable examples when it comes to back of house, meeting space, and commercial space. He reviewed a comparison of Montage and Treasure Hill, including the parking.

Treasure Hill had more residential, less commercial space, less parking, and less back of house. Like Exhibit W, Mr. Ferrin thought the comparisons helped to show how Park City has treated other applicants of similar developments. Based upon approvals that Park City has given for similar development projects, Mr. Ferrin stated that the square footage included in the CUP application for Treasure Hill, including back of house, is clearly reasonable and should be approved.

Mr. Ferrin commented on volume. In addition to providing additional information on square footage, Director Erickson had also requested that the applicant address the volume of Treasure Hill. Mr. Ferrin noted that there was no mention of volume restrictions within the Estate Zone in the 1985 LMC, the 2003 LMC, or in the MPD approval. He did not believe it was a specific factor to be considered in reviewing the CUP. However, in an effort to respond to the Planning Director's request, the applicant had provided an analysis of the volume of Treasure Hill. Mr. Ferrin stated that volume is a function of a building's horizontal and vertical limits and the floor to floor heights. It is the same analysis that Planner Francisco had done with the Woodruff drawings. Mr. Ferrin remarked that an increase in volume means an increase in construction costs. A developer is initially disincentivized from increasing or maximizing volume.

Mr. Ferrin stated that the Treasure Hill volume is primarily a function of the UEs, vehicular access, the topography of the land, and the different types of spatial uses reasonably required for the project. In thinking about volume, the specified function or use that goes on in a space dictates the floor height of that space. Mr. Ferrin noted that industry standards are a very important factor. For any project, an evaluation of floor heights requires an evaluation of parking, lobby heights, commercial space, meeting heights, and residential floor heights. In terms of parking and circulation, types and sizes of cars, service trucks, and emergency vehicles are considered in the analysis of the floor to floor heights. Mr. Ferrin stated that industry standards require 16' floor heights for service and fire trucks, and 14' floor heights are required for ambulances and accessibility vehicles. It leaves room for drop downs and transfer beams, ventilation, and lighting. He believed their numbers were conservative. Mr. Ferrin noted that industry standards indicate that 19' to 24' heights are commercial. The industry standards for commercial spaces indicates that 12' to 25' floor heights typical. Meeting space heights depend on the size of the meeting space area and the nature of the function. Industry standards show that 12' to 30' heights are typical. Industry standards for residential space indicate that 10'6" floor to floor heights are typical. Mr. Ferrin stated that Treasure Hill's floor to floor heights in all of those categories fall within those standards, and in some cases on the lower end of the industry standards.

Mr. Ferrin noted that David Eldridge, the project architect, had performed a detailed numerical and visual analysis of Treasure Hill's volume. The analysis was included in the

Staff report and he was certain that it would be closely reviewed by Planner Astorga. Mr. Ferrin explained how the architect had calculated the square footage and uses for each space in Treasure Hill to perform the analysis. He pointed out that the numbers were approximate and the final heights would vary somewhat once the architectural construction documents are prepared. Mr. Ferrin stated that also included in the Staff report was a volumetric plan that Mr. Eldridge had prepared showing the floor to floor heights of each level within Treasure Hill. The pink and orange colors represented the taller floor to floor heights. Green, yellow and blue represented the shorter floor to floor heights. Mr. Ferrin stated that most of the higher elevation floors are below re-established grade. He reviewed the analysis to show the volume heights by percentage above grade. He pointed out that floor heights of 10.5' or less comprise 60.3% of the above grade volume of Treasure Hill. Floor heights of 24 feet or more comprise 2.1% of the gross square footage above grade of Treasure Hill. Mr. Ferrin stated that 55% of the entire project has floor to floor or floor to roof heights less than 12'. He remarked that 80% of that area has floor to floor or floor to roof heights of 10'6" or less. Mr. Ferrin stated that 60.3% of the above grade gross area of the project has floor to floor heights less than 10'6", and all of the above grade spaces with floor to floor or floor to roof heights 14' or more are commercial spaces, ballrooms, meeting rooms or public lobbies.

Mr. Ferrin stated that Mr. Eldridge had done an analysis of the plats of record for Montage and St. Regis. Montage has floor to floor heights of 11' for residential areas, which is approximately half a foot taller than the floor heights for Treasure Hill. Montage has floor to floor heights of 19 to 21 feet for public spaces; similar to the floor heights for Treasure Hill. The St. Regis has floor to floor heights of 10'6" to 11' for residential; and floor to floor heights of 23 feet for public spaces, which are generally in line with Treasure Hill.

Mr. Ferrin stated that based on the detailed volumetric analysis, including floor heights of projects that Park City has previously approved, the volume of Treasure Hill is in line with industry standards and is reasonable and should be approved by the Planning Commission. He remarked that another important factor to consider in evaluating the volume of Treasure Hill is the location of the volume within the development, and the fact that it was driven by the desire to mitigate height. He referred to comments in the Staff report for the MPD approval, such as cluster the bulk and tuck it into Creole Gulch. He noted that mitigating height was a key consideration in the MPD approval and very early in the design process. Mr. Ferrin pointed out that placing the development further in Creole Gulch also subjected other essential development constraints, such a fire and safety, ski operations, and excavation. He stated that following the critical directive to mitigate height by locating and developing Treasure Hill in Creole Gulch, MPE initially had to insure that the project worked from a fire and safety perspective. After thoroughly evaluating the in the Gulch design concept, MPE and the City entered into a written agreement, a fire protection plan, in early 2004. The City was represented by the Chief Building Official and Fire

Marshall. Mr. Ferrin stated that the fire protection plan, including the access points talked about on the site plan, the required excavation, and the location of ski improvements, insured that emergency vehicles and fire trucks could access all of Treasure Hill. Mr. Ferrin noted that the fire protection plan was signed before the 2004 CUP application was filed. The fire protection plan dictated where scale, mass, size and corresponding volume could be located and how it could be designed. That signed agreement set the foundation for the project. Mr. Ferrin stated that the fire protection plan and the CUP application in 2004 was the basis for a 2006 agreement between MPE and Park City regarding ski runs, ski lifts, and the operation of responsibilities between the owner of Treasure Hill and the operator of the resort. This agreement allowed for excellent skiing experience and it was required to make it all work. Mr. Ferrin stated that the fundamental directive in the MPD to mitigate height by locating and developing Treasure Hill in the Gulch, while respecting the essential requirements for fire and safety and good skiing, resulted in additional excavation and the cliffscape concept. He emphasized that excavation and cliffscape construction mitigates height. Mr. Ferrin noted that almost all the cliffscapes will be obscured from the town's view based upon the buildings that will be built, and based upon the anticipated landscaping.

Mr. Ferrin presented the sketch-up plan, which showed the 2009 application buildings and an overlay of the Woodruff plans, from two different perspectives.

Mr. Ferrin stated that in 1986 Park City carefully evaluated the application of the Sweeney Plan, and the Staff report and Minutes from those meetings clearly reflect that Park City knew it was approving a large scale development with large skyscraper type buildings, and clustered and tucked into Creole Gulch. While 30 years later the community may not like that approval it cannot be undone. Attacking the CUP application on grounds that it does not comply with the MPD are unfounded and without merit. Mr. Ferrin remarked that the 20 year evolution of the design of Treasure Hill that occurred through the application of the LMC and from the directions from Staff and the Planning Commission is typical of what occurs for the development of any project. As the Planning Commission noted in the meeting last month, there is no point in building a project that is a white elephant. Mr. Ferrin believed that could happen if Treasure Hill is not approved with its full density. In conclusion, Mr. Ferrin stated that Treasure Hill has a very complex history and the Planning Commission is required to evaluate and approve MPE's CUP application in the context of that history.

Planner Astorga pointed out that in the applicant's comparison between the Woodruff drawings and the current proposal, they showed the grade as it would relate to the proposal and not to the Woodruff analysis.

Chair Strachan wanted the applicant to come back with an explanation of which version of the 5% rule they believe applies. Whether it is the version from the 1985 Code or from another Code version. Mr. Ferrin offered to provide that information at the next meeting.

Chair Strachan opened the public hearing.

Brian Van Hecke, representing THINC, the Treasure Hill Impact Neighborhood Coalition, stated that he is an Old Town resident at 1101 Empire Avenue. Mr. Van Hecke noted that approximately 500 members are involved with THINC. He noted that at the last meeting he presented a photos showing what the City was like when the Treasure Hill development received approval on the MPD in 1985. Continuing with that theme, one of the Commissioners requested details on what the Planning Commission and the City Council was thinking when they approved the MPD. Based on that request, Mr. Van Hecke contacted some of the former Commissioners and Council members and some were present to speak this evening and provide that insight. He introduced Brad Olch and Ron Whaley from the 1986 Planning Commission, as well as Jim Doilney and Ann Macquoid from the 1986 City Council.

Jim Doilney stated that it was his very specific memory that the 3-2 vote for approval that occurred in 1986 would have changed to a denial if the more than 412,808 square feet had been included in the written agreement. It was based on 16 square feet per residential unit equivalents, or 258 units, as well as 19 commercial unit equivalents. Mr. Doilney believed that references to other projects are irrelevant and a waste of the public's time. He thought the references to comments by the Outside Counsel to the City, Jody Burnett, were the ones that were written in the agreement and the 1986 LMC. Mr. Doilney did not understand why the Staff and the applicant was referencing Codes in subsequent years. He stated that references to various conversations, Staff efforts and Planning Commission meetings are irrelevant unless they were blessed by the City Council. Mr. Doilney remarked that the schematic 1986 drawings were interesting; however, the written words in the LMC should be their guide. Mr. Doilney presented to two articles that appeared in the Park Record in 1986 showing that the Sweeney project was approved by a 3-2 vote. He noted that Jim Santy was the swing vote, and he truly believed that Mr. Santy would have cast a different vote if he had known the amount of square footage proposed today. Mr. Doilney showed another headline from the Park Record, Sweeney Project Prompts Spirited Density Debate. He stated that there was never a question about how much square footage was allowed. He never saw the drawings during those discussions and they were not part of the written agreement. Mr. Doilney reiterated that discussions by Planning Commissions and Staff are irrelevant, because entitlements cannot be established without a City Council vote.

Brad Olch, former mayor of Park City, stated that he was Chairman of the Planning Commission during the MPD process. Mr. Olch stated that in 1985-1986, the infrastructure of the town at that time was very limited. The Planning Commission was presented with a proposal and the question was whether they should spread the density across the entire hillside, or cluster the density in Creole Gulch. He noted that it was so long ago that half of the Commissioners from that time were no longer here. Mr. Olch stated that the vote was split and he broke the tie with an approval to cluster the development in Creole Gulch. At that time he felt the proposal of the 400,000+ feet was a stretch, and he was unsure whether the developer could actually make it work. Mr. Olch hoped that the current Planning Commission, with the help of a very experienced Planning Director, would carefully consider this proposal. He could not imagine that any type of traffic survey would justify anywhere near the types of densities that Treasure Hill was proposing today. Mr. Olch stated that drawings were never submitted. When the Planning Commission voted, they saw a sketch on a screen of a couple of high rise buildings that would have an incredible impact on Park City. In looking at the current proposal, which is 2-1/2 times what was approved, he believes the project as proposed would have negative lasting impacts on Park City; and Park City would never be the same. Mr. Olch urged the Planning Commission, and ultimately the City Council, to not be afraid to say no, and to see what happens. It has been over 30 years, but the Sweeney's have an approval and they should build the project as it was approved by the Planning Commission and the City Council in 1985 and 1986.

Ann Macquoid stated that she and her husband and daughter moved to Park City in 1980 from California and became full-time residents. Like Mr. Doilney, Mr. Olch, and many others, her family has a deep and abiding love for Park City. They moved here specifically because it was Park City. Ms. Macquoid stated that she was fortunate to be elected to the City Council in 1995 and she ran for office and served for four years because she cared very deeply for the City. She remarked that the heart and soul of Park City always was, and still is, Main Street and the Historic District. Everyone worked hard for years and years to become designated as the National Historic District and to maintain and uphold the standards of that kind of historic town that people want to come to. They are more than just a ski resort. Park City is a real town. Ms. Macquoid noted that in 1986 she voted in favor of the project and Mr. Doilney voted against it, but the 3-2 vote resulted after months and months of review. The Planning Commission forwarded their approval in December of 1985, but the City Council do not vote for approval until October 16<sup>th</sup>, 1986. Mr. Macquoid stated that even though she voted in favor with clarifications. She had said that nowhere did this approval guarantee the longevity of the approval of the project. The approved MPD and its density, was hotly contested. Mr. Doilney had suggested 158 UEs, and Kristen Rogers, another Council member, had suggested 170 unit equivalents. Ms. Macquoid pointed out that in 1986 a unit equivalent was 1600 square feet. She stated that the unit equivalents and the conditional master plan approval, was conditioned on very

specific elements. Ms. Macquoid remarked that the fact that other plans were proposed in 2006 and 2009 have nothing to do with what was approved in 1986. She explained that the reason and intent for approving the master planned development was to save 110 acres as recreational open space. As soon as this approval was granted that 100 acres became recreational open space. She recalled that one plan presented at that time showed 400+ homes across Treasure Hill, and it was too much. The Planning Department suggested that one of the guidelines for historic communities was not only to avoid replicative architecture, but also to cluster development where possible. In addition to saving the 110 acres, the further intent was to save the character and the nature of the Historic District, Old Town, and ultimately Park City. She pointed out that height was also very important, and the meetings minutes reflect that her amendment to the approval that was passed down from the Planning Commission was to reduce the Creole Gulch height to 75 feet from 95 feet. She stated that at the time the overall average building height was less than 45 feet for the entire development. To further clarify, Ms. Macquoid noted that the Council actually specified how tall the buildings could be based on sea level. As currently proposed she believed the tallest building in the development would be over 100 feet. Mr. Macquoid stated that this conditional MPD approval was not for a hotel. The approval was for residential development with five percent support commercial. She read from the minutes how support commercial was defined. "All support commercial 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."

Brian Van Hecke thanked Brad Olch, Jim Doilney, and Ann Macquoid for providing some perspective on what was decided upon in 1985 and 1986. He hoped it was helpful to the Planning Commission and gave everyone a better understanding of what Park City was like back then. Mr. Van Hecke thought it was important to remember that the MPD was approved by the City Council in 1986. He believed the community struggled with understanding the full scale and scope of this project. Mr. Van Hecke had taken a picture of the notice that was posted at the entrance of Treasure Hill, which was barely visible. THINC was taking try to educate the community on this large and important project, and he asked that the Planning Department provide a larger notice on the property with an actual image of how this development will look. Mr. Van Hecke felt like the applicant, the newspaper and others were trying to hide the fact of what this development would look like as currently proposed.

Mr. Van Hecke noted that the applicant started their presentation with a picture of Old Town with trees hiding the proposed development. Mr. Van Hecke presented his own slides showing Treasure Hill undeveloped as it exists today, compared to the development being proposed, and the impacts it could have on Old Town and all of Park City. Mr. Van Hecke asked Mike and Pat Sweeney if this was the legacy they wanted to leave to Park City, because the vast majority of the community would disagree with that. Mr. Van Hecke

commented on the amount of excavation. He believed the scars would be visible and permanent and could not be covered with landscaping. Mr. Van Hecke understood that the next meeting would include a site visit, and the Planning Commission had requested balloons to get a sense of height and visibility. He noted that many other communities require story poles for large developments, where poles are erected and orange tape is put up to show what the actual development would be like. Mr. Van Hecke agreed with the idea of a site visit, and suggested that they ask the applicant for something more accurate than balloons. He personally proposed story poles.

Mr. Van Hecke showed a slide of the Woodruff drawings that were included in the MPD proposal in 1985/1986. Another slide showed a blown-up version of one of the buildings that was presented by the applicant at the last meeting. The applicant used that version to calculate numbers and demonstrate that they were supposedly entitled to that much density. Mr. Van Hecke explained why he thought the drawing should be inadmissible. He stated that in 1985/1986, the Woodruff drawings were never intended to be used to determine the actual square footage of the project. Mr. Van Hecke stated that the comparison to the St. Regis and Montage was not relevant because those projects did not exist when the Treasure Hill project was approved in 1985 and 1986. He noted that the MPD was not based on the St. Regis and Montage. It was a decision that the Planning Commission and the City Council wrestled with to try to save open space. Mr. Van Hecke emphasized that the Treasure Hill project should be reviewed based on the 1985 LMC, which was in effect when the MPD was approved, basically allows 5% for back of house. If the applicant wants to make a comparison, the closest would be the Yarrow, which opened in 1978.

Mr. Van Hecke read language from the Staff report. "Staff finds that any support commercial over 5% of the total floor area within specific hotels must count toward the Master Plan 19 UEs. The Staff position is that even if the Planning Commission were to agree with the applicant, any support commercial above the 19 UEs is not vested, and would be subject to a full-blown, new compatibility and MPD, CUP review." He further read, "Additional support commercial space causes additional impacts; such as impacts to mass and building size, traffic, greater water usage, etc. Staff recommends that rather than focusing on the calculation method, the Planning Commission should focus on the impacts of additional support commercial and the levels of mitigation". Mr. Van Hecke pointed out that despite what the applicant claims, 1 million square feet was not approved in 1985/1985. He believed it was either an inaccurate calculation or it was a lie.

Christine Holt stated that she and her husband own a condominium at 920 Lowell Avenue, right about where the access road would go into this development. They purchased their property in 2002. They live in Logan half time and Park City half time. Ms. Holt thought the "human face" was the missing component in these discussions. People live in this

neighborhood and they have to contend with the impacts and the changes to their neighborhood. She and her husband love that it is a beautiful, quiet and peaceful place. Mr. Ferrin had asked that they think of the history of the last 30 years, and she believed he was right. Thirty years ago that neighborhood was not the same neighborhood it is today. People can no longer walk on the street in the winter, there are no sidewalks, and there is barely room for one car to drive up there. She questioned how they could have this type of development and still maintain any quality of life for the people who live there. Ms. Holt thought it was important for the Planning Commission to hear from people who actually live in that neighborhood; and that it would not be the kind of place they want to live if the development is approved as proposed. She asked the Planning Commission to think about the impacts to the people in the neighborhood.

Patricia Crafton, a property owner and part-time resident on Lowell Avenue, stated that earlier this year, the residents of Lowell Avenue filed a petition in the Neighborhood Traffic Management Program. Based on pre-Treasure development, that road is not meeting existing Codes for fire and safety, particularly with regard to pedestrian access, and also just allowing two lane traffic. From the standpoint of meeting the legal requirements for fire, safety, traffic, and the ability of the road and infrastructure to even handle the excavation construction, as well as additional traffic requirements of this development, she was unsure how as a community they could address volume and density without addressing the issue of an idea based on conditions set in 1986 for Lowell and Empire Avenue to handle this project. Mr. Crafton understood that as part of the petition process, a consultant would be hired to study Lowell Avenue as to whether it could even sustain the current use and pedestrian traffic on that road, and how it would overlay with the development, which she assumed needed to meet certain standards for access, traffic and other safety conditions.

Chair Strachan informed Ms. Crafton that the Planning Commission would be discussing specific elements of the project, and several meetings would be dedicated to the issues of traffic and infrastructure. He suggested that she monitor the agenda on the City's website because all of the questions she raised would be explored in future meetings.

Charles Stormont, stated that he is with the law firm of Fabian Vancott and represents THINC and its members who have a profound concern about the impact of the Treasure Hill proposal and the CUP application before the Planning Commission. Mr. Stormont noted that he had summarized his comments from the last public hearing in a letter that was submitted to the Planning Commission. He encouraged the Commissioners to read his letter. The letter was dated July 22<sup>nd</sup>, and he understood that it was published on the website. Mr. Stormont noted that his letter and the comments made at the last meeting expressed their concern about treating these as vested rights. He did not intend to repeat

his comments, but he still maintained and reiterated those concerns. He understood at this time that they were being treated as vested and he intended to address them accordingly.

Mr. Stormont noted that the applicant had submitted a letter dated August 5<sup>th</sup>, which was included as page 173 in the Staff report. His comments this evening would respond to a number of items stated in the August 5<sup>th</sup> letter, and point out their disagreements and why they think the LMC and the approval process shows that their positions are not supportable under the appropriate Code and MPD approval that exists. Mr. Stormont pointed out that in the letter the applicant asserts the MPD approval provides rights to the applicant and imposes obligations upon the City. In response, Mr. Stormont emphasized that the MPD approval also imposes obligations upon the applicant. He asked the Planning Commission to ensure that the obligations of the MPD approval are followed and enforced.

Mr. Stormont stated that the 1985 revised Staff report that was eventually incorporated into the approval was predicated upon the terms and conditions set forth in the Staff report, and that "The applicant was bound by and obligated for the conformance of a variety of items, including conformance with the approved Master Plan". It also noted that "the approved densities were attached as an exhibit and shall be limited to the maximums identified thereon". Mr. Stormont commented on the argument presented by the applicant that they are entitled to certain square footage right and certain accessory uses pursuant to the 2003. He strongly suggested that the MPD approval makes it very clear that while the review process occurs under the process set forth in that Code, the limitations set forth in the actual approval must also be complied with. He believed the Staff had made that clear in the Staff report, and THINC agrees with that approach.

Mr. Stormont referred to the letter submitted by the applicant. On Page 3, Section 2.1 the applicant states that although conceptual in nature, the Woodruff drawings show specific building footprints, floor elevations, and other details that reveal the general size of the development contemplated by the parties. Mr. Stormont stated that at the July 13<sup>th</sup>, 2016 meeting, MPE demonstrated that the Woodruff drawings contemplate a development of about 875,000 square feet. He pointed out that the idea of a conceptual drawing could somehow lead to the vesting of specific square footage amounts was inconsistent, and that inconsistency needs to be reconciled. He hoped to provide information to help reconcile that as they move forward this evening. Mr. Stormont noted that he had spoken with Planner Astorga about those drawings and where the derivation of 875,000 square feet appears to come from. Based on the horizontal and vertical view, there were gaps that could not be filled in and the derivation of the 875,000 square feet cannot be established. He suggested that the 875,000 square feet claimed is not supportable and it was not approved.

Mr. Stormont noted that the applicant had come forward with additional details and additional drawings that were not part of what was approved in the mid-1980's. As such, they cannot establish the foundation for additional vested rights.

Mr. Stormont presented a few slides to help emphasize his point. The first was the most recent diagrams that were presented by the applicant. On the right was a zoomed in portion from the original schematics. He indicated the claimed square footages with respect to the buildings at the center of the project on the easternmost edge underneath the ski lifts. Mr. Stormont zoomed in on the Woodruff drawings to show that the UEs were written in on top of each of the structures. Three UEs on the north building and 2-1/2 on the south building. He pointed out the difference in the square footages between the current proposal and what was anticipated with the Woodruff drawings. Mr. Stormont stated that with respect to the two buildings, the analysis of square footage and measurements all fit within the UEs that actually appear on the Woodruff drawings. They comply with the 5% that is provided for in Section 10.12 of the 1985 LMC.

Mr. Stormont presented a slide of Building C. He referred to Exhibit Y and noted that the claimed square footage for Building C was 154,406 square feet. In looking at the original Woodruff drawings, it describes 87 units on the north side, and 79 units on the south side. It then goes through the math and explicitly describes Building C as having 88,000 square feet, using a 2,000 square foot number which was different from the 1600 square feet that the former Planning Commission and Council Members described. Mr. Stormont stated that even adding 5% under Section 10.2, the maximum amount of square footage that could possibly have been contemplated on the Woodruff drawing for this building is 92,400 square feet. There was an increase of almost 60% in the claims now being presented and proposed by the applicant. Mr. Stormont thought that discrepancy was difficult to comprehend and understands. He strongly suggested that the actual Woodruff drawings, the actual square footages, and the actual units described are what is vested.

Mr. Stormont noted from the Staff report that the original master plan exhibits did not quantify overall total square footage. It also states that no additional support commercial units were shown on these exhibits. He agreed with the statements in the Staff report and it shows that the square footage claims on what are admittedly conceptual drawings are not supportable. Mr. Stormont showed another slide of a zoomed out version of one of the original Woodruff drawings, which showed the unit equivalents that were provided for each of the sites. The total was 197 residential unit equivalents and 19 support commercial. Mr. Stormont reviewed another slide of the Woodruff drawings that had specific mentions of square footage and unit equivalents for five of the buildings. He noted that this site plan specifically mentioned 347,500 square feet and 173.75 UEs. He asked how it could be that within the remaining 23.25 residential unit equivalents and 19 commercial unit equivalents, that they could possibly explain the discrepancy between the 413,000 square

feet to the 875,000 that is now claimed. He questioned how somewhere in the 23.25 residential unit equivalents and 19 commercial unit equivalents that they more than doubled the square footage of the project. Mr. Stormont implored the Planning Commission and the Staff to carefully review the gaps in the plan relative to what was actually shown on the Woodruff drawings. He also encouraged the Planning Commission to examine what was actually approved, as suggested by Mr. Olch. Mr. Stormont stated that a concept drawing made 30 years ago compared to the effort to bring new information to the table to extrapolate square footage that contradicts the actual square footage that is expressly stated on the Woodruff drawings, is simply not proper.

Mr. Stormont understood that the Staff had reviewed the square footage calculations that were made based on the two site plans compared side by side and the various levels that were involved. He also understood that the Staff agrees with the analysis; however, THINC disagrees. He suggested an alternative for consideration in the event that the Planning Commission was inclined to view the drawings as somehow vesting 875,000 square feet. They know the square footage includes 394,000 square feet of residential and 19,000 square feet of commercial. It is possible to come up with another 5% of support commercial as provided for in Section 10.12 of the 1985 LMC. Mr. Stormont stated that there are two categories within the 1985 LMC, and the remaining several hundred thousand square feet must fit within, and can only fit within, if they are to give the MPD approval any significance. Those are circulation spaces outside of units. From the Staff report they see that there are tens of thousands of other types of accessory uses that could not possibly have been vested by the 1985 master planned development approval. Mr. Stormont implored the Commissioners to ask what type of square footage could possibly have been within the 875,000 square feet. The 1985 LMC indicates that the current application includes tens of thousands of square feet that do not fit within those categories and are not vested rights. Therefore, they should count as a substantive amendment to the MPD and should be evaluated accordingly under the Code.

Mr. Stormont again read from Page 3, Section 2.1 of the applicant's letters, "Had the Woodruff drawings actually been developed under the 2003 LMC, the eventual floor area would have been closer to 1 million square feet one additional accessory uses were added to the base design. THINC disagrees with that contention. Mr. Stormont had presented his argument last month and it still stands. He believed it emphasizes the vast substantive change that the current application represents over what was actually approved, and suggests that a different process needed to be followed.

Mr. Stormont read from the next paragraph on page 3 of the applicant's letter. "The Woodruff drawings define in part the correct contractual rights of MPE and the contractual obligations of the City, and the Woodruff drawings set forth the parties mutual understanding about the size, scale and volume of the approved development". Mr.

Stormont took issue with the idea that it provides rights to the applicant and imposes obligations on the City; because it clearly imposes obligations on the applicant as well. Mr. Stormont referred to Section 2.2 of the applicant's letters, and commented on a discussion about various findings that were made in connection with the 1985 and 1986 MPD approval; and he agreed that those were accurate quotations of the approval documents. However, on one hand the applicant admits that the CUP application exceeds their own contention as to the square footage provided for in the MPD approval, yet they are trying to take findings for what was actually approved and apply them to a different concept. Mr. Stormont remarked that taking the findings from 1985 and 1986 and applying them to the concurrent proposal was not proper. The projects are different and all the issues are different; therefore, what was found about massing and clustering in 1985 and 1986 is irrelevant to the current proposal. Mr. Stormont did not believe it was fair or proper to permit the applicant to rely on those statements when their current proposal is significantly different and much larger than what was actually approved.

Mr. Stormont noted that Section 3 of the applicant's letter generally deals with the 2003 versus the 1985 LMC in terms of support commercial and meeting space. He had addressed that issue in his letter dated July 22<sup>nd</sup>, and he referred the Planning Commission to his letter to avoid repeating their position.

Mr. Stormont referred to a specific item in Section 3.4 of the applicant's letter where they attempt to explain that the increase in square footage that exists in the current application is a function of the applicant responding to a request by Staff and the Planning Commission for more detail. He read, "The increase and square footage of the project from the preliminary 2004 estimates to the current more detailed refinements was the result of understanding the practical and logistical needs of the project, and the inclusion of additional uses that are vested under the 2003 LMC. Mr. Stormont stated that the rights that were vested by the MPD approval guarantee certain things; but the not guarantee a profitable hotel development or additional square footage that the applicant believes is required to make the development function properly. He noted that if the development cannot be built within what was provided for by the LMC and the approval that was granted, the project should not be built.

Mr. Stormont stated that Section 4 of the applicant's letter discusses volume. It recites portions of Jody Burnett's 2009 letter and findings of the revised Staff report from 1985. However, again, the applicant ignores the fact that the expanded nature of the current proposal makes those findings irrelevant to the current application. He noted that the claims in terms of needed volume are problems building on problems. By proposing additional square footage that was not approved and by expanding commercial beyond what was provided for in the Code, Mr. Stormont believed the applicant was exacerbating the volume issues with their proposal. He remarked that expanding the square footage

improperly should not entitle the applicant to expanded volume. He noted that compatibility of mass and scale are expressly required, and volume is a component of mass and scale.

Mr. Stormont referred to page 132 of the Staff report which was an image of the exhibit to the revised Staff report that lays out the maximum densities that were approved as part of the original MPD in the mid-1980s. He read, "maximum commercial space not to exceed FAR of 1:1". Mr. Stormont was unsure whether there was enough information to determine whether or not the commercial floor area ratio exceeds 1:1. However, it was not his expertise and he requested that the Staff look into it. Mr. Stormont pointed out that it would be additional grounds to deny the pending application. Mr. Stormont commented on the discussions about what constitutes above grade and below grade square footage. From the information he has studied, he was unable to determine what is actually above grade before construction versus after construction; as well as with the excavation proposed under the current, how much might have been below grade before excavation is now above grade. He believed this issue needed to be carefully studied at the appropriate time.

Mr. Stormont remarked that the expansion of density and the expansion of square footage that is being requested by the current application presents a number of big issues. He presented a slide of the rendering that the applicant provided at the last meeting showing and noted that there was significant excavation behind the buildings. He suggested that the reasons and rationale do not carry much weight because the excavation required to move the building into the mountain has a profound impact on the open space, which was a critical part for why the MPD was approved. Instead of open space that blends into the buildings, the open space now leads into retaining wall and cliffs. Mr. Stormont noted that John Stafsholt was prepared to comment on the excavation related to this proposal.

Mr. Stormont stated that the vast expansion of this project over what was actually approved in 1986 results in tremendous massing that is far in excess of what was contemplated by the Planning Commission and the City Council at the time this was approved. He noted that Mr. Ferrin had said that in 1986 the City Council approved massive, high-rise project that involved clustering. Mr. Stormont pointed out that the project currently proposed is completely different from what was approved. It is a much more massive project with higher high rise buildings, and it is more spread out than clustered, and the massing is much more extensive. If this is the project the applicant intends to build, then it needs to go through an MPD amendment process.

Mr. Stormont thanked the Staff for their excellent work because the detail they provide is invaluable and impressive. He also thanked the Planning Commission for their service to the public. He also thanked the Sweeney's and Mr. Ferrin for coming forward with so

detailed information. Mr. Stormont believed this was open government at its best. Recognizing that there was disagreement between the parties, he was confident that this public process would result in a fair and appropriate resolution by the Planning Commission.

John Stafsholt, a resident at 633 Woodside, stated that a critical issue from the 1985 Staff report was that Treasure Hill is in Historic Old Town Park City. He read from the 1985 approval, "Hillside property is by far the largest area within the proposed Master Plan. Hillside properties involve over 123 acres zoned HR-1 and Estate". This is the land being talked about and it is HR-1 in its history and it is part of Old Town. He noted that almost all of the density comes from 15 acres of HR-1 zoned properties. Mr. Stafsholt thought it was important to understand that all of the Mid-Station and Creole Gulch zoning is historic; either HR-1 or Estate. Mr. Stafsholt further read, "Treasure Hill is in the District and it must be compatible with the scale already established in the District in 1985. The overall scale and massiveness of the project has been a primary concern located within the Historic District. It is important for the project design to be compatible with the scale already established. At the time of submittal, the CUP must comply with the adopted Codes and ordinance at that time". Mr. Stafsholt pointed out that this not only includes the LMC, but also the Historic District Design Guidelines and the PC General Plan. That was the intent of the MPD as explained by earlier speakers who were involved in the 1985 and 1986 approvals. Mr. Stafsholt thought it was important to note that the most restrictive document governs. Treasure Hill is in the Historic District and it must be compatible with the scale already established. Mr. Stafsholt further read, a "At the time of project review and approval, all building shall be reviewed for conformance with the Historic District Design Guidelines and related architectural requirements". To his knowledge, no one has ever reviewed this against the Historic District Design Guidelines because it would never pass. Mr. Stafsholt stated that the City Council called up Treasure Hill in 1986 and lowered the heights allowed. The continually hear from the applicant that "a deal is a deal". If that is the case, why does Treasure keep coming back larger and larger each time. He asked why the Creole Gulch buildings that have a maximum height of 75 feet were submitted with 13 stories and over 140 feet if a deal is a deal. For that same reason, he questioned by the Mid-Station buildings with a maximum height of 45 feet were submitted at over 90 feet.

Mr. Stafsholt referred to the Woodruff drawings and noted that there was no foundation and it was not cutting away the hillside. The buildings were working with the natural grade of the MPD site because it was required in LMC 15-6-7, "The project shall be designed to fit the site, not the site modified to fit the project". Mr. Stafsholt referred to the currently proposed project and pointed out the cuts that were not in the original conceptual drawings that the MPD was approved under. He believed that was making the site fit the project. Mr. Stafsholt believed that the additions of all the area and the massing and scale should require a completely new MPD for review. Mr. Stafsholt reviewed additional slides showing

significant cuts in various places on the site. He did not believe the project conformed to the site in any way. He noted that the applicant has said this was only 11.5 acres; however, it is 11.5 acres in Old Town and every trees, bush, and blade of grass will be gone. The entire 11.5 acres would be devoid of all greenery and excavated down at least 20 feet; and 100 feet or more in some places.

Mr. Stafsholt read from the 1985 Staff report, "If and when the Planning Commission grants additional height to a site specific analysis, the additional building height for the specific project will not necessarily be considered for a different or modified project on the same site". He stated that based on that language, the applicant did not necessarily have the right to the height they were claiming. Mr. Stafsholt noted that MPEs site plan calls for an estimated 960,000 cubic yards of excavation. The average dump truck is 12 cubic yards, which equates to 80,000 dump truck loads traveling through Old Town. That is over 300 trucks per day for 20 years. Mr. Stafsholt stated that the applicant plans to keep all the dirt onsite, but he questioned how that could be done when there are four mining sites within the boundaries, and three have elevated levels of lead and arsenic, and the required and approved soils remediation plan is not in place. Mr. Stafsholt pointed out that the Montage excavation was smaller than Treasure and their expected excavation was 50,000 cubic yards. In addition, Montage had extensive geo-technical work done before any building or excavation. A geo-technical evaluation has never been done on Treasure Hill.

Mr. Stafsholt noted that Treasure is in the Spiro Water protection zone, as evidenced by a letter from Park City Municipal Corporation on August 28, 2006. He read, "In addition, the City would consider such placement within the Creole Mine Shaft as a potential pollution source for the Spiro Drinking Water Protection Zone. This is prohibited under PCMC's Drinking Water Protection Plan Ordinance in 13-1-28". Mr. Stafsholt stated that this issue came up because the applicant plans to fill the Creole Mine with the toxic waste. However, the Creole Mine is in Spiro Drinking Water protection zone and the City has already prohibited that.

Chair Strachan asked Mr. Stafsholt to submit the drawings he presented this evening to Planner Astorga so they could be included in the record.

Mr. Stafsholt had questions for the applicant to respond to at the next meeting. The applicant has stated that the evolution of the square footage and the volume increases were required by ordinance. Mr. Stafsholt requested that the application provide the written evidence of that ordinance. Secondly, the applicant stated that the fire access predated the MPD project design. Mr. Stafsholt requested the written evidence that shows there was fire access before the design. Lastly, the applicant has stated that the Staff approved meeting space, circulation and back of house to match the 875,000 square feet, and he wanted to see the written evidence of that approval. Mr. Stafsholt stated that the

applicant repeatedly states that the volumetric were reduced through excavation. However, when the height elevation from sea level is set and the excavation is increased, it adds to the volumetrics.

Rich Wyman echoed the comments of everyone who spoke before him. He has lived in Park City for over 25 years. He was not in Park City in 1985 but he definitely would have fought against this project if he had been. Mr. Wyman stated that in the 1990s he was one of the co-founders of CARG, Citizens Allied for Responsible Growth, and that group fought hard against the Flagstaff development which later became Empire. If the public who spoke this evening had been actively involved back then, they might not have a Montage. Mr. Wyman commented on one difference between Flagstaff and the Treasure Hill project is that during Flagstaff Hank Rothwell and Rory Murphy, representatives of the Mining Company, proposed a certain development and over the course of five or six years they compromised and met with the community in good faith. He thought that was lacking with the Sweeney's and their representatives. During the Flagstaff process there was good will, charity, humanity, honor and reasonableness. In the end the Mining Company revised their proposal to less than half of what was originally proposed. Mr. Wyman believed they were seeing the exact opposite with the Treasure Hill group. This project keeps getting bigger and bigger and the proposal is completely unreasonable and should be denied. Mr. Wyman felt strongly that the Code that applied when the MPD was approved in 1986 should apply to the Treasure Hill development. He thought this applicant was being unreasonable and should be denied.

Annie Lou Estarda stated that she and her husband own property adjacent to the Treasure property on the north side. Ms. Estarda commented on the Woodruff drawings. Before she and her husband built their house in 1989 they went to the Planning Department to find out what would be developed on the hill beside them. At that time there was no mention of Woodruff drawings. She stated that when the Sweeney's came to the City with their proposal, either she, her husband, or someone from their family attended every Planning Commission meeting that dealt with Treasure; and until last month the Woodruff drawings were never mentioned. She and her husband met with the Kirsten Whetstone, Katie Cattan and Patrick Putt and they were assured that they had every document that the City had related to Treasure, but there were no Woodruff drawings. Ms. Estarda noted that the former Council members confirmed that the Woodruff drawings were not part of the original approval, and she strongly urged that the Woodruff drawings no longer be a basis for any discussion about Treasure Hill because they are irrelevant. All the discussion should be based on the original approvals and on the relevant Codes. Ms. Estarda echoed what others before have stated, that it seems totally inappropriate to compare approvals made in 1986 with those that were done two decades later for the Montage and the St. Regis. She pointed out that during the last discussions on Treasure, the City hired architect Craig Elliott to create a design that incorporated all of the approved square footage, but in a

design that would be more appropriate for Old Town and the neighborhood. Mr. Elliott came up with a design that was completely on the south side of the town lift and crept up the mountain in a way where there were no seven story hotels. The design was replicated in a 3-D model, which was shown at a public open, and it was viewed more favorably by the neighbors and the community than what the developers were proposing at that time. Ms. Estrada thought it would be fruitful for the Planning Commission to see Mr. Elliott's design if the model was still around.

Angela Mosketa stated that she and Sarah Barry are co-founders of Future Park City, which is a civic engagement initiative that was very vocal in regards to the Vail Trademark issue. Ms. Mosketa stated that development is inevitable and necessary if the community is going to be sustainable. However, executed without conscience or control, it will set a dangerous precedent and harm future generations of Parkites. On the other hand, if it is managed responsibly, she believes it can help to address various issues that the community is dealing with, including transportation, affordable housing economic growth, carbon neutrality and more. Ms. Mosketa stated that while the scale of Treasure Hill is unprecedented for Old Town, so is the confusion and lack of a universally accepted foundation for evaluations surrounding this decades long debate. She stated that in conversations with City leaders past and present, Old Town residents think Park City and the Sweeney's have yielded vastly different interpretations of Code, history and impact. Having professionally consulted on both side of large scale real estate debates in the past, she was not convinced that anyone involved in the 2016 dialogue has a full grasp of the pros or cons of the current proposal put forth for Treasure Hill. As a result, Future Park City will not be taking a position on Treasure Hill at this stage. All they wished to advocate for at this time was that the various parties involved, including the City, put forth more effective presentations of information and honest disclosures, and that everyone, specifically the Planning Commission, consider outcomes objectively. Ms. Mosketa suggested that some questions to consider is to how ensure the best long-term results for the business community, the residents, the roads, and the environments. At what point do they compromise short-term inconveniences for long-term quality of life gains. And most controversially, how can each side of the debate inform the other.

Ed Breshan, an Old Town resident for ten years, agreed with John Stafsholt. The more he gets involved in this project and the more he reads about it, he has not come across one thing that the developers put forth that comes anywhere near complying with the intent nor the actual documents regarding this project. Everything is completely out of scale and he not seen any mitigation of any of the issues that comes close to what the Park City Planning Commission approved in 1985. He agreed that the applicant is not willing to compromise and they are trying to use scare tactics to get what they want. He implored the Planning Commission to do the right thing. The fact that this proposal is in the Historic District should nullify it without question.

Chair Strachan closed the public hearing.

Chair Strachan called for Planning Commission comments with the understanding that they were only focusing on specific items this evening.

Commissioner Band read from the minutes of the October 16<sup>th</sup>, 1986 City Council meeting, "Jim Doilney stated for the record that if approved the Council is more value than presently there. He continued that a 20-year approval is creating rights never granted before, and memorializing densities that will probably not be achievable". Commissioner Band noted that in that same meeting Ann Macquoid stated, "She felt there never could have been in excess of 400 units building on the hillside, and whether it is feasible is moot. The trade-out for 110 acres of recreation open space zoning on the vegetated hillside is a valid proposal". Commissioner Band stated that on page 178 of the Staff report, the applicant cites that same meeting as proof that the City Council understood how large these building would be. However, she read it differently. The comments from the minutes lead her to believe that the City Council was not only approving something that they thought would never be built, but they had serious doubts that it could ever be built at all. Commissioner Band stated that over the years, whenever she hears Treasure talked about she often hears comments that it was a project people thought would never be built, and it was the best way to get what they wanted. Commissioner Band noted that the Planning Commission was looking at a proposal that is much larger than what was originally envisioned, and it was obvious that the City Council had doubts about it in 1986.

On the top of 5% support space, Commissioner agreed with the Staff findings that any support commercial over 5% of the total floor area must count towards the Master Plan unit equivalents. She pointed out that the language actually states, "Within a hotel up to 5% of the total floor area may be dedicated". That was written in the letter from Jody Burnett and she has seen it written other places. She noted that instead of asking for up to 5% of back of house, the applicant was asking for 5% of commercial space and an additional 5% of meeting space. She thought there could be some argument as to whether the mitigation conditions exist to even warrant the full 5% that would be allowed. Commissioner Band had not seen any plans for mitigation; and instead, everything in the application pushes the envelope in every way. She did not believe digging huge holes to mitigation height was mitigation; and digging has its own issues that need to be mitigated.

Commissioner Band stated that the current LMC, as well as the 1998 and 2004 Code and General Plan address compatibility, consistency, scale, and preservation numerous times in the statement of purpose, conditional review process, standards for review, large scale MPD and general criteria for review. Contrary to what the applicant keeps saying, LMC Section 1.2 of the Conditional Review Process not only allows the Planning Commission to

deny the CUP if the effects cannot be mitigated, it commands them to deny it under those circumstances.

In terms of the applicant's presentation, Commissioner Band thought the evolution was interesting, particularly the comment that, "with the direction from Staff and the Planning Commission, the applicant made the changes that were presented today". Commissioner Band read from the Staff report of September 23, 2009, Criteria 15. "Within and adjoining the site impacts on environmentally sensitive lands, slope retention and appropriateness of the proposed structure to the topography of the site, the proposed design requires a very large excavation and re-grading of the entire site. The project is located on the mountain side on steep topography. The impacts to the slope and existing topography are substantial and unmitigated. The project as designed will create a very large hole. The project does not step with the natural topography of the site. As discussed previously, the Staff finds the project as designed is not in compliance with the concept approved by the City Council during the 1986 master plan approval". Commissioner Band had several instances from the Staff report that shows the Staff did not agree with the applicant's findings, much less the changes that occurred.

Jody Burnett thought they were covering a number of issues that neither the Staff nor the applicant had provided input on. He suggested that the Commissioners focus their comments on the density, massing and volume issue. Chair Strachan agreed. He believed they were getting closer to concluding the density discussion in the next one or two meetings. When they finally reach the point of an end motion on the CUP, Chair Strachan wanted to have clean note of the Commissioners' comments even though they occurred several months earlier.

Commissioner Band read language from the 2009 Staff report regarding density. "197 units, any additional support commercial above the 19 UEs is not vested. The applicant currently has 49 of 5,139 support commercial meeting space proposed above the 19 UEs. The proposed support commercial exceeds the 1985 LMC maximum allowance". She thought that language also contradicts the applicant's statement that the evolution of the current proposal came from Staff direction.

Commissioner Joyce agreed with the comment heard during the public hearing about there being a tremendous amount of confusion over what is vested and what is not, what counts and what does not. He understood that a lot of incorrect information was presented this evening and people hear what they want to hear. Commissioner Joyce tried to clarify for himself what he thought was actual. He thought the challenge is that the process between an MPD and the LMC was not specific. There is a set of approvals for UEs, and there was an approval for a site plan the back of house space. Commissioner Joyce thought it was unclear as to how much space is accounted for. He believed what was explicitly vested is

197 UEs of residential and 19 UEs of commercial to be placed on approximately 11 acres divided by Mid Station and Creole Gulch. In addition, there are height and elevation restrictions. Commissioner Joyce did not believe it was clear about digging down. The height was measured from the existing grade, which leaves the issue of whether or not the applicant can build higher if they dig down 50 feet. Commissioner Joyce noted that what is not specific is a building height; or height above ground and total elevation above sea level. Part of the explicit agreement is that everything will go through the Historic District Design Review.

Commissioner Joyce believed they had reached agreement that the 1985 General Plan and LMC Code applies; and that the 2003 LMC applies for the conditional use permit. However, he thought they kept leaving out the fact, "and its applied now". When looking at traffic, soil mitigation and other items, it applies to what occurs now; and not how it was in previous years. For example, the 2003 LMC applies to present day traffic.

Commissioner Joyce noted that they heard several times this evening that the Woodruff drawings were not part of the original MPD. He clarified that the Woodruff drawings were attached as an exhibit to the MPD and; therefore, are part of the MPD. He stated that the Woodruff drawings, combined with the 1985 meeting minutes from the Planning Commission meetings, gives a general thought process of the mass and scale. He thought it was clear that the City recognized that something large would be built there. Commissioner Joyce pointed out that the approved UEs did not include parking and circulation. In his mind, circulation includes hallways, lobbies, public restrooms, stairways, elevators and other items that, by Code, are not included in the number of UEs, in support commercial, and in the other meeting room space. Commissioner Joyce pointed out that per the Code, many things are considered "other" which allows the flexibility to add square footage.

Commissioner Joyce commented on things are not vested. He did not care about the 2004 application proposal because it was never reviewed by the Planning Commission and it was never approved by the City Council. In his mind it does not exist. The same applied to the 2009 application. Commissioner Joyce emphasized that the only one he cares about is the 2016 proposal currently being reviewed. All of the comparisons of how things changed or the claim of having agreements with the Planning Commission and Staff are irrelevant because it never resulted in an approved CUP.

Commissioner Joyce referred to page 166 of the Staff report. He noted that there were two sets of buildings on the upper and lower parts of the page. He asked the applicant for an on-the-spot answer of how many square feet were in the upper buildings, and how much was above ground and how much was below ground. The applicant was not able to answer without looking it up. Commissioner Joyce remarked that in their presentation the

applicant implied that somehow the Planning Commission and the City Council knew they were approving 870,000 square feet by looking at the same Woodruff drawing that was on page 166. Commissioner Joyce stated that he went through all the discussions, all the minutes and all the documentation he could find, and there is nothing in the MPD process or anywhere else that goes beyond the UEs that were specified. Commissioner Joyce thought it was ludicrous how the applicant tried to justify the number of square feet proposed. Commissioner Joyce remarked that the Woodruff concept was a hypothetical drawing that was used to get an idea of what was being done. He pointed out that the applicant spent a lot of time this evening tying back to that 870,000 square feet, and he was stunned that they would do that.

Commissioner Joyce noted that there was nothing vested for commercial space, meeting space and other things. They can have the discussion about what the CUP process would allow, but that is not part of the MPD. It is part of a discussion about additional space that has to be mitigated. There are no firm Code limits, but it all has to be mitigated. Every time support commercial is added it impacts the number of employees, deliveries and other issues.

Commissioner Joyce commented on the design. He noted that the applicant has a set of UEs that are vested, and there is a hypothetical drawing with a conceptual idea that was part of the MPD approval. However, the actual design proposed is very different from the concept, and that will be a discussion item for several meetings. Commissioner Joyce was trying to differentiate what the applicant has a right to build versus that which is open for CUP discussion and approval. If it starts to deviate too far from what was approved, it raises the question of whether they need re-open the MPD.

Commissioner Joyce stated that the fire access was something new that was presented this evening. He noted that the applicant implied that the fire access drove many of the other decisions. Commissioner Joyce read through the fire access agreement. It was ten pages long, and nine of the pages were things like providing snow melt, large enough hoses, etc. It has nothing to do with the unique requirements. Commissioner Joyce noted that there is a drawing on page 10 that is similar to what the applicant showed in their presentation. A lot of the discussions the applicant had with the former Building Official and the Fire Department were necessary, but the excavation cuts and moving buildings around were apparently done before the CUP process was started. He questioned their claim that it was done because the Planning Commission directed them to do it as part of the CUP process, because the drawing on an approved fire document that shifted a number of buildings to where they are today, before they entered the CUP process. Commissioner Joyce did not buy into the applicant's claim that it was driven by direction from the Planning Commission because those excavation cuts were done before they entered the CUP process. Commissioner Joyce reiterated Commissioner Band's request

for the applicant to show the changes in the Code and the direction from the Staff and the Planning Commission that drove them to the current proposal. He wanted to see a time line because the applicant presented clear evidence that they had a proposal that already had those changes, yet they had not talked to the Planning Commission.

Commissioner Joyce stated that the comparisons with the Montage and the St. Regis were helpful, and showed that the current proposal was fairly in line with both the Montage and St. Regis. Commissioner Joyce clarified that he was not trying to unravel or change the MPD agreement. The Planning Commission was focused on the CUP process, which means mitigating the impacts of the CUP. He believed mitigating the impacts would be challenging for the applicant because of the building site and being tucked into a residential environment. When they start to dig up toxic dirt it will impact the people who live a hundred yards away; and that was not a factor at the Montage or the St. Regis. When they talk about mass and scale compatibility, the Montage is next to the Empire ski lodge. The St. Regis is tucked behind a hill and it sits next to the base of the funicular. In comparison, Treasure Hill sits right on top of Old Town.

Commissioner Joyce thought there needed to be significant discussion regarding the 5% commercial support. He did not agree with the applicant's hypothesis. He referred to page 158 of the Staff report and read, when a hotel or nightly rental condominium project up to 5% of the total floor area may be dedicated to support commercial uses without the use of a UE for commercial space". Based on his interpretation, the applicant could not just add square footage to the agreed to building. The language never says they can be additive with this space. Commissioner Joyce stated that independent of anything else, the applicant has to mitigate the impacts. If they add support commercial space they have to mitigate the impacts of what was added. Commissioner Joyce was unsure how the applicant could make such a firm and unusual statement about these being the maximums for this project, and then feel comfortable adding 5% more. He would delve into that further when the Planning Commission has that discussion.

Commissioner Joyce referred to page 167 of the Staff report and stated that when they start to talk about digging down to add space, which is an interesting way to avoid the height restriction, the picture the applicant showed of the ski run was that this plan and the Code basically require having to walk up a hill. The current proposal chops off the hill and he explained why their own design exacerbates it because they have to cut everything flat to accommodate a plaza, two pools and a ski run coming into the same area. Parking and some of the accessory space is then put underneath. Commissioner Joyce pointed out that this was not the design that was agreed to it does not meet Code. He was unsure how to tie it explicitly to space. He did not believe they could execute anything resembling the plan without digging down deep, or breaking the height restriction. Commissioner Joyce could see major impacts with the revised design. Every time the applicant adds more

space the mitigation becomes harder. It really shows up in this area because they not only added space but they also changed the design.

Commissioner Joyce noticed in the meeting minutes of 1985 that when 34 UEs were moved from the Mid Station side to the Creole Gulch side, Woodruff himself said that it maxed out the density on the Creole Gulch side. He was giving advice on the balance between what went on each side as they looked at alternatives. Woodruff believed it was maxed out and the applicant added an additional 150,000 square feet. Commissioner Joyce stated that the Commissioners were trying to interpret what everyone agreed to in 1985 since they do not have perfect records. He intended to discuss that further at the appropriate time.

Commissioner Joyce stated that the City struggles with reducing traffic, and reducing traffic is reducing parking. He wanted to know if they were able to reduce the parking from what it is in the current plan, if it would potentially reduce parking levels, excavation and building height and square footage. He asked if that issue was worth exploring or if the applicant was set on the proposed parking spaces. He was told that it might be an appropriate conversation for another day. It was a rhetorical question and the applicant would need to look into it.

Commissioner Joyce stated that when Mr. Ferrin went through his summaries he found a lot of things to be questionable. A lot of items were driven based on the assumption that the Woodruff plan and the square footages were golden and, therefore, when they started looking at derivatives from that, that too must apply, because they were applying the 2003 CUP. Commissioner Joyce asked the applicant to go back and see how many assumptions were built off of that. He would discount anything that starts that way because he disagrees with that premise.

Commissioner Joyce commented on building heights. He noted that approximately 45% of the building floors are over 12 feet, and 31% above grade is over 12 feet. He referred to Mr. Ferrin's statement that because these floor heights are effectively required by Park City, they are necessary and reasonable. Commissioner Joyce request further information. As he read through the fire plan there was very little that talked about the need for a 24' high rooms. Commissioner Joyce referred to another comment that "excavation and cliffscape construction mitigates height. He could see that much of the design was built around that idea, but in his opinion, digging down does not mitigate the visibility of the building, and it certainly does not mitigate the impacts of construction traffic. Commissioner Joyce stated that if the applicant could demonstrate how digging 30' down and building a 100' building makes the 100' building appear smaller, he would like them to share it.

Commissioner Thimm agreed with all the comments made by Commissioner Joyce and Commissioner Band. He believed that everyone acknowledges that something significant was approved. The Sweeney Properties Master Plan Density exhibit on page 132 outlines clear approvals that are in place. He agreed with Commissioner Joyce that they were looking at a 2016 submission for this conditional use, as well as the 1985/1986 approvals. Commissioner Thimm referred to an exhibit that was presented this evening that showed footprint comparisons between some Main Street buildings and buildings proposed in the 2016 submission. The applicant suggested that the buildings were similar. Commissioner Thimm stated that the volumes in the Main Street buildings were four to six stories, as opposed to the 14 level buildings in Treasure Hill. He understood they were not talking about grading this evening, but in talking about building mass and how it can be achieved, and in looking at the Woodruff plan that was part of the earlier submission, those buildings use their mass and the grade of the hillside and they honor the land instead of excavating it out. Commissioner Thimm did not believe the massing proposed was even close to what was contemplated in the Woodruff drawings.

With regards to square footage, the areas derived and the back of house areas, Commissioner Thimm noted that mitigation needs to be considered for back of house uses. Those issues need to be addressed as part of the additional square footage and where the square footage comes from. Commissioner Thimm commented on the different square footage numbers that have been mentioned. There appeared to be agreement between Staff and the applicant on the 870,000 square feet, but he wanted to know about the remaining 150,000 square feet and how that is calculated into the formula. In terms of building mass and building area, Commissioner Thimm did not believe there was full agreement on how these buildings are landing and how the mass was dealing with what is required by the LMC. The Planning Commission has no choice but to look at what the governing LMC is telling them. Commissioner Thimm noted that the Staff report asked whether or not the Commissioners agreed with the interpretation of the 5% back of house. He agreed with the Staff's finding as outlined in the Staff report.

Commissioner Suesser stated that she had tried to calculate the exact number of the approved density in 1985. She calculated 197 UEs of residential, 19 UEs of support commercial, plus 5% of the total hotel floor areas, plus the approved parking of 203,695 square feet, and came up with 628,346 square feet of approved density, which was less than some of the density numbers found in the current Staff report. Commissioner Suesser believed that was the maximum density approved in 1985, subject to the applicant being able to mitigate any adverse impacts attributed to that density. In her opinion, anything proposed beyond that amount is beyond the applicant's vested rights. Commissioner Suesser thought the CUP should be conditioned on what the Planning Commission approved in 1985. She stated that if the applicant wants the Planning Commission to consider an increase to the vested density, mainly an increase to the

approved support commercial space and parking; and/or if they want the Commissioners to apply the provisions of the 2008/2009 LMC, they would need to apply for an amendment to the MPD.

Commissioner Suesser thought the comparisons to some of the larger scale projects were helpful in getting a sense of the scale of this project, but it does not provide guidance on what was actually approved in 1985 or the vested density. She liked the idea of the story poles for the site visit at the next meeting. She thought it would give them a better sense of the scale of the development. Commissioner Suesser also liked the suggestion to bring back the model from 2009 because it could be very helpful.

Commissioner Campbell referred to page 132 and noted that there were a number of hand written notes changing the maximum heights. He preferred to look at real numbers rather than ones that might have changed; however, he was most curious where it said under the commercial, "maximum space not to exceed a FAR of 1:1. He requested that the Staff provide more information regarding that calculation at the next meeting. Commissioner Campbell suggested that there may be different definitions of a FAR and he asked that the Staff provide the legal LMC definition of the Floor Area Ratio. Commissioner Campbell noted that when he Googled the definition it said that the gross building floor area is everything within the exterior walls. In his opinion that was no longer open to interpretation. He wanted something in writing in that says it is within the exterior walls and a definitive calculation. Planner Astorga offered to look into it for the next meeting.

Commissioner Campbell stated that story poles are expensive. If they want the applicant to do story poles, he suggested that a more reasonable approach would be to do one or two of the larger buildings instead of the entire project.

Planner Astorga did not believe the noted regarding the FAR applied to this site. He recalled that it applies to the Coalition East and West, which is not part of this Conditional Use Permit. However, he would confirm that for the next meeting. Planner Astorga explained that the Master Plan approved more than just the Treasure Hill site. The Coalition East and West is the Town Lift project. Commissioner Campbell asked Planner Astorga to do the research to see whether the Floor Area Ratio was included for Treasure Hill.

Commissioner Phillips stated that story poles work great but like balloons, it provides limited information. He was hesitant to make the applicant go through the amount of work to put up story poles because there are better ways to illustrate what they need to see. Commissioner Phillips commented on the number of times this evening that everyone on both sides of the argument keep referring to the Woodruff drawings on page 166 of the Staff report. He believed the information on that page gives them a better idea than

standing under a balloon or a story pole. Commissioner Phillips stated that the drawings could be used in many different ways. One way would be to super impose it on to Google Earth in 3-D so people could scroll around and see it from any perspective. Commissioner Phillips stated that the average person gets more information from 3-D visuals and he would like to see more that throughout the process. It is new technology that presents a clearer picture, and they should utilize the technologies at their disposal. Commissioner Phillips stated that he works with Google Sketch-Up and he fully understands what can be done with it and the power of presentation that it has. He noted that Google Sketch-Up is free and simple for people to navigate, and it is the most powerful tool available to visualize these buildings. He reiterated his request to super impose the Woodruff drawings on to Google Earth in 3-D.

Commissioner Phillips referred to the sketch-up model presented by the applicant, and requested that they add a layer with existing grade to toggle that layer and create more scenes. He noted that they have the cut in the sketch-up model but he would like the ability to turn that layer on and off to see how it how it relates to existing grade.

Commissioner Phillips agreed with all the comments of his fellow Commissioners. He thanked the applicant, the public, and the Staff for their involvement. He acknowledged the right to develop this property and that the MPD is for a very large project. However, comparing this project to other buildings does nothing except give some form of reference. Commissioner Phillips pointed out that the Montage and the St. Regis did not have the same mitigating factors as the Treasure Hill project.

Commissioner Phillips generally agreed with the Staff report regarding the square footage calculation, and he was open to more discussion on the issue. He remarked that just because a calculation allows a maximum square footage it does not mean the applicant has the given right to build the maximum unless all of the impacts can be mitigated. Commissioner Phillips wanted to be part of the process and to give input in a back and forth discussion because the applicant has the right to build a substantial project that is probably larger than what anyone wants. However, years ago a group of people made a decision that people today may not agree with, but they have to live by that decision. Commissioner Phillips wanted to work with the applicant because he could see some positives to this development.

Commissioner Phillips stated that for him personally grading is the biggest issue. Square footage is important but it has to fit inside an envelope. The envelope was designed for a purpose and it has height and width. He suggested that digging may not have been contemplated in 1985 and 1986 because people were not building houses on the sides of hills like they do today. Commissioner Phillips explained his concerns with the grading and the intent of the Code. He remarked that for residential buildings there is a maximum

deviation from grade of four feet. He assumed it may not be written in the Code for commercial because very little commercial is on a steep hillside. Commissioner Phillips asked if that was the intent of the Code, whether there should also be a maximum deviation from grade for commercial.

Planner Astorga explained that the 4-foot deviation rule in the HR-1 zone started in 2009. However, this project is being reviewed under the 2003/2004 50<sup>th</sup> Edition of the LMC. He noted that the restriction is only in the HR-1 zone because they do not get requests to dig down in other areas. Planner Astorga clarified that the Staff had not reviewed the mass, scale, volumetrics compatibility. They focused on side. He assumed they would start looking at the physical aspect, which includes excavation and how it relates to the volumetrics, mass and scale, because those criteria are tied together. Commissioner Phillips intended to discuss grade further at the appropriate time.

Chair Strachan agreed with Commissioner Suesser's square footage calculation and the formula she used to achieve that calculation. He also agreed with the majority of the comments made by Commissioner Joyce. Chair Strachan was primarily concerned that they were bordering on re-opening the MPD. Without a firm answer on the 5% rule and which Code the applicant was trying to invoke; and no firm answer on what the additions could mean in terms of the impacts from the original MPD, he believed they were moving closer to potentially re-opening the MPD. Chair Strachan clarified that he was not interested in moving in that direction, but he wanted the applicant to be aware that it could be a possibility in terms of the density.

Chair Strachan stated that the compatibility may have been decided with the 1985 MPD, mitigation of the impacts with regard to compatibility was not decided. He believed that would be a problem for the applicant. As they move forward and look to the next meeting, he will be looking closely at the mitigation of the impacts associated with the excavation, as well as the mitigation of the impacts in terms of the way it relates to compatibility.

Chair Strachan stated that whatever number the Planning Commission arrives at for final square footage, it will come before discussion of the mitigation. Therefore, once the square footage is determined, the applicant will have to mitigate the impacts of that square footage. Chair Strachan did not believe it was entirely accurate to say it is a firm 1.1 million. He suggested that it would be an X- number of square footage minus what needs to be deducted for mitigating the impacts they know are created by this project. Chair Strachan agreed with Commission Phillips in terms of it being a give and take. As the Commissioners analyze the impacts, it would not be suitable answer to say that it would not change the 1 million plus requested square footage.

Chair Strachan thought it was time to bring the density discussion to an end. He thought they were getting close but they needed at least one more meeting to give the applicant time to respond to specific questions that were asked this evening. Chair Strachan asked the Commissioners to begin preparing their own findings on the square footage they calculate. He noted that the Planning Commission may not agree on the final square footage, but they need to come up with the numbers in order to begin discussing how the impacts are mitigated and work down from those numbers.

Mr. Burnett recommended that the Planning Commission reach a point where they understand the applicant's position and the Staff's position on the density issue. However, he was unsure on any of the issues whether a consensus or vote by the Planning Commission would be helpful unless or until they discuss the other components of the CUP process. Mr. Burnett thought it was a matter of understanding the position and having enough information to move to the next topic. At the end of the process they would come back for a global decision that addresses all of the issues.

Chair Strachan agreed with Mr. Burnett. However, he personally better understands things by going through the calculations and coming up with the number that he thinks is the vested right. He clarified that he was not asking for an up or down vote on the number of vested square footage, but he would like the Planning Commission to be able to say that it either is or is not 1 million square feet; and if it is not, then why. In his opinion, the Commissioners would not be able to say why unless they came up with their own calculation.

Mr. Burnett stated that for back of house, that conclusion may be dependent on other CUP criteria. Chair Strachan agreed. He was not saying the calculated number was set in stone, but it would be used as a keystone by each Commissioner as they discuss other issues such as parking and traffic.

Mr. Burnett thought they needed to give the Staff and the applicant clear direction this evening. A site visit was scheduled for the next meeting on September 14<sup>th</sup>. The applicant would have the opportunity to respond to both public comments and the Commissioners questions and comments. He believed the applicant would also want to provide input on the support commercial issue.

Mr. Ferrin assumed they would only be responding to the comments that directly relate to density, volumetrics, square footage and support commercial. Mr. Burnett replied that this was correct. The observations that were made on other issues would be addressed at a later time.

Planner Astorga noted that there is a specific mitigating criteria that addresses volumetrics; however, the Staff has not looked into it. He believed it would be the next one to mitigate. Planner Astorga clarified that the Staff was dealing with numbers, density, Criteria 1, which is the size and location of the project. He had not included any of the volumetrics and that would be addressed with excavation, compatibility, massing, etc.

Chair Strachan stated that the Planning Commission needed to look at a full analysis of the volumetrics at the next meeting. After that they would have some catharsis as to where they stand on density and volume in order to move forward.

Mr. Ferrin thought the site visit would be helpful, but he was unsure how informative it would be in terms of the specific square footage. Chair Strachan remarked that he was thinking it would take a site visit plus another meeting to bring it all together. Mr. Ferrin stated that depending on what the Staff report says with respect to volumetrics, they may want the opportunity to respond. He stated that they would be prepared to wrap up their part with respect to square footage and support commercial; and to respond to the specific questions raised this evening that specifically address square footage.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Permit to September 14, 2016. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

2. **3776 Rising Star Lane – Zone change from Recreation Open Space (ROS) Zone to Estate (E) Zone. In order to accommodate the proposed building pad the zone line delineating between two zoning districts is proposed to be moved with a Zone Change from Recreation Open Space (ROS) zone to Estate (E) zone. (Application PL-16-03156)**
3. **3776 Rising Star Lane – Plat Amendment application to make an alteration to the existing building envelope and to address open space at the front of the existing lot. (Application PL-16-03051)**

The Planning Commission reviewed these two items together.

Planning Tech, Makena Hawley, noted that the zoning and the plat were similar. The plat was changing the building envelope and removing the lot lines of a remnant parcel that was in the plat. The Zoning Map followed the Guidelines and changed the Estate zone to ROS and portions of the ROS to Estate zoning. Ms. Makena noted that the resulting net change in square footage was 9 square feet.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on the plat amendment and the zone change, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report.

Commissioner Joyce referred to page 231 of the Staff report, and thought it was unusual zoning because he has never seen a zone around a house. Planner Hawley agreed that it might be unusual, but it was intentionally done through the entire Morning Star Estates Plat. She explained that when it was originally annexed, it was intended to be a large amount of recreation open space and specific building lots that could not touch anything around them.

Chair Strachan recalled from previous plat amendments in Morning Star that the Planning Commission amended the plats to conform to as-built conditions. Commissioner Joyce asked if it was done by rezoning. Chair Strachan replied that it was not rezoning, but it changed what was recreational open space and what was not before the plats changed. He explained that everything not within the plat is recreational open space. When the plat was moved it changed the amount of recreational open space.

Planner Hawley noted that the portion changing from Estate to ROS has not been touched and it will continue to be untouched.

Commissioner Thimm assumed it was an attempt to make the smallest change possible to the existing plat, and getting only what was needed for a change in the building. He thought it made sense.

Chair Strachan opened the public hearing on the zone change and the plat amendment.

There were no comments

Chair Strachan closed the public hearing.

**MOTION:** Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council regarding the zoning map amendment request for 3776 Rising Star Lane, based on the Findings of Fact and Conclusions of Law as found in the draft ordinance. Commissioner Campbell seconded the motion.

**VOTE:** The motion passed unanimously.

Assistant City Attorney McLean noted that the recommendation is also subject to the amended zoning map, which is an exhibit to the ordinance. Planner Hawley stated that she had not included the amended zoning map because it was not ready when the Staff report was prepared. Ms. McLean explained that she had informed the Staff that the zoning map needed to be attached to the ordinance since it was what the Planning Commission as adopting as part of the zoning map.

Commissioner Phillips amended his motion to be subject to the Exhibit of the amended zoning map. Commissioner Campbell accepted the amendment.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Morning Star Estates First Amended Subdivision plat amendment amending Lots 9 and 10, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – Zoning Map Amendment

1. The property is located at 3776 Rising Star Lane.
2. The property is located in two Zoning Districts a 65,467.6 square foot buildable 1. The property is located at 3776 Rising Star Lane.
3. The subject property consists of Lot 10 of the Morning Star Estates Subdivision.
4. Lot 10 is currently under construction for a single family dwelling with the building permit BD-15-22064 approved on 10/23/15.
5. The Morning Star Estate subdivision contains other similar lots with E regulated buildable areas surrounded by ROS zoning designations.
6. The access to the site is through the E zone off Rising Star Lane.
7. The allowed/conditional use differences lay within the amount and type of development allowed. Single family homes are allowed within the Estate Zone.
8. The ROS District lists Conservation Activity as the only allowed use.

9. The E District lists Conservation Activity as an allowed use in addition to low density development.

10. 3,474 square feet will be changed from ROS to E and 3,483 square feet will be changed from E to ROS with an overall net change of 9 square feet difference added to ROS.

11. The requested Zoning Map Amendment from ROS to E and E to ROS is appropriate in that the same amount of buildable area will remain and the same amount of open space will be protected with an addition of 9 square feet. The E zone that is being changed to ROS is also undisturbed and will not require revegetation.

12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood.

13. The same amount of buildable area will remain and the same amount of open space will be protected with an addition of 9 square feet.

#### Conclusions of Law – Zoning Map Amendment

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

#### Findings of Fact – Plat Amendment

1. The property is located at 3776 and 3800 Rising Star Lane.
2. The property is comprised of two zones, a buildable area designated as Estate Zone and a non-buildable area designated as Recreation Open Space Zone.
3. The Morning Star Estate subdivision consists of similar lots with E regulated buildable areas surrounded by ROS zoning designations.
4. The subject property consists of Lots 9 and 10, of the Morning Star Estates Subdivision and “Exception Parcel 3”.

5. The access to the site is through the E zone off Rising Star Lane.
6. The Morning Star Estates Subdivision consists of buildable pads within the Estate zone and all the building pads in the subdivision are surrounded by Recreation Open Space.
7. Lot 9 contains a single-family dwelling, built in 1995.
8. Lot 10 has a single family dwelling under construction, approved under building permit BD-15-22064 on 10/23/15.
9. In March 1993, the City Council approved the Morning Star Estates Subdivision which created 12 lots on 178.36 acres, four (4) "exception" parcels and one (1) Water Tank parcel.
10. The proposed Plat Amendment application is a request to reconfigure the platted building pad of Lot 10. Both owners of Lots 9 and 10 are requesting the removal of existing lot lines of "exception parcel 3" which crosses onto both lots and to add a lot line continuing between the two lots reaching the road (Rising Star Lane).
11. A single-family dwelling is an allowed use in the Estate District.
12. The minimum lot area for a single-family dwelling is 3 acres.
13. Existing Lot 9 contains 9.579 acres. The addition of the "Exception Parcel 3" proposes an increase to the lot totaling 9.618 acres.
14. Existing Lot 10 contains 11.543 acres. The addition of the "Exception Parcel 3" proposes an increase to the lot totaling 11.863.
15. The proposed lots meet the minimum lot area for single-family dwellings within the E District.
16. The plat amendment does not create additional density on the platted lots.
17. The minimum lot width allowed in the E District one hundred feet (100'). The width of Lot 9 is approximately 219 feet at the lowest width (due to oddly shaped lots).

18.The width of Lot 10 is approximately 320 feet at the lowest width (due to oddly shaped lots).

19.The proposed lots meet the minimum lot width required in the E District.

20.The E District does not restrict the Building Footprint.

21.The property owner of Lot 10 is also requesting a Zone Change concurrent with this application.

22.The proposed Plat Amendment directs complimentary development into an existing neighborhood.

23.The portion of land proposed to change from E to ROS has not been developed previously and still contains undisturbed native grasses and shrubs.

#### Conclusions of Law – Plat Amendment

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

#### Conditions of Approval – Plat Amendment

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All Conditions of Approval of the existing plat continue to apply.
4. Fire sprinklers shall be required for all new construction or substantial

renovations, as determined by the Park City Building Department during building permit review.

5. A ten-foot public snow storage easement will be required along the front property line.

4. **Land Management Code (LMC) amendments - Various administrative and substantive amendments to the Park City Development Code. Chapter 1- regarding procedures, appeals, noticing, and standards of review; Chapter 2- common wall development process (in HR-1, HR-2, and CT Districts), clarification of building height requirements (horizontal stepping and overall height) for Historic Structures and Sites; Chapter 5- landscape and lighting requirements; Chapter 6- require inventory and report on mine sites for MPD applications; Chapter 11- historic preservation Criteria for designating sites; Chapter 15- related definitions (Billboard, Historic Structures Report, Qualified Historic Preservation Professional, Glare, and others); and various Chapters to provide consistency between Chapters. (Application PL-16-03115)**

5. **Land Management Code (LMC) amendments - Various administrative and substantive amendments to the LMC in order to comply with changes made in the State Code. Chapter 1- regarding procedures, noticing, and other requirements; Chapter 7- effect of vacation, alteration, or amendment of plats; procedures, requirements and review of plat amendments; Chapter 7.1 modifications to public improvements required for a subdivision; Chapter 15 – related definitions. (Application PL-16-03115)**

Planner Kirsten Whetstone noted that the majority of the Commissioners reviewed these LMC amendments on June 22<sup>nd</sup>, and they were continued for further discussion when all the Commissioners were present.

Planner Whetstone stated that the amendments involve six chapter. The amendments to Chapter one, the general provisions and notice appeals vesting exactions, are amendments to comply with State Code. The second part was the standard of review for conditional use permits regarding the General Plan, and putting it as one of the review criteria.

Planner Whetstone stated that the amendments for Chapter Two related to the zoning districts. One change was in the CT, Community Transition Zone, to allow attached structures with a common wall party wall to be separately owned without a condominium

plat. The same amendment is proposed in the historic residential zones; but only if duplexes or triplexes are allowed in the zone.

Planner Whetstone noted that the Chapter 6, Master Planned Developments, was the third chapter being amended. One amendment is the standard of review for Master Planned Developments as related to the General Plan, and moving it from a required finding to one of the review criteria. The second amendment to Chapter 6 are the inclusion of requirements for historic sites map and the inventory of historic structures and sites, as well as a historic structures report. The fourth chapter being amended was Chapter 7, Subdivisions. The amendments to 7 and 7.1 were compliance with changes to the State Code. Chapter 11 was the next chapter being amended, which is Historic Preservation. The amendment is a clarification of criteria for designating sites to the Park City Historic Sites Inventory. Chapter 15 were definitions related to these amendments. The definitions were for Essential Historical Form, Historic Structures report, Qualified Historic Preservation Professional, and the Utah Public Notice website.

Planner Whetstone noted that Chapter 5 was included in the agenda, which is the architectural chapter and addresses lighting and landscaping. The Staff requested that the Planning Commission continue Chapter 5 to a date uncertain.

The Staff requested that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Chair Strachan referred to Chapter 15 and asked if the only changes were those required by State Statute. Assistant City Attorney McLean explained that the City is more restrictive than State Code. Currently, the State Code does not require any published notice other than on the Utah Public Notice website. However, the City has additional requirements within the Code that are greater than the State requirement. Ms. McLean clarified that most of the proposed changes in Chapter 15 were due to the fact that the State Code changed with regards to zoning, noticing, and LMC noticing. She gave examples of some definitions that were verbatim out of the State Code. The language regarding appeals was more of a reflection of consistency by Staff.

Chair Strachan noted that the City previously amended the appeals portion of the Code based on the roles of the Board of Adjustment and the HPB, and duplicative reviews. He asked why it was being done again. Assistant City Attorney McLean replied that it was an effort to clean up the language and remove duplicative references. She clarified that there were no substantive changes from what was already approved regarding appeal rights. It extends the noticing from 7 days to 14 days across the board and cleans up the Code for better clarification.

Chair Strachan opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside Avenue, commented on the duplex common wall where two separate structures are attached. Ms. Meintsma assumed they would primarily be single lot structures, and noted that by being attached with a common wall, the 3-foot side yard becomes a 6-foot side yard on each side. She stated that a 6-foot side yard is a nice side yard on a structure in Old Town; whereas, a 3-foot side yard is mostly dead space. With a 6-foot side yard the closest structure 9-feet away. Ms. Meintsma referred to a comment in the Staff report that the Planning Commission may consider increasing the exterior side yards. However, with a 6-foot side yard the structure would be 19-feet wide. She did not think it was reasonable to make the side yard greater. Ms. Meintsma pointed out that the footprint on two individual structures with a common wall is 844 square feet. If it is not a common wall but it is still a duplex, it becomes one structure with two parts and the footprint is reduced by 169 square feet. If it is not a common wall it actually becomes a smaller structure. Ms. Meintsma stated that if it really is two individual structures with a common wall, the side yard should not be reduced and should remain at 6-feet to keep the structure from being narrower than 19-feet. She suggested that the structures might need a smaller footprint as opposed to a smaller side yard.

Chair Strachan closed the public hearing.

Planner Whetstone indicated the proposed redline language for that particular situation on page 330 of the Staff report. It was the same language in the HR-L, HR-1, the RC section for single family duplex lots, and the HR-2. If lots are combined in any of the above-mentioned zones, a duplex requires a conditional use permit. Planner Whetstone read, "The Planning Commission made consider increasing side yards during the required conditional use permit review for the use to mitigate potential impacts on adjacent property". It also talks about how all the side yard exceptions apply. The Planning Commission may also consider decreasing the building footprint during the conditional use permit review. She pointed out that some of these are existing duplexes that sit on two lots, and others could be new duplex structures on two lots that are built with a common wall. Planner Whetstone remarked that the intent was that the side yards would be based on the underlying lots. On a 25' lot the side yard would be 3' and 3'. The Planning Commission could increase that setback depending on the design of the lot because there is a set footprint based on the lot. Depending on the neighborhood or a specific situation, the side yard may also be decreased.

Commissioner Campbell asked for an explanation of Exhibit G on page 513 of the Staff report. Planner Whetstone replied that it was the minutes from the June 22<sup>nd</sup> Planning Commission meeting. The header was missing to reflect that they were the minutes from that meeting, and she assumed the header was cut off when the packet was printed. She

reiterated that two Commissioners were not present on June 22<sup>nd</sup> and the Planning Commission continued these LMC amendments until they could be reviewed by the full Commission. Also, some of the amendments needed further clarification and description of the background and the consequences. She had included the minutes from the previous meeting so the Planning Commission could recall the details of that discussion. Planner Whetstone would make sure the heading was back on before this goes to the City Council.

Commissioner Suesser referred to Chapter 15-1-10-E-16, regarding the conditional use review process and the language, "The use is consistent with the Park City General Plan as amended. She noted that it was removed from the first section and moved to subsection 16. Commissioner Suesser understood from the language that if the Planning Commission does not find that the conditional use as proposed is consistent with the General Plan, that alone could not justify denial. She was told that was correct.

Chair Strachan explained that the old Code used to say that the Planning Commission had to find compliance with the General Plan. The problem is that the General Plan is both sword and shield. Everyone can find something in the General Plan that supports their position or undermines it. There was no way to find compliance with the General Plan, and the General Plan itself is not a binding documents, therefore, the Planning Commission would have problems during a CUP review when the application ran afoul of certain provisions in the General Plan.

Commissioner Joyce had the same question and he was unsure how to address it. He felt like it had no teeth and was completely ambiguous. Assistant City Attorney McLean stated that the change was suggested by the City Attorney's Office because the Legal Department has litigated these situations. If compliance with the General Plan is the only reason the Planning Commission needs for denial, it would be difficult to defend in court. Luckily, the City was on the opposite side of that argument in the case of 1440 Empire Avenue, which went to the court of appeals on the subdivision, and the CUP was litigated in district court. That issue came up and the plaintiffs argued that it was not consistent with the General Plan because it was a transition zone. The courts found that General Plans by statute are advisory. The General Plan is meant to be big picture rather than have findings related to a specific approval. Ms. McLean stated that because the General Plan is such a vast document it is difficult to say whether or not an application complies. She clarified that the General Plan is an important document that helps lead policy, but it should not be part of an approval, and especially administrative approvals.

Commissioner Joyce questioned why it was even included in the LMC. Commissioner Suesser was comfortable including the language because it adds to the weight of the other criteria. Chair Strachan and Commissioner Band concurred. Commissioner Band noted

that the State Ombudsman told them that the General Plan is a guiding document and questioned whether it should even be referenced in the LMC. Chair Strachan thought the State Ombudsman's comment was conflicting because they are required by State Statute to have a General Plan, but then they cannot rely on it.

Chair Strachan agreed that the language was vague, but the Code is not always cut and dry. Commissioner Suesser reiterated her preference to keep the language in the Code.

Commissioner Thimm referred to page 286, Item #3, historic structures are allowed to not comply with building height and footprint. He thought there was already language in the LMC about pre-existing conditions and non-conformance for historic buildings. Planner Whetstone explained that the current language exempts historic structures from setbacks and parking, but it does not address building footprint. The proposed change clarifies footprint and height for existing historic structures. Commissioner Thimm was satisfied with the included language.

Commissioner Joyce referred to page 289 of the Staff report, where it talks about requiring a historic structures report as part of the MPD. He thought it sounded big and involved, particularly when he saw it defined in the definitions section. Commissioner Joyce stated that the Planning Commission was already tagged with being bureaucratic at times, and he cited example of MPDs where a historic structures report would be irrelevant. He thought it sounded expensive, and it was unclear what would be included. Commissioner Joyce was concerned that they were adding a large piece to an MPD process that was already convoluted, without a condition to say it is relevant.

Planner Whetstone stated that if it was as piece of land that has one or two small structures, the extent of that report would be simple and inexpensive. However, if those structures are in need of preservation, it is important to show they intend to preserve them.

Commissioner Joyce did not dispute those scenarios. However, the definition of a historic structures report asks for things that are not relevant. Planner Whetstone replied that it is relevant because if someone wants to do an MPD and the property contains historic structures, part of the good cause of the MPD should be to preserve those historic structures. In order to do that they would need to know the existing conditions of what is there and how they intend to preserve it.

Commissioner Thimm thought there was value in doing this and creating a mechanism to protect historic structures. There are gives and gets that go with an MPD and it is important for people to understand if there is heritage on their property and having that mechanism is a good thing. Commissioner Campbell agreed. However, he asked if there was a mechanism to make the process easier. Director Erickson stated that at a minimum it was

important to identify the fact that there are sites inside the property when someone come in for an MPD. Once that is done, the Planning Commission could have the discretion to waive the historic sites report for good cause. It would give the Planning Commission an “off-ramp” to waive the report. Chair Strachan thought the Planning Director or the HPB should have the mechanism to waive the historic sites report. Director Erickson stated that the Staff would craft criteria under which the Planning Director could do it. If the Planning Commission preferred that it go to the HPB, they could create criteria for that body.

Commissioner Campbell clarified that he liked the idea of the historic structures report and he was not suggesting that they change it. However, he would like the Staff to compile a list of names or places that the applicants could reference to get the report done.

Commissioner Joyce stated that he is reluctant to add rules that react to one or two, but affects everyone. However, since the majority of the Commissioners supported it he suggested that they leave the amendment as proposed; and if they hear complaints that it is extraneous, they could add the “off-ramp” criteria. The Commissioner concurred.

Commissioner Campbell understood that the government body that was listed to view the criteria did not license or insure the ones conducting the report. He thought it was something that could be open to abuse. Director Erickson clarified that the report needs to be done by a qualified professional. Commissioner Campbell asked if they were licensed and insured. Director Erickson answered no. Commissioner Campbell stated that they were asking the professional to do part of the enforcement for the City by certifying that there are or are not structures on the property. He thought some developers would pay decent money to get the report whitewashed to say there were no historic structures. Director Erickson agreed that it was a possibility. Chair Strachan thought it was a problem throughout the Code. People could pay off engineers or others to get the result they want. Commissioner Campbell stated that one way to avoid that problem would be for the City to have an approved list. Chair Strachan was hesitant to create a monopoly on who would get the business. Director Erickson clarified that the City was not asking for certification. They were only asking that the structures be identified. Commissioner Campbell was comfortable leaving it the way it was, but he wanted the Commissioners think about it for a later discussion.

Commissioner Joyce referred to page 294 of the Staff report regarding notification. He read, “The Planning Commission shall hold a public hearing on all amendments to the LMC”. Notice of the hearings...mailing notice to each affected entity.” He was unsure how they would decide who was affected by and LMC change, because he believed it affects everyone. Assistant City Attorney replied that “affected entity” is a defined term in the Code, and it was also in the definition section. The definition was taken directly from State Code. It tends to be school districts, sewer districts, and similar types of entities.

Commissioner Joyce stated that the Planning Commission was considering Code changes that would potentially affect everyone who does something in Park City. He asked if everyone would be notified by mail. Ms. McLean answered no. She explained that they would mail notice to each affected entity as defined by the Code and the specific definition. However, another section in the State Code says that if for some reason notice is not published in the newspaper and not posted on the Utah Public Notice website, they have the ability to mail notice to owners directly.

Commissioner Joyce pointed out that they were making an LMC change on notifications and that affects everyone who does anything with the Planning Department. Ms. McLean referred to the definition and noted that "Affected Entity" was capitalized. It also talks about "owners" who are affected. She clarified that those two are not the same. She suggested the idea of distinguishing the two to make it clearer. Ms. McLean stated that "affected Entity" capitalized is a very specific group.

Commissioner Joyce remarked that it was under the heading of "Land Management Code Amendments". If they are making an LMC amendment on notification, he wanted to know who would be the affected entity of such a change. Chair Strachan replied that affected entity was defined in the Code. Commissioner Joyce held his position that a change to the LMC affects everyone.

Commissioner Campbell noted that the definition of Affected Entity says "A county, municipality or local district". He pointed out that it is not an individual, which should address Commissioner Joyce's objection. Assistant City Attorney McLean read the definition as it was taken from the State Code. "Affected Entity means, County, Municipality, Local District, Special Service District, School District, interlocal cooperation entity, specified public utility, property owner, property owners' association, or the Utah Department of Transportation, if the entity, service or facilities are likely to require expansion or significant modification because of the intended use of land. The Entity has filed with the municipality a copy of the entities general or long range plan, or the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with the requirements imposed under this Chapter." Ms. McLean stated that if the land owner filed something with the City, the City would send them a notice.

Chair Strachan believed the point was that the definition specifically says property owner. Assistant City Attorney McLean clarified that this change was not creating anything new. The intent of the change is to comply with State law and match the language.

Commissioner Joyce stated that when they add language to the LMC it is important to know what it means and to actually execute it. He wanted to make sure that the

notification would properly occur and that it would not come back on the City if they do not send a mailed notification to everyone. Chair Strachan thought Commissioner Joyce made a good point. The second sentence of subparagraph 4, because it does not define “affected”, could mean everyone. Ms. McLean stated that she had recommended adding the language because she could see a circumstance where something was not noticed. However, the City does not have to follow the language in the State Code.

The Planning Commission and Ms. McLean discussed the language. The question was whether subparagraphs 1, 2, 3, 4 all applied. Commissioner Joyce thought the language as written meant they could skip 2 and 3 but they could not skip 4. Ms. McLean stated that the difference is that Affected Entity includes all the groups identified in the definition. It can include a property owner if A, B, or C applies in Subsection 1 of the Code. It does not mean a notice must be sent to everyone in the city. Subsections 2 and 3, talk about owners who are affected. Notices could be mailed to owners who are affected if it is not posted on the Public Notice website or published in the paper.

Assistant city Attorney McLean suggested removing that language to avoid confusion because the City always publishes on the Public Notice website. Chair Strachan agreed that it should be removed. He pointed out that if they do not do subsections 2 or 3 and they choose which owners are directly affected and should get a mailed notice, someone will come to a meeting and say they were directly affected and did not receive a notice. Commissioner Joyce thought it could be argued that everyone in town lives within 300 feet of an LMC change.

The Planning Commission agreed to keep the first phrase in subparagraph 4, “mailing notice to each affected entity”, and strike everything after that. Ms. McLean offered to review the amendments and strike it from other areas where it appears, as well as from the notice matrix. The motion could be to remove the language wherever it appears and she and Planner Whetstone would make sure it is removed before this goes to the City Council.

**MOTION:** Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments to Chapters 1, 2, 6, 7, 11, 15 as described in the Staff report and as amended this evening. Commissioner Suesser seconded the motion.

**VOTE:** The motion passed unanimously.

**MOTION:** Commissioner Campbell moved to CONTINUE LMC Amendments to Chapter 5 to a date uncertain. Commissioner Thimm seconded the motion.

**VOTE:** The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 11:00 p.m.

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

K CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
AUGUST 24, 2016

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Bruce Erickson, Planning Director, Kirsten Whetstone, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

Director Erickson noted that Chair Strachan would be arriving late and Vice-Chair Joyce would conduct the meeting until Commissioner Strachan arrived.

**ROLL CALL**

Vice-Chair Joyce called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Suesser, who was excused, and Commissioner Strachan who was expected to arrive later.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Erickson announced that Treasure project would be on the agenda for the next Planning Commission meeting on September 14<sup>th</sup>. It would begin with a site visit at 4:30. Planner Astorga was in discussions with the applicant about where to place the stakes.

Planner Hannah Turpen reported that the City was exploring development options for affordable housing at the Fire Station parcel on Lower Park Avenue. The City Council would be choosing their preferred option the following evening. An open house would be held on September 20<sup>th</sup> at the Library. It would be reviewed by the Planning Commission within the next few months. She would send an email to the Commissioners regarding the open house.

Commissioner Band stated that she was planning to attend the City Council meeting and wanted to make sure others did not have that same intent to avoid having a quorum. Commissioner Phillips stated that he had planned to attend. Assistant City Attorney

McLean explained that it is a public meeting, and the Commissioners can attend as part of the public because they are not involved in the discussion. However, if they know that a quorum of Commissioners will be in attendance, she would prefer to notice it.

Planner Turpen stated that she would notice for the open house in case four or more Commissioners attend. Assistant City Attorney McLean stated that she needed to talk with the Staff internally to better understand what role the Planning Commission will have in the process. If they will be acting in a regulatory role they should not participate in the open house. Ms. McLean would advise the Commissioners on the open house after she talks with Staff.

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

1. 158 Ridge Avenue – Steep Slope Conditional Use Permit for a new Single Family Dwelling. (Application PL-16-03149)

Vice-Chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 158 Ridge Avenue – Steep Slope Conditional Use Permit for a new single family dwelling to September 14, 2016. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

2. 7379 Silver Bird Unit 29 – Plat Amendment to change existing common area to private area. (Application PL-16-03207)

Vice-Chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 7379 Silver Bird, Unit 29, Plat Amendment to change existing common area to private area to September 14, 2016. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

3. 7700 Stein Way – A Conditional Use Permit for an addition to the Stein Eriksen Lodge, consisting of a 3,600 sf for additional ski lockers, 4,050 sf for a guest recreational amenities, 918 sf for a guest movie and video viewing room, as well as

improvements to the exterior pool and deck area and remodel of existing interior ski locker rooms and skier services. (Application PL-16-03176)

4. 7700 Stein Way- A condominium plat amendment to identify the additional amenity spaces requested in the Conditional Use Permit.  
(Application PL-16-03175)

Vice-Chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 7700 Stein Way Conditional Use Permit and Plat Amendment to September 28<sup>th</sup>, 2016. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

5. 1376 Mellow Mountain Road – Appeal of a building permit (BD-16-22329) denial based upon the Planning Directors determination of the proposed addition’s square footage that would exceed the maximum house size identified on the recorded plat of First Amendment to Hearthstone Subdivision.  
(Application PL-16-03247)

Vice Chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 1376 Mellow Mountain Road – Appeal of a building permit denial to a date uncertain.

VOTE: The motion passed unanimously.

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

1. **1401 & 1415 Kearns Blvd., 1415, 1635, 1665, 1685, & 1705 Bonanza Dr., 1420 & 1490 W Munchkin Rd., – Bonanza Park East Master Planned Development (MPD) Pre-Application determination in the General Commercial (GC) District. Project consists of a mixed-use development consisting of commercial, office, and residential. Project includes surface parking and one level of underground parking.** (Application PL-15-02997)

Planner Francisco Astorga noted that the Planning Commission last reviewed this pre-MPD application on May 11, 2016. He had prepared a detailed Staff report, and the applicants were prepared to present a revised version from what was shown in May.

Planner Astorga stated that the purpose of the pre-MPD application is to identify the impacts regarding compliance with the General Plan. The focus is more on the Bonanza Park section of the General Plan, which was summarized in the Staff report beginning on page 34. The Staff requested additional input and direction from the Planning Commission on the discussion items outlined in the Staff report. Planner Astorga requested that the Planning Commission also discuss items that need to be identified such as the uses. Many of the uses are a conditional use, and the Staff recommends that when the applicant comes back with a master planned development application that they also submit specific corresponding conditional use permit applications. Planner Astorga remarked that the same applies for the subdivision requirement. There are eight lots of record and some parcels will need to be replatted. Items will need to be addressed for road requirements and design as part of the subdivision. The Staff finds that it would be appropriate to look at those items concurrently with the master planned development. If there is disagreement, the alternative would be to look at those requirements as they review the master plan.

Planner Astorga stated that the site is approximately 5.14 acres. Since the site exceeds one acre it triggers an automatic increased setback of 25 feet around the perimeter. The Planning Commission would need to make specific findings regarding the criteria that has been adopted in order to reduce those setbacks to the zone required setbacks. The same applies for the height. Planner Astorga stated that additional height will be required in the areas where the applicant is proposing four and five stories, and those components will have to be address. He pointed out that he was very general in the findings identified on pages 34, 35 and 36 of the Staff report.

Planner Astorga noted that a utility plan would also have to be looked at in detail. The Staff was comfortable doing that review at the Master Planned Development stage. Planner Astorga stated that the Engineering Department and the Transportation Department had provided good input regarding some of their principles. The Staff has met internally, as well as with the applicant, several times since the last meeting in May, to discuss reducing some of the points of congestion along Kearns and Bonanza Drive.

Planner Astorga stated that the applicant had prepared a model and additional renderings that they would be presenting this evening. This item was also noticed for a public hearing. Planner Astorga noted that the pre-application was not ready to be finalized, and he requested that the Planning Commission move for a continuance this evening.

Rory Murphy, representing the applicant on the Bonanza Park East Master Plan, introduced Craig Elliot, the project designer. Mr. Murphy stated that he is the project advisor to the Team. They looked forward to addressing questions and concerns after giving a brief presentation on the most current version of the plan. Mr. Murphy remarked that the intention is to identify and discuss the General Plan and LMC relative to this proposal, and determine where they comply and where they need to work on compliance. Mr. Elliott was prepared to show the latest iteration of the proposed plan and where adjustments were made to accommodate the comments made by the Planning Commission and the public at the last meeting.

Mr. Murphy stated that the Team was in the process of re-examining the proposed uses relative to housing, commercial, office and retail. They were interested in hearing input from the Planning Commission regarding the unit mix and possible alternatives. Mr. Murphy thought it was important to note that nothing was being decided this evening. The purpose of this meeting is to listen to their comments and continue to incorporate them in the proposal. Mr. Murphy noted that the public and the Planning Commission would have other opportunities to make comments on the project at additional pre-MPD meetings, as well as during the actual MPD and Conditional Use Permit submittals in the future.

Mr. Murphy stated that the Bonanza Park Project is located in the Bonanza Park General Plan neighborhood section, and it is approximately 1.56 acres in size. The property is bordered by Kearns, Bonanza and Munchkin. The proposal is for redevelopment of a currently built-up area. There is environmental contamination associated with the site. Mr. Murphy pointed out that the existing uses are well-known and include a gas station, a doctor's office, the Kimball Art Center, a car wash, Anaya's Market, ski rentals, office uses, and drive-in coffee shop and other like commercial. There is currently one housing unit associated with the upstairs of the car wash; otherwise there are no residential uses.

Mr. Murphy felt there were several key uses that need to be addressed as this process develops. The uses they are most concerned about on the site and that are important to the community are the doctor's office, which was moving down the street to the old Domino's site; the Kimball Arts Center, whom they continue to work with to locate a viable site; the gas station and Anaya's Market. Mr. Murphy stated that Anaya's Market may be the most important cultural gathering area for the City's Latino population besides the Catholic Church. The applicant is committed to finding Anaya's an alternative site that is accessible, adjacent to the site, and with a reasonable lease rate. Mr. Murphy thought it may seem obtuse to refer to a gas station as a critical use, but being one of only two in town it shifts into a more important category. They are aware of this issue and the Team has been working with Staff to remedy the situation. It has not yet been resolved and they will continue to work on it.

Mr. Murphy thought Planner Astorga had done a good job of discussing the General Plan elements in the Staff report; and they tried to instill it into the major concepts of connectivity and complete streets, and LEED and sustainable design. Other important elements are the sense of place, underscored by the Park City entry experience, and also the concern of gentrification.

Mr. Murphy stated that the underlying zone is General Commercial (GC), which allows for the uses that are currently proposed in the plan. The proposal requires an MPD process which is mandatory in the GC zone for any project in excess of ten residential uses, or in excess of 10,000 square feet of commercial. Only uses allowed in the underlying GC zone are allowed in this MPD.

Mr. Murphy remarked that the additional studies that are being called for include a traffic study, a mine waste mitigation study, a storm water retention study, a parking study, a utility plan, and a transportation master plan compliance report. As they continue to refine the project and determine the actual unit mix and counts, the studies will be generated and submitted to the Staff and Planning Commission. Mr. Murphy stated that much of the studies mentioned will depend on some of the feedback heard this evening. Prior to undertaking these studies they would like direction from the Planning Commission.

Mr. Murphy noted that process elements include a required Frontage Protection Zone CUP, as well as a lot combination plat amendment to eliminate existing lot lines, and then to subsequently create separate plats.

Mr. Murphy stated that the primary concerns raised at the last meeting related to height, massing, transportation, transit and parking elements, the advisability of a hotel on the site, as well as light pollution and public art. There were also concerns raised about the surrounding properties and the need to design and plan in conjunction with the other properties adjacent to Bonanza East and the District as a whole. Mr. Murphy noted that Mr. Elliott would address those issues in his presentation.

Mr. Murphy remarked that the General Plan addresses sustainability, particularly as it relates to the LEEDS-ND concept. The fortunate aspect is that most of what is insisted upon in LEEDS-ND is already in the Park City Land Management Code. He outlined the issues that the Bonanza East Plan will adhere closely to, and are reflected in the underlying LMC documents. These include walkable streets, mixed uses, reducing vehicle trips, access to quality transit, connectivity and compact design, neighborhood streets, brownfield remediation, bicycle facilities, mixed use, and housing and job access.

**Commissioner Strachan arrived and assumed the Chair.**

Craig Elliott, the project architect, presented the latest iteration of the plan based on previous comments from the public and the Planning Commission. Mr. Elliott addressed some of the issues that were discussed at the last pre-MPD meeting and the changes that were made in response to the comments by the Planning Commission and the public.

Mr. Elliott presented a slide showing the existing condition with the access points along Kearns, Bonanza Drive, and Munchkin Road. He noted that the previous scheme submitted and reduced those access point down to five. After several meetings with Transportation, Engineering and Planning they worked on other solutions and came up with another configuration for the site. Mr. Elliott presented the revised iteration of the plan and compared it to the plan shown in May so the Commissioners and the public could see how it was changed. The curb cuts along Bonanza and Kearns were reduced to a single point of entry, and to a single point of entry along Munchkin. Mr. Elliott believed it relieves some of the issues that occur with access close to the intersection of Bonanza and Kearns. It also helps to internalize the project. Bonanza and Kearns can remain arterial streets and the interior of the project becomes commercial streets.

Mr. Elliott presented a slide showing how automobiles move throughout the existing site. He compared the version shown in May of the automobile patterns on the site with proposed design, and compared it to the latest version that creates a drop-off point and the accesses to the parking garages. Mr. Elliott stated that it consolidates two internal commercial streets and it also creates a plaza within the space they were working on before. He pointed out the access that was previously proposed for the underground parking, and compared it to what was currently being proposed. He noted that the change was a direct response to Engineering and trying to relieve some of the pressure on the streets. Mr. Elliott stated that the changes to the automobile plan came about from meetings with Transportation and Engineering, and he believed it resulted in a better project.

Mr. Elliott showed the existing bike and pedestrian access points and identified the problems. He noted that in the last version they started to analyze how they would move people around the site internally. The feedback from the last meeting was whether they could look at ways to improve circulation or arterial bike and pedestrian movements throughout the neighborhood, as well as internal pedestrian movements. Mr. Elliott presented the changes that were made based on the comments from the last meeting. The size of the sidewalks and trail access were increased along the perimeter, and they also focused on the dual purpose pedestrian and bicycle access points. Purple circles represented the locations where there would be bike racks so people could get off their bikes in the District and begin to use the pedestrian components. He pointed out that people could still ride their bikes through the roads, but the current plan allows the opportunity to use bikes as a transportation mode to the site and internally circulate as a

pedestrian. Mr. Elliott noted that the blue dotted lines represent the pedestrian circulation patterns throughout the site. He believed this creates a place where people can park, ride, walk to, and stay within the mixed use environment.

Mr. Elliott stated that they also looked at different places to create gathering spaces within the property. He pointed to Buildings A and B on the corner of Bonanza and Kearns, and noted that two non-profits would be in that location. They were considering locating minor retail in association with the non-profit location. However, the majority of the retail exists south of the circle. Mr. Elliott stated that the red squares represent potential bus stop locations. Transportation was not ready to make a decision on where that should be; but the applicant is open to providing bus stops anywhere along Munchkin, Bonanza and Kearns that works best for the transit community. They were showing one on the other side of the street believing that people coming from the Prospector area or the Park Meadows area would want to get off the bus that services across Kearns and walk across the street at the intersection. Mr. Elliott clarified that they could not determine the exact locations until Transportation makes that decision, but there is room and space for that to occur whenever Transportation is ready to make those final decisions.

Mr. Elliott showed what they plan to do with buffers. The green buffer around the perimeter is intended to be the neighborhood buffer. The only side associated with a different neighborhood is on Kearns. Mr. Elliott stated that it makes sense that they already have the setback and the larger open space, so as far as dealing with neighborhood buffers what is being proposed works fairly well to address the issues in the zoning requirements.

Mr. Elliott showed the existing configuration of the overhead utilities and noted that they had designed around it. They previously proposed that an underground utility location might make sense on the west side of the property, coming across the street, and then turns and goes to the east. Mr. Elliott stated that they had several meetings with Rocky Mountain Power and the City's Engineers office, and looked at all the different access points. Rocky Mountain Power has currently been released to do an actual engineering study for relocating the power lines to a new configuration. Mr. Elliott stated that it allows them to control all the access points on their property and it provides a place to put underground power. It would cross over Kearns and go vertical across the street at whatever pole location Rocky Mountain determined was appropriate. He noted that this would also avoid having to deal with the issues of location relative to the cemetery across the street. Mr. Elliott remarked that this was one of five or six studies generated by Rocky Mountain Power and they are excited about the possibility of undergrounding the utilities because it would not only improve this project, but also the neighborhood in general.

Mr. Elliott presented slides of the building design. At the last meeting they were asked to look at reducing the mass and scale along Bonanza and Kearns. He showed a series of

images comparing the previous scheme that was submitted with the reduced version, and explained how they managed to change the heights along the street and throughout the project. Based on comments at the last meeting they looked at ways to reduce the glazing and the use of other materials more consistent with the industrial character of Park City. He noted that in some cases the footprints were increased. He presented a slide of the revised scheme to get a sense of how they responded to the height question. Mr. Elliott believed that the three stories proposed was compatible with what exists and with the zone height.

Mr. Elliott commented on the interior of the project. He stated that one of their responsibilities is to talk about sense of place and walkable streets, and how it works in the MPD. They started to look at ways to create a street at a comfortable scale. He presented images moving around the project. They found the opportunity to create gathering spaces internally and still leave view sheds to different places in Park City. Mr. Elliott showed a three-dimension image showing how the plaza space might work, how it connects with the drop-off area, and how the whole area could start to function and support the offices, the residences, and the retail in this mixed-use project.

Mr. Elliott presented an aerial view of the project. He had prepared a massing model for the Commissioners and the public to view.

Mr. Murphy announced that based on comments from the last meeting, and their own internal look at this project, the applicant was no longer considering a hotel on this site.

Mr. Elliott pointed out specifics of the massing model. The purpose of the model was to see how the it fits within the overall landscape of the site, how the massing works, how it fits within the context of the neighborhood, and where they were affecting any kind of view sheds. It also helps to understand the relationships created for access, and how the existing access points were cleared up. Mr. Elliott stated that when they started to build the model he was struck by how much surface parking there is in the District, and how much land is dedicated to parking cars on a property. He liked how the massing starts to relate to the project and they start to see how those buildings interact with the neighboring properties.

Mr. Elliott pointed out the access points to the underground parking. Mr. Murphy noted that the access points and curb cuts follow the direction of Alfred Knotts, Planner Astorga and Matt Cassel.

Mr. Elliott completed his presentation and he and Mr. Murphy were available to answer questions.

Commissioner Thimm asked if the square footage of the revised plan was approximately the same as what they saw on May 11<sup>th</sup>. Mr. Elliott stated that it was within 5,000 square feet. If the utility corridor moves to the underground location, they may look at adding another 5,000-10,000 square feet. It will be very close to the same number as before.

Planner Astorga noted that they were not vesting any square footage at this point. Commissioner Thimm clarified that he had asked the question from a massing standpoint.

Commissioner Joyce asked Mr. Elliott to show the slide that had the points of ingress/egress with the revised plan. Commissioner Joyce noted that the Staff report talked about a potential service entrance off of Bonanza, and he asked Mr. Elliott to explain it. Mr. Elliott stated that they talked about having a service access point, but it was not for utilities. They were asked to look at it as an unloading spot for one of the non-profits. It would be used once a month. Mr. Elliott clarified that it has been discussed but it was not an absolute requirement. He noted that they also added a service access point on Munchkin, which allows them to have service to an elevator served underground. It would only be for loading and unloading purposes.

Mr. Murphy had also read the Staff report. It was not critical to their plan and he suggested that they eliminate it. The roundabout would also serve that purpose.

Commissioner Band stated that when she thinks of gathering spaces that have failed, she wants to know what is different about this gathering space that would make it thrive. Mr. Elliott stated that a number of things drive those engines. One is the access points to retail areas. He noted that walking path along Prospector struggles because all of the buildings have entrances to the parking lot and entrances off of the walking path. The primary entrance is from the car and there is no place to bring people into that common walking path area. Mr. Elliott stated that Building G and Building F will have access points through that plaza. Secondly, they expect it to be programmed space. The non-profits through the area will be given the opportunity to program the uses of that space, which are the things that need to happen to allow it to be activated. Mr. Elliott noted that they created bench space, as well as having a water feature element and a splash pad.

Mr. Murphy thought public art should be part of this. The spaces that people use tend to use have good public art. It is also important to have seating so people can gather, and to add color with banners, flowers, and trees. They need to create the vitality in order to make it work; otherwise it becomes a dead space.

Commissioner Joyce referred to where Buildings F and G back up to Bonanza, and he asked whether they expect any entrances off of the Bonanza sidewalk or if it would be a wall. Mr. Elliott did not expect those to be entrance points. He thought they would be used

for visual access. It is possible to develop an entry point in the back, but currently they do not think the users would want to drive there because it is further away from parking and other activities. Commissioner Joyce preferred to make it really clear that anything coming out to the Bonanza side is an emergency door and not an entrance to a facility. He thought it was important to drive pedestrian and biking traffic to the interior as opposed to having alternatives. Mr. Elliott believed there might be the opportunity for a cafe or a deli to spill visually out to there with doors or glass, but he did not expect it to be the primary entry.

Chair Strachan opened the public hearing.

Clay Stuard stated that as a former developer he is always intrigued as projects morph through the approval process and designers come up with good solutions to identified problems. However, he still had two overriding concerns that go beyond this project, but it is a problem that would be created by this project. Mr. Stuard presented a sketch of the area and noted that the pink area was the GC zone. The applicant's property was the black cross-hatched area. It is about 5 acres of roughly the 120 acre GC zone. Mr. Stuard was concerned about the level of intensity of use on this site. He believed that five out of the seven buildings were still four or five stories tall, and if this were approved with four or five story buildings, it would basically be a de facto zone change for the entire GC zone. Mr. Stuard stated that Bonanza and Kearns is already a problematic intersection, and Bonanza, in particular, has a very restrictive right-of-way. As he looks at the intensity of use, and the number of stories; and he projects it over the 120 acre GC Zone over the next 20-40 years, it is a problem. Mr. Stuard noted that they will never get people out of their cars entirely, but with the efforts that are being made they might reduce it to some extent. However, if they add square footage and additional occupancy to this area at this level of intensity, they will never stay ahead of it. Mr. Stuard reiterated his opinion that the intensity of use on the site was too high and it is a de facto zone change for the entire GC Zone, and that needs to be considered. The City has made enough poor incremental planning decisions over the past years that are haunting them now, and making another poor decision here will set a precedent for more of the same over the next 10-20 years, and that will be a huge mistake. Mr. Stuard remarked that the traffic issues on Bonanza have to be addressed more thoroughly than they are currently. He understood that the applicant intends to do that as they move through the application process, but fundamentally this changes the character of the entire GC zone. He believed that was a General Plan issue that needed to be addressed now.

Chair Strachan closed the public hearing.

Commissioner Campbell could not think of any applicant who actually listened to what the Planning Commission wanted and came back with what they asked for. He was surprised at how much they were able to do so quickly. He appreciated the fact that they were

making this a collaborative process. Chair Strachan referred to a list of discussion items on page 34 of the Staff report. Commissioner Campbell had read the items and he had nothing specific to add.

Commissioner Thimm thought it was interesting to see how the plan had evolved since the May meeting. He noted that the solutions proposed addressed many if not all of the comments that were made. He thought there were better solutions to the massing along Kearns Boulevard and Bonanza Drive. He recalled talking about the possibility of bringing mass to the center of the site, and this plan starts to do that. Commissioner Thimm stated that in terms of massing, Building A is a major corner piece that creates an anchor. It indicates three stories and he wanted to know if they were thinking about residential type stories or commercial stories.

Mr. Elliott explained that they were looking at what would be considered a traditional commercial level on the first level, and two office levels on the top. He noted that Park City has height restrictions and they are looking at construction techniques that would increase the interior perceived volume of the building and eliminate some of the traditional elements. They were looking at exposing cross laminated timber floor structure with beams, and leaving them exposed, and having a concrete floor on top of that. It would give them larger volume in a compressed space. Mr. Elliott stated that they were looking at things from a detailed part of the design that would gain the heights inside but not cause the heights outside to go up.

Commissioner Thimm clarified that they were still within the 35' realm. Mr. Elliott answered yes. Commissioner Thimm stated that in addition to the stories, the number of feet in height will be key to some of the discussion points as they go through the process. Commissioner Thimm remarked that eliminating the cutoff between Kearns and Bonanza makes this a much safer project. He thought the solution proposed is far superior to what was there before.

In looking at circulation around the site and the site plans provided, Commissioner Thimm thought it works nicely and starts to engage pedestrians and bicyclists. He noted that Commissioner Joyce had talked about permeability along the faces of Buildings F and G. If there could be some type of activation along Bonanza Drive to encourage activity and not just a landscape buffer. He recalled that the earlier plan had a nice plaza that was adjacent. Commissioner Thimm felt it was a compromise. Permeability and having entrances and enlivenment along Kearns is an important aspect of some of the intents of the General Plan in creating walkable street edges.

Commissioner Thimm liked how they internalized the vehicle traffic. The plan shown at the May meeting had parking right off of Bonanza and that has all been internalized. He

thought it was a vast improvement from the earlier plan. Commissioner Thimm commented on the intensity of use and noted that this was still a gateway. He thought they needed to take a close look at what it means for people coming into town.

In terms of some of the discussion points mentioned in the Staff report, Commissioner Thimm noted that one question asked was whether the long term effects of the project and gentrification should be considered at this stage of the MPD. He thought it might inform the plan to some degree, but he did not believe it was important at this stage. Regarding the sustainability discussion, Commissioner Thimm noted that LEED-ND was mentioned and it is a great vehicle for this type of project. He thought it would be better if they could do something more towards LEED-ND gold rather than either certified or silver. He noted that Park City is looking at sustainability and energy conservation, and reaching for a higher standard would be important.

Commissioner Thimm reiterated the importance of understanding building height and feet. There was a question in the Staff report about transportation demand management and understanding a traffic impact study. He believed that early on it would inform the plan and start to confirm the ingress/egress locations, understanding how wide the lanes need to be, number of lanes, etc. Commissioner Thimm believed UDOT would embrace the reduction of access points along Kearns. He thought it was important to do the traffic impact study now. He noted that a parking analysis is often included in a TIS, and he suggested that part of the TIS for this project include a parking analysis at total build out.

Commissioner Phillips commended applicant for how well they listened to the comments and concerns. He believed it showed their intent and he looked forward to continuing to work through this project in the MPD process. He thanked Mr. Elliott and Mr. Murphy for their efforts.

Commissioner Phillips supported Commissioner Thimm's comments regarding the perimeter of the Frontage Protection Zone. He thought it would be nice to find ways to use those spaces to create smaller gathering or active areas to add interest from the perimeter, and to utilize that space. Commissioner Phillips stated that seeing people being active creates the quality of life in Park City and makes Park City unique. He sees it as being positive and he assumed the applicant would want people passing by to see that activity and draw in more people. Commissioner Phillips commented on the amount of grass and the ability to create smaller areas where children could play. He had tried to visualize areas of view corridors that capture the mountains. He was pleased to see view corridors addressed in the presentation because it is important. Commissioner Phillips did not want a lot of trees that would block the views or a bunch of trees to hide the buildings. It is better to break it up for more articulation.

Commissioner Phillips referred to the amount of residential in the back corner. The plaza is a great gathering space, but the interior of the project was mostly hard surface. He has children and he tries to envision what he would gravitate towards with his kids if he lived there. Commissioner Phillips loved the water feature because they have to go to Salt Lake for that activity. He suggested that the western part of the non-protection zone on the corner would be a great location for an activity area for the people who live there.

Commissioner Phillips was interested in seeing more on the use per level. With the revised plan he could begin to see how the dynamics of the project would be as far as the uses and locations. As far as the discussion requested, he asked if Mr. Elliott or Mr. Murphy had any comments or objections to what the Planning Commission was contemplating to be included with the MPD.

Mr. Murphy thought the Commissioners had good comments and he was comfortable with all of their suggestions. Commissioner Phillips agreed with the Staff that these issues should be addressed as they move through the process. He commended Planner Astorga and the applicant for providing good information.

Commissioner Phillips noted that one building was not labeled after they split Building A. Mr. Elliott replied that it was still one building with a walkway through it. They connected the piece where they were originally separate and created a walkway. That was how they moved and manipulated the densities. It was Building E.

Commissioner Band liked the revised plan much better, and was excited to hear that they had eliminated the hotel. Commissioner Band was prepared to answer the questions on the summary in the Staff report. On the question regarding mixed-use neighborhoods, Commissioner Band stated that since this was the last neighborhood that was relatively affordable commercially, she would like to understand the effects of gentrification. She did not think it was necessary to hold up this project, but gentrification should be looked at in the larger picture.

Regarding nightly rentals, Commissioner Band felt strongly that nightly rentals should not be allowed if they want to achieve a live/work area. She understood that nightly rentals is an allowed use, but she would not support additional height or anything in the Frontage Protection Zone if there were nightly rentals. It would have to be a get for the City. Commissioner Band thought life cycle housing would be great in that area, and it would not have to be deed restricted or extremely affordable. She believed a lot of people would like to move from their current larger houses into beautiful housing with elevators.

On the question of whether the Staff and the applicant should spend additional time reviewing the effects of the requested commercial, Commissioner Band thought it was

important to understand the effects without holding up this project. Planner Astorga asked if that needed to be done now or at the MPD stage. Commissioner Band replied that the MPD stage was appropriate. She believed it was something everyone should be looking at because the applicant wants a viable project. Planner Astorga asked if that also applied to the question regarding the percentages of housing versus office/commercial. He noted that the project proposed 40% commercial, 10% office, and 50% residential. Commissioner Band thought that question could also be addressed at the MPD stage; but again, it should be on their radar to make sure they build something that would remain viable in the future.

Commissioner Band pointed out that LEED was part of the General Plan and is necessary for compliance with the General Plan.

Planner Astorga clarified that he was most interested in hearing input and direction on the first question about a mixed-use neighborhood in which locals live and work; as well as the question regarding the local employment hub. The General Plan did not provide much guidance on those issues, which is why he had not provided a specific recommendation on when it should be submitted. He had provided recommendations on the other questions.

Director Erickson stated that when the Commissioners respond to Planner Astorga's questions at a pre-MPD General Plan level, they should think about the impacts they see with this type of development in other locations, and what works well and what does not. In terms of neighborhood actions, one question is how to build a project of this scale without having traditional suburban mall, or how to build a mixed-use project and have the \$10/hour clerks on the main floor support \$2 million condos on the third floor. Director Erickson stated that those were the global questions that Planner Astorga was posing, and the Planning Commission should think about it in that context.

Commissioner Band thought it went beyond the Planning Department and suggested that the Economic Development Director may be a better resource for what they need in the City and what would support the live/work environment they were talking about creating.

Commissioner Band referred to Buildings D, F and G. She would not favor total dead space at the back of those buildings. It would not be inviting to see only a wall driving past on Bonanza Drive or Kearns Boulevard.

Commissioner Joyce stated that he was absent for the first meeting in May. However, he had comments on some of the items discussed at that meeting. He referred to page 42 of the Staff report. Planner Astorga informed Commissioner Joyce that page 42 was the site suitability analysis that went with the first version presented at the May meeting. He noted that a site suitability analysis is not approved at the pre-application MPD stage.

Mr. Elliott pulled up the site suitability analysis for the current revised plan. Commissioner Joyce understood that it was not relevant at this stage, but he wanted the applicant to be aware that he did not buy into this plan. When they talk about this being a buildable volume, it is nothing they could ever build. The plan assumes that they have all the setback variations and 30' on the Frontage Protection Zone. It also shows large square buildings with no open space. Commissioner Joyce did not believe the Code would allow them to build anything closely resembling this plan. In his opinion, it was a walking Code violation have all of the exceptions and conditional use permits applied for. He would be interested if the plan met all of the required setbacks without exception, it had the required amount of open space, and it had appropriate parking. As proposed, the plan was meaningless, unacceptable and completely wrong.

Mr. Elliott explained that this was what they have been asked to do for the last 15 years. They did it on the Sky Lodge, on Parkwood Place, and on the Ironhorse MPD. It was brought up a while ago to look at the absolute maximum density that could ever be put on the site based on the constraints and the Code. He stated that they only did what they have been asked to do over and over again. Mr. Elliott remarked that this came about for MPDs because a section in the Code does not allow combining parcels to gain more development potential. If they made this all one parcel and eliminated the interior lot lines, the spaces in between the building volumes would go away because the GC zone is built on setback and height. Mr. Elliott stated that in terms of the individual interpretation of the zone setbacks and other things, he was willing to make revisions if they were requested to do so.

Commissioner Joyce hoped it would not become important. He thought the site suitability analysis process was fundamentally broken. This plan does not have parking, or roads, or sidewalks, and every building is a chunk going across. Mr. Elliott understood his concern. Commissioner Joyce had read the comments from the last meeting and he thought the applicant had made good changes. He liked how they moved the height off of the road and back to the center of the project. He was pleased that they had eliminated the hotel. Commissioner Joyce noted that the plan proposed four and five stories, which is significantly more than what is allowed in the GC zone. He understood that five of the seven building were above the accepted three stories. Mr. Murphy replied that due to the changes it was actually four buildings that were above three stories.

Commissioner Joyce thought Bonanza Park was an appropriate area to push density, but it has to be the right density. To have the density for live/work/play is important, but if they have a lot of commercial and the employees do not live there, and the people who live there work somewhere else, then the plan is broken. If that is the result, he would not be willing to give extra density. Commissioner Joyce stated was hesitant to add that kind of

density into a place that already has traffic issues, without considering how it will work. He understood that the other Commissioners were comfortable addressing the issues in the MPD, but he personally thought it was a General Plan compliance issue. Regarding the questions asked in the Staff report, Commissioner Joyce wanted to see more about the mix of residential, more detail about whether or not the applicant would consider nightly rental restrictions in addition to what exists for affordable housing, and the mix of businesses. If the applicant chose to reduce all the buildings to three stories he would not need that information as part of the Pre-MPD.

Commissioner Joyce noted that there has been a lot of discussion regarding transit in that area. He has attended transit meetings and a traffic circle was mentioned a number of times. He would like to hear from the Transportation Manager or the City Engineer on whether the traffic circle is still in the plan and how it would fit with this project. Mr. Elliott stated that the Team met with Transportation and Engineering and the proposed plan accommodates for adding those elements in the future. Mr. Murphy noted that the buildings were set back to accommodate the largest possible traffic circle. Commissioner Joyce requested that the Alfred Knotts provide an opinion on this project, either in writing or at a Planning Commission meeting.

Commissioner Joyce had concerns with the transit center being discussed for that area. When they look at traffic flow and a traffic study he would like to understand the impacts of that as well. Mr. Elliott noted that they have met with the Transportation Department on that issue as well. The owner of the project has contiguous property and they have been accommodating all of the City's needs in terms of road widths and building setbacks. That was all they could control, but they were working with the City to make sure that any kind of transit elements could be accommodated on the project.

Commissioner Joyce noted that Commissioner Phillips was focused on where kids would live and play because he has kids. He has pets and his focus was on where he could walk his dog. However, he later thought about children and noticed that the only green space was out on Kearns Boulevard. It was not the ideal situation but he was unsure how that could be remedied. Commissioner Joyce thought there was a nice balance of a setback. He was unsure whether it would become a great gathering spot because people would be sitting on a five-lane highway at that point. He agreed with Commissioner Phillips that it would be good to find another space where people could have some greenspace, or possibly the hardscape could be turned into greenspace.

Commissioner Joyce noted that consideration of electric cars was not in the Code, but he would like it to be. He requested that the applicant consider the advent of electric cars in their parking plan. He assumed within ten years most people will have electric cars and these projects need to provide places where electric cars can be charged.

Commissioner Joyce thought the setback proposed for Kearns Boulevard and dropping the buildings to three stories was reasonable. However, he was more concerned about Bonanza because it has the potential risk of becoming a canyon. In looking at the views from Kearns and Bonanza, it looks like solid walls of buildings. He understood that two dimensional pictures can be misleading; but it was not completely misleading because it really is a wall through which they see nothing. Commissioner Joyce pointed out that there are not gaps and it would feel very dense compared to what they are used to seeing around town. Commissioner Joyce stated that he would continue looking at the elevation drawings because that is the closest feeling they get to buildings behind buildings. He asked Mr. Elliott to consider that as they move forward.

Chair Strachan stated that this has been one of the more specific and thoroughly analyzed MPDs that he has seen. Most of the time pre-MPDs are thumbs up/thumbs down because the General Plan is vague and easy to comply with. He appreciated the specificity beyond what was required because it gives the Planning Commission a better idea of what would be coming in the MPD process. Chair Strachan noted that the purpose of the pre-MPD is to determine General Plan compliance, and he believes this project complies.

Chair Strachan believed the density issue would be the biggest hurdle for the applicant; as well as the concerns of intensity of use raised by Mr. Stuard. Chair Strachan thought Planner Astorga asked a good question about whether or not they should see the plat amendments and all the CUP applications upfront and simultaneously with the MPD application. It would give the Planning Commissioner the opportunity to see the intended uses and the intensity of those uses. Chair Strachan urged the applicant to come forward with their proposed plat amendments and all of the CUPs simultaneously with the MPD application.

Chair Strachan was wary of the wall affect down Kearns. However, he deferred to Mr. Elliott's expertise since he has mitigated that impact in the past, but he would be looking at it closely. Chair Strachan stated that in order to have any live/work/play idea, the focus has to be on play. Kids need places to play and that requires a park. He noted that kids do not live in Old Town anymore because the houses do not have yards. Chair Strachan encouraged Mr. Elliott and Mr. Murphy to incorporate a park into the plan. Otherwise, it would be like apartment living in New York without Central Park.

Planner Astorga believed they would be able to complete the pre-application conference at the next meeting. He summarized that the Planning Commission wanted to look at the effects of live/work/play and gentrification. Planner Astorga noted that he had flipped the numbers when he gave the percentage earlier, and the actual numbers were approximately 40% residential, 10% business/office, and 50% commercial. Those were the effects of

how it relates to gentrification, and how it could become a live/work/place. That needs to be studied, and he understood that the Commissioners were comfortable doing that at the MPD stage. Chair Strachan agreed, which is why the applicant should submit the CUPs at the same time. If they intend to do nightly rentals or lock out it presents a density issue. Commissioner Band pointed out that nightly rentals are allowed in the zone. Chair Strachan agreed; but he trusted that the applicant would be forthright in their CUP applications as to whether or not they would allow nightly rentals.

Planner Astorga referred to the site suitability analysis. He stated that the Staff could come up with appropriate suggestions on current interpretation of the Code, and how all these uses relate to one another in terms of site constraints. Planner Astorga suggested that they could ask the applicant to do a site suitability analysis with all surface parking. They could also include setbacks without any type of exceptions, and then come up with a specific number. Planner Astorga thought it was appropriate to allow three stories as part of the site suitability analysis, as long as they can address some of the other items that are not a given in a site suitability analysis. He stated that the Staff could give specific suggestions at the next meeting based on LMC interpretations, before the applicant submits the full MPD application. He thought that would help address Commissioner Joyce's concerns.

Commissioner Joyce agreed with that approach, because everything else that they would talk about is not a given or a bestowed vested right. He thought they should start with what could be built if they only applied the zone. Planner Astorga stated that the Staff would come up with a list of items that should be addressed in the site suitability analysis.

Director Erickson encouraged the Planning Commission to think at the global level rather than a site specific level about the issues of implied density, the trade-offs of underground parking for additional height, creating additional density and trip generation in that location. He noted that page 16 of the Staff report articulated some of those global concerns. Director Erickson thought the Commissioners should consider their backgrounds and information about other similar projects of this size and scale, both regionally and in other familiar locations. He believed the implications of all of those projects would come to bear on this 5.5 acres, and it could be the most significant project that moves forward through the General Plan and MPD process. Director Erickson was confident that the applicant was willing to work with them. The Planning Commission could expect to see decisions on traffic and transportation.

Director Erickson requested that the Planning Commission provide input to Planner Astorga at the highest possible global level in the General Plan so the Staff will know how to direct the applicant for their application. He noted that this project will impact traffic and

height throughout town as evidence in comments by the Planning Commission and the public.

MOTION: Commissioner Joyce moved to CONTINUE the Bonanza Park East Master Planned Development Pre-application to October 26, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

**2. Park City Heights MPD- Ratification of Amended Development Agreement – Design Guidelines. (Application PL-13-02209)**

Planner Kirsten Whetstone reported that this was an administrative item for ratification of the Amended Park City Heights Design Guidelines. She noted that the Design Guidelines were amended when the Planning Commission approved the amended MPD in 2013 based on the soil and changes to the site. There was a configuration of lots and layout at the entrance.

Planner Whetstone stated that the Design Guidelines were amended and recorded in 2014. However, with the building permits they realized that additional changes needed to be made to make it consistent with the MPD. One was the LEED requirements, which was an “or” because it was a Green Building Standard or LEED. She noted that those changes were approved by the Planning Director and when the applicant wanted to get them recorded, the Staff thought they should first come to the Planning Commission because they are an exhibit to a recorded document.

Planner Whetstone commented on recent changes identified by the Staff regarding basements and building height that they wanted referred back to the LMC. Those were the handwritten changes reflected on pages 5, 16 and 27. Each one for house size talks about excluding the basement, and the Staff wanted it tied back specifically to the way the LMC excludes basements. Language was added to say, “As defined by the Park City Land Management Code”. The language for Height currently says, “As defined by the Park City Municipal Code”, and that changed to read, “As defined by the Park City Land Management Code.” Planner Whetstone noted that those were the only highlighted changes.

The Staff recommended that the Planning Commission review, approve, and ratify the amended Design Guidelines in Exhibit A. The changes shown in yellow were made by the Planning Director. The handwritten changes would be cleaned up and the document would be recorded at the County. It would be ideal if the County will record them without any

redlines and in color. Planner Whetstone noted that the public have been interested in purchasing homes and they cannot read the recorded version of the Design Guidelines.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan did not understand the history of the amendment or the substantive effect of the amendments. He thought the revision on Exhibit A were too vague. It says per the LMC, but he thought it was important to know the exact citations to the LMC that apply.

Chair Strachan understood that the changes to the old Design Guidelines were done administratively, but he would like to know the history behind those changes because they were not approved by the Planning Commission. Chair Strachan recalled that the original Guidelines were vigorously debated. When he read the Staff report for this meeting, it was the first time that he knew there were strike-outs and that things were removed from the Design Guidelines after the project was approved.

Chair Strachan noted that Exhibit C attached to the Staff report did not show the discussion that the Planning Commission had over these Design Guidelines, and he remembered a lively discussion about the LEED certification. Chair Strachan stated that any time there are height exception changes he wants to know exactly what they were. Without that information he was not confident or comfortable with a motion to approve amendments to the Design Guidelines when he was not sure what the amendments are. Chair Strachan clarified that he was not saying that the changes could not be remedied, but he needed the pertinent information.

Planner Whetstone explained that there are no height exceptions to the CT Zone. However, there is a standard height exception for a pitched roof of 5'. The Design Guidelines said 28' but it did not have the exception. Planner Whetstone stated that none of the setback exception like the 3' for the eve, or the chimney or the bay windows were in the Design Guidelines but they are standard in the LMC. The applicant was not asking for those as a change to the Guidelines. Planner Whetstone remarked that because the CT zone has a 25' setback for everything, the MPD identified the setbacks, and those were part of the approval. Planner Whetstone pointed out that design guidelines were definitely part of the discussion when the MPD was amended.

Chair Strachan agreed. However, he has never seen the ones attached with the strike-throughs, and those were not approved. Planner Whetstone clarified that it was the Exhibit

that was discussed by the Planning Commission when it was approved in 2013. Chair Strachan requested to see the minutes from that meeting, because that was not his recollection. Planner Whetstone stated that the Guidelines were included in the Staff report when they were approved, and she would provide that Staff report. She explained that the redlines were brought to the Planning Commission and suggested that maybe Chair Strachan was not present for that meeting. She recalled that the MPD amendment was discussed over three or four meeting and the Design Guidelines were always part of that discussion. The redlines in the recorded version were part of the packet.

Chair Strachan recalled all the meetings and he was wary of why they would change things like height the exception now. Planner Whetstone reiterated that there were no height exceptions. They were only adding the height exception for a pitched roof to the Guidelines, which is already allowed in the LMC. Chair Strachan believed the Planning Commission deliberately left out the 5' exception.

Chair Strachan assumed there was an issue, or they would not be asking the Planning Commission to amend it. He asked what the Planning Commission needed to change. Planner Whetstone referred to page 5 of the Design Guidelines, which was page 84 of the Staff report, and noted that for basements they were adding language, "As defined by the Park City Land Management Code". This language is important because of the way they measure to determine whether basements are included or not. Under Building Height, the change was that no structure shall be erected, but it did not specify a height. The zone height says 25' and allows an additional 5'. The change is important because these Guidelines are the documents for reviewing building permits, and they wanted the language to match the CT zone.

Spencer White, representing the applicant, emphasized that they were not asking for any special consideration. If someone reads through the Design Guidelines, they should know exactly the City's height restrictions without going to the LMC. He explained that they incorporated the language straight from the LMC into the Design Guidelines to avoid confusion.

Mr. White stated that through the MPD process there were a few lots on a ridge and they were going to limit some of those heights. In the MPD process, those lots were removed from the ridge when they redid the lot configurations. He clarified that those were the only lots that had specific restrictions, but those lots no longer exist because they were removed in the MPD amendment.

Chair Strachan clarified that the issue was that he did not understand exactly what was being changed. He pointed to pages 83 and 84 as examples. He stated that handwritten notes revised per the LMC and highlighted section did not have the same specificity with

which they dealt with the entire packet of Design Guidelines. He was concerned that ratifying what may be considered administrative amendments were actually substantive amendments. For example, revise the concept plan illustrations. Planner Whetstone noted that the concept plan was on the first page. It was the revised plan that the Planning Commission had approved, but the recorded version had the old layout. Chair Strachan referred to page 75, which was a new concept plan with a highlight that said, "correct layout". May was scratched out and August was written in. He asked if that would be the recorded document. Planner Whetstone replied that Mr. White would make the final changes. She did not have the ability to make the changes because it was a PDF. Since it was a recorded document she had to write in the changes until Mr. White could make the changes on the appropriate pages. Once the changes are made it will be recorded.

Mr. White understood that Chair Strachan was asking for a redlined version showing what exactly was changed. Chair Strachan wanted a way to determine whether the change is administrative or substantive. He was not comfortable approving changes that Mr. White still needed to fix. What the Planning Commission reviews for an approval should be exactly what they are approving. He was concerned that the recorded document could be different from what they thought they were approving.

Mr. White pointed out that some of the changes were requested by the City. He understood Chair Strachan's concerns and he was willing to come back with a redline set for discussion at another meeting. His only request is to have the final set recorded as quickly as possible. Mr. White stated that the changes are not substantive to Park City Heights. It does not change the design of the homes and there were no issues on their part.

Commissioner Phillips stated that as he read the Staff report it was very difficult to understand why the changes were being made. After hearing Planner Whetstone answer Chair Strachan's questions, it would have been helpful to have that information in the Staff report, especially, since the other Commissioners were not on the Planning Commission when Park City Heights was approved.

Planner Kirsten offered to provide additional information for the next meeting. Chair Strachan thought it would also be helpful to know what changes were made by former Planning Director Eddington and the history behind those changes.

Director Erickson stated that if the other Commissioners were having a difficult time understanding the changes, the Staff would provide background information and bring them back for review.

Commissioner Band found it confusing and she had actually called Planner Whetstone when she was reading the Staff report. Commissioner Joyce thought this was a good opportunity to use color coding. They could use one color for what has already been approved by the Planning Commission, another color for changes that have never been approved by the Planning Commission, and other colors for additional categories to help with clarification.

Chair Strachan believed that Mr. White and Planner Whetstone understood their concerns and that they needed to walk the Planning Commission through the process.

Commissioner Thimm stated that he was confused when he saw a color version and a black and white version. He tried to his best to understand what it all meant, but it would have been helpful to have a redline version. Commissioner Thimm supported Commissioner Joyce's suggestion for color coding to keep it all in one document. Chair Strachan suggested that Planner Whetstone also include a separate, clean version for the Planning Commission to approve.

Chair Strachan asked Mr. White for a status update. Mr. White stated that currently four affordable townhome units are ready for final approval. Six of the Park Homes, which are the small lot, single-family detached affordable units have final approval. Four other affordable townhomes are under construction. One market rate unit is under construction and nearly final. They have applications in for other building permits. Mr. White stated that they were working with Anne and Rhoda to finalize the pricing on the affordable units and those ten units should be up for sale fairly soon.

**MOTION:** Commissioner Joyce moved to CONTINUE the Park City Heights MPD Ratification of the Amended Development Agreement Design Guidelines to a date uncertain. Commissioner Band seconded the motion.

**VOTE:** The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 7:50 p.m.

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



PLANNING DEPARTMENT

## Planning Commission Staff Report

**Subject:** Treasure  
**Project #:** PL-08-00370  
**Author:** Francisco Astorga, AICP, Senior Planner  
**Date:** 14 September 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*** as analyzed in the staff report. Staff recommends that the Planning Commission provide input and direction. Staff recommends that the Planning Commission conduct a public hearing and continue it to the October 12, 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 Planning Commission reviewed this application during the [August 10, 2016 Planning Commission meeting](#). During the last August 10, 2016 Planning Commission meeting Staff focused on providing the area of the uses being requested, building breakdown by uses, support commercial in compliance of the proposal, Woodruff diagram analysis, back-of-house study, and additional 1985 minutes provided to the Commission. The focus of this Staff Report is to restate applicable codes for review and diagrams associated with the approved master plan, address the Fire Protection Plan, review the proposed uses, and finally transition into the volumetric analysis (mass, bulk, scale, compatibility, design, site design, etc.)

### Proposal

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

<b>Overall Building area by Use</b>	<b>Square feet</b>
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
<b>Grand Total</b>	<b>1,016,887</b>

The proposed project grand total is 1,016,887 square feet.

Above grade areas

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, above grade.

Basement areas

The proposed gross parking is 241,402 square feet. The proposed gross common and circulation space is 27,555 square feet. The proposed gross accessory space is 65,929 square feet. The proposed gross basement subtotal is 334,886 square feet.

[Building by Building Breakdown](#) on August 10, 2016 Staff Report (page 6) contains specifics spaces listed on [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#). The [August 10, 2016 Planning Commission staff report](#), prepared by staff, contains several tables relating to summary of each building area by use, summary of the category specific totals, residential unit type breakdown, and square footage breakdown by residential size.

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 UEs. 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 UEs. 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 on top of their allotted commercial square footage consisting of 18,863 square feet.

### **Applicable Codes for Review**

The approved Sweeney Properties Master Plan, application date May 1985 and approved in December 1985 by the Planning Commission and October 1986 by the City Council, was subject to the LMC Third (3<sup>rd</sup>) Edition revised as of February 28, 1985. The subject application is not Master Plan Development application. Development parameter/condition no. 1 states the following:

*The Sweeney Properties Master Plan is approved based upon the information and analysis prepared and made a part hereof. While most of the requirements imposed will not be imposed until individual parcels are created or submitted for conditional use approval, certain specific obligations are also identified on the approved phasing plan. At the time of conditional use or subdivision review, the staff and Planning Commission shall review projects for compliance with the adopted codes and ordinances in effect at the time, in addition to ensuring conformance with the approved Master Plan.*

The CUP, submitted in 2004, is subject to the LMC of the time that it was submitted, which in this case is the LMC Fiftieth (50<sup>th</sup>) Edition revised as of July 10, 2003, see additional exhibits links: [2004 LMC 50th Edition](#). As indicated under 2004 LMC (50<sup>th</sup>) Edition § 15-1-10(D) Standards for Review:

(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.*

The Planning Commission must review each of the items listed under [2004 LMC \(50<sup>th</sup>\) Edition § 15-1-10\(E\) Review](#) when considering a Conditional Use permit. In conjunction with the adopted criteria listed to mitigate and/or eliminate detrimental impacts and potential adverse effects through possible conditions of approval to preserve the character of the City, the zoning district, surrounding neighbors, or adjacent land uses; the proposal needs to comply with the original approved Master Plan, specifically, the adopted [findings](#), [development parameters and conditions](#), and [major issues](#) sections.

The City hired Attorney Jody K. Burnett to provide an [independent public advisory memorandum dated April 22, 2009](#) regarding vesting of the original MPD. Attorney Burnett concluded that the Sweeney Master Plan has continuing vested rights which are valid and advised the Planning Commission to continue processing the pending application of a conditional use permit under the development parameters and conditions and the CUP criteria set forth in the Park City Municipal Code. The following text below copied from Mr. Burnett's memorandum address the

*Finally, I also want to address a question that has been raised as to what standard should apply, in the vesting context, to the calculation of the amount of any additional support commercial and/or meeting space for the Sweeney MPD. From my vantage point, the evaluation of historical vested rights has to be viewed in the context of the land use regulations which were in place at the time the vesting occurred as a result of the original MPD approval. In this case, that means the provisions of the Land Management Code in effect as of the date of that original approval in 1986 should also be applied to the calculation of any additional meeting space and support commercial areas without requiring the use of unit equivalents of density. As you move forward with the conditional use permit approval process, the provisions of Section 10.12 of the 1985 LMC should be used for that purpose, which I understand provide that up to five percent (5%) of the total floor area within a hotel may be dedicated to meeting rooms, and support commercial areas without requiring the use of a unit equivalent of commercial space.*

### **1985/1986 Master Plan/Woodruff 3d Diagram Analysis**

The very first page of the Master Plan indicates the following: ***The following plans and exhibits, in addition to this report and the project file, constitute the complete development permit.***

- 1. Sweeney Properties Master Plan, sheets 1-16, 19-26, and 38-43 prepared by DelaMare, Woodruff, Stepan Associates, Inc.** These graphic diagrams consist of a total of 30 sheets. Most of these sheets have been re-numbered. Staff has only been able to locate 29 of these diagrams. Of the 29 sheets, only 13 apply to the Hillside Properties (Mid-station and Creole Gulch sites, subject sites). The 13 applicable sheets consists of the following:

- 200 Scale Site Plan (labeled sheet 2)
- 100 Scale NW Site with Boundaries (labeled sheet 7)
- 50 Scale Site Plan (labeled sheet 8)
- Town Lift Midstation & Creole Site Plan (labeled sheet 17)
- Building sections, no title (labeled sheet 18)
- Creole Parking Plan (labeled sheet 19)
- Town Lift Midstation & Creole Parking Plan (labeled sheet 20)
- Town Lift Midstation & Creole Parking Plan (labeled sheet 21)
- Town Lift Midstation & Creole Height Zones (labeled sheet 22)
- Town Lift Midstation Sample Elevations (labeled sheet 23)

- Creole Site Sample Elevations (labeled sheet 24)
  - Greater Park City Company Townlift Easements (labeled sheet 28)
  - Greater Park City Company Townlift Easements (labeled sheet 29)
2. **Sweeney Properties Master Plan document and Fact Sheet, dated May 15, 1985, and subsequent amendments.**
  3. **Sweeney Properties Master Plan Application.**
  4. **Sweeney Properties Master Plan Phasing Exhibit.** These sheets were placed towards the end of the 1985 Master Plan (narrative).
  5. **Sweeney Properties Master Plan Density Exhibit.** This sheet was placed towards the end of the 1985 Master Plan (narrative).
  6. **Sweeney Properties Master Plan Development Restrictions and Requirements Exhibit.** This exhibit was incorporated into Town Lift Midstation & Creole Height Zones (labeled sheet 22) as it was labeled as the development requirements and restrictions consisting of parking requirements based on size of unit.

During the July 13, 2016 and August 10, 2016 Planning Commission meetings the applicant's presentation included the Woodruff 3d diagram. The Woodruff plans were included in several of the original exhibits of the approved master plan, specifically, the Site Plan-labeled sheet 17 (horizontal component) and the *Building Sections*- labeled sheet 18 (vertical component). In context of the Woodruff 3d diagram, the applicant took both the Woodruff Site Plan and the Building Sections exhibits and put them together to create a massing model to show approximate building square footage. The applicant concludes the following below:

Site	Mid-Station		Creole-Gulch		
Building	Bldg. A	Bldg. B	Bldg. C	Bldg. D	Bldg. E
Bldg. SF	65,066	62,431	154,406	194,190	129,852
Site SF	127,497		478,448		
Overall Project Total	<b>605,945</b>				
Parking SF	51,088		218,130		
Overall Parking SF Total	<b>269,218</b>				
<b>Project SF Grand Total</b>	<b>875,163</b>				

The applicant depicts that according to the Woodruff 3d diagram, which includes two (2) exhibits of the originally approved plans, it would show the approximate square footage of 875,163 square feet including 269,218 square feet of parking. Please note, that the Woodruff Site Plan and Building Sections did not label any space of any specific use. Staff has had the opportunity to review the preparation of the Woodruff 3d diagram and finds that the applicant's estimates are accurate. Staff finds that the Woodruff Site Plan and Building Sections simply identified the concept approved for master plan as the

narrative indicated that there were many that were evaluated by the Planning Commission.

### **Fire Protection Master Plan Development**

The applicant asserted at the last public hearing that the Fire Protection Plan dictates the current design. Staff disagrees with this characterization. In January 2004, Ron Ivie, former Chief Building Official, and Scott Adams, Assistant Fire Chief/District Fire Marshal signed a letter dated January 9, 2004, prepared by the applicant, identified as the Fire Protection Master Plan Development. This does not mean that this is the only Fire Protection Plan that these fire officials would ever approve. As indicated on the letter, its goal was to address project-wide fire apparatus access associated with life safety concerns for the proposal. The letter indicated that the combinations of features outlined therein should provide an acceptable level of protection from fire and other hazards. The letter also stated that the review of detailed building plans would be conducted with the City's and the Fire District's Fire Marshal prior to submittal for building permits to ensure compliance with the wording and intent of that plan.

While staff recognizes it is prudent by an applicant to seek a Fire Protection Plan pre-approval prior to a building permit/Conditional Use Permit/Subdivision application public review process, the current Treasure CUP proposal, including its site plan, layout, circulation, etc., should not be tied to a concept that simply received Fire Protection Plan pre-approval. The 2004 Fire Protection Plan was presented to these officials regarding their applicable review standards and according to the letter, their proposal, simply works in terms of fire protection. It is not the one and only option.

### **Proposed Uses**

The Hillside Properties (Mid-station and Creole-Gulch sites) of the SPMP known as the Treasure project is allowed a total of 197 residential UEs and 19 support commercial Ues. 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 6<sup>th</sup> 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 8<sup>th</sup> Street. The majority of the property is currently zoned Estate €. 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. These figures listed on the Master Plan are maximum possible allowances as long as any adverse impacts attributed to the density have been mitigated. The applicant proposes the following amount of spaces:

<b>Overall Building area by Use</b>	<b>Square feet</b>
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
<b>Grand Total</b>	<b>1,016,887</b>

See 1985 LMC Third (3<sup>rd</sup>) Edition Unit Equivalent Section below:

**10.12. UNIT EQUIVALENT.** *Density of development is a factor of both the use and the size of the structures built within a Master Planned Development. In order to maximize the flexibility in the development of property, the following table of unit equivalents is provided:*

<u>Configuration</u>	<u>Unit Equivalents</u>
<i>Hotel room, not exceeding 500 square feet, including bathroom areas, but not corridors outside of room</i>	.25
<i>Hotel suite, not exceeding 650 square feet, including bathroom areas, but not corridors outside of room</i>	.33
<i>One bedroom or studio apartment, not exceeding 1,000 square feet</i>	.50
<i>Apartment of any number of rooms, not exceeding 1,500 square feet</i>	.75
<i>Apartment of any number of rooms, not exceeding 2,000 square feet</i>	1.00
<i>Apartment of any number of rooms, not exceeding 2,500 square feet</i>	1.33
<i>Apartment of any number of rooms, in excess of 2,500 square feet</i>	1.50
<i>Single family house</i>	1.00
<i>Commercial spaces (approved as part of Master Plan Approval), for each 1,000 square feet of gross floor area, exclusive of common corridors, or for each part of a 1,000 square foot interval</i>	1.00

*Hotel uses must be declared at the time of site plan approval, and are subject to review for neighborhood compatibility. The election to use unit equivalents in the form of hotel rooms may not be allowed in all areas because of neighborhood conflicts or more intensive traffic generated. Within a hotel, up to 5% of the total floor area may be dedicated to meeting rooms, and support commercial areas without requiring the use of a unit equivalent of commercial space.*

*Circulation spaces including lobbies outside of units, including lobby areas, do not count as floor area of the unit, or as commercial unit equivalents.*

*Computation of floor areas and square footage shall be as provided in the Uniform Building Code adopted by Park City.*

*Where the unit configuration fits one of the above designations, but the square footage exceeds the footage stated for the configuration, the square footage shall control, and the unit equivalent for that size unit shall apply.*

### Proposed Residential Space

The current proposal consists of 46 residences, 202 hotel rooms, and 67 (residences) club units. The applicant proposes a total of 393,911 square feet of net residential area which excludes common hallways, mechanical and storage areas, and (*public*) restrooms.

The applicant proposes a total of 66,511 square feet of net residential area at the Mid-Station site consisting of 22 residential units which equates to 33.26 residential UEs. The applicant proposes a total of 327,400 square feet of net residential area at the Creole-Gulch site consisting of 283 residential units which equates to 163.70 residential UEs.

The current proposal exceeds the maximum residential UEs at the Creole-Gulch site by 2.20 residential UEs. The CUP can be amended by reducing the number of proposed residential UEs at the Creole-Gulch site to the maximum consisting of 161.5 UEs, as specified on the Master Plan. Staff finds that any change regarding overriding the allocated residential density at any of the two (2) sites would constitute of a necessary amendment to the original 1985/1986 approved master plan.

### Proposed Common Space and Circulation

The current proposal consists of a total of 173,210 square feet of common space and circulation. As specified on the 1985 LMC 3<sup>rd</sup> Edition § 10.12 Unit Equivalent circulation spaces including lobbies outside of units, including lobby areas, do not count as floor area of the unit, or as commercial unit equivalents. The same applies to the 2004 LMC 50<sup>th</sup> Edition as lobbies, hallways, circulation counts as Accessory Uses, which do not require the use of UEs.

### Proposed Accessory Space

The current proposal consists of a total of 136,301 square feet of accessory space. The 1985 LMC 3<sup>rd</sup> Edition does not address accessory spaces other than lobbies as part of circulation, see common space and circulation sub-section above. Furthermore, when reviewing and approving Master Plan Development, the 2004 LMC 50<sup>th</sup> Edition § 15-6-8(F) & (G) has a section on Residential Accessory Uses and Resort Accessory Uses as follows:

**(F) RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses as:

- Ski/Equipment lockers
- Lobbies
- Registration
- Concierge
- Bell stand/luggage storage
- Maintenance Areas
- Mechanical rooms
- Laundry facilities and storage
- Employee facilities
- Common pools, saunas and hot tubs not open to the public
- Telephone Areas
- Public restrooms
- Administrative offices
- Hallways and circulation
- Elevators and stairways
- Back of house Uses

**(G) RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the use of a Unit Equivalent. These Uses include such Uses as:

- information
- Lost and found
- First Aid
- Mountain patrol
- Administration
- Maintenance and storage facilities
- Emergency medical facilities
- Public lockers
- Public restrooms
- Employee restrooms
- Ski school/day care facilities
- Instruction facilities
- Ticket sales
- Equipment/ski check
- Circulation and hallways

The 2004 code further identifies specific residential accessory and resort accessory uses.

#### Proposed Allotted Commercial/Support Commercial/Meeting Space

The applicant proposes a total of 18,863 square feet of what they identified as Allotted Commercial space and 33,412 square feet of what they identified as Support Commercial space. The proposed commercial space equates to a total of 52,275 square feet. The applicant also proposes a total of 16,127 square feet of meeting space.

The following statements apply throughout the approved Master Plan:

- Finding of Fact no. 4. *The commercial uses proposed will be oriented and provide convenient service to those residing within the project.*
- Development Parameters and Conditions No. 3. *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.*
- Narrative (introduction). *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. [...]*
- Hillside Properties (narrative). [...]. *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. [...] A total of 35.5 residential unit equivalents are proposed with 3.5 equivalents worth of support commercial space as well. [...] In addition, 15.5 unit equivalents of support commercial space is included as part of the Master Plan.*
- Major Issues-Land Uses. *The predominant land uses envisioned at this time are transient-oriented residential development(s) with some limited support commercial. [...] 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.*
- SPMP Density Exhibit.

SWEENEY PROPERTIES MASTER PLAN DENSITY EXHIBIT

Parcel	Acres	Residential Unit Equivalents	Commercial Unit Equivalents	Maximum Building Height <sup>2</sup>	Minimum Open Space (%)
<b>Coalition Properties</b>					
East	0.986	40	Maximum Commercial space not to exceed FAR of 1:1	55'	39.8 <sup>1</sup>
West	0.543	13	---	35'	54.9
<b>Hillside Properties</b>					
Creole Quich	7.75	161.5	15.5	<del>98'<sup>2</sup></del> * 75	70
Town Lift Mid-Station	3.75	35.5	3.5	<del>55'<sup>2</sup></del> * 45	70
Three 1/4-acre Single Family Lots	1.5	3	---	25'	83.9
<b>Develop HR-1 Properties</b>					
Carr-Sheen	0.288	3	---	28'	60
MPE	0.161	<u>2</u>	<u>19 U.E.</u>		

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

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

Staff finds that the Master Plan was clear in terms that the combined total was 19 UEs of support commercial. Both the 1985 and the 2004 LMC indicate that commercial spaces, approved as part of Master Plan Approval, are calculated on the basis of one (1) unit equivalent per 1,000 square feet of gross floor area, exclusive of common corridors. 19 support commercial UEs equates to a maximum gross floor area of 19,000 square feet. The applicant is currently proposing a total of 52,275 square feet of commercial equating to 52.28 commercial UEs. Any additional support commercial above the 19 UEs is not vested. For past 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 agrees with this and the applicant does not.

Staff utilized 1985 LMC 3<sup>rd</sup> Edition § 10.12 to quantify the maximum possible additional support commercial and meeting space as underlined above. Staff calculated the floor area of the hotel (ONLY) and quantified the possible 5% support commercial of the total floor area of the hotel. Staff calculated total floor area of the hotel not including the additional proposed commercial area and meeting space.

(Floor area of Hotel)(5%) = possible maximum Support Commercial and Meeting Space combined.

The hotel area is located within Building 4b. The total floor area of the hotel (not including the commercial and meeting space) is 234,803 square feet. Five percent (5%) of 234,803 square feet is 11,740 square feet. The applicant currently proposes 49,539 of support commercial/meeting space proposed above the 19 UEs (19,000 s.f.) allowed within the Master Plan. The proposal is 37,799 square feet above the maximum of 11,749 square feet, possible allowance of 5% Support Commercial of Hotel. Also, this calculation is assuming that the Planning Commission will allow all the commercial units to be located on the Creole Site. Within the approved Master Plan, 15.5 UEs of support commercial were allocated to the Creole Site and 3.5 UEs of support commercial were allocated to the Mid-Station Site.

The applicant proposes 18,863 square feet of *allotted* commercial, 33,412 square feet of support commercial, and 16,127 square feet of meeting space. Staff finds that the proposed commercial/meeting space exceeds the 1985 LMC maximum allowance. See table below.

	Residential	Support Commercial	5% Support Commercial of Hotel
<b>Master Plan</b>	197 UEs (394,000 s.f.)	19 UEs (19,000 s.f.)	11,740 s.f.
<b>Proposed</b>	196.96 UEs (393,911 s.f.)	18.86 UEs (18,863 s.f.) Allotted Commercial	(33,412 s.f. support com.) (16,127 s.f. meet. space) 49,539 s.f.
<b>Compliance</b>	Complies with total, but allocation per site does not comply.	Complies with total, but allocation per site does not comply.	Exceeds allowed amount by 37,799 s.f.

The original MPD entitled 19 unit equivalents of support commercial, divided into Mid-Station at 3.5 UEs and Creole Gulch at 15.5 UEs. Any additional commercial area is not vested under the MPD and staff finds that such additional area will add impacts to the development which cannot be mitigated. Not only does the additional space create larger buildings and massing, but also additional traffic from deliveries and employees. These impacts are contrary to the original MPD approval and not vested density. The applicant must mitigate all impacts of the allowed support commercial and any additional support commercial. Additionally, the applicant has not provided sufficient clarity of uses or restrictions to meet the Master Plan requirement that all support commercial shall be for internal services only as indicated on finding of fact no. 4, development parameter and condition no. 3, land use major issue, etc.

The applicant does not agree with staff's methodology for calculating support commercial. The applicant utilized the 2008/2009 LMC to calculate the support

commercial area and meeting space within the development. See [September 23, 2009 Staff Report](#). They have calculated the total gross floor area of all the buildings per the 2008/2009 LMC definition. The Applicant added together the Gross Floor Area of ALL the buildings within the project. The total Gross Floor Area calculated by the applicant is 682,001 square feet. Five Percent (5%) of 682,001 is 34,100 square feet.

Note: The applicant also added the square footage of the support commercial and meeting space in the Gross Floor Area calculation. These numbers should not have been included in the calculation. These figures are:

Bldg. 4A	21,100 sq. ft. support commercial
Bldg. 4A	16,127 sq. ft. meeting space
Bldg. 4B	5,626 sq. ft. support commercial
Bldg. 5C	6,686 sq. ft. support commercial

Total	49,539 sq. ft.
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$682,001 - 49,539 = 632,462$

$5\% \text{ of } 632,462 = 31,623.1$

2004 LMC reference:

**(C) SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.** 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, see definition of Support Commercial Use, without the Use of a Unit

Equivalent for commercial space. Any support Commercial Uses in excess of five percent (5%) of the total Gross Floor Area will be required to use commercial Unit Equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor Area can be support Commercial Uses, and no other Commercial Uses will be allowed.

**(D) MEETING SPACE.** Within 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. Meeting space in excess of five percent (5%) of the total floor Area will be counted as commercial Unit Equivalents. Any square footage which is not used in the five percent (5%) support commercial allocation can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial 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 space. These accessory meeting Uses do not require the use of Unit Equivalents.

By the applicant's calculation, the project could have up to an additional 31,623 s.f. of support commercial and 31,623 s.f. of meeting space.

The City Council hired Attorney Jody K. Burnett to provide an [independent public advisory](#) regarding vesting of the original MPD. Attorney Burnett reviewed the support commercial in terms of vesting. The following is from the letter to the Park City Planning Commission from Attorney Jody Burnett dated April 22, 2009:

*Finally, I also want to address a question that has been raised as to what standard should apply, in the vesting context, to the calculation of the amount of any additional support commercial and/or meeting space for the Sweeney MPD. From my vantage point, the evaluation of historical vested rights has to be viewed in the context of the land use regulations which were in place at the time the vesting occurred as a result of the original MPD approval. In this case, that means the provisions of the Land Management Code in effect as of the date of that original approval in 1986 should also be applied to the calculation of any additional meeting space and support commercial areas without requiring the use of unit equivalents of density. As you move forward with the conditional use permit approval process, the provisions of Section 10.12 of the 1985 LMC should be used for that purpose, which I understand provide that up to five percent (5%) of the total floor area within a hotel may be dedicated to meeting rooms, and support commercial areas without requiring the use of a unit equivalent of commercial space.*

Staff finds that any support commercial over five percent (5%) of the total floor area within specific hotels must count towards the Master Plan 19 unit equivalents. Staff's position is that even if the Planning Commission was to agree with the applicant, any support commercial above the 19 unit equivalents is not vested and would be subject to a full blown, new compatibility and Master Plan/CUP review. If the Planning Commission allows the applicant to take advantage of more permissive provisions of the current code, such application would be a substantive amendment to the original Master Plan and would require re-opening the entire Master Plan.

Additional support commercial space causes additional impacts such as impacts to mass and building size, traffic from deliveries and employees, greater water usage, etc. Staff recommends that rather than focusing on the calculation methods, the Planning Commission should focus on impacts of additional support commercial and the levels of mitigation. The applicant has vested rights to 19,000 square feet of support commercial as written on the Master Plan narrative and additional five percent (5%) of the hotel area, equating to an additional 11,740 s.f. as long as impacts are mitigated within the CUP review.

### Parking

The applicant proposes underground parking below the two sites. The applicant requests a total of 424 parking spaces. As indicated on Development Parameters and Conditions No. 3, 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. Currently the applicant requests to utilize the approved requirements and restrictions table found on Sheet 22. 2004 LMC criterion number (5) location and amount of off-Street parking will be reviewing the Planning Commission in the future.

### **Volumetric Analysis & History**

The Planning Department finds that the volume analysis is next component as recent Planning Commission's discussions have been heading towards this subject. The Planning Department and Planning Commission must review each of the CUP criteria when considering whether or not the proposed conditional use mitigates impacts. Staff finds that the following criteria related to mass, bulk, scale, compatibility, design, and site design apply to the volumetric:

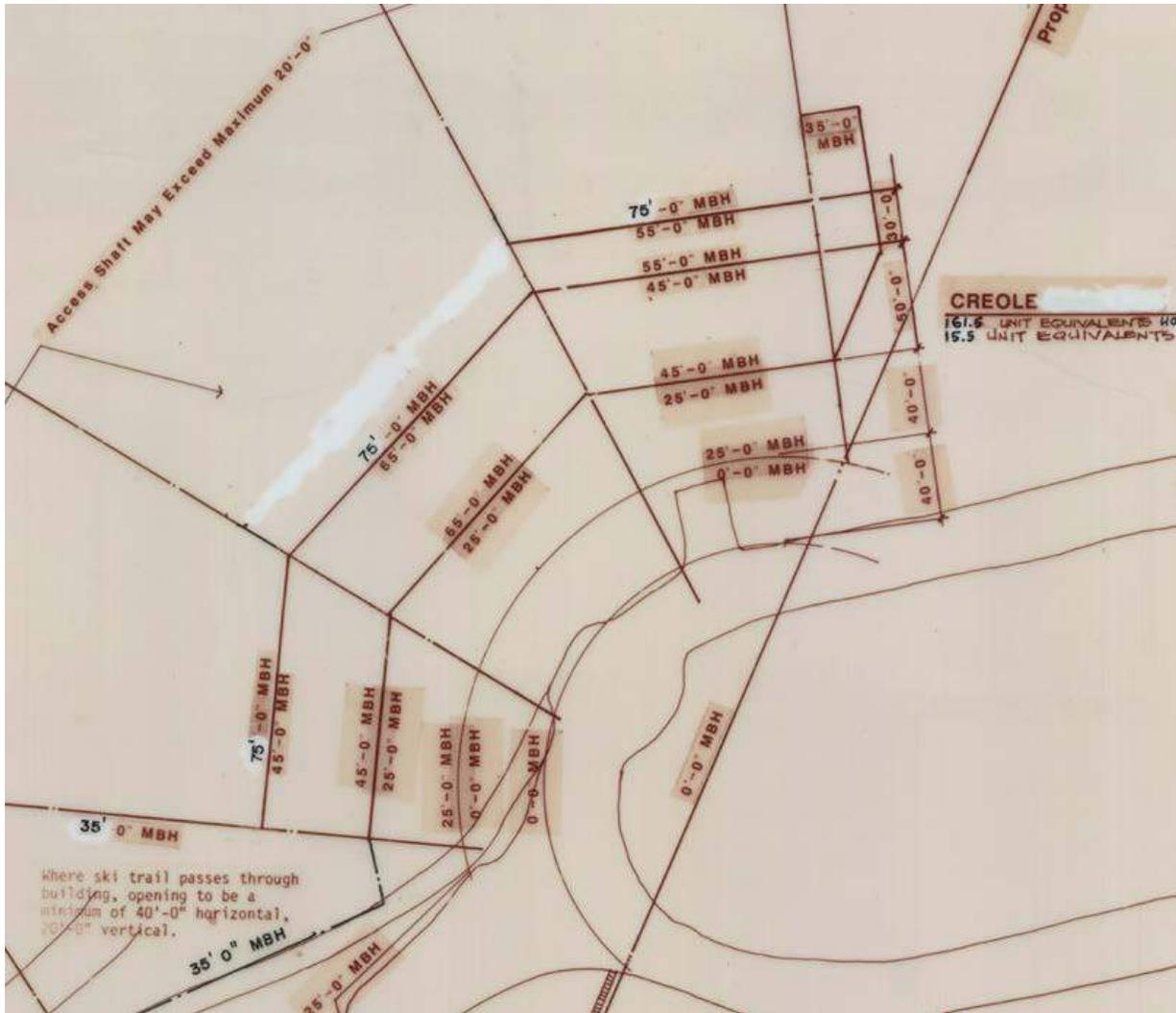
- 8. building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;
- 11. physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;
- 15. within and adjoining the site impacts on environmentally sensitive lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

Currently, the Planning Department acknowledges the work of past members of the Planning Department, specifically, what was discussed during the September 23, 2009 Planning Commission which included the following analysis:

**Criteria 8. Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots:**

*The 1986 MPD approval set standards for increased density and increased height on the site. The MPD set height envelopes over the site which increased the allowed height from the front to the rear lot lines. The area closest to the front lot line along the Lowell Avenue/Empire Avenue switchback was set at a 0' maximum building height. The maximum building height increases in steps from the front property line. Maximum elevations were also set within the MPD. The mid-station maximum elevation was set at 7420 feet and 7275 feet for Creole. The current application complies with the height requirements set forth in the MPD, yet the design modifies existing grade well beyond the anticipated amounts shown in the exhibits of the MPD.*

*The following is a portion of the Creole Height diagram from the MPD exhibits page 22.*



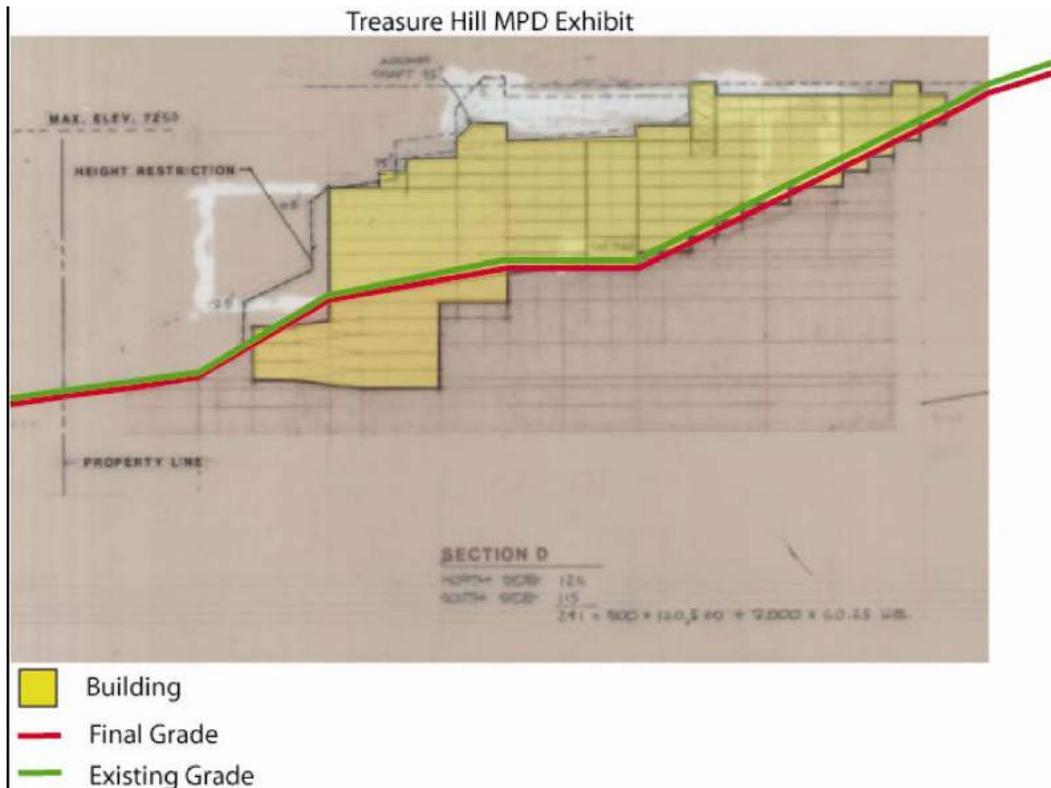
*This MPD exhibits designated the areas that the buildings could be built within the development parcel. The second guiding document is the conditions of approval for the MPD in which maximum height envelopes were defined. The following is from the findings within the MPD approval.*

\* Reflects City Council's 10.16.86 modifications.\*

- (d) The Town Lift Mid-Station development is restricted to a maximum height of 35' for at least 90% of the total unit equivalent volume of all above-grade buildings (exclusive of elevator shafts, mechanical equipment, and non-habitable areas) and an overall average height of less than 25' measured from natural, undisturbed grade. Additionally, no portion of any building shall exceed the elevation of 7240' above mean sea level.
- (e) \* The Creole Gulch site shall be limited to a maximum building height of 75' for at least 83% of the total unit equivalent volume of all above-grade buildings combined. An average overall height of less than 45' shall be provided and no portion of any building shall exceed either elevation 7250' for the eastern-most building or the elevation of 7275' for the balance of the project (above mean sea level).

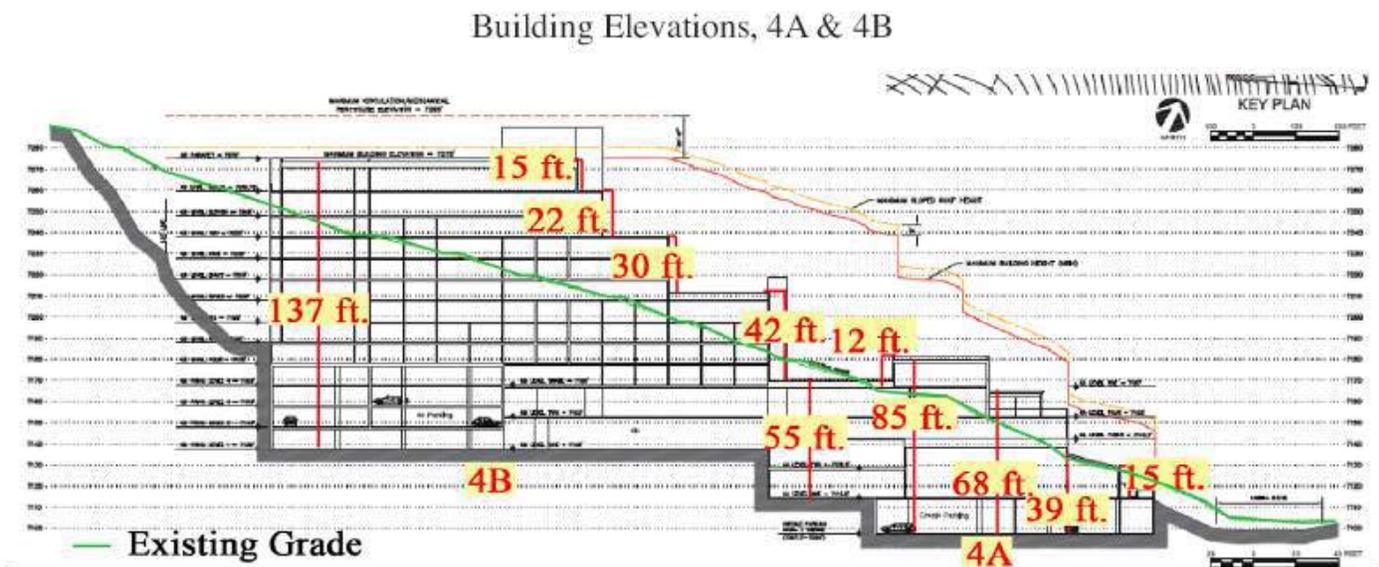
The above building height restrictions are in accordance with the approved Restrictions and Requirements Exhibits submitted, and are in addition to all other codes, ordinances, and standards.

*Staff finds that the excess square footage included in the project that is influencing the building massing and bulk. The building mass and bulk is also influencing the orientation of the buildings on the site. The original MPD exhibits were to be utilized as guiding documents. The following is from Exhibit 19 and is an architectural section of one of the buildings on the Creole site.*



The building steps with the grade on the site and manages to keep final grade (after construction) close to existing grade (pre-construction). The majority of the area shown below grade is for the parking.

The current application places more massing and bulk below the existing grade. Not only is the massing placed below the existing grade, the grade is then altered dramatically creating taller building walls, taller retaining walls, and greater massing. The following is a section through Creole site plan of the project. The green line is existing grade. The red line is the maximum height envelope. By creating a lower final grade, the buildings appear taller and the bulk and massing becomes larger. The pedestrian walking through the project will experience higher building walls due to the change in final grade. Also, the view from other parts of town (Exhibit B) is of building with greater massing due to the change in final grade from existing.



Staff expects grade to be altered on the unique, steep site in order to accommodate the amount of density allowed on this site, exterior circulation, and parking. The extent to which existing grade is being altered is far beyond the anticipated amount within the MPD and is creating greater impacts to mass and scale. The MPD was clear that the height measurement would occur from natural grade and were within height envelopes. By modifying natural grade over 100 feet, the height envelopes do not serve the purpose for which they were created.

Staff also expects that the hotel use will necessitate storage and accessory use. Planning to have accessory space and additional storage under ground is an effective means to mitigating massing and bulk above ground. Staff finds that the current design is very excessive in the amount of accessory space, storage,

and circulation which is creating impacts on the overall massing and bulk of the buildings. Within Exhibit A, staff has calculated the common space, circulation, and accessory space as a percentage of each building. The percentage is up to 41% in some buildings creating an inefficient design. Also, as discussed previously, the application exceeds the possible maximum support commercial and meeting space. The design is excessive and beyond the limit of the MPD.

Criteria 11. Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing:

Compatibility with the surrounding structures in mass and scale must be considered within the rights of the Sweeney master plan. The master plan created an area of greater height allowances and density next to a historic neighborhood with low height and medium density. The MPD essentially created a new zone with height envelopes and greater density adjacent to the HR-1 zone, Estate zone, and open-space. The Planning Commission must find compatibility with surrounding structures within the higher density already approved.

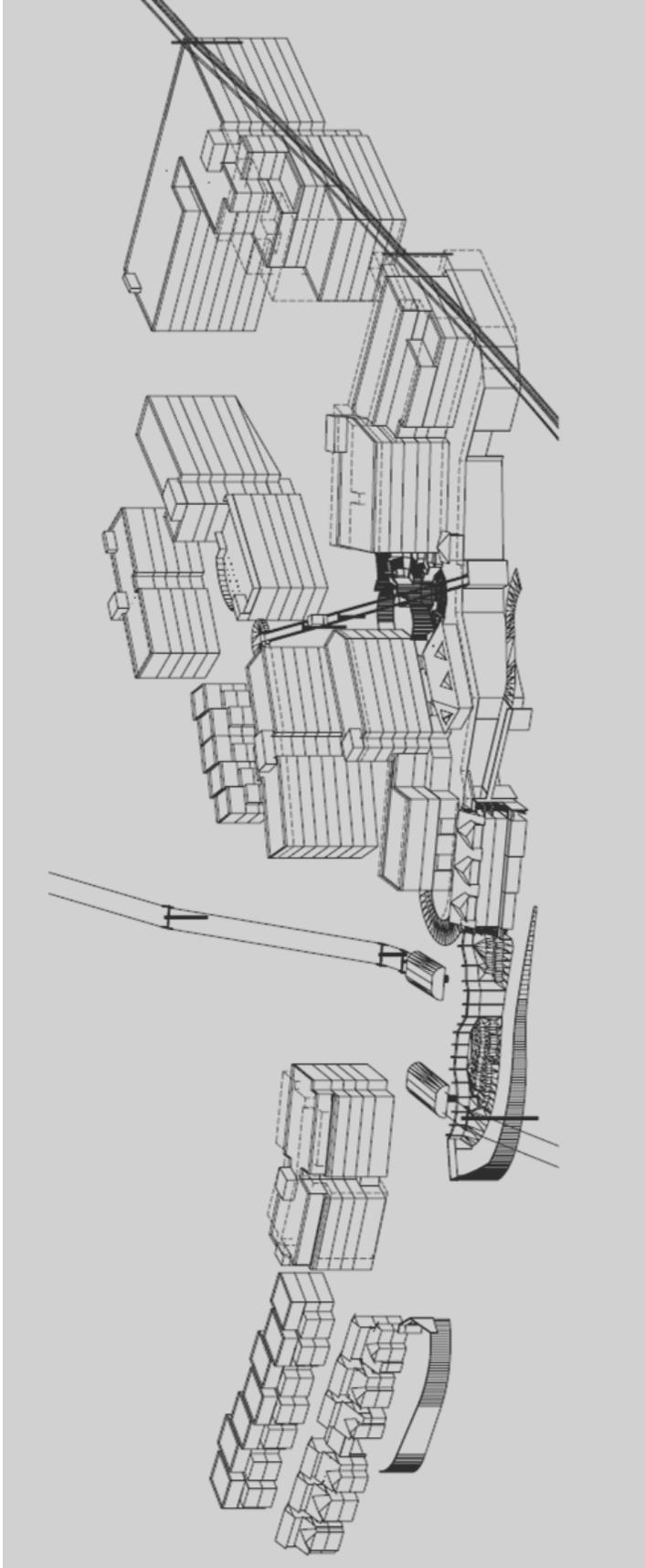
Staff acknowledges that it will be difficult to achieve a project massing that is similar to the existing neighborhood context given the previously approved density and volumetrics set forth in the MPD. The Sweeney Master Plan anticipated the difficulty of designing higher density adjacent to the historic district. The following is from the analysis section of the 1985 Master Plan staff report:

*“Scale: The overall scale and massiveness of the project has been of primary concern. Located within the Historic District, it is important for project designed to be compatible with the scale already established. The cluster concept for development of the hillside area, while minimizing the impacts in other areas, does result in additional scale considerations. The focus or thrust of the review process has been to examine different ways of accommodating the development of the property while being mindful of and sensitive to the surrounding neighborhood. The relocation of density from the Town Lift site was partly in response to this issue. The concentration of density into the Creole Gulch area, which because of its topography and the substantial mountain backdrop which helps alleviate some of the concern, and the requested height variation necessary in order to reduce the mass perceived (higher versus lower and wider), have greatly improved the overall scale of the cluster approach. The sites along Park Avenue have been conceptually planned to minimize scale and have provided stepped facades and smaller-scale buildings to serve as a transition.”*

*The objective of the administrative application of the CUP criteria is to determine whether or not the proposed project provides sufficient stepping of building masses, reasonable horizontal and vertical separation between the proposed*

*buildings and adjacent structures, and an adequate peripheral buffer so as to limit the potential for larger building masses looming over smaller adjacent structures.*

*During the 2004 – 2006 review of the conditional use permit, the applicant modified the 2004 submittal once during the review. The changes to mass and scale were presented during the October 13, 2004 Planning Commission meeting. The applicant lowered the entire project into the ground by 2-3 feet and compressed floor to floor dimensions to reduce entire heights by 5 to 10 feet. The applicant also shifted building volumetrics from the northern edge to the center and back of the project on buildings. The applicant also decreased the wall heights through out the project. The following shows the changes that were made in 2004.*



Staff continues to have concerns for massing within specific buildings. The areas of largest concern from a visual massing and streetscape compatibility perspective are circled in the following site plan. The visual massing of buildings 3b and 5a are of concern due to the visible location of these buildings from Main Street and Heber as well as driving up Empire Avenue and Lowell Avenue. Staff continues to have concern with compatibility of the development along the Empire Avenue and Lowell Avenue switchback. There is a dramatic contrast between the project's streetscape and the adjacent residential streetscape. Staff would recommend that the applicant make this area more compatible with the adjacent streetscape.



The following is the streetscape provided by the applicant. Staff recommends that the applicant improve the streetscape to show the entire visual experience for a pedestrian walking by the development with all portions of the development that are visible to be shown.

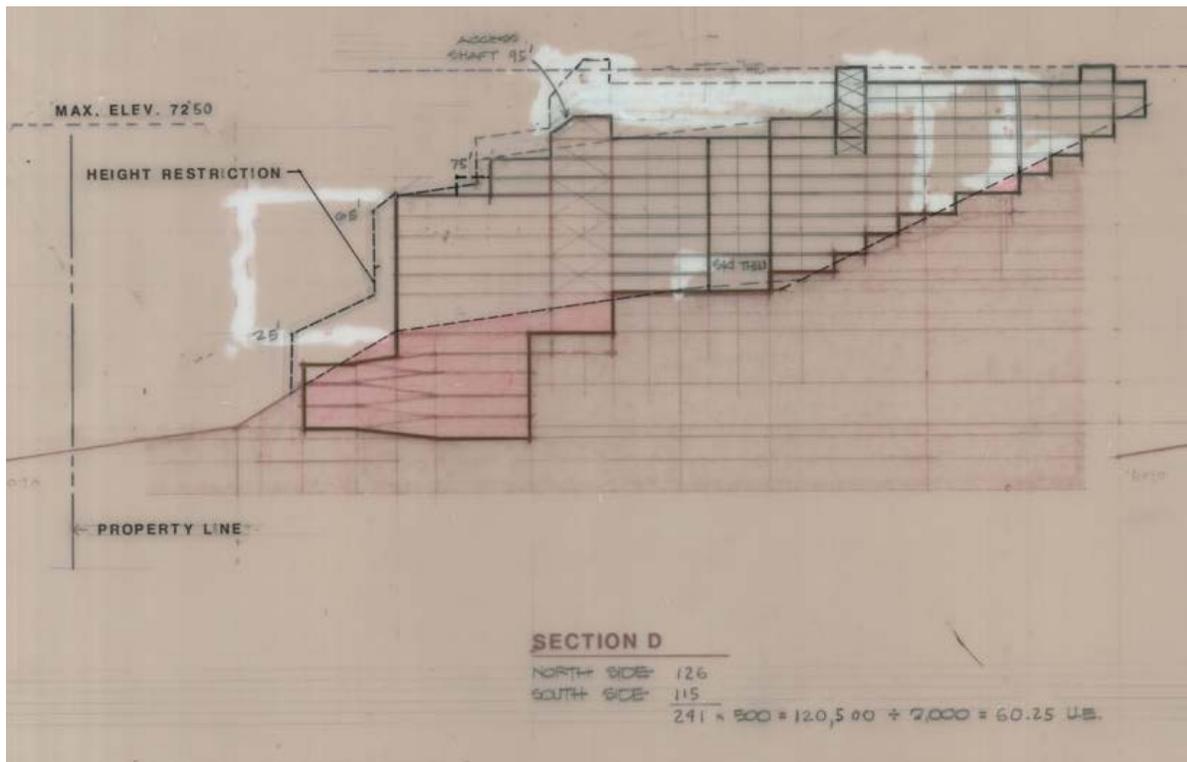


*The applicant has also submitted animations of driving along Empire and Lowell Avenue. These are available online at [http://www.treasureparkcity.com/subdocs\\_d.html](http://www.treasureparkcity.com/subdocs_d.html) within file A.8.1A, file A.8.1B, and file A.8.1C.*

[...]

Criteria 15. Within and adjoining the site impacts on environmentally sensitive lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

*The proposed design requires a very large excavation and re-grading of the entire site. The project is located on the mountain side on steep topography. The impacts to the slope and existing topography are substantial and unmitigated. The project as designed will create a very large hole on the site. The project does not step with the natural topography of the site. As discussed previously, staff finds the project as designed is not in compliance with the concept approved by the City Council during the 1986 Master Plan approval. The exhibits within the master plan showed the building volumes stepping with the existing grade with the exception on the underground garage.*



*By stepping with the natural grade, there is less excavation. The exhibits within the master plan are guiding documents. The exhibits show minimal impacts on excavation.*

*The applicant has an excavation management plan. (Exhibit D) The excavation management plans estimates a total of 960,000 cubic yards of excavation to be relocated from the site. The plan includes moving excavate material up the mountain on a conveyor system to re-grade portions of the ski runs. The*

*excavation management plan includes the areas on the mountain which will be re-graded. This methodology creates less construction traffic on the adjacent streets. The overall impact of excavating 960,000 cubic yards of existing earth will be a great impact to the site and the existing topography.*

*There is significant mine waste on the development site. The Park City Environmental Coordinator is not in agreement with the applicant's environmental proposal. The development is within the Spiro Drinking Water protection zone. All contaminated materials must be handled to meet local, state, and federal regulations. The letters written between the Environmental Coordinator and the applicant are attached as Exhibit C. The primary focus of this report is mass, scale, and compatibility. Because topography is being drastically altered due to design, it is appropriate to bring the environmental issues into the discussion during this review. The Park City Environmental Coordinator will be attending the Planning Commission meeting.*

[...]

Currently the Planning Department agrees with the findings identified by staff during the September 23, 2009 and the January 10, 2010 Planning Commission meetings. The following outline consists of summaries made over the years compiled by various City Planners assigned to work on this CUP application taken directly from staff reports and meeting minutes. The compiled summaries below are regarding volumetrics mostly identified as CUP criterion no. 8 building mass, bulk, and orientation... and criterion no. 11 physical design and compatibility in mass, scale, style, design... The actual record, published Planning Commission staff reports and adopted meeting minutes can be found at the [City's website](#).

#### August 11, 2004

- *Building mass, bulk, orientation and location on site, including orientation to adjacent buildings or lots. Building locations and heights in conformance with the 1985 Sweeney Properties Master Plan. Massing and footprints discussed. Setbacks from the perimeter property line are generally greater than the required MPD setback of 25'. Setbacks off the Lowell/Empire Avenue switchback range from 30' to 60' for the wall of the parking structure and 70' to 80' for the buildings. Plaza and landscaped areas are located between the buildings and Lowell/Empire. Setbacks from the east property line, above old town range from approximately 50' to 90' with the driveway retaining wall setback about 35'. Request discussion of location of building 4A in terms of setback and stepping. Should the Planning Commission require additional building stepping for bldgs. 4a and 4b? Additional horizontal and vertical stepping may be needed for compliance with criterion. Staff concerned with massing of bldg 1B. Waiting on complete visual analysis and architectural modeling are complete.*
- *Discussion on setting 9 viewpoints.*
- *Concern for building 4b and break of façade lines both in plane and elevation.*

- *Concern for building mass and relationship with the adjacent community. Need to be satisfied in terms of the relationship of the massive structures with the height of the community*

#### August 25, 2004

- *Concern that the buildings appear to be coming out of what appears to be the SL Avenues District rather than PC concept.*
- *Did not understand why they used Chicago, San Francisco, and Salt Lake City as comparative architectural styles to Park City. They do not match the character and style.*
- *Struggle with criteria # 11 in terms of scale in relationship with the adjacent neighborhood fabric, because Park City is not an urban fabric. Park City is a townscape with a different scale and quality.*
- *Not enough information to be able to provide input on criterion 11 and architectural detail, design, style, and scale. Did not believe there was transition from a neighborhood to this kind of scale.*

#### September 22, 2004

- *Felt they were going in the right the direction and appreciated the reduction in height of the buildings closest to the residential neighborhoods. Need additional articulation.*
- *Why is all verticality placed in one location during the MPD process?*
- *Is the massing fixed by zoning that was done years ago or could they look for a better solution. Is it set due to MPD or could they look for a better solution?*
- *Going in right direction transferring some density into other locations within the project, to hide height in Creole Gulch.*
- *North wall needed stepping and a reduction in height.*
- *Would like to provide applicant with more flexibility to provide the best product he can achieve.*

#### October 13, 2004 Planning Commission

- *Time to evaluate the proposal for the site and compliance with the CUP and development*
- *Progress had been made in the massing and asked about the wall.*
- *Concern for the 25' wall off Lowell/Empire.*
- *Agreed that it was time to move forward with the evaluation of the project.*
- *Questioned whether the height restrictions put in place by the development agreement might cause difficulty since the tallest buildings are not against the hillside.*
- *Concern for height of building 4b and development agreement parameters being incorrect when assigned during MPD.*
- *Planning Director clearly explained the steps in possibly amending the MPD. "Number of steps. First would be to address in what area the project square footage could be relocated on the site that would be different from the volumetric allowed in the MPD, which could be done in work session discussions...Nothing*

would have to be amended to accomplish that. Once it can be determined whether positive changes can be achieved that will work for the applicant and the City, the next step will be to craft the language and what the volumetrics should be. If that is acceptable to the PC and the applicant, the last step will be to formally amend the MPD exhibit related to the specific areas of the plan... Amendments would be made only to those specific components of the MPD. If a decision is made to not approve the amendment, the PC would go back to the heights of the 1985 MPD.”

- Suggested that the evaluation discussion be held with a subcommittee to move the process along faster. Two commissioners volunteered to sit on the subcommittee.
- Applicant concerned of reopening MPD.

#### December 08, 2004

- Could not look at massing without considering the impacts on grading. Noted that a 105-foot cut is shown in that location against the building site. Unsure about the soil conditions or the ramifications of excavation. Normally a 1-to-1 cut is considered for the angle proposed, and the diagram shows a substantially higher cut.
- Noted that the cut line goes beyond the lot line. Stated that wants to be clear about the ramifications of a mass this substantial and a cut this low against the hillside as the ramifications of protecting the hillside are great.
- Concerned about the immensity of the project and the impacts on the City.
- Further reduce the severity of the edge as it meets the surrounding neighborhood.

#### May 25, 2005

- Request the Commission provide direction to staff on the CUP criteria.
- Planning Staff provided overview.
- Staff looking for direction on the 15 CUP criteria.
- Applicant provided project history, 6 months for city to do a peer review of proposed traffic study.
- Commissioner response:
  - Bulk and mass has previously been addressed. Need architectural rendering.
  - Compliance with Sweeney master plan but not CUP: bulk and height, need architectural rendering, height does not belong along property edge,
  - Staff look into mine waste: PCMC Environmental Coordinator working on report.
  - Impact of grading on neighboring project.
  - Massing on north side of development.

#### January 11, 2006

- Mass and scale by themselves are out of context and architecture brings it into context. If architecture is separate CUP then there must be room with height and mass to achieve best design. Need to look at vantage points from town.

- *Planning Staff “recalled that during the Town Lift project, the City Council formed the Town Lift Design Review Task Force consisting of representatives from the HPB, PC, and architects. The task force drafted design guidelines specific to the project. Same could be done for TH.*
- *Consensus reached that separating design review in a separate CUP ok.*
- *Still uncomfortable with the NW corner where the largest massing occurs adjacent to the residential neighborhood. Very vertical and contrasting form next to the scale of the residences.*
- *Concerned with setting the volumetric and massing in stone when the hotel operator will probably want to do something different. Can they recognize density, height, and volume to buildings without being too specific?*
- *They have to specify the volumetric, keeping in mind that they represent the maximum extent that a building can be built. There is certain wisdom in coming back for final details once they have a known hotelier who will be building a known product.*
- *Did not believe that the massing and volumetrics presented was the best for the site.*
- *Hard to make decisions without having the drawings in scale with the surrounding community.*
- *Summarized that PC will separate architecture review but not yet satisfied with building mass, particularly the N and W side adjacent to homes, key vantage points at the street level to be reviewed.*

January 25, 2006

- *Staff remarked that prior to doing any modeling, the applicant wanted input from the Planning Commission.*
- *Planning Commissioners had several questions raised from the computer generated drawing presented by the applicant.*
- *The Planning Commission discussed specific areas they would each like to use as viewpoints:*
  - *Must provide viewpoints from eye-level*
  - *Street façade important*
  - *Pedestrian connection with regards to mass and how they can enhance pedestrian connectivity through community*
  - *Need to see existing building surrounding project*
  - *What are impacts on lowering Lowell and Empire on existing residents?*
    - *approx. 5 feet elevation change*
    - *will allow massing shifts*
    - *benefit improving the grade*
  - *Visual analysis*
    - *previously: the aerie, city park, deck of the town lift base, the Garda deck, the golf course, Heber/main intersection, Marsac building, PCMR*
    - *New suggestions: from homes on East side of Lowell looking towards PCMR, top of the stairs near Woodside, coming down the ski trail, animation up Lowell and down Empire, panorama from the*

*Larson deck and Garda deck, Heber/main, roundabout, Aerie, PCMR, City Park, Radisson,*

- *compare with existing structures*
- *provide cross sections*

#### February 8, 2006

- *Outline vantage points identified at last meeting*
  - *Top of stairs near Woodside*
  - *Heber/Main intersection*
  - *Round-about*
  - *City Park (along Deer Valley Drive)*
  - *Aerie Drive*
  - *In front of the project at Lowell/Empire (animation along Lowell/Empire)*
  - *Marsac Building (near south entrance)*
  - *Park Avenue and Holiday Ranch Loop intersection*
  - *Golf Course (18<sup>th</sup> Fairway)*
  - *Park City Mountain Resort looking up Lowell*
  - *Panorama from Larson deck without new trees and looking up the hill*
  - *Panorama from Garda deck without new trees and looking up the hill*

#### April 12 2006

- *Architectural information for compatibility:*
  - *How can you evaluate scale and massing, relationship, character, and compatibility without some degree of architecture?*
  - *Did not recall that they had agreed to separate the architecture. Open to the idea, but unsure how it could be done.*
  - *Architecture consistent with the neighborhood.*

#### April 26, 2006

- *Would like the opportunity for the applicants to complete the drawings.*
- *Staff recommended that applicant provide a complete set of revised project plans including:*
  1. *all site plan and grading details (including vegetation protection and excavated material relocated on site)*
  2. *open space calculations;*
  3. *building setbacks for all structures*
  4. *building height compliance with approved building volumetrics*
  5. *residential unit size and configuration so as to verify density and parking compliance*
  6. *architectural details illustrating size, building form and massing, roof shapes, exterior details including materials, window to wall ratios, decks, plaza/outdoor spaces, retaining walls, etc.*
  6. *project streetscape detailing the design of project entrances, retaining walls, landscape areas, pedestrian ways.*
  7. *preliminary landscape plan*
  8. *ski lift and funicular design*

### August 26, 2009

- *Commission asked if there is a computer simulation tool that would help them understand the feet of excavation and final grade. It was difficult for them to understand what existing grade is today and what final grade will be once excavation occurs.*
- *Planning Staff stated that the applicant had updated the elevation of the buildings to show the difference between final grade and the existing grade through the building. She offered to put together a packet that better explains the grades.*
- *Commission felt a massing model would help demonstrate the excavation.*

### September 23, 2009

- *Staff finds that any support commercial over 5% of the total floor area within specific hotels must count towards the MPD 19 unit equivalents.*
  - *Even if the Planning Commission agrees with the applicant, any support commercial above the 19 unit equivalents is not vested and would be subject to a full blown, new compatibility and MPD/CUP review (if you allow the applicant to take advantage of more permissive provisions of the current code, such application would be a substantive amendment to the original MPD and require re-opening the entire MPD).*
  - *Staff indicated that additional support commercial causes additional impacts such as impacts to mass and building size, traffic from deliveries and employees, greater water usage, etc. Rather than focus on the calculation methods, the Planning Commission should focus on impacts of additional support commercial and the level of mitigation. The developer has vested rights to 19,000 square feet of support commercial and 5% of the hotel area as long as impacts are mitigated within the CUP review.*
- *Staff discussion points:*
  - *Does the Planning Commission agree with Staff's analysis on support commercial? The applicant has given the staff the perception that the project as it is designed today will not be modified. This should be discussed during the work session. If the applicant is not going to make modifications to comply with the support commercial, staff can make findings for denial and move onto the next elements in the review.*
  - *The total square footage of the project is larger than originally anticipated within the master plan approval and original CUP submittal.*
  - *The modification of grade is more extensive than originally anticipated creating greater impacts to the site, scale, hillside, and neighborhood.*
  - *Staff requests discussion and direction on additional square footage.*
  - *Should the design be revised to become more efficient and comply with the limits of the MPD?*
  - *Would the Planning Commission like another streetscape of the project showing the full elevations of the buildings? Does the Planning Commission have other areas of concern not identified by staff? Should a separate design review task force be created to evaluate the style, design, and architectural detailing of the project?*

- *Are the proposed structures appropriate to the topography of the site?*
- *Commission comments:*
  - *Conclusions from the staff report analysis were consistent with the supported documentation of the Land Management and the legal counsel interpretation of which Code applies.*
  - *The size of the building, the amount of commercial space, and the amount of excavation relate to future uses that contribute to mass and space. They needed to do as much as possible to reduce the mass and scale of the building and to make sure the commercial space requested is used in the original content of the MPD, which is support commercial only. It cannot attract outsiders into this project.*
  - *Open to addressing the Sweeney rebuttal in conjunction with the Staff report at the next meeting.*
  - *Regarding excavation, stated that in looking at the original MPD, found that the point of excavation for the significant buildings was from natural grade. In each drawing, by the time it gets to the top of the building, there is a half a story of existing grade without the big cut. With a million square feet proposed and without having the tailing issue resolved to the satisfaction of the City Staff, felt the excavation still needed to be addressed.*
  - *The currently proposed project has grown from what was approved under the MPD.*
    - *Noted that four primary items that identify where the increases have occurred and how it impacts mass and scale were the additional support commercial at 33,412 square feet; the additional meeting space at 16,127 square feet; and the circulation, common space and accessory space at 309,511 square feet, which was slightly under the amount of residential.*
    - *Concern with the amount of back of house circulation square footage is built into the additional support commercial and meeting space.*
  - *Planning Commission would need to spend a considerable amount of time on that issue to understand the impacts of the excavation, as well as the water and mine tailing issues. Felt strongly about having an environmental impact study commissioned by the City because it is crucial in evaluating the final plans for the project.*
  - *In doing the excavation and taking existing grade down to final grade, the massing is much larger than what was approved with respect to the MPD.*
  - *Felt a major question raised in the Staff report was whether or not the applicant was willing to change their plan. Commissioner asked the applicant if they were willing to change their plan or if the Planning Commission should rule on the current proposal.*
  - *Applicant replied that they would need time to discuss their options and to respond to the Staff report before making that decision.*
  - *Commissioner stated that shifting the mass into the hill only changes the mass; it does not reduce the mass. In addition, that approach triggers*

*other impacts caused by the additional excavation required to move the massing back. Unsure if that was a wise approach and questioned whether it was permissible under the MPD or the CUP criteria.*

- *Commission encouraged the applicants to provide a massing model of the project with topos as part of the streetscape. Remarked that most of the visuals provided by the applicant are in a vacuum and do not show the correlation with the surrounding houses. Requested a streetscape that provides a better feel for how that fits in with the surrounding structures on the street.*

## February 10, 2010

- *Commission comments:*

- *Commission agreed with the comments about making the development project a different color in the model.*
- *Planning Commission Chair pleased with the model.*
- *“The applicant will present only general development concepts that may be approved at this juncture. Final unit configuration and mix may be adjusted by future developers at the time of conditional use review.”*
- *“The master plan development procedure attempts to deal with the general concept of a proposed development and defers or relegates the very detailed project and new elements to the conditional use stage of review”.*
- *On September 23, 2009 four Commissioners made specific comments that were in agreement with the Staff report. Five Commissioners wanted the applicant to prepare a rebuttal for the next meeting.*
- *Model attempts to address two discussion points from the last meeting; 1) providing additional streetscape; and 2) are the structures appropriate to the topography, it does not address the other significant discussion points of; a) excessive proposed support commercial; b) excess square footage; and c) efficiency of design.*
- *Did not find that the applicants’ proposal on points a, b or c comply with Criteria 8, 11 or 15.*
- *Commissioner did not find the project to be in compliance with the MPD. Commissioner felt the first step in the process was to reach agreement that the CUP application complies with the underlying MPD.*
- *Property lines behind the buildings that encroach on to open space. Did not believe anyone had anticipated going into open space, excavating material and taking out the trees, and then leaving it as a guide wall or cliffscape, which is not a natural open space setting.*
- *Efficiency of design and noted that in 2004 they received a design that was roughly 500,000 square feet. In that design 57% was residential units and he thought that was an inefficient design. Now they have a design that is over a million square feet and 39% of the area is residential units. Project was going backwards in its efficiency rather than forward. The project now is 20% larger than it was when they began talking about mass and scale.*

- *The 1986 plan showed the development starting with natural grade and excavating only what was needed for the buildings. The buildings appeared to step up the mountain and then it went back to existing grade. There was very little change between the existing grade and the finished grade. The proposed excavation and grade change is a major contrast to the 1986. Nothing to reduce the parking requirement, including the commercial space. This was one reason why the project was lopsided on its efficiency.*
- *If the plans were final, the Planning Commission needed to assess those plans and vote on them. In order to do that, the Staff needed to prepare all the documents, all the studies, and all the Staff reports so the Planning Commission could vote on the project. Applicant attorney letter saying that the further they go down this road the more the applicant detrimentally relies on what the applicant is being told by Staff. The way to stop that detrimental reliance is to stop the Staff's analysis and vote on what appears to be the final plan.*
- *If the applicant intends to change their plans substantially based on comments from the Planning Commission, the April meeting may not be a vote. However, unless there are substantial changes to the plans provided, the Planning Commission has the obligation to vote on the plan and stop the alleged detrimental reliance by the applicant.*
- *Commission asked Staff to prepare the documents the Planning Commission would need to decide on this project:*
  - *The MPD, which includes the 1986 Staff report and the original plans.*
  - *Crowd, traffic and parking studies and all traffic and parking plans that have been generated by both the applicant and the City.*
  - *All mitigation plans in any form submitted by the applicant. All excavation plans submitted by the applicant. Any construction mitigation plans submitted by the applicant.*
  - *Any environmental studies by both the City and the applicant or any third party.*
  - *Applicable 1986 Code sections for both the LMC and the historic guidelines.*
  - *All legal opinion memoranda that has been submitted by both the applicant's attorney and by the outside counsel retained by the City.*
  - *Minutes from all the meetings since the time the DVD was given to the Planning Commission.*
- *The Planning Commission responded to the eight points outlined in the Staff report as follows:*
  - *Support Commercial. All the Commissioners concurred with the Staff's analysis.*
  - *The applicant's willingness to make changes. The Commissioners had already addressed this point in their comments.*

- Staff request for discussion and direction on additional square footage. The Commissioners had addressed this point in their comments.
- Should the design be revised to become more efficient and comply with the limits of the MPD. The Commissioners concurred that the first step is to comply with the MPD.
- Whether the Planning Commission wanted another streetscape of the project showing full elevations of the building. Planning Commission Chair believed the model accomplished what they needed to see. The Commissioners concurred. Commissioner requested detailed photographs of the model for future reference. Commissioner thought it would be helpful to have GPS coordinates for the top parts of the buildings. He felt there needed to be an objective standard for measuring height about sea level. PC Chair requested copies of the slides that Mr. Elliott had presented this evening.
- Whether the Planning Commission had other concerns not identified by Staff. Commissioner was interested in seeing an avalanches assessment due to the risks involved with the amount of excavation proposed and the slope retention.
- Should a separate design review task force be created to evaluate style, design, architecture detailing of the project, and the HDDR? Commissioner felt the Historic Preservation Board was qualified and the MPD identifies the HPB as the body for review. Planning Staff noted that the Historic District Design Review is usually conducted by Staff, but it could go before the HPB at the request of the Planning Commission. Commissioner believed the MPD envisioned a review by the HPB. Chair noted that the Historic Review has changed since the time of the MPD and he preferred to have the HPB involved. Commissioner commented on other projects where the City Council had designated a design review task force. He believed that the scale and impacts of this project would warrant a design review task force. The Commissioners concurred.
- Are the proposed structures appropriate to the topography of the site. Chair reiterated an earlier comment that the applicants have spent more time fitting things in to the site as opposed to fitting them on the site. He did not believe it was appropriate as proposed. Simply based on the excavation, Commissioner did not think it was appropriate to the topography. Commissioner thought the model helped demonstrate the sprawl and excessive height, which was not appropriate for the site. Commissioner pointed out the absence of any stepping.
- In reading the minutes of the MPD, believed the intent was for the project to be hidden in the Gulch. At this point, that has not been accomplished. There is too much of the project out front and not enough in the Gulch.

*Buildings on the left side were appropriate, except for the cliffscape behind them that is outside of the limits of disturbance. Backdrop is altered so much that it changes the mass of the project. Buildings on the other side do not follow the topography of the hill.*

- *The mass had changed in the project, concerned that the appearance of the mass would be even greater once the project was excavated.*
- *Applicant architect representative felt the Planning Commission had provided good comments and direction. The applicants would take those comments, consider their options and provide a response as soon as possible regarding the next step to move forward.*

**Discussion Requested: Staff requests to address questions that the Planning Commission might have regarding this staff report.**

### **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, August 10, 2016, and to this September 14, 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](mailto: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*** as analyzed in the staff report. Staff recommends that the Planning Commission provide input and direction. Staff recommends that the Planning Commission conduct a public hearing and continue it to the October 12, 2016 Planning Commission meeting.

### **Exhibits/Links**

[Exhibit A - Public Comments](#)

[Exhibit B - Approved Sweeney Properties Master Plan \(Narrative\)](#)

[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 – Applicant’s Draft September 14, 2016 Presentation  
Exhibit X – Applicant’s Draft Position Paper – GP and Support Commercial Limitations  
Exhibit Y – Applicant’s Draft Executive Summary Square Footage Calculations

**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](#)  
[1985 Minutes](#)  
[1985 LMC 3<sup>rd</sup> Edition](#)

MPD Amendments:

[October 14, 1987 - Woodside \(ski\) Trail](#)  
[December 30, 1992 - Town Lift Base](#)  
[November 7, 1996 – Town Bridge](#)



Treasure Hill Conditional Use  
Permit Application  
September 14, 2016



**MPD Requirements**

**Standards for Review**

**CUP Criteria Nos. 1 to 15**

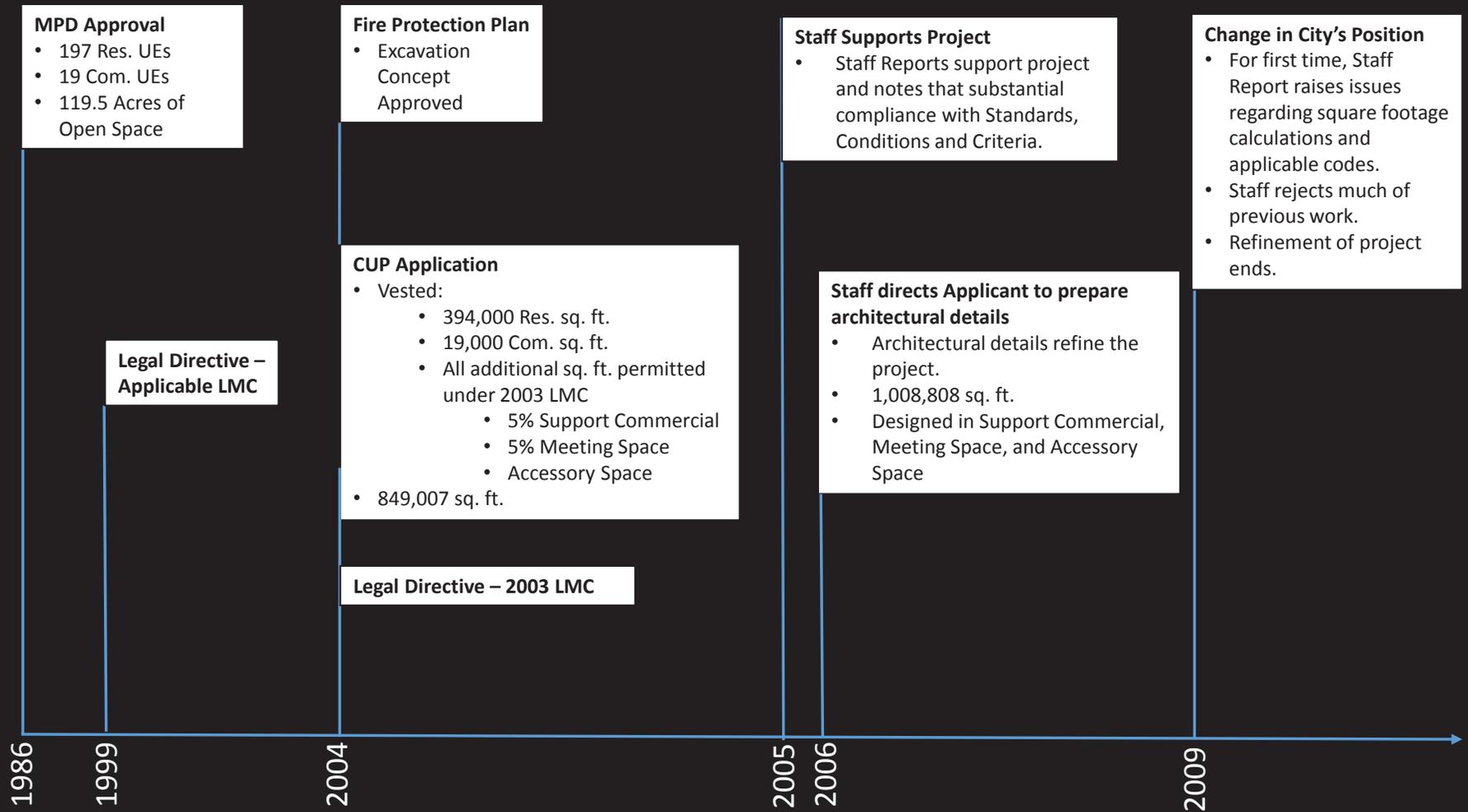
# Overview of Presentation:

- Confirm the Public Hearing Record
- Project Timeline
- Support Commercial
- Summary of Square Footage

## Correcting the Public Hearing Record:

- Applicable Codes
- Date of the CUP Application
- Woodruff Drawings are attached to the 1986 MPD Approval
- Vesting
- Historic District

# Treasure Hill Timeline:



## Support Commercial and Meeting Space:

- Section 1.22, 1985 LMC:

“The project owner may take advantage of changes in zoning that would permit greater density or more intense use of land, provided however, that these changes may be deemed a modification of the plan and subject to the payment of additional planning review fees.”

## Treasure Hill CUP Square Footage:

□

Vested Square Feet	Authorization
393,911	Residential UEs of 394,000 UEs
17,470	Commercial UEs of 19,000 UEs
26,726	4% of the possible 5% additional Support Commercial
16,127	2.4% of the possible 5% additional Meeting Space – Based upon above-grade square footage
136,191	Accessory Uses – No Specific Restrictions
173,320	Circulation – No Specific Restrictions
245,063	Parking
1,008,808	<b>Total</b>





**DATE:** September 9, 2016

**SUBJECT:** Treasure Hill Properties' Compliance with General Plan and Support Commercial Provisions of Land Management Code

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**1. Background.**

As the Planning Commission Staff report dated July 13, 2016, recites,

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

The Hillside Properties consists [sic] 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. . . .

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. (pp.1-2.)

In April 2016, the Applicant, MPE, Inc., requested that the Planning Commission place its CUP Application for the development of the Hillside Properties back on the Commission's agenda and to review the application for compliance with the applicable Land Management Code

(“LMC”) and SPMP Approval. The Planning Commission held public hearings on the CUP Application on June 8, July 13, and August 10, 2016.

The topics that the Planning Commission directed Staff and MPE to address at these past hearings touch upon a number of criteria under the Conditional Use Review Process set forth in the applicable 2003 LMC.<sup>1</sup> Specifically, the issues the Planning Commission has directed Staff and MPE to address during this and prior hearings cover portions of the following CUP criteria:

1. Size and location of the Site;
4. Emergency vehicle Access;
5. Location and amount of off-Street parking;
6. Internal vehicular and pedestrian circulation system;
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; and
15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

The topics also touch upon several of the CUP Standards for Review, including:

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.

The topics that MPE has discussed with the Planning Commission during the previous hearings in 2016 have also included several of the conditions of the SPMP Approval, including the building height and building envelope limits established by the SPMP Approval.

The CUP Application satisfies the CUP Standards for Review, each of the criteria set forth in the 2003 LMC, and the associated conditions of the SPMP Approval, including the criteria, standards, and conditions covered by the issues addressed during the prior hearings.

Because “[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,” and because the CUP Application conforms to the conditions of the SPMP Approval and proposes additional mitigating factors to address the impacts of square footage and volume, the Planning

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<sup>1</sup> Staff and MPE agree that the Fiftieth Edition of the LMC revised on July 10, 2003 (“2003 LMC”) applies to the CUP Application.

Commission should conclude that the CUP Application meets the criteria, standards, and conditions relating to these issues. Utah Code § 10-9a-507(2)(a).

## **2. The CUP Application Conforms to the General Plan.**

### **2.1 The Planning Staff Concluded the CUP Application Complies with the Applicable General Plan in 2004 and 2005.**

Notwithstanding the Planning Staff's sudden and unexplained change of position on this issue, which is addressed below, Planning Staff has repeatedly concluded in the past that the **“Treasure Hill CUP plans comply with the Park City General Plan regarding location of medium density resort related development.”** (See, e.g., [March 9, 2005 Staff Report](#) p. 5; [April 27, 2005 Staff Report](#) pp. 5–6 (emphasis in original).)

In particular, the Planning Staff wrote in 2005 that:

#### **General Plan**

The Park City General Plan indicates that the Creole Gulch and Midstation parcels are an area of Medium Density Residential development. The proximity to the activities of both the Park City Mountain Resort and the Main Street Commercial District were factors in this designation, as well as in the approval of the clustered plan. The Park City Mountain Resort master plan approval for approximately 502 unit equivalents occurred after the Sweeney Master Plan approval. Residential density in Old Town is in the range of 12-15 units per acre. Typical low density residential neighborhoods, such as Park Meadows, Aspen Springs, and Thayne's Canyon are in the range of 3-5 units per acre.

Gross density of the Treasure Hill project is 3.15 unit equivalents per acre (197 u.e. on 62.5 acres, including only the 51 acres of open space associated with this phase of the MPD). Net density is approximately 17 u.e. per acre (197 u.e. on the 11.5 acres development parcel). By comparison, the net density of the Mountainside development is about 30 units per acre.

According to the City's inventory, there are about 424 existing units on Lowell and Empire Avenues in the 5 and 1/2 blocks south of Manor Way to the Empire/Lowell switchback. Sweetwater Condominiums consists of 89 units (located on approximately 50 Old Town lots) and Mountainside Marriot consists of 183 units. There are approximately 82 dwelling units on Empire, not including Victoria Village (24 units) and Skiers Lodge (16 units) condominiums, and 30 units on Lowell Avenue.

In a review of the building permits issued for single family and duplex units on Lowell Avenue south of Manor Way, staff found

that 28 of the 30 dwelling units on Lowell Avenue were constructed since approval of the Sweeney Master Plan. Although it was platted in 1878, Lowell Avenue is not considered an historic Old Town street and development on Lowell is relatively recent and is more closely associated with Park City's transition to a resort town. In fact, 22 of the 30 dwellings on Lowell Avenue were constructed following the awarding of Salt Lake City as host of the 2002 Olympic Winter Games. **The current Treasure Hill CUP plans comply with the Park City General Plan regarding location of medium density resort related development.**

([March 9, 2005 Staff Report](#) p. 5.)

## **2.2 Planning Staff's Current Position Relating to General Plan Compliance Is Erroneous and Contrary to the SPMP Approval and Staff's Own Prior Conclusions.**

The July 13, 2016, Staff Report fails to identify the version of the General Plan that Staff is supposedly applying to the CUP Application. During the hearing on July 13, 2016, planner Francisco Astorga identified the "1999 General Plan" as supposedly applicable. ([Planning Commission Meeting Minutes](#), p.16, July 13, 2016.) However, Planning Staff has failed to make the 1999 General Plan available for inspection or review. Instead, Planning Staff has appended apparently irrelevant versions of the General Plan to its Staff Reports, including the 1997 General Plan.

Referring to an unknown version of the General Plan, the July 13, 2016, Staff Report claims that the "proposed square footage of this project does not comply with the purpose statements of Land Management Code and goals and actions listed within the General Plan." ([July 13, 2016 Staff Report](#), p. 105.) Even though "purpose statements" and planning "goals" cannot be used to deny the CUP Application for the reasons set forth below, Staff's conclusions about these items are incorrect and contradict Staff's earlier conclusions to the contrary.

First, the July 13, 2016, Staff Report states that "[t]he project is located in the Estate zoning district of Park City" and that "purpose statement 8 [for that zone] states 'encourage comprehensive, efficient, compatible development which results in distinct and cohesive neighborhoods through application of the sensitive lands ordinance.'" ([July 13, 2016 Staff Report](#), p. 105.) The Staff Report acknowledges that the Sensitive Lands Overlay does not apply to the CUP Application, but concludes, *without any analysis or explanation*, that the CUP Application "is excessive and inefficient." (*Id.*)

As an initial matter, the Staff Report fails to explain why the Estate Zone or its purpose statements are even relevant to the CUP Application. Treasure Hill was re-zoned as part of the MPD process. ([SPMP Revised Staff Report](#), p. 8, December 18, 1985.) Moreover, the underlying zoning for the Hillside Properties at the time of the MPD application was both Estate and HR-1. As explained further below, at the time the City approved the SPMP, it determined that the

clustering of density at the Midstation and Creole Gulch sites was not only consistent with the General Plan,<sup>2</sup> it was the best way to effectuate the goals of the General Plan.

Addressing Staff's unexplained and unsubstantiated conclusion that the CUP Application is "excessive and inefficient," the Applicant notes that the idea to "cluster the bulk of the density" at the Midstation and Creole Gulch sites reflected the City's preference for a "high-rise"-type development, and that the current size of the proposed development is a function of the City's own requirements, including its fire protection directives. ([SPMP Revised Staff Report](#), p. 7–8, December 18, 1985.) As the City concluded in the SPMP Approval, "[b]ecause of the underlying zoning and resultant density currently in place, the cluster approach to developing on the hillside has been favored throughout the formal review and Hearing process." (*Id.* at 12.) Indeed, the **very first** "Finding" in the SPMP Approval was that "[t]he proposed clustered development concept and associated projects are consistent with both the Park City Comprehensive Master Plan and the underlying zoning." (*Id.* at 2.)

Moreover, the July 13, 2016, Staff Report does not attempt to harmonize Staff's current position with Staff's contrary conclusions on numerous prior occasions. For example, in its March 9, 2005, Staff Report, Staff concluded:

The Creole Gulch and Mid-station development parcels are zoned E-MPD, and are subject to the approved Sweeney Properties Master Plan. The Sweeney Properties MPD allows hotel, condominium, townhouse, resort support commercial uses, and ski runs, lifts, etc. with the maximum densities and heights as outlined above. Open space parcels are zoned ROS. **The current Treasure Hill CUP plans comply with the existing zoning.**

([March 9, 2005 Staff Report](#) p. 5 (emphasis in original).) **Ten years ago, Staff concluded that the CUP Application complied with the existing zoning requirements and the General Plan; now, Staff takes the opposite position. Staff offers no explanation for this sudden about-face.**

The July 13, 2016, Staff Report also draws on certain "goal" and "intent" statements from some undisclosed version of the General Plan. ([July 13, 2016 Staff Report](#), p. 105–06.) Staff claims, based on these general purpose statements, that the "amount of circulation area, lobby areas, parking circulation, etc. [requested in the CUP Application] are not modest in scale and compatible to the surrounding area." (*Id.*)

With respect to the assertion that the circulation areas, lobbies, and parking are not "modest" in scale, Staff offers nothing in support of this conclusion. As the Applicant has previously explained on numerous occasions, the square footage and floor areas of the project, including the circulation areas, lobbies, and parking, are a function of the City's fire protection requirements, the 2003 Land Management Code's expressed preferences for such floor areas in resort developments, and modern development trends.

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<sup>2</sup> At the time of the SPMP Approval in 1986, the City's General Plan was known as the "Comprehensive Master Plan."

Indeed, Staff conducted an analysis of other resort developments allowed by the City during the same period of time as the SPMP Approval and CUP Application. As the July 13, 2016, Staff Report itself concludes “[b]ased on the Department’s research” into other developments the City has permitted to be built under the auspices of the same General Plan, “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.” ([July 13, 2016 Staff Report](#), p. 107.) The City’s own analysis concluded that the CUP Application seeks square footage in these categories that is comparable—or less than—other resort developments that this Planning Commission has approved in the City in recent times. ([Exhibit W.](#)) The City has permitted these other developments under the same apparent General Plan—with the same language—that Staff now claims precludes approval of the CUP Application. The Staff offers no explanation for this discrepancy in treatment.

As for Staff’s claim that the circulation areas, lobbies, and parking are not compatible with the surrounding areas, Staff again fails to articulate any reasons for its conclusion. As the Applicant has noted on numerous prior occasions, the Woodruff Drawings, attached as exhibits to the SPMP Approval (and specifically incorporated into the SPMP Approval), anticipated buildings of the same basic size and volume as those proposed by the CUP Application. In fact, the buildings shown on the Woodruff Drawings were *more* “front loaded” and closer to the surrounding residential areas than the current proposal. The current proposal improves the neighborhood compatibility of the buildings as compared to the Woodruff Drawings.

Nonetheless, Planning Staff, the Planning Commission, and the City Council concluded that the “proposed clustering approach [represented by the Woodruff Drawings] was deemed the *most compatible*” of the alternative approaches presented for consideration. ([SPMP Revised Staff Report](#), p. 10, December 18, 1985 (emphasis added).) Moreover, the second “Finding” of the SPMP Approval was that “[t]he uses proposed and general design of the project is or will be compatible with the character of development in the surrounding area.” (*Id.* at 2.)

Moreover, Staff’s current position contradicts Staff’s own prior conclusions. For example, in its March 9, 2005, Staff Report, Staff concluded, on the topic of “Compatibility, Scale, and Concentration of density in Creole Gulch area” that the “**current Treasure Hill CUP plans comply with the cluster concept, which was the preferred alternative, as approved with the Sweeney MPD.**” ([March 9, 2005 Staff Report](#), p. 14 (emphasis in original).) Unlike the current Staff Reports, which suggest that Staff believes it is writing on a blank slate, the March 9, 2005, Staff Report and others recognize that Staff must analyze the CUP criteria in the context of the findings and determinations of the SPMP Approval. Staff’s current analysis contradicts the findings and conclusions set forth in the SPMP Approval without any explanation.

The July 13, 2016, Staff Report’s position on compliance with the General Plan fails to account for the prior findings of the SPMP Approval or Staff’s own prior reports, and it fails to explain why the development proposed by CUP Application is no longer compatible, when Staff found it to be compatible in 1986 and again in 2005. Absent from the July 13, 2016, Staff Report is any explanation for the Staff’s departure from its prior conclusions in 2005 that the CUP application fully complied with the applicable General Plan. Reaching directly contradictory conclusions without providing any explanation or rationale for the change in position is the textbook definition of arbitrary and capricious action.

### **2.3 Staff’s Current Conclusions about General Plan Compliance Fail to Take Into Account the History of the Project and the SPMP Approval.**

Staff’s current position on General Plan compliance ignores the context and history of the project. As the Applicant has outlined and summarized throughout these proceedings, in order to fully understand the current CUP Application and the reasons it should be granted, it is vital to understand that context and history.

The City has already determined that the development proposed by the CUP Application is consistent with, and the best way to effectuate, the goals of the General Plan. At the time of the MPD Application,

[t]he city’s Comprehensive Master Plan identifie[d] the Hillside property as a key scenic area and recommend[ed] that development be limited to the lower portions of the mountain. . . . The proposed Sweeney Properties MPD is in conformance with the land use designations outlined in the Park City Comprehensive Master Plan.

([SPMP Revised Staff Report](#), p. 9–10, December 18, 1985.)

The SPMP Revised Staff Report further noted that “[t]he concept of clustering densities on the lower portion of the hillside . . . has evolved from both previous proposals submitted and this most recent review process” and that “[t]he Park City Comprehensive Master Plan update that was recently enacted encourages the clustering of permitted density to those areas of the property better able to accommodate development.” ([SPMP Revised Staff Report](#), p. 12, December 18, 1985.) As noted above, the *very first* “Finding” in the SPMP Approval was that “[t]he proposed clustered development concept and associated projects are consistent with both the Park City Comprehensive Master Plan and the underlying zoning.” (*Id.* at 2.)

To suddenly suggest that the CUP Application is inconsistent with either the General Plan or the “purpose statements” of the underlying zoning is to ignore the history of the SPMP Approval, in violation of the Applicant’s contractual rights and reasonable expectations based on the City’s prior representations, upon which the Applicant has relied by making significant investments of time, money, and other resources.

### **2.4 The General Plan Is Not A Sufficient Basis For Denying the CUP Application.**

Finally, neither general policy statements from a General Plan nor “purpose” and “intent” statements contained in a Land Management Code are a sufficient basis to deny the CUP Application, whatever their merit.

As the City’s own current General Plan explains, the General Plan “is a long range policy plan that will guide future Land Management Code (LMC) and zoning decisions.” ([General Plan](#), p. 8.) However, the “LMC is the regulatory document that addresses specific zoning and land uses within respective zones.” (*Id.*) So long as the application complies with the *specific* provisions of the applicable Land Management Code, it is entitled to approval, regardless of supposedly contradictory language in the General Plan.

The same is true for general “purpose” and “intent” statements prefatory to specific sections of code. As the Utah Supreme Court has noted, “a statement of legislative purpose . . . is nothing more than a statement of policy which confers no substantive rights.” *Price Dev. Co., L.P. v. Orem City*, 2000 UT 26, ¶ 23, 995 P.2d 1237, 1246. Such “purpose” and “intent” statements cannot be used to “limit th[e rights] actually given by the legislation.” *Id.*

### **3. The Support Commercial Sought in the CUP Application Is Allowed Under the Applicable Code.**

#### **3.1 The Planning Staff’s Current Position Is Erroneous.**

The July 13, 2016, Staff Report states 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.” ([July 13, 2016 Staff Report](#), p. 104). The Staff Reports dated July 13, 2016, and August 10, 2016, further state that “[a]ny additional support commercial above the 19 UEs is not vested.” (*Id.*)<sup>3</sup> These Staff Reports cite an earlier staff report from September 23, 2009, and associated meeting minutes to justify this position.

While the August 10, 2016, Staff Report appears to focus only on Staff’s position on the amount of square footage the Applicant is allowed for Support Commercial uses ([August 10, 2016, Staff Report](#), p. 138), Staff’s analysis actually accounts for square footage for both Support Commercial and Meeting Space uses. The vast majority of the Staff Report only references Support Commercial space, while omitting explicit references to Meeting Space, but a careful reading of the Staff Report reveals that Staff’s conclusion that the Applicant is only entitled to 11,740 square feet of additional space is for Support Commercial and Meeting Space uses. (*See August 10, 2016, Staff Report*, p. 135.)

The Applicant acknowledges that in 2009, the City brought in a new planner to the project, Katie Cattan, who took positions that were completely contrary to the conclusions previously reached by more senior and more experienced planners. Even though Ms. Cattan arrived at positions contradicting those set forth in prior Staff Reports, Ms. Cattan’s Staff Reports, including the cited September 23, 2009 Staff Report, failed to even acknowledge the numerous prior Staff Reports—which spanned years of review—in which more experienced members of the Planning Department Staff reached opposite conclusions. Both Kirsten Whetstone, senior planner for Park City, and subsequently, Pat Putt, former planning director for Park City, recognized throughout the review process in 2004, 2005, and 2006 that the project was allowed an additional 10% of the total floor area for Support Commercial and Meeting Space uses pursuant to Section 15-6-8 of the 2003 LMC. (*See, e.g.*, April 14, 2004, Staff Report; May 26, 2004, Staff Report; July 14, 2004, Staff Report; August 11, 2004, Staff Report; August 25, 2004, Staff Report; April 12, 2006, Staff Report.)

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<sup>3</sup> The August 10, 2016, Staff Report is internally inconsistent on the question of vesting, noting both that “any support commercial above the 19 unit equivalents is not vested” and that the “applicant has vested rights to 19,000 square feet of support commercial [i.e., 19 UEs,] as written on the Master Plan narrative **and [an] additional five percent (5%) of the hotel area.**” ([August 10, 2016, Staff Report](#), p. 138 (emphasis added).)

For example, as the March 9, 2005, Staff Report concluded, “[m]eeting space and support commercial (10% of the total approved floor area) per Land Management Code (15-6-8.) is allowed per the MPD, **in addition to the 19 UE of commercial uses.**” ([March 9, 2005 Staff Report](#), p. 17–18 (emphasis added); *see also* [April 12, 2006, Staff Report](#), p. 13, (“Support Commercial/meeting space” allowed is equal to “5%/5% of gross FA.”).))

Apart from the conclusion that the Applicant is entitled to 10% of additional floor area for Support Commercial and Meeting Space uses—5% for each—above the 19 UEs of Support Commercial set forth in the SPMP Approval, this passage also demonstrates that the City has consistently represented to the Applicant that the 2003 LMC resolves the Support Commercial and Meeting Space determination from 2004 through 2006. Staff’s explicit reference to Section 15-6-8 of the LMC is a reference to the 2003 LMC, *not* to the 1985 LMC. Staff instructed the Applicant to expend considerable time, money, and other resources further designing the project on the basis of these representations, which are now an integral part of the project’s design and functionality.

Staff’s current position represents a sharp and unexplained departure from Staff’s prior conclusions, specifically (1) that the 2003 LMC—not the 1985 LMC—applies to the Support Commercial and Meeting Space question, and (2) that the Applicant is entitled to an additional 10% of floor area for Support Commercial and Meeting Space uses over and above the 19 UEs of Support Commercial set forth in the SPMP Approval. Staff provides no explanation for this arbitrary and capricious change of position.

### **3.2 There Is No Basis For Threatening to Reopen the SPMP Over the Support Commercial Issue.**

The Applicant takes exception to the outrageous statements in the August 10, 2016, Staff Report suggesting that if the Applicant seeks more square footage for Support Commercial and Meeting Space uses than the Staff presently believes is appropriate, the City will “re-open[] the entire Master Plan” for a “full blown, new compatibility and Master Plan/CUP review.” (August 10, 2016 Staff Report, p. 138.)

Although the Staff Report fails to explain the legal basis of this threat, the Planning Commission’s Special Counsel, Jody Burnett, has told the Applicant that the position is based on [Section 1.22 of the 1985 LMC](#), titled “Vesting of Zoning Rights.” That section provides, in relevant part, that “[t]he project owner may take advantage of *changes in zoning* that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and subject to the payment of additional planning review fees.” (emphasis added). The Staff seems to believe that by seeking more space for Support Commercial and Meeting Space uses than the Staff believes is allowed, Staff may unilaterally deem this action to be a modification of the SPMP Approval.

Section 1.22, however, does not apply to the SPMP Approval or the Support Commercial and Meeting Space issue for several reasons. First, Section 1.22 is a general provision addressing the vesting of rights under an existing zoning ordinance when a development application is submitted. Basically, the provision codifies existing Utah Supreme Court precedent holding that an application is vested under the existing code at the time it is submitted. Section 1.22 is not specific to MPD agreements or to amendments to MPD approvals.

Second, even if Section 1.22 were to apply to MPD approvals, it does not state what Staff seems to think it states. The language of Section 1.22 applies to “changes in zoning” that result in “greater density or more intense use of the land.” But the Applicant’s position that the Support Commercial and Meeting Space provisions of the 2003 LMC apply to the CUP Application, rather than the provisions of the 1985 LMC, has nothing to do with “changes in zoning.” **It is not changes in zoning that allow the Applicant to take advantage of the 2003 LMC but the Utah state statutes, as acknowledged by the Park City Attorney and numerous prior Staff Reports.**

Finally, the Applicant believes the City’s threat to reopen the SPMP and breach the contract represented by the SPMP Approval over the parties’ disagreement about correct application of legal principles—particularly given the City’s prior positions—smacks of bad faith in the extreme. Threatening the Applicant with dire consequences that have nothing to do with the issue—a disagreement over less than 4% of the total project square footage—raises serious questions about the City’s motives.

### **3.3 As the Applicant Has Previously Explained, the Fiftieth Edition of Park City’s Land Management Code (“2003 LMC”) Applies to the CUP Application.**

The Applicant previously explained in great detail why the 2003 LMC applies to the CUP Application, including to the Support Commercial and Meeting Space determination, in its submission to the Planning Commission dated July 6, 2016.<sup>4</sup> Without repeating the entire discussion, the Applicant reiterates the following points:

- Utah statutes provide that “[a]n 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 . . .**” Utah Code Ann. § 10-9a-509(1)(a)(i) (emphasis added).
- The SPMP 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 (emphasis added)).
- In an August 25, 1999, letter to the Applicant, Mark Harrington, Park City’s then Interim City Attorney, stated that “Square 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).

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<sup>4</sup> Even though the Applicant has *repeatedly* informed the City and Planning Staff that its position is that the 2003 LMC governs the Support Commercial and Meeting Space question (*see, e.g., July 6, 2016, Applicant Memorandum*, p. 4 n.8), Staff continues to claim that the Applicant “utilized the 2008/2009 LMC to calculate the support commercial area and meeting space within the development,” which is simply false (*August 10, 2016, Staff Report*, p. 136). The Applicant is at a loss as to why Staff would continue to misrepresent its position when the Applicant has made that position clear and unambiguous.

- In an April 9, 2004, memorandum to the Planning Commission, Mark Harrington, Park City’s then City Attorney, again stated that “Square 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).

BJM:

**Treasure Hill**

**Executive Summary**

**Square Footage Calculations**

**(Addresses MPD Development Parameters and Conditions,  
CUP Standards for Review, and  
CUP Criteria Nos. 1 to 15 (except as noted otherwise in Footnote 1))**

**September 14, 2016 Public Hearing**

**I. Applicant and Staff Agreement.**

MPE, Inc., the Applicant for the Treasure Hill Conditional Use Permit (“CUP”), and Staff are in agreement with respect to the following matters:

**A. Applicable Codes.**

1. **1985 LMC.** Park City’s 1985 Land Management Code (“LMC”) applies to all matters relating to the interpretation of the 1986 Master Plan Development (“MPD”) Approval for Treasure Hill.

2. **2003 LMC.** Park City’s 2003 LMC applies to all matters related to the review and approval of the 2004 CUP Application. The only apparent point of disagreement between Planning Staff and the Applicant is whether the 1985 LMC or the 2003 LMC controls the calculation of Support Commercial and Meeting Space. See the Applicant’s accompanying Support Commercial and Meeting Space Position Statement.

**B. CUP Application Date.**

The CUP Application was filed in 2004 and is a vested application as of that date. References to subsequent dates, including the “2009 Revisions” or the “2009 Update”, are merely references to refinements (many at the request of Staff and the Planning Commission) and updates to the 2004 vested CUP Application. The Applicant has only filed one CUP Application for Treasure Hill and that is 2004 CUP Application.

**C. Woodruff Drawings.**

The Woodruff Drawings were attached to and are part of the 1986 MPD Approval. The Woodruff Drawings were merely a study to determine volumetrics and UEs.

**D. Vesting.**

The concept of vesting applies to both the 1986 MPD Approval and the 2004 CUP Application in the following manner:

1. **MPD Vesting.** The MPD Approval vested in 1986 and the vested rights thereunder include 197 residential and 19 commercial Unit Equivalents (“UEs”). The MPD Approval established the underlying UEs, not the total square footage that could be built with those UEs. The 1985 LMC and MPD Approval specified that such issues would be addressed in a subsequent CUP process, and the Park City Attorney and Planning Staff confirmed that square footage issues would be addressed under the LMC in effect at the time of the CUP Application—the 2003 LMC.

2. **CUP Vesting.** The CUP Application vested in 2004 and the vested rights include the square footage attributable to the 197 residential and 19 commercial UEs, and all other additional square footage permitted by the 2003 LMC. The Applicants *right* to additional square footage is “vested” with the *amount* of additional square footage to be determined through the CUP approval process.

#### **E. Historic District.**

As part of the CUP approval process, the Planning Commission will need to evaluate whether the Treasure Hill design conforms with Park City’s Historic District guidelines in the context of the MPD Approval.

### **II. Clarifications.**

#### **A. Reopening the MPD.**

The Applicant has no intent to reopen the 1986 MPD Approval. The fact that Staff and the Applicant have differing interpretations of whether the 1985 LMC or the 2003 LMC applies to the calculation of Support Commercial and Meeting Space, and the fact that the Applicant has made a reasoned and good faith assertion as to why the 2003 LMC applies, does not constitute an amendment to the 1986 MPD Approval. Similarly, the City presumably does not intend to reopen the 1986 MPD Approval as it would result in going back to pre-MPD Approval development which would (i) require the City to give back the open space, easements, rights of way, public trails and associated improvements on Treasure Hill; (ii) result in a reversion to the underlying density allowable in 1985—in excess of 450 unit equivalents; and (iii) result in the Applicant being entitled to construct single family homes (and a related surface street) on Treasure Hill. This would cause Treasure Hill to look like the east side of Deer Crest. .

### **III. Project Timeline.**

As the Applicant has stressed on numerous occasions, fully understanding the history of the refinement of the design of Treasure Hill is critical in evaluating and approving the CUP Application. The attached Project Timeline shows:

#### **A. 1986 MPD.**

The 1986 MPD Approval and applicable vesting of 197 residential and 19 commercial UEs. Both the MPD Approval and the 1985 LMC specified that the final development plan would be evaluated during a separate and later conditional use process under the LMC in effect at such time.

**B. 1999 Legal Directive.**

In an August 25, 1999 letter to the Applicant, Mark Harrington, Park City's then Interim City Attorney, stated that "Square 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) In reliance thereon, the Applicant expended great amounts of time and money designing a project with the understanding that the LMC in effect at the time of application would govern square footage and floor areas for the allowed UEs.

**C. Fire Protection Plan.**

The January 9, 2004 Fire Protection Plan agreed to by Park City and the Applicant following months of discussion and analysis. This Plan served as the basis for the ultimate design of the Treasure Hill Project.

**D. 2004 CUP Application.**

The January 13, 2004 CUP Application and the applicable vesting of 394,000 net square feet of residential space, 19,000 gross square feet of commercial space and all of the additional square footage then permitted under the 2003 LMC.

**E. 2004 Legal Directive.**

In an April 9, 2004 memorandum to the Planning Commission, Mark Harrington, Park City's then City Attorney, again stated that "Square 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)

**F. 2005 Staff Report.**

The March 9, 2005 Staff Report by Kirsten Whetstone notes that the 2004 CUP Application complies with all of the applicable MPD Development Parameters and Conditions, all of the CUP Standards for Review, and almost all of the 15 CUP criteria (collectively, the "Approval Requirements"), including the following:

- "The revised Treasure Hill CUP plans comply with the approved density and all development is contained within the identified development parcels."
- "The current Treasure Hill CUP plans comply with the clustered development concept approved with the Sweeney MPD."
- "The current Treasure Hill CUP plans comply with the cluster concept approved with the Sweeney MPD."
- "The Current plans comply with the MPD open space requirements."

- “Staff has determined that the revised plans for Treasure Hill CUP comply with the height and elevation standards approved with the Sweeney MPD.”
- “The current Treasure Hill CUP plans comply with the Park City General Plan regarding location of medium density resort related development.”
- “The revised Treasure Hill CUP plans are consistent with [previously approved] heights and volumetric.”
- “Meeting space and support commercial (10% of the total approved floor area) per Land Management Code (15-6-8) is allowed per the MPD, in addition to the 19 UEs of commercial uses. Additional square footage is allowed for back of house and other ancillary uses, such as storage, mechanical, common space, etc.”
- “...the location of buildings on the site, grading, slope retention, cliff-scape designs...complies with the site design and site suitability criteria of LMC Section 15-1-10, although specific conditions of approval will be required to address details of the grading plan, cliff scape design, retaining walls, and other elements of the site plan.”

Directives to the Applicant and the Planning Commission in the 2005 Staff Report included:

- Addressing mitigation of construction and traffic impacts
- Addressing maintenance, snow removal, and pedestrian access on Lowell and Empire.
- A more detailed review of the architectural concept.

**G. 2006 Staff Report.**

The April 12, 2006 Staff Report by Patrick Putt recommends “that the applicant prepare preliminary architectural drawings for each of the proposed buildings which illustrate size, building form and massing, roof shapes, exterior details including materials, window to wall ratios, decks, plaza/outdoor spaces, retaining walls, etc., for Planning Commission review as part of its’ action on the conditional use permit.” Notwithstanding Mr. Putt’s request for additional architectural details, he concludes that the “plans being reviewed currently for the CUP illustrate that the MPD development parameters have been met.” In summarizing Treasure Hill’s entitlements Mr. Putt also notes that in addition to 197 residential UEs and 19,000 square feet of “Commercial Density”, Treasure Hill is entitled to additional Support Commercial equal to 5% of the gross floor area of Treasure Hill and additional Meeting Space equal to 5% of the gross floor area of Treasure Hill.

Based upon Staff’s acknowledgement in the March 9, 2005 Staff Report that the 2004 CUP Application complied with all of the Approval Requirements, with three of the 15 CUP criteria

requiring further evaluation by Staff<sup>1</sup>, that the Applicant was entitled to the additional square footage under the 2003 LMC, including 5% additional square footage for Meeting Space and 5% additional square footage for Support Commercial space, and the directive to develop preliminary architectural plans to further illustrate compliance, the Applicant spent approximately \$1,000,000 on architectural drawings and engineering analysis for Treasure Hill.

As the CUP review process progressed after 2006, the preliminary architectural drawings, which provided greater detail and clarity regarding Treasure Hill, resulted in an additional 167,880 square feet being added to Treasure Hill.<sup>2</sup>

#### **H. 2009 Staff Report.**

After all of the updates and refinements made to the design of Treasure Hill between 2004 and 2008 with input from and at the direction of Planning Staff, and after an investment by MPE of approximately \$2,000,000, the April 22, 2009 Staff Report prepared by Katie Cattan (the fourth of five different planners assigned by the City to Treasure Hill), reversed the City's prior position on essentially all previous submissions by MPE. For the *first* time, it also questioned the method for calculating Support Commercial. For all intents and purposes, this Staff Report reflects the end of the refinement of the design of Treasure Hill through the CUP process. Although communications continued after 2009 concerning parking, traffic, and construction of Lowell and Empire, the Applicant continued to pursue approval of the Treasure Hill CUP based upon the 2004 CUP Application, as refined between 2004 and 2009.

#### **IV. Square Footage.**

The square footage calculations for Treasure Hill are based upon the UEs established by the 1986 MPD Approval and the square footage and floor areas established by 2003 LMC, which is the approach required and endorsed by the 1985 MPD Approval, the 1985 LMC, the Park City Attorney, the Planning Staff, and Utah statute.<sup>3</sup> In accordance with section 15-6-8(A) and (E) of the 2003 LMC, the Applicant and Staff agreed that each Residential Unit Equivalent is equal to 2,000 net square feet of floor area and each Commercial Unit Equivalent is equal to 1,000 gross square feet of floor area.<sup>4</sup> As addressed in detail in previous Positions Statements and Presentations made by the Applicant to the Planning Commission, based upon these criteria and the directions of Staff, the Applicant has calculated square footage for Treasure Hill follows:

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<sup>1</sup> The three remaining CUP criteria will be further addressed in later hearings.

<sup>2</sup> The bulk of this additional square footage primarily represents the design and inclusion of Support Commercial, Meeting Space, and associated accessory space related to additional Support Commercial equaling 4% of the gross floor area of Treasure Hill and additional Meeting Space equal to 2.4% of the gross floor area of Treasure Hill.

<sup>3</sup> Utah Code Ann. § 10-9a-509(1)(a)(i) ("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 . . .").

<sup>4</sup>In an email dated December 18, 2006, then Planning Director Patrick Putt confirmed to MPE that residential UEs are "calculated as follows--2000 square feet equals one (1) U.E."

<b>Vested Square Feet</b>	<b>Authorization</b>
393,911	Residential UEs of 394,000 UEs
17,470	Commercial UEs of 19,000 UEs
26,726	4% of the possible 5% additional Support Commercial <sup>5</sup>
16,127	2.4% of the possible 5% additional Meeting Space <sup>6</sup>
136,191	Accessory Uses – No Specific Restrictions <sup>7</sup>
173,320	Circulation – No Specific Restrictions <sup>8</sup>
245,063	Parking
<b>1,008,808</b>	<b>Total<sup>9</sup></b>

**V. Conclusion.**

The square footage requested by the Applicant in the 2004 CUP Application is authorized by the 1986 MPD Approval and by the 2003 LMC. For all of the reasons detailed in our previous presentations and Position Statements, this square footage is reasonable in the context of what is required to make Treasure Hill a functionally integrated and profitable operating project, and it is reasonable in the context of what Park City has permitted for other similar developments based upon calculations using the same codes.

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<sup>5</sup> Section 15-6-8(C) of 2003 LMC. For the purpose of calculating additional Support Commercial square footage under this Section, the Applicant has advised Staff that all of Treasure Hill, like most resort developments, will be designed to operate as a Hotel or Nightly Rental Condominium with various ownership structures. In addition, as provided in the 2003 LMC, the calculation is based upon above-grade gross square footage of 673,922.

<sup>6</sup> Section 15-6-8(D) of 2003 LMC. For the purpose of calculating additional Meeting Space square footage under this Section, the Applicant has advised Staff that all of Treasure Hill, like most resort developments, will be designed to operate as a Hotel or Nightly Rental Condominium with various ownership structures. In addition, as provided in the 2003 LMC, the calculation is based upon above-grade gross square footage of 673,922.

<sup>7</sup> Section 15-6-8(D) of 2003 LMC.

<sup>8</sup> Section 15-6-8(A), (D), (F) and (G) of 2003 LMC.

<sup>9</sup> This amount reflects the removal of the mine exhibition and its corresponding 8,069 square feet of commercial and support commercial space.



# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** 158 Ridge Avenue  
**Project #:** PL-16-03149  
**Authors:** Makena Hawley, Planner  
**Date:** September 14, 2016  
**Type of Item:** Administrative – Steep Slope Conditional Use Permit

## **Summary Recommendations**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit for 158 Ridge Avenue, open a public hearing, and consider approving the CUP application that includes the Planning Director's approval of the garage on a downhill lot height exception in accordance with the findings of fact, conclusions of law, and conditions of approval.

## **Description**

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

## **Proposal**

This application is a request for a Steep Slope Conditional Use Permit (CUP) for a new single-family dwelling with a proposed square footage of 2,945 square feet (sf) on a vacant 7,209 sf lot located at 158 Ridge Avenue, which is Lot 3 of the King Ridge Estates. The total floor area exceeds 200 sf and the construction is proposed on a slope of 30% or greater.

## **Background**

On April 21, 2016 the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 158 Ridge Avenue. The application was deemed complete on May 5, 2016. The design of the home has gone through different iterations in order to comply with the Historic District Design Guidelines and LMC requirements. The property is located in the Historic Residential Low Density (HRL) District.

## ***Plat Amendment***

On October 3, 2006, the City received a completed application for Subdivision No. 1 Millsite Reservation plat amendment (King Ridge Estates Plat). The Planning

Commission held numerous public hearings from February to September 2007 on the proposed plat. Concern was expressed regarding the use of platted, un-built Ridge Avenue right of way for a private driveway and the height of retaining walls that would be built for this driveway. The Ordinance references 255 Ridge Avenue which is what the amended lots were called before they were subdivided and became the three separate lots: 158, 162, and 166 Ridge Avenue.

On September 12, 2007, the Planning Commission forwarded a negative recommendation on the plat amendment, the City Council, after further staff analysis and amendments to the findings of fact and conditions of approval approved the plat on October 25, 2007. The plat (Exhibit A) was recorded on 6/13/08, Ordinance No. 07-74 (Exhibit B). The City Council included Condition of Approval #16 which states:

16. Applicant will seek a Variance or Special Exception for driveway grade in a platted un-built City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.

### *Special Exception*

The Board of Adjustment, at a public hearing on December 18, 2007, granted a Special Exception to the LMC requirement (15-3-5 (A)) of a maximum grade of 10% within the City's right of way, in this case, the platted Ridge Avenue ROW north of the paved Ridge Avenue. Increasing the driveway slope to 15% (matching the private driveway standard) would reduce the height of the associated retaining wall another 4 feet over the 100 foot length. (Exhibit C) The shared driveway is currently under construction.

### *Conditional Use Permit (driveway to be put into a platted un-built City right-of-way)*

At the April 25, 2007, meeting the Planning Commission noted that the applicant would need to submit a Conditional Use Permit for construction of a driveway within un-built City ROW to address the standards of Land Management Code Section 15-3-5. The City received a completed application for the Conditional Use Permit for construction of a private driveway within a platted, un-built City street, on May 14, 2007. The application was heard on July 11 and July 25, 2007, and continued to a date uncertain.

On February 13, 2008, the Planning Commission approved the Conditional Use Permit for construction within a platted, un-built right of way (Ridge Ave) with an expiration date of one year from the date of approval. On February 12, 2009, the City received a request for a one year extension of the approval for the driveway which was approved.

The extension expired, and the applicant again submitted for a CUP for construction within platted, un-built right of way (Ridge Avenue) and the CUP was approved by the Planning Commission on July 23, 2014. The shared drive is currently under construction, currently including grading and placement of utilities.

*Steep Slope Conditional Use Permit*

On June 11, 2008, the Planning Commission, held a public hearing and heard an application for a Steep Slope Conditional Use Permit at three locations, 158, 162, and 166 Ridge Avenue to construct single-family homes on a slope greater than 30%. The Planning Commission denied the proposed Conditional Use Permits because it did not mitigate several of the criteria as outlined in Land Management Code 15-2.1-6(B).

The applicant appealed the Planning Commission’s decision, and on September 18, 2008, the City Council overturned the Planning Commission and approved the Steep Slope Conditional Use Permits (CUP) based on modifying the conditions to mitigate the criteria for a Steep Slope CUP.

No building permit was received and no construction occurred as required by the conditions of approval of the SS CUPs and the permit expired. For this reason, the applicant is requesting the SS CUP once again as his intentions are to build on Lot 3 as soon as possible. Two of the three lots within the King Ridge Estates lots (158 Ridge Ave being the 3<sup>rd</sup>) have applied for, and gained approval for SS CUPs by the Planning Commission in 2014 and 2015 (See Exhibits L & M for Action letters).

Summary of Prior Applications regarding this property:

Applications	Decision	Additional Information
Plat Amendment	Planning Commission: Negative Recommendation (9/12/07)  City Council: Approved (10/25/07)	Recorded at Summit County on 6/13/08
Special Exception (driveway slope of 14%)	Board of Adjustment: Approved (12/18/07)	10% is the permitted maximum without a variance or special exception.
CUP (Driveway)	Planning Commission: Approved (2/13/08)  Planning Commission: Approved (7/23/14)  Encroachment agreement Entry No. 00847042.	One year extension was granted in 2009; 2008 permit has expired.  The driveway is currently under construction. They received their permit 5/27/15. The concrete wall has been built and the drive grade is roughed in.
Steep Slope CUP	Planning Commission: Denied (6/11/08)  City Council: Approved (9/18/08)	Appealed by applicant to City Council and overturned; permit expired (Exhibit D – Approved Action Letter from 2008).

	<p>166 Ridge Ave SS CUP - Approved on 8/27/14</p> <p>162 Ridge Ave SS CUP - Approved on 8/12/15</p>	<p>Lots 1 and 2 of King Ridge Estates both have received SS CUP approvals in 2014 and 2015 (See Exhibits L &amp; M for Action letters).</p>
Historic District Design Review	Pending approval	<p>See plans under Exhibit A.</p> <p>Lots 1 and 2 of King Ridge Estates both have received HDDR approvals in 2014 and 2015 along with approved building permits.</p>

Because the total proposed structure is greater than 200 sf, (proposed 2,945 sf) and construction is proposed on an area of the lot that has a thirty percent (30%) or greater slope (Average 67%), the applicant is required to file a Steep Slope Conditional Use Permit (CUP) application. The first 20 feet are at approximately 15%. The following 15 feet hold a steep slope of approximately 67% followed by 53 feet of a moderate slope of approximately 26%. Finished by the final 20 feet containing a steep slope of 70%. The CUP is required to be reviewed and approved by the Planning Commission, pursuant to LMC § 15-2.3-6, prior to issuance of a building permit.

The platted vacant lot has existing grasses and other vegetation on the buildable area in addition to a 30 foot “No Disturb Area” in the back of the lot going across the entire rear yard where there are clumps of oak trees that will remain. The lot is the north lot of the King Ridge Estates Subdivision (Lot 3) located between a vacant platted lot to the west with proposed development and a lot with new construction occurring to the east, with access off a public right-of-way (Ridge Avenue) that is currently being constructed for Lots 1, 2, & 3 of the King Ridge Estates Subdivision.

This lot is subject to the plat notes on the King Ridge Estates Subdivision as well as the Conditions of Approval in Ordinance 07-74. All requirements are met (Exhibit F, Please also see COA Chart of all relevant Conditions of Approval previously placed on the Lot and the status of their completion Exhibit L). The access drive over Ridge Avenue to access Lots 1, 2, and 3 is currently being constructed as the dwelling on Lot 1 is being constructed on currently (they received their final approval in 2014). The drive will continue to be constructed at a max grade change of 14% with approval of the dwellings on each lot per the Special Exception (Exhibit G) and CUP regarding the shared driveway within platted, unbuilt, City Right of Way (Exhibit J).

A Historic District Design Review (HDDR) application is being reviewed concurrently with this application and will need to be found in compliance with the Design Guidelines for Historic Districts and Historic Sites. Staff is currently reviewing the final design, included as Exhibit A.

**Purpose**

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

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- B. provide an Area of lower density Residential Use within the old portion of Park City,
- C. preserve the character of Historic residential Development in Park City,
- D. encourage the preservation of Historic Structures,
- E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- G. define Development parameters that are consistent with the General Plan policies for the Historic core.

**Analysis**

According to the King Ridge Estates Plat, the maximum floor area for the entire structure cannot exceed 3,030 square feet; the proposed house contains a total of 2,945 sf of floor area. The proposed building footprint is 1,460 sf and the 7,209 sf lot size allows a building footprint of 2,403.9 sf per the building footprint formulate found in LMC section 15-2.1-3, however the Plat requires a reduced maximum footprint of 2,120 square feet . The proposed dwelling complies with all setbacks, building footprint, and building height requirements of the HRL District as well as all Plat Notes (Exhibit A and K). Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement and Plat Requirement	Proposed
Building Footprint	LMC: 2,403.9 square feet (based on lot area) maximum Plat: 2,120 square feet maximum Ordinance: 2,404 square feet maximum	1,460 square feet, <u>complies.</u>
Maximum Floor Area	LMC: N/A Plat: 3,030 sf	2,945 square feet, <u>complies.</u> Lower Level: 1,307 sq. ft. Main Level: 1,423 sq. ft. Upper level: 215 sq. ft. and a 336 sq. ft. garage (Garages, up to a maximum Area of 600 square feet, are not

		considered Floor Area Per LMC 15-15 1.107)
Front and Rear Yard	<p>LMC: 15 feet minimum (30 feet total) Plat: 15 feet in the front 30 feet No-disturb area in the rear</p> <p>Plat COA #13 – “The garage element must be at the front setback, cannot exceed the minimum depth as allowed by Code, and cannot exceed eighteen feet (18’) in height above the garage floor with an appropriate pitched roof (8:12 or greater). A height exception for the garage only may be granted if it meets the preceding criteria.”</p>	<p>15 feet (front) to garage element and 20.5 feet (front) to entry, <u>complies.</u> Note – The garage element meets the Plat COA #13 by placing the actual garage element at the front setback while still creating an 18 foot parking space to the front of the garage door in order to meet the 2 on-site parking space requirements (Please See Exhibit A for plans).</p> <p>30 feet non-disturb area (rear), <u>complies.</u></p>
Side Yard	<p>LMC: 5 feet minimum Plat: 5 feet on south end 10 feet on north end</p>	<p>5 feet on south side and 15 feet on north side, <u>complies.</u></p>
Height	<p>LMC: 27 feet above existing grade, <u>maximum.</u></p> <p>35 feet above existing grade is permitted for the home and a single car garage in a tandem configuration on a downhill lot upon Planning Director approval. Plat: garage cannot exceed eighteen feet (18’) in height above the garage floor with an appropriate pitched roof (8:12 or greater). A Height exception for the home with a garage on a downhill lot may be granted if it meets the preceding criteria.</p>	<p>27 feet, <u>complies.</u> 28.5 feet to accommodate the single car garage in a tandem configuration and the ADA access elevator and staircase to lower level (approved by Planning Director per LMC 15-2.3-6 -Please see Exhibit J), <u>complies.</u></p> <p>Garage height does not exceed 18 feet in height above the garage floor to roof, <u>complies.</u></p> <p>Pitch of roof is 8:12,</p>

		<u>complies.</u>
Height (continued)	LMC: A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. Plat: N/A	32 feet, <u>complies.</u>
Final grade	LMC: Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure, except for the placement of approved window wells, emergency egress, and a garage entrance (15-2.1-5). Plat: N/A	Maximum difference is 48" (4 feet) with a portion of the south elevation gaining more difference due to an egress window, <u>complies.</u>
Vertical articulation	LMC: A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Plat: N/A	Horizontal step occurs slightly below 23 feet, <u>complies.</u>
Roof Pitch	LMC: Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch. Plat: N/A	The main roofs have 8:12 pitches with secondary roof pitches at 5:12, <u>complies.</u>
Parking	LMC: Two (2) off-street parking spaces required. Plat: driveways into the garages cannot exceed the minimum slope necessary for drainage away from the garages.	One (1) space within a single car garage and one uncovered space on the driveway, within the lot area, compliant with required dimensions, <u>complies.</u>  Driveway slopes and drainage will be addressed at the building permit stage. <u>Complies.</u>

LMC § 15-2.1-6(A) requires a Conditional Use permit for development on steep slope lots (30% or greater) if the structure contains more than two hundred square feet (200 sf) of floor area, including the garage, and stipulates that the Conditional Use permit can

be granted provided the proposed application and design comply with the following criteria and impacts of the construction on the steep slope can be mitigated:

Criteria 1: Location of Development.

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

*The proposed single-family dwelling is located in an existing platted residential subdivision, and although situated on a spur of Ridge Avenue, the home size can be characterized as Old Town infill development in a residentially zoned district. The foundation is stepped with the grade and the amount of excavation is reduced. The single car garage will provide elevation proportions more in keeping with existing homes on that side of the street. The proposed footprint is less than that allowed for the lot area, setbacks are complied with, and overall height is less than allowable.*

Criteria 2: Visual Analysis.

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

The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and how the proposed house fits within the context of the slope, neighboring structures, and existing vegetation (please see Exhibit A, B & C).

(a) A 3D visual analysis is included with the application. The analysis includes the proposed dwelling on Lot 3, as well as conceptual dwellings on lots 1 and 2 for added context. Lots 1 and 2 are being built on, however they are currently under construction and the conceptual drawings will give the best perception of what the area will look like. The visual analysis shows that the proposed infill development will blend with the already developed lots that exist in the area. See (6) below for more detail (and Exhibit B).

(b) As the proposed home is in keeping with the neighborhood, screening will not be necessary. Beyond the "No Disturb" area, existing vegetation will be preserved throughout the platted 30-foot-deep No-Disturb Area stretching across 86% of the rear boundary of the subdivision as noted on the plat. The remainder of the rear lot will consist of native vegetation and trees which have been approved with the landscape plan. Vegetation here is well developed, providing a natural buffer. Temporary and permanent erosion mitigation and slope stabilization will be accomplished through best management practices as follows:

Temporary measures: fabric fence sediment barriers at down gradient limits of disturbance; strategically located soil and materials stockpiles; limit work area to that which can be temporarily stabilized / controlled at the end of each work day; utilize terracing during excavation to limit stockpile height / slope length; erosion control blankets over disturbed areas where slopes are steeper than 3H:1V.

Permanent measures: West side of access - grade break will be permanently stabilized via construction of a concrete retaining wall having an exposed-face height of 2 to 4 feet. The final materials and design of the needed retaining walls must be brought back to the Planning Department and the City Engineer for the final review prior to sign off by the City. Retaining walls exceeding 4 feet will need to be approved by the Planning Director and City Engineer with an Administrative CUP (LMC 15-4-2 (A) 1). Disturbed area west of the wall will be contained within the Ridge Avenue right-of-way, and will be re-vegetated with dense plantings, mulch, and riprap; East side of access at Lot 3- grade break will be permanently stabilized via construction of the home itself. The building floor grades have been selected to create a code-compliant driveway while meshing with existing ground in the rear yard; North side of site (utilities to King Road) - grade break will be permanently stabilized via construction of terraced retaining structures having exposed-face heights ranging from 2 to 4 feet, once again retaining walls exceeding 4 feet will need to be approved by the Planning Director and City Engineer with an Administrative CUP. Intervening terraces and transition areas will be re-vegetated with dense plantings, mulch, and riprap.

The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, smaller in scale and mass than surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated with minimized excavation and the lower profile of the roof height. Additionally, the garage door is located approximately 15 feet back from the edge of the property.

#### Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged; however a side access garage is not possible on this site. **No unmitigated impacts.**

*All three lots front on a dedicated but unconstructed ROW section, Ridge Avenue. To serve these lots, the developer is in the process of constructing a private access driveway within the Ridge Avenue public right-of-way in keeping with the existing Encroachment Agreement recorded 6.13.2008, instrument no. 847042 and the CUP approved on July 23, 2014.*

*The proposed design incorporates a single car driveway on the property with a 9.6% slope from Ridge Avenue to the single car garage (The max percentage is 14% per 15-3-3 A (4)). Grading is minimized for both the driveway and the stepped foundation. Due to the greater than 30% slope and lot width a side access garage would not minimize grading and would require a massive retaining wall. The driveway is designed to minimize Grading of the natural topography and to reduce overall Building scale.*

#### Criteria 4: Terracing.

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

*The project includes terraced retaining structures to regain natural grade. The lot has a steeper grade towards the middle of the property with a slope of 67%. The first 20 feet are at approximately 15%. The following 15 feet hold a steep slope of approximately 67% followed by 53 feet of a moderate slope of approximately 26% finished by the final 20 feet containing a steep slope of 70%. The foundation is terraced to regain Natural Grade without exceeding the allowed four (4') foot of difference between final and existing grade with the exception of the South facing façade which exceeds the 4 foot requirement for an egress window as permitted by LMC 15-2.1-5. The final materials and design of the needed retaining walls must be brought back to the Planning Department and the City Engineer for the final review prior to sign off by the City. Retaining walls exceeding 4 feet will need to be approved by the Planning Director and City Engineer with an Administrative CUP (LMC 15-4-2 (A) 1). Stepped low retaining walls are proposed on the sides at the front portion of the lot to regain Natural Grade and to create the driveway.*

**Criteria 5: Building Location.**

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

*The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. Both project access and the proposed home have been designed to follow the lay of the land, and the location of the ridgeline within the context of the neighborhood will not change. The more mature, dense vegetation within the dedicated no-disturb area along the rear boundary is to be preserved per the 30 foot setback determined by the plat. Proposed driveway length from the property line to the face of Lot 3 garage door is 18 feet.*

**Criteria 6: Building Form and Scale.**

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

*The proposed residence exhibits a low-profile design with only a single level presented to the access drive. The building will orient / step with the contour of the land, dropping to a private rear yard. The garage as designed is subordinate to the main building. Horizontal stepping, as required by the LMC, also decreases the perceived bulk as viewed from the street.*

*Staff finds that the structure complies with the Design Guidelines for Historic Districts and Historic Sites. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained*

*ornamentation. The style of architecture should be selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style. Exterior elements of the new development—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc—are of human scale and are compatible with the neighborhood and even traditional architecture. The scale and height of the new structure follows the predominant pattern of the neighborhood.*

Criteria 7: Setbacks.

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

*The proposed building will meet required setbacks from the zone and the Ordinance Conditions of Approval. The building facade is stepped, while the access to lots 1-3 is quite short, thereby rendering any potential "wall effect" imperceptible.*

Criteria 8: Dwelling Volume.

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

*The proposed massing and architectural design components are compatible with both the volume and massing of existing structures. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and existing historic structures. The building volume is not maxed out in terms of footprint and most of the heights of the structure are lower than the maximum height of 27', with some portions at 28.5 feet with the Planning Director height exception for garage and circulation (Please see Planning Director Determination Letter Exhibit H). The majority of the mass and volume of the proposed house is located behind the front façade and below Ridge Avenue. The rear of the house backs to a 30 foot non-disturbed area and one single family residence at 84 Daly Avenue.*

Criteria 9: Building Height (Steep Slope).

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

*The proposed structure complies with the 27 feet maximum building height requirement measured from existing grade. Overall the proposed height is less than the allowed height. A 35 foot height exception is allowed for a garage on a downhill lot per Planning Director approval and this design proposes a maximum of 89.5 feet height for the entire*

*home and garage area. To minimize the amount of roof that is over the 27' height limit, a single car garage is proposed rather than a tandem car garage allowed by code. A plat note requires the garage height from floor to roof be no more than 18' which this proposal meets. A ten foot (10') minimum horizontal step in the downhill façade is required below 23 feet and the proposed horizontal step takes place slightly below 23 feet and steps back 12 feet. The proposed height measurement from the lowest finish floor plane to the point of the highest wall top plate is 31.5 feet in height, slightly lower than the allowable maximum of 35 feet.*

### **Process**

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

### **Department Review**

This project has gone through an interdepartmental review. No further issues were brought up at that time. A final utility plan, including storm water plan, will be required to be reviewed with the building permit and which shall have been approved by the City Engineer prior to issuance of a building permit.

A final Historic District Design review and approval and Steep Slope CUPs are required for each lot prior to issuance of a building permit. The landscape plan shall be reviewed with the HDDR and included in the building permit application. No further issues were brought up other than standards items that have been addressed by revisions and/or conditions of approval.

### **Notice**

On June 28, 2016, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on June 29, 2016.

### **Public Input**

No public input has been received regarding the Steep Slope CUP at the time of this report and any received will be forwarded to the Planning Commission.

### **Alternatives**

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 158 Ridge Avenue as conditioned or amended, or
- The Planning Commission may deny the Steep Slope Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date certain.

### **Significant Impacts**

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

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

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

### **Recommendation**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 158 Ridge Avenue, open a public hearing, and consider approving the CUP application that includes the Planning Director's approval of the garage on a downhill lot height exception in accordance with the findings of fact, conclusions of law, and conditions of approval.

### **Findings of Fact**

1. The property is located at 158 Ridge Avenue.
2. The property is described as a Lot 3, King Ridge Estates.
3. The first 20 feet are at approximately 15%. The following 15 feet hold a steep slope of approximately 67% followed by 53 feet of a moderate slope of approximately 26% finished by the final 20 feet containing a steep slope of 70%.
4. The driveway, structure and rear deck are situated towards the front half of the lot consisting of a linear dimension of approximately 70 feet.
5. The proposed structure is situated over slopes that area approximately 67% which requires a Steep Slope CUP.
6. The lot is 131.07' in length on both sides, with a width of 55'; the lot contains 7,209 sf of area. Under the Plat requirements, the maximum allowable building footprint is 2,120 sf for a lot of this size and the proposed building footprint is 1,460 sf.
7. The King Ridge Estates Subdivision plat states the maximum floor area cannot exceed 3,030 sf; the proposed home has a floor area of 2,945 sf (this is excluding a 324 sf garage as the Plat Notes state garages up to 600 sf are not included in the overall floor area).
8. The vacant site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
9. The property is located in the HRL zoning district and is subject to all requirements of the Park City Land Management Code (LMC) and the Design Guidelines for Historic Districts and Historic Sites.
10. Access to the property is from a private drive from Ridge Avenue, an existing public street, an unbuilt right-of-way to be built by the applicant. The access drive is being built concurrently with development of each lot. Currently the drive is being constructed for Lot 1 and Lot 2 as these homes are under development and will continue to Lot 3 upon building permit approval for Lot 3.
11. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.
12. The neighborhood is characterized by primarily historic and non-historic single family houses and vacant lots.
13. A Historic District Design Review (HDDR) application is currently being reviewed by Staff.
14. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation except for the lower portion that has a 30 foot "no disturb" protection area on the lot.

15. The driveway is proposed to be a maximum of 12 feet in width and 15 feet in length from the edge of the street to the garage element in order to comply with the plat note #13 of the King Ridge Estates plat note. The garage door is setback an additional 3 feet in order to place the entire length of the second parking space entirely within the lot and to comply with the LMC Parking regulations.
16. The garage element is located 15 feet from the front property line in order to comply with the King Ridge Estates COA requiring the garage element to be at the front setback. There is an indent of 3 feet by 9 feet in order to allow for the second parking spot to be placed entirely on within the lot.
17. The garage door complies with the maximum width and height of nine feet (9') and the grade of the driveway complies at 9.6% slope.
18. The garage does not exceed 18 feet in height above the garage floor.
19. The proposed structure complies with all setbacks.
20. The proposed structure complies with allowable height limits and height envelopes for the HR-L zoning district as the house measures less than 27 feet (standing at 27 feet) in height from existing grade (with the exception approved by the Planning Director for garage, circulation and ADA elevator standing at 28.5 feet above existing grade).
21. The structure is less than the maximum height of 35 (measures to 31.5 feet) feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters, and the design includes a 10 foot step back at a height slightly below 23 feet.
22. The proposal, as conditioned, complies with the Historic District Design Guidelines as well as the requirements of 15-5-5 of the LMC.
23. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood.
24. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also comply with the Design Guidelines.
25. No lighting has been proposed at this time. Lighting will be reviewed by the Planning Department at the time of the building permit for compliance with the Land Management Code lighting standards.
26. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.
27. There will be no free-standing retaining walls on the property that exceed four feet in height with the exception of the south façade that allows for an egress window which requires an approval of an Administrative CUP. 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.
28. The final materials and design of the needed retaining walls on the property must be brought back to the Planning Department and the City Engineer for the final review prior to sign off by the City. Retaining walls exceeding 4 feet will need to be

approved by the Planning Director and City Engineer with an Administrative CUP (LMC 15-4-2 (A) 1).

29. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% or greater slope areas.
30. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.
31. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.
32. Building Height of the garage is 28.5 feet on a downhill lot; garage height may exceed 27' up to 35' on a downhill lot as approved by the Planning Director on June 24, 2016 per LMC 15-2.3-6..
33. The findings in the Analysis section of this report are incorporated herein.
34. The applicant stipulates to the conditions of approval.

### **Conclusions of Law**

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

### **Conditions of Approval**

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 storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation, and shall mitigate the visual effects of the retaining walls. Lawn area shall be limited in area.
6. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
7. This approval will expire on September 14, 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.

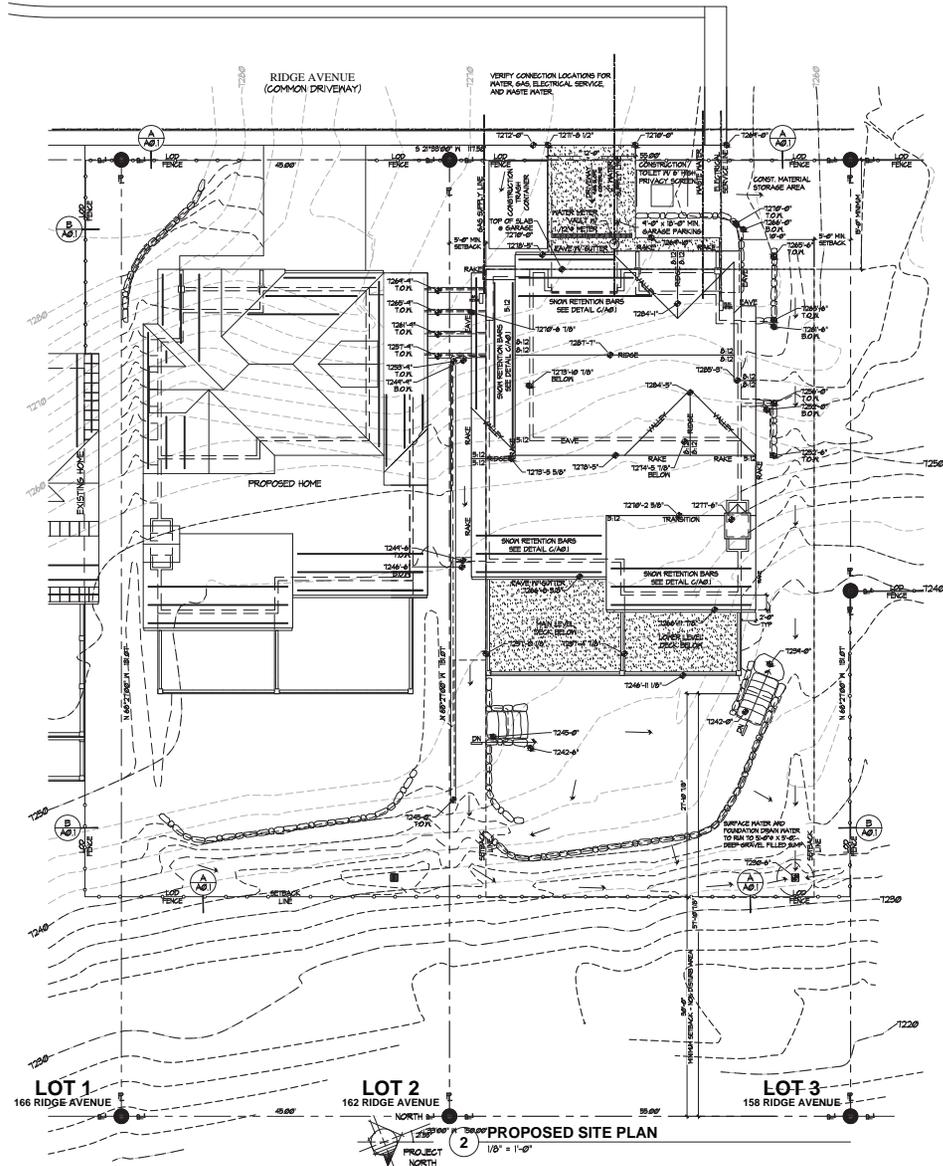
8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
9. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, unless an exception is granted by the City Engineer per the LMC with an Administrative CUP, Chapter 4.
10. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
11. 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.
12. Construction waste should be diverted from the landfill and recycled when possible.
13. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.
14. Parking is only allowed on the private driveway in front of the garage for 158 Ridge Avenue; parking is prohibited on the private drive (extending from Ridge Avenue).
15. The CMP shall include language that the contractor shall provide and place signage such as Heavy Truck Traffic, etc. along access routes.
16. Construction mitigation plan, which will include controlling loose rocks, must be approved prior to granting building permits.
17. The CMP shall state that truck access during construction shall be limited to King Road.
18. The CMP shall comply with COA #10 from the 07-74 Ordinance stating "Construction mitigation plan, which will include controlling loose rocks, must be approved prior to granting building permits."
19. A snow shed easement or roof design acceptable to the Chief Building Official must be approved.
20. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance (15-2.1-5).
21. The Chief Building Official will require snow shed agreements from each neighboring property and will provide an approval determination during the Building Permit Plan Check process to complete COA #7 of Ordinance 07-74.

### **Exhibits**

- Exhibit A – Plans (existing conditions, survey, site plan, elevations, floor plans, sections)
- Exhibit B – Visual Analysis/ Streetscape
- Exhibit C – Existing Photographs
- Exhibit D – Notice of City Council Action and Staff Report for SS CUP which later expired (September 18, 2008)
- Exhibit E – City Council Minutes (September 18, 2008)
- Exhibit F – Plat with Ordinance # 07-74

- Exhibit G – Special Exception (December 19, 2007)
- Exhibit H – Planning Director approval of height exception for home and garage on a downhill lot
- Exhibit I – CUP for Construction in Platted, un-built City Right Of Way Action Letter
- Exhibit J – SS CUP Action letter for 162 Ridge Avenue
- Exhibit K – SS CUP Action Letter for 166 Ridge Avenue
- Exhibit L – Conditions of Approval Chart pertaining to Lot 3 of King Ridge Estates

EXHIBIT A - Plans (Site plan, floor plans, elevations, existing conditions)

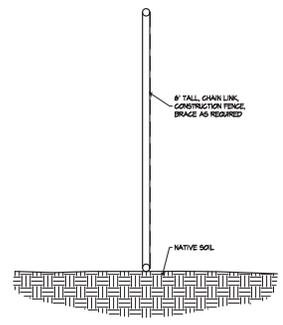


1 AREAL VIEW  
1" = 50'



SNOW RETENTION BARS TO BE ALPINE SNOW GUARDS P2235 OR EQUAL. INSTALL PER MANUFACTURERS DIRECTIONS @ 50' O.C.

C SNOW RETENTION BARS  
NO SCALE

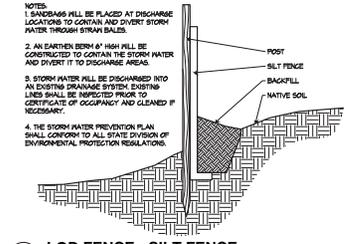


B CHAIN LINK CONSTRUCTION FENCE  
NO SCALE

**GRADING NOTE:**  
ALL CUT SLOPES AND GRADE FILLS TO BE 2:1 MAX OR AS APPROVED BY SOILS ENGINEER.

**DRAINAGE NOTE:**  
SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR TO AN APPROVED DRAINAGE COURSE BUT NOT ONTO NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FT.

SYMBOL LEGEND	
	INDICATES SURFACE DRAINAGE
	EXISTING GRADE
	PROPOSED GRADE



A LOD FENCE - SILT FENCE  
NO SCALE

**Jonathan DeGray**  
Architect

158 RIDGE AVENUE  
PARK CITY, UT 84060

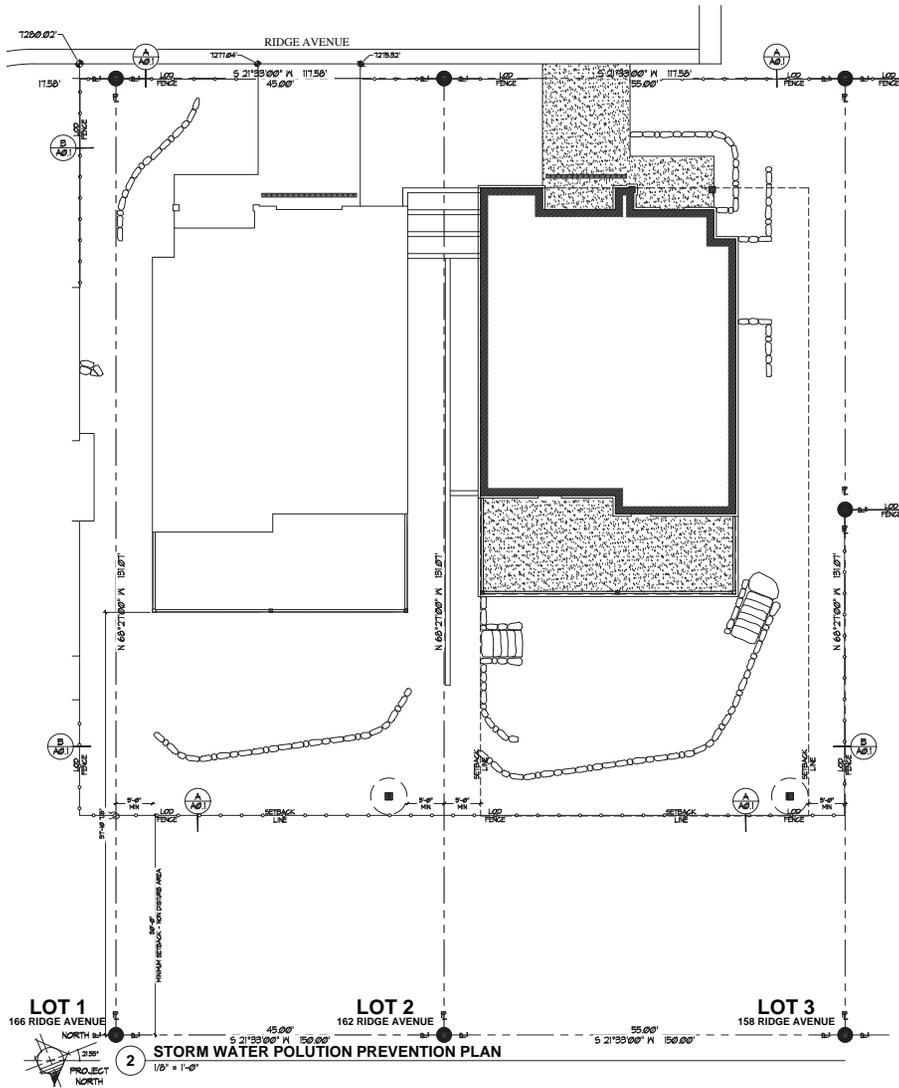
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PROPOSED SITE PLAN

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REVISIONS

DATE	PROJECT NUMBER	SHEET NUMBER
08/17/16		A0.1



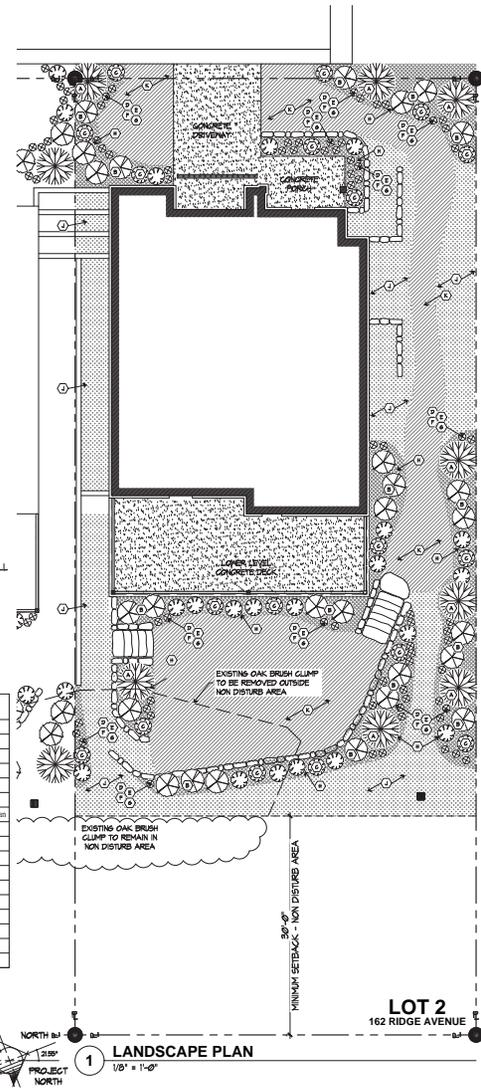
**PLANTING NOTES**

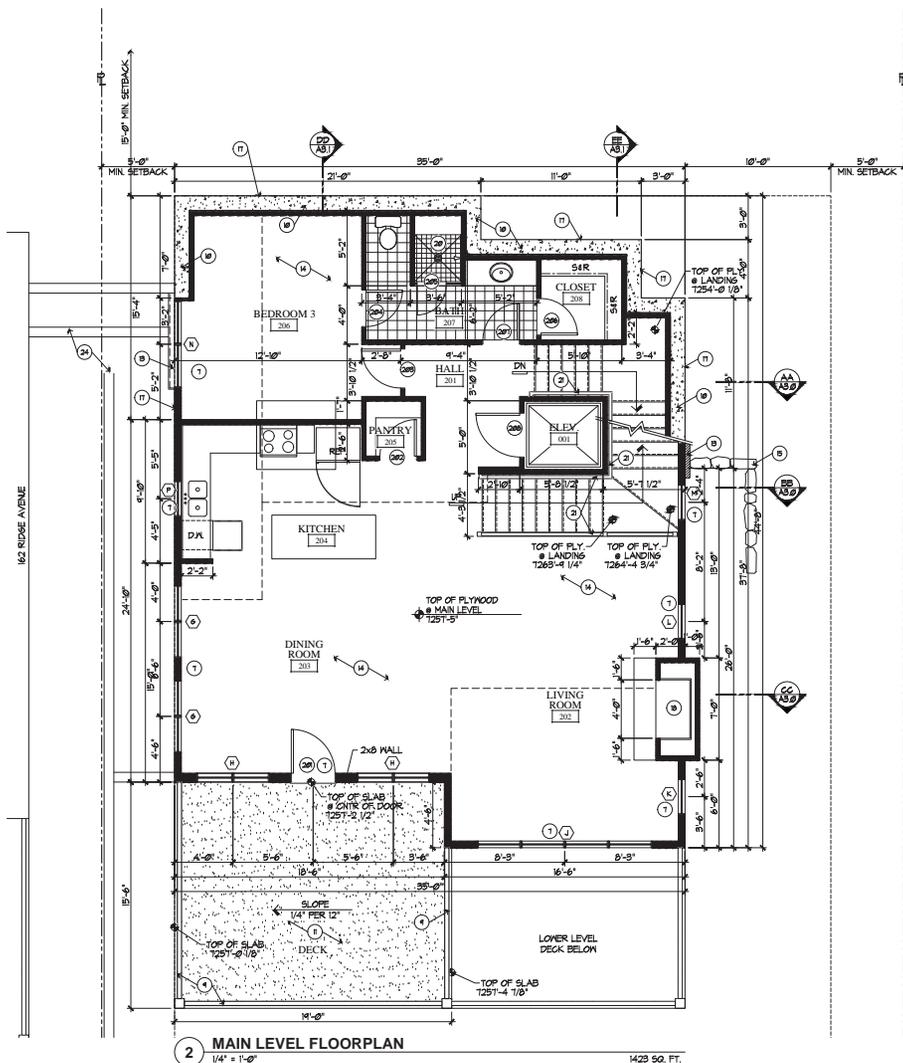
1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITY.
2. AUTOMATIC IRRIGATION IS REQUIRED, PROVIDE SHOP DRAWINGS FOR APPROVAL.
3. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMAN'S STANDARD SPECIFICATIONS.
4. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
5. CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL DICTATE GOVT.
6. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.
7. IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.
8. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
9. SHRUB BEDS SHALL RECEIVE 6" OF TOPSOIL.
10. ALL SHRUB BEDS SHALL HAVE 3" OF DECOMPOSED BARK MULCH INSTALLED.
11. SHRUB BED EDGINGS SHALL BE PRESSURE TREATED WOOD OR "TREX" EDGINGS. IT SHALL SEPARATE ALL SHRUB BEDS/ NATIVE GRASS LOCATIONS.
12. ALL PLANTS AND ALL PLANT STAKES SHALL BE SET PLUMB.
13. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT TIME OF PLANTING AND PROPERLY DISCARDED.
14. NO BARE ROOT STOCK SHALL BE USED.
15. FOR PLANTING BACK FILL SOIL MIX, SEE SPECIFICATIONS.

**PLANT SCHEDULE**

SYMBOL	KEY	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	COMMENTS
DECIDUOUS TREES							
(A)	(A)	8	Colorado Blue Spruce	Picea pungens	3" Dia.	6'-10"	6'-8" tall
(B)	(B)	27	Aspen	Populus tremuloides	3" Dia.	6'-10"	
SHRUBS							
(C)	(C)	36	Red twig dogwood	Cornus sericea "baileyi"	5 Gal.		Spacing as noted on plan
PERENNIAL PLANTS							
(D)	(D)	17	Bluebells	Campanula	1 Gal.	12"-18"	Distribute Equally
(E)	(E)	17	Columbine	Aquilegia Scerifera	1 Gal.	12"-18"	Distribute Equally
(F)	(F)	17	Trailing Daisy	Eriogon Flagellaris	1 Gal.	12"-18"	Distribute Equally
(G)	(G)	17	Blanket Flower	Gaillardia Aristata	1 Gal.	12"-18"	Distribute Equally
OTHER							
(H)	(H)	961 SF	Wood Chips		Small		3" Thick Layer
(I)	(I)	1106 SF	Native Grass Seed Mix		1 lb/1500	Hydroseeded	See seed mix below
(J)	(J)	1120 SF	Drought Tolerant Fescue	Sheep Fescue			

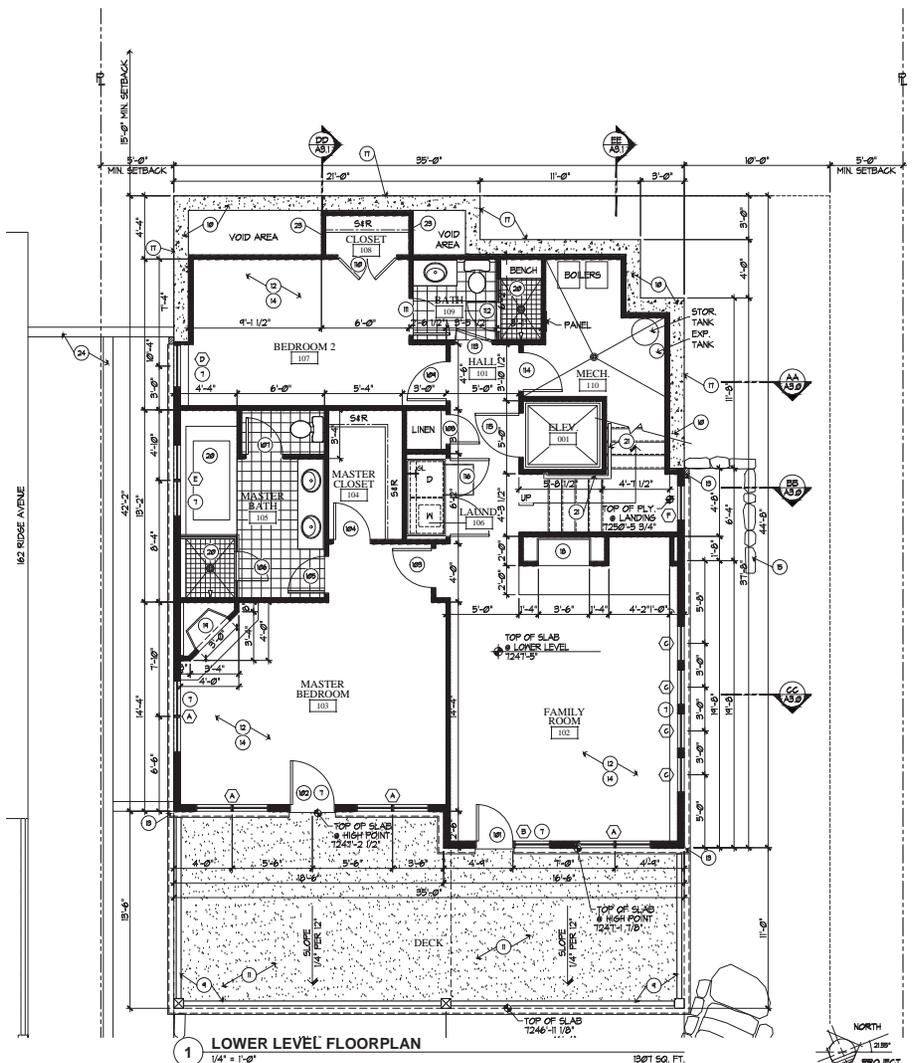
**NATIVE GRASS SEED MIX**  
 The seed mix shall be utilized in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination and subsequent coverage reaches 80% in a representative 10'x10' area. If coverage does not reach 80% reseeding must occur. Apply at a rate of 80 lbs/acre on the following percentages:  
 20% Crested Wheatgrass, 10% Streambank Wheatgrass, 20% Fluorescent Wheatgrass, 15% Perennial Ryegrass, 15% Mountain Bromegrass, 10% Indian Ryegrass, 10% Alpine Bluegrass.  
 \* In addition, add 10 lbs/acre each of Lium lewisii and Penstemon Exaltum with native grass seed mixture.





2 MAIN LEVEL FLOORPLAN  
1/4" = 1'-0"

1429 SQ. FT.



1 LOWER LEVEL FLOORPLAN  
1/4" = 1'-0"

1307 SQ. FT.

- KEYED NOTES**
- ① ARCHITECTURAL GRADE COMPOSITION SINGLE 50 YEAR RESIDENTIAL TL (2559 PER SQUARE MIN) ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP.
  - ② SNOW RETENTION BARS - TO BE INSTALLED PER MANUF DIRECTION - SEE C/AO.1
  - ③ CHIMNEY CAP. SEE B/A2.0 FOR DETAILS.
  - ④ 3/4" ON END BUILT UP CEDAR FASCIA - STAINED
  - ⑤ ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND RESUBMIT REPORT.
  - ⑥ 3/4" HIGH RAILINGS. 3x4 SHAPED TOP RAIL, 3x4 SHAPED BOTTOM RAIL. - 4" X 4" WELDED WIRE MESH FIELD - 6x6 CEDAR POSTS - STAINED
  - ⑦ CONCRETE FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
  - ⑧ HEATED CONCRETE PORCH/ PATIO/ DRIVEWAY. BROOM FINISHED NATURAL COLOR. 6x6 M4 X M4 W/F, TYP.
  - ⑨ 2" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER OVER 4 MIL VAPOR BARRIER WITH JOINTS LAPPED NOT LESS THAN 6" OVER 6" GRANULAR FILL. (RISER 2.0) ANY EDGE OF SLAB LESS THAN 12" BELOW GRADE SHALL BE INSULATED - R10 @ 4 FEET OR R15 @ 4 FEET FOR HEATED SLABS (ECC, SECTION 402.2.0)
  - ⑩ 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
  - ⑪ STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0 - MATCH STONE ON HOUSE.
  - ⑫ TOUGH DRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4" CONTINUOUS FOUNDATION DRAIN SET IN GRAVEL. DRAIN TO SUMP. ALL SIDES OF FOUNDATION. BACKFILL FOUNDATION WITH GRANULAR FILL - 15% COMPACTION.
  - ⑬ ENCLOSED GAS FIREPLACE OPENING FRAMED ON 10" PLATFORM. SIZE PER PLAN.
  - ⑭ SEALED GAS APPLIANCE FIREPLACE 3" X 3 1/2" X 3/8" STEEL LINTEL W/ SLOPED NATURAL STONE CAP WHERE OCCURS. DIMENSIONS AND LOCATION PER EXTERIOR ELEVATIONS.
  - ⑮ 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
  - ⑯ STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0 - MATCH STONE ON HOUSE.
  - ⑰ TOUGH DRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4" CONTINUOUS FOUNDATION DRAIN SET IN GRAVEL. DRAIN TO SUMP. ALL SIDES OF FOUNDATION. BACKFILL FOUNDATION WITH GRANULAR FILL - 15% COMPACTION.
  - ⑱ ENCLOSED GAS FIREPLACE OPENING FRAMED ON 10" PLATFORM. SIZE PER PLAN.
  - ⑳ SEALED GAS APPLIANCE FIREPLACE 3" X 3 1/2" X 3/8" STEEL LINTEL W/ SLOPED NATURAL STONE CAP WHERE OCCURS. DIMENSIONS AND LOCATION PER EXTERIOR ELEVATIONS.
  - ㉑ TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT 61PSM BACKER, GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
  - ㉒ WOOD HANDRAIL OR GUARDRAIL - SEE STAIRWAY/HANDRAILING/GUARDRAILING NOTES ON A51 FOR REQUIREMENTS.
  - ㉓ 24" X 30" ACCESS PANEL AT BASE OF WALL TO ACCESS 'VOID AREA'.
  - ㉔ NEW CONCRETE RETAINING WALL PER ENGINEER.

**Jonathan DeGray**  
Architect

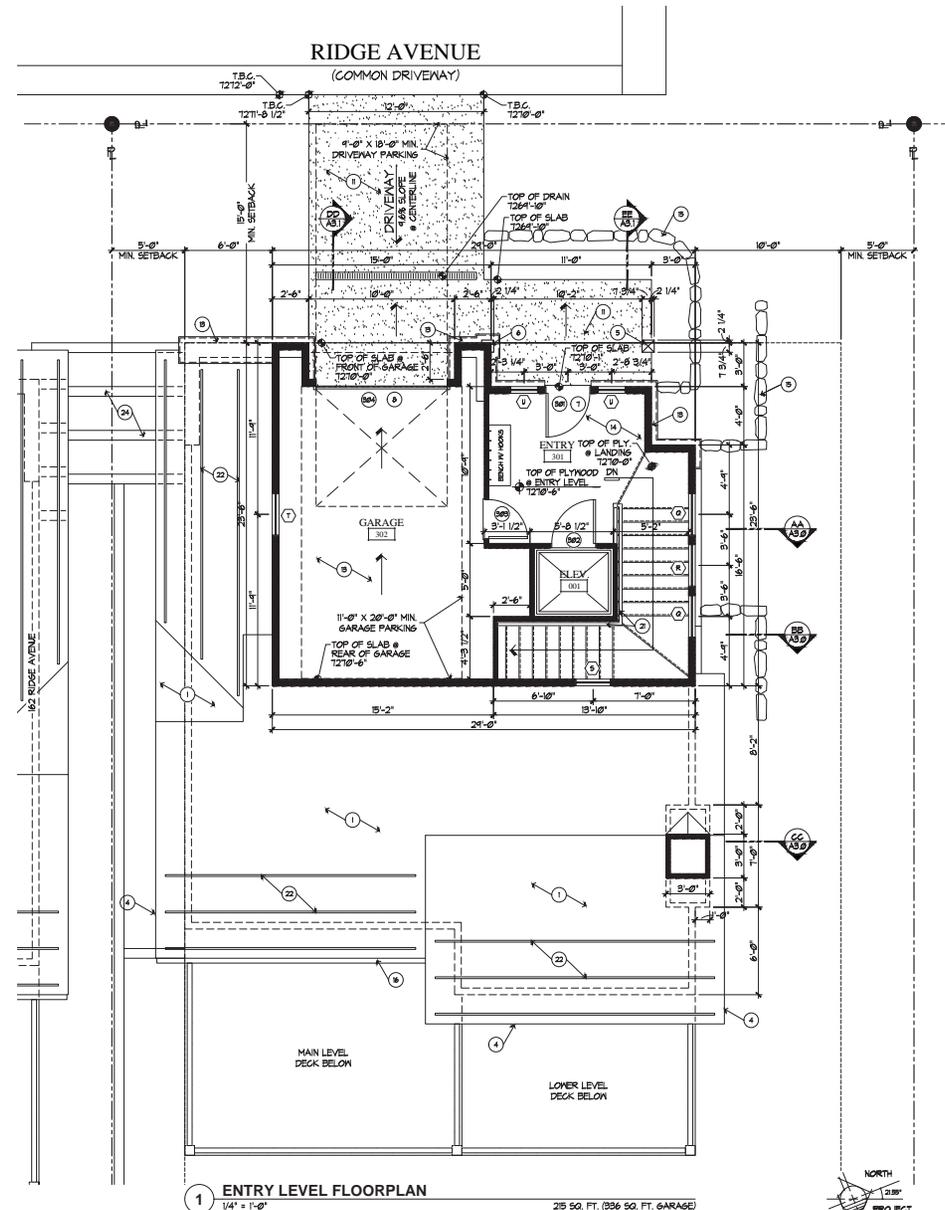
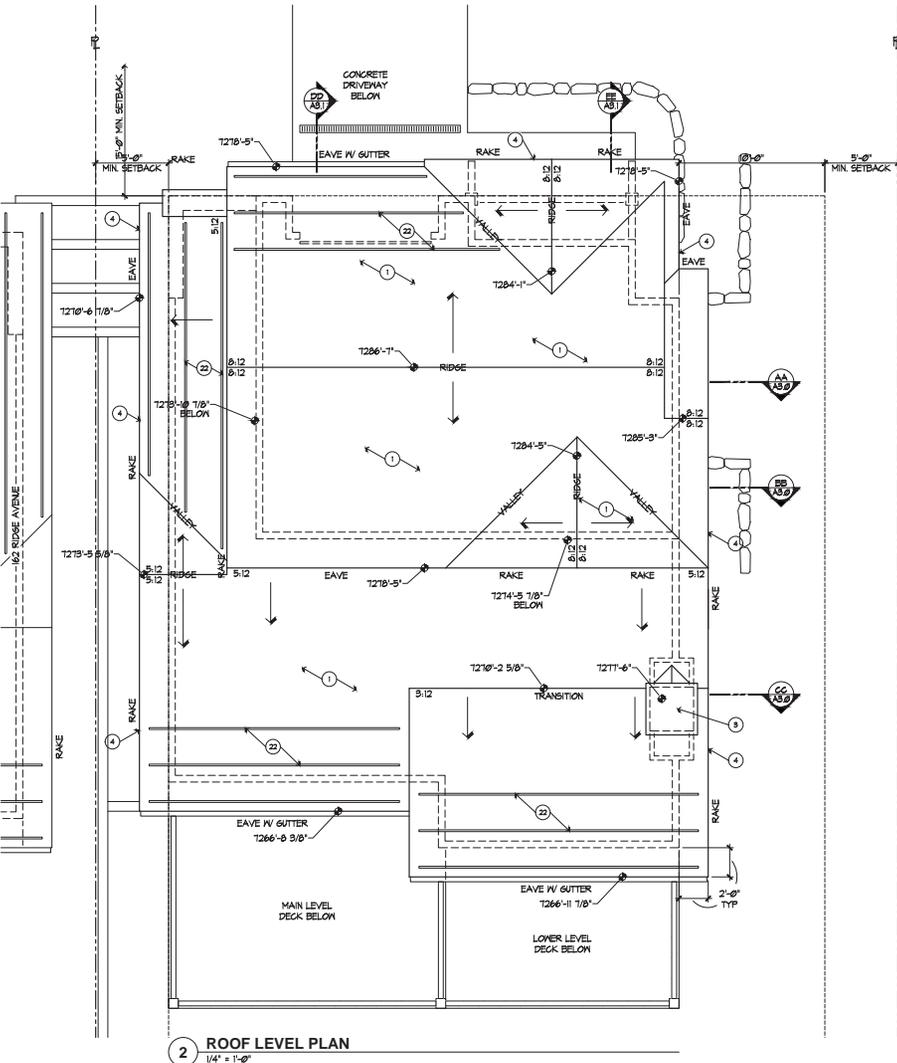
155 RIDGE AVENUE  
PARK CITY, UT 84060

LOWER & MAIN LEVEL FLOOR PLANS

DATE: 08/17/16  
PROJECT NUMBER:  
SHEET NUMBER:

A1.1

- KEYED NOTES**
- ARCHITECTURAL GRADE COMPOSITION: SHINGLE 50-YEAR RESIDENTIAL, T.L. 2555# PER SQUARE MIN ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP.
  - SNOW RETENTION BARS - TO BE INSTALLED PER MANUF. DIRECTION - SEE C/A01
  - CHIMNEY CAP - SEE B/A2.0 FOR DETAILS.
  - 1/4" ON 1/8" BUILT UP CEDAR FASCIA - STAINED
  - ALUMINUM GLAD WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND RESUBMIT REPORT.
  - 3/4" HIGH RAILING, 5x4 SHAPED TOP RAIL, 5x4 SHAPED BOTTOM RAIL - 4" X 4" WELDED WIRE MESH FIELD - 6x6 CEDAR POSTS - STAINED
  - CONCRETE FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
  - HEATED CONCRETE PORCH/ PATIO/ DRIVEWAY, BROOM FINISHED NATURAL COLOR, 6x6 W-4 X W-4 W/F, TYP.
  - 4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER OVER 6" MIL VAPOR BARRIER WITH JOINTS LAPPED NOT LESS THAN 6" OVER 6" GRANULAR FILL. (R506.2.3) ANY EDGE OF SLAB LESS THAN 12" BELOW GRADE SHALL BE INSULATED - R10 @ 4 FEET OR R15 @ 4 FEET FOR HEATED SLABS (IECC, SECTION 402.2.B)
  - 5" THICK NATURAL STONE VENEER ON 5" X 3 1/2" X 3/8" STEEL LINTEL W/ SLOPED NATURAL STONE GAP WHERE OCCURS. DIMENSIONS AND LOCATION PER EXTERIOR ELEVATIONS.
  - 1 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
  - STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0 - MATCH STONE ON HOUSE.
  - TOUGH DRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4" CONTINUOUS FOUNDATION DRAIN, SET IN GRAVEL, DRAIN TO SUMP. ALL SIDES OF FOUNDATION. BACKFILL FOUNDATION WITH GRANULAR FILL @ 10% COMPACTION.
  - ENCLOSED GAS FIREPLACE OPENING FRAMED ON 10" PLATFORM. SIZE PER PLAN.
  - SEALED GAS APPLIANCE FIREPLACE APPROVED FOR SLEEPING ROOM USE. OPENING FRAMED ON 10" PLATFORM. SIZE PER PLAN.
  - TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION FIBER-CEMENT OR GLASS MAT GYPSUM BACKER, GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
  - WOOD HANDRAIL OR GUARDRAIL - SEE STAIRWAY/HANDRAILS/GUARDRAILS NOTES ON A31 FOR REQUIREMENTS.
  - 24" X 30" ACCESS PANEL AT BASE OF WALL TO ACCESS "VOID AREA".
  - NEW CONCRETE RETAINING WALL PER ENGINEER.



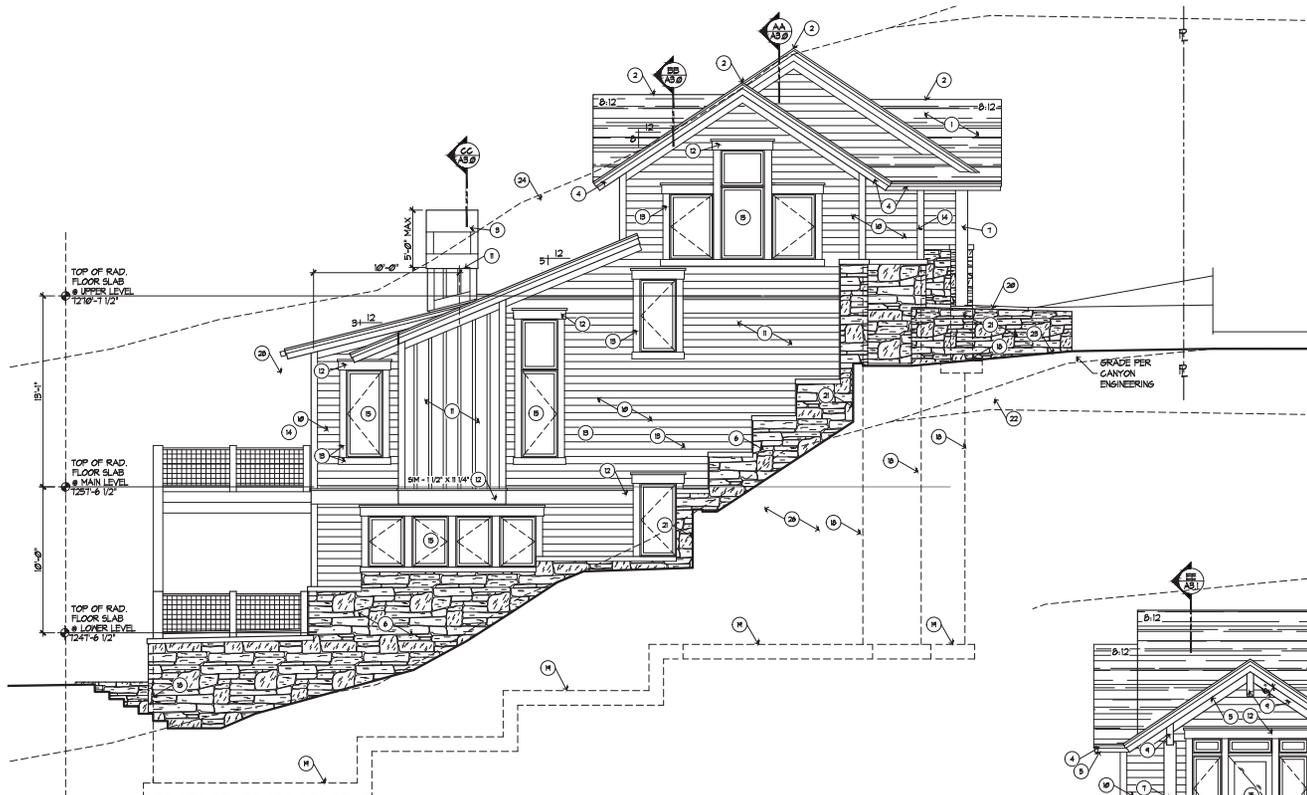
RIDGE AVENUE  
(COMMON DRIVEWAY)

**Jonathan DeGray**  
Architect

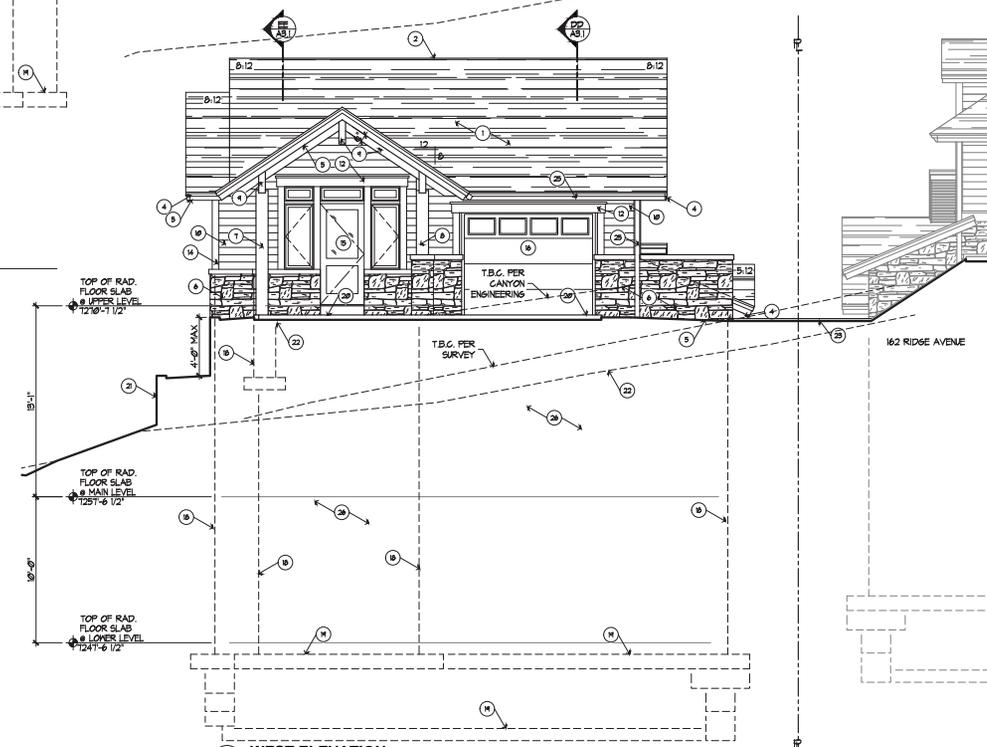
155 RIDGE AVENUE  
PARK CITY, UT 84060

ENTRY LEVEL FLOORPLAN  
& ROOF LEVEL PLAN

DATE: 08/17/16  
PROJECT NUMBER:  
SHEET NUMBER:  
**A1.2**

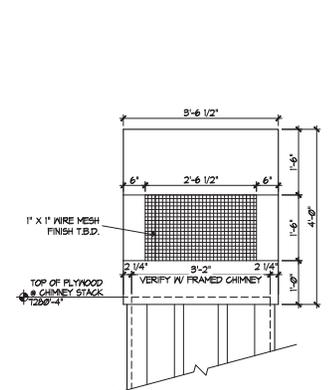


**2 NORTH ELEVATION**  
1/4" = 1'-0"



**1 WEST ELEVATION**  
1/4" = 1'-0"

- KEYED NOTES**
- 1 ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL 6559 MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP.
  - 2 CONCRETE RETAINING WALL PER ENGINEER.
  - 3 CHIMNEY CAP. SEE B/A2.0 FOR DETAILS.
  - 4 1/4" ON 1/2" BUILT UP CEDAR FASCIA - STAINED
  - 5 7/16" CEDAR SOFFIT - STAINED.
  - 6 5" THICK NATURAL STONE VENEER ON 5" X 3 1/2" X 5/8" STEEL LINTEL IV SLOPED NATURAL STONE CAP WHERE OCCURS. DIMENSIONS AND LOCATION PER EXTERIOR ELEVATIONS.
  - 7 10" X 10" ROUGH SAWN STRUCTURAL TIMBER COLUMN - STAINED
  - 8 EXPOSED BEAM PER ROOF FRAMING PLAN - STAINED
  - 9 6" HORIZONTAL CEDAR LAP SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
  - 10 1/2" X 1 1/4" CEDAR TRIM IV 1/2" X 2 1/2" CEDAR CAP TRIM - STAINED
  - 11 1/2" X 5 1/2" CEDAR TRIM - STAINED
  - 12 1 1/2" X 5 1/2" CEDAR OUTSIDE CORNER BOARD. 1 1/2" X 1 1/2" CEDAR RIDGE CORNER BOARD - STAINED
  - 13 ALUMINUM GLAD WOOD WINDOWS AND DOORS IV INSULATED 6L655 - SEE SCHEDULE AND RESUBMITAL REPORT.
  - 14 PANEL STYLE OVERHEAD GARAGE DOOR
  - 15 36" HIGH RAILING. 3x4 SHAPED TOP RAIL, 3x4 SHAPED BOTTOM RAIL. - 4" X 4" WELDED WIRE MESH FIELD - 6x6 CEDAR POSTS - STAINED
  - 16 HEATED CONCRETE FORGAN (PATIO) DRIVENWAY. BROOM FINISHED NATURAL COLOR. 6x6 #14 X #14 HWF. TYP.
  - 17 STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0
  - 18 NATURAL GRADE
  - 19 PROPOSED FINAL GRADE
  - 20 27'-0" ABOVE PROPOSED FINAL GRADE
  - 21 METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
  - 22 TOUGHDRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4" CONTINUOUS FOUNDATION DRAIN SET IN GRAVEL. DRAIN TO SUMP. ALL SIDES OF FOUNDATION. BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.
  - 23 23'-0" HEIGHT RESTRICTION PER LMC 15-2.2-5 SECTION (B)



**B RATED CHIMNEY CAP DETAILS**  
3/4" = 1'-0"



**Squared Rubble**  
A rubble wall built of squared stones of varying sizes and coursed at every third or fourth stone.

TO BE NO GREATER THAN 4'-0" TALL

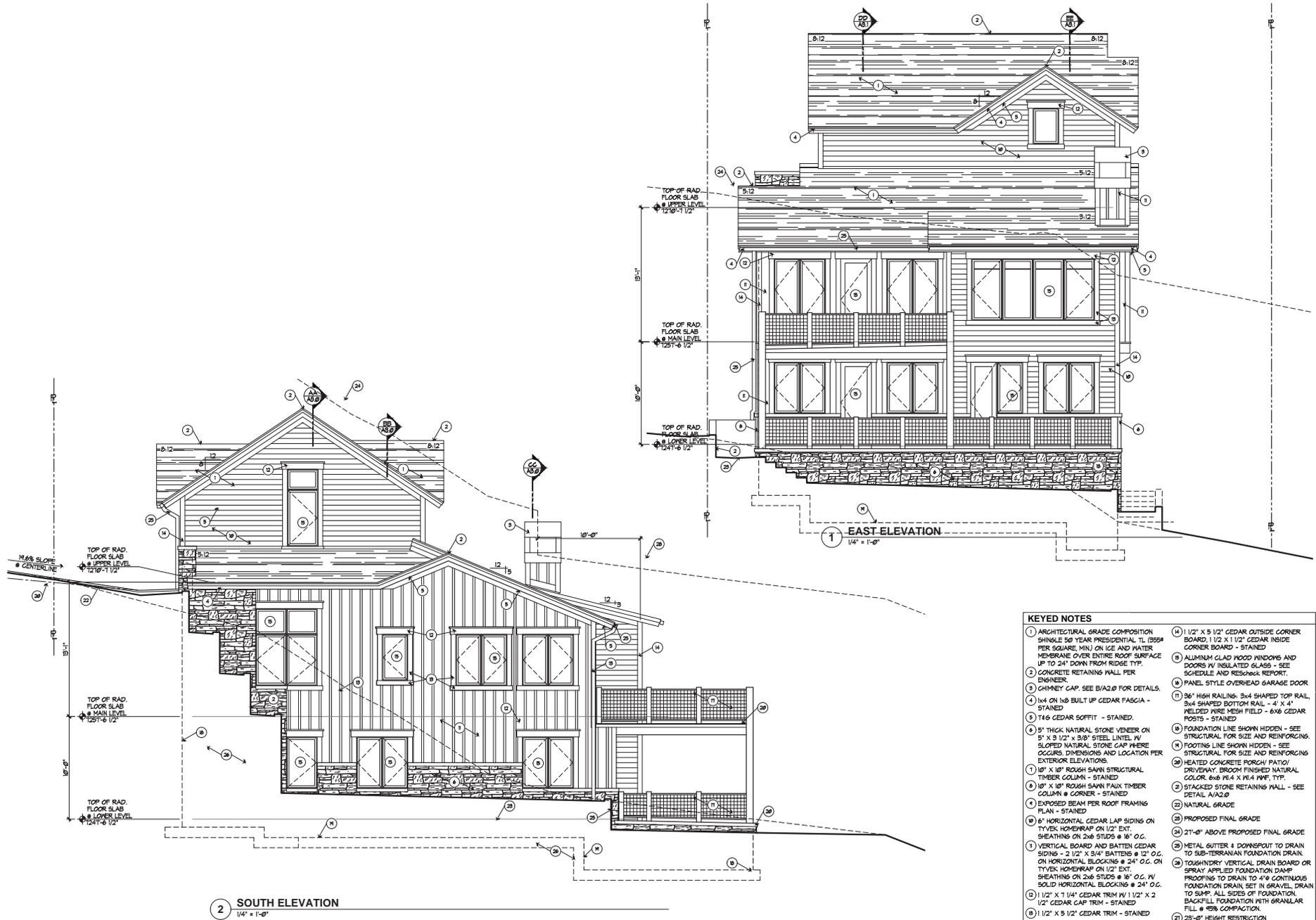
**A STACKED STONE RETAINING WALL**  
NO SCALE

**Jonathan DeGray**  
Architect

155 RIDGE AVENUE  
PARK CITY, UT 84060

EXTERIOR ELEVATIONS

DATE: 08/17/16  
PROJECT NUMBER:  
SHEET NUMBER:  
**A2.0**



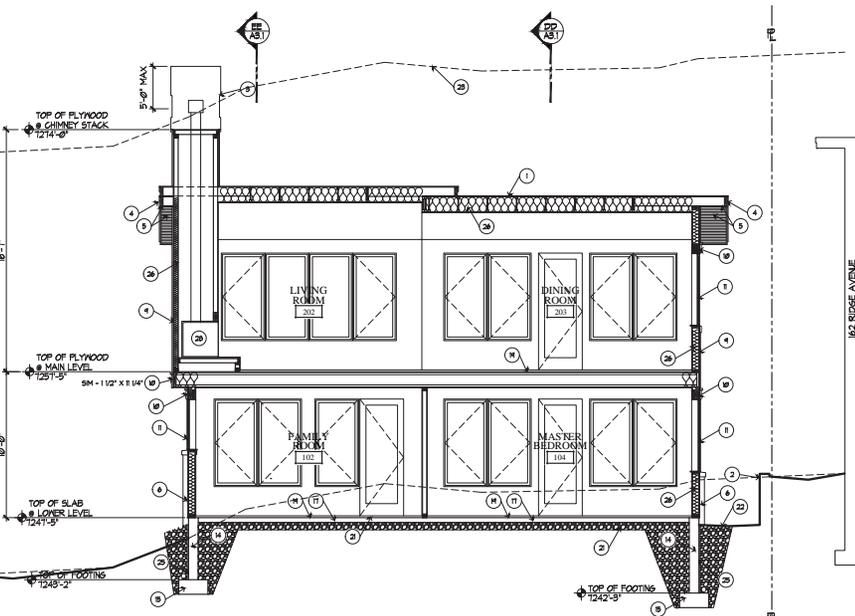
KEYED NOTES	
1	ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (BSP) PER SQUARE MIN) ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP.
2	CONCRETE RETAINING WALL PER ENGINEER.
3	CHIMNEY CAP. SEE B/A2.0 FOR DETAILS.
4	X4 ON IN3 BUILT UP CEDAR FASCIA - STAINED
5	T&G CEDAR SOFFIT - STAINED.
6	5" THICK NATURAL STONE VENEER ON 5" X 3 1/2" X 3/8" STEEL LINTEL IN SLOPED NATURAL STONE CAP WHERE OCCURS. DIMENSIONS AND LOCATION PER EXTERIOR ELEVATIONS.
7	10" X 10" ROUGH SAWN STRUCTURAL TIMBER COLUMN - STAINED
8	10" X 10" ROUGH SAWN FAUX TIMBER COLUMN @ CORNER - STAINED
9	EXPOSED BEAM PER ROOF FRAMING PLAN - STAINED
10	6" HORIZONTAL CEDAR LAP SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
11	VERTICAL BOARD AND BATTEN CEDAR SIDING - 2 1/2" X 3/4" BATTENS @ 12" O.C. ON HORIZONTAL BLOCKING @ 24" O.C. ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C. IN SOLID HORIZONTAL BLOCKING @ 24" O.C.
12	1 1/2" X 1 1/4" CEDAR TRIM IN 1 1/2" X 2 1/2" CEDAR GAB TRIM - STAINED
13	1 1/2" X 5 1/2" CEDAR TRIM - STAINED
14	1 1/2" X 5 1/2" CEDAR OUTSIDE CORNER BOARD. 1 1/2" X 1 1/2" CEDAR INSIDE CORNER BOARD - STAINED
15	ALUMINUM GLAD PROOD WINDOWS AND DOORS IN INSULATED GLASS - SEE SCHEDULE AND RESCHECK REPORT.
16	PANEL STYLE OVERHEAD GARAGE DOOR
17	36" HIGH RAILING. 3x4 SHAPED TOP RAIL, 3/4" SHAPED BOTTOM RAIL - 4" X 4" WELDED WIRE MESH FIELD - 6X6 CEDAR POSTS - STAINED
18	FOUNDATION LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
19	FOOTING LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING
20	HEATED CONCRETE PORCH/PATIO/DRIVEWAY. BROOK FINISHED NATURAL COLOR. 6x6 IN.4 X IN.4 W/F. TYP.
21	STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0
22	NATURAL GRADE
23	PROPOSED FINAL GRADE
24	21"-0" ABOVE PROPOSED FINAL GRADE
25	METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
26	TOUGH DRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4"Ø CONTINUOUS FOUNDATION DRAIN SET IN GRAVEL. DRAIN TO SUMP. ALL SIDES OF FOUNDATION. BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.
27	25'-0" HEIGHT RESTRICTION PER LMC 15-2-2-5 SECTION (B)

**Jonathan DeGray**  
Architect

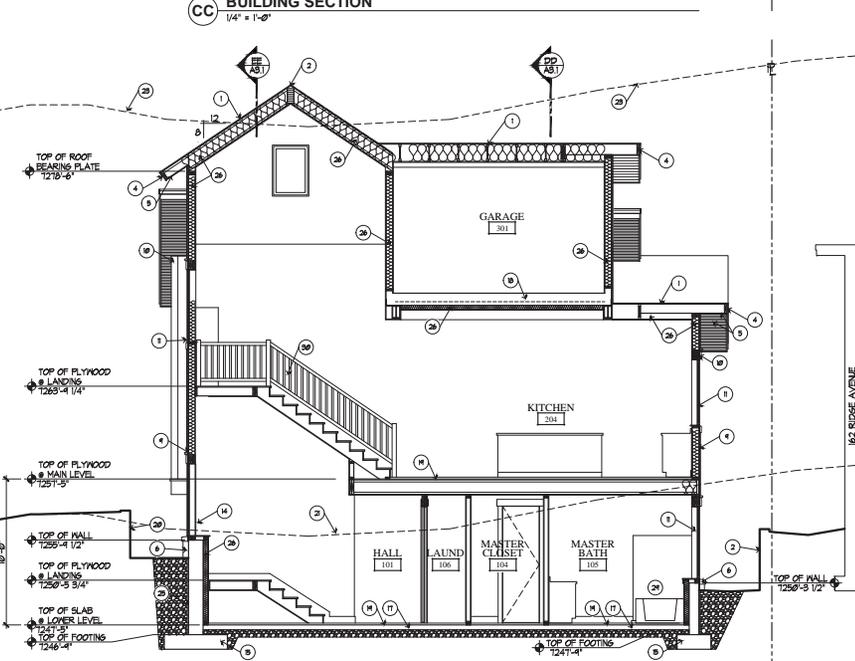
158 RIDGE AVENUE  
PARK CITY, UT 84060

EXTERIOR ELEVATIONS

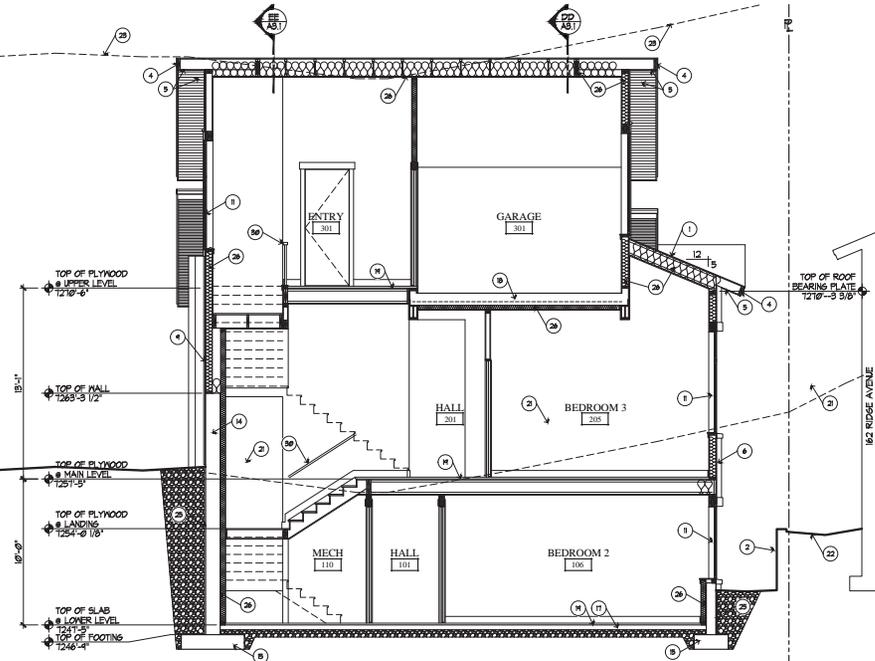
A2.1



CC BUILDING SECTION  
1/4" = 1'-0"



BB BUILDING SECTION  
1/4" = 1'-0"



AA BUILDING SECTION  
1/4" = 1'-0"

**KEYED NOTES**

- 1 ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL 1255# PER SQUARE MIN ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP.
- 2 NEW CONCRETE RETAINING WALL PER ENGINEER.
- 3 CHIMNEY CAP. SEE B/A2.0 FOR DETAILS.
- 4 1x4 ON INB BUILT UP CEDAR FASCIA - STAINED.
- 5 T&G CEDAR SOFFIT - STAINED.
- 6 5" THICK NATURAL STONE VENEER ON 3" X 3 1/2" X 3/8" STEEL LINTEL W/ SLOPED NATURAL STONE CAP WHERE OCCURS. DIMENSIONS AND LOCATION PER EXTERIOR ELEVATIONS.
- 7 10" X 12" ROUGH SAWN STRUCTURAL TIMBER COLUMN - STAINED.
- 8 EXPOSED BEAM PER ROOF FRAMING PLAN - STAINED.
- 9 6" HORIZONTAL CEDAR LAP SIDING OR VERTICAL BOARD AND BATT SIDING WITH 3/4" X 2 1/2" BATTIS @ 12" O.C. ON HORIZONTAL LOGGINGS @ 24" O.C. - BOTH TYPES ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C. (SEE EXTERIOR ELEVATIONS FOR LAYOUT)
- 10 1 1/2" X 1 1/4" CEDAR HEADER TRIM WITH 1/2" X 2 1/2" CEDAR CAP TRIM - STAINED.
- 11 ALLUMINUM GLAZED WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND RESUBMIT REPORT.
- 12 NATURAL GRADE.
- 13 PROPOSED FINAL GRADE.
- 14 21'-0" ABOVE PROPOSED FINAL GRADE PER ELEV.
- 15 36" HIGH RAILING. 2x4 SHAPED TOP RAIL. 2x4 SHAPED BOTTOM RAIL - 4" X 4" WELDED WIRE MESH FIELD - 6X6 CEDAR POSTS - STAINED.
- 16 CONCRETE FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 17 CONCRETE FOOTINGS - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 18 HEATED CONCRETE FLOOR (PATIO/ DRIVEWAY. BROOM FINISHED NATURAL COLOR. 6x6 #4 @ 16.4 WVF. TYP.
- 19 4" CONCRETE FLOOR SLAB. REINFORCED PER ENGINEER. OVER 6 MIL VAPOR BARRIER WITH JOINTS LAPPED NOT LESS THAN 6" OVER 6" GRANULAR FILL. (RS&S.2.5) ANY EDGE OF SLAB LESS THAN 12" BELOW GRADE. SHALL BE INSULATED - R10 @ 4 FEET OR R15 @ 4 FEET FOR HEATED SLABS (IECC, SECTION 602.2.2)
- 20 CONCRETE DECK @ GARAGE FLOOR TO BE 78 FORMLOCK X 18 GA. W/ 6" - 12" CONCRETE - SHORING REQUIRED. EXTEND STEEL ANGLE FOUR STOP AS REQUIRED FOR SLAB THICKNESS USING GALVANIZED SHEET METAL - SEE 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
- 21 STAKED STONE RETAINING WALL - SEE DETAIL A/A2.0.
- 22 METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN. TO SUB-TERRANEAN FOUNDATION DRAIN. TO SUB-TERRANEAN FOUNDATION DRAIN. SET IN GRAVEL. DRAIN TO SUMP. ALL SIDES OF FOUNDATION. BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.
- 23 TOUGH DRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4" CONTINUOUS FOUNDATION DRAIN SET IN GRAVEL. DRAIN TO SUMP. ALL SIDES OF FOUNDATION. BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.
- 24 BLOW-IN FIBERGLASS BIEB INSULATION. ENTIRE CAVITY R-15 @ 2x4 WALLS, R-25 @ 2x6 WALLS, AND R-41 AT FLOORS AND CEILINGS. INSTALL MINIMUM 4-MIL POLYETHYLENE VAPOR RETARDER OVER THE INSULATION ON THE INSIDE (PAIRN SIDE) OF ALL EXTERIOR WALLS AND ROOF CEILINGS. IRC R102.1
- 25 NON-VENTED ROOF - 4" CLOSED CELL FOAM INSULATION AT OUTER FACE OF CAVITY WITH FIBERGLASS BIEB. OVERALL R-35.
- 26 ENCLOSED GAS FIREPLACE. OPENING FRAMED ON 10" PLATFORM. SIZE PER PLAN.
- 27 TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION. FIBER-CEMENT OR GLASS MAT GYPSUM BACKER GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
- 28 WOOD HANDRAIL OR GUARDRAIL - SEE STARTER HANDBAILING/GUARDRAILING NOTES ON A51 FOR REQUIREMENTS.
- 29 23'-0" HEIGHT RESTRICTION PER LHC 15-2.2-5 SECTION (B)

**Jonathan DeGray**  
Architect

155 RIDGE AVENUE  
PARK CITY, UT 84060

BUILDING SECTIONS

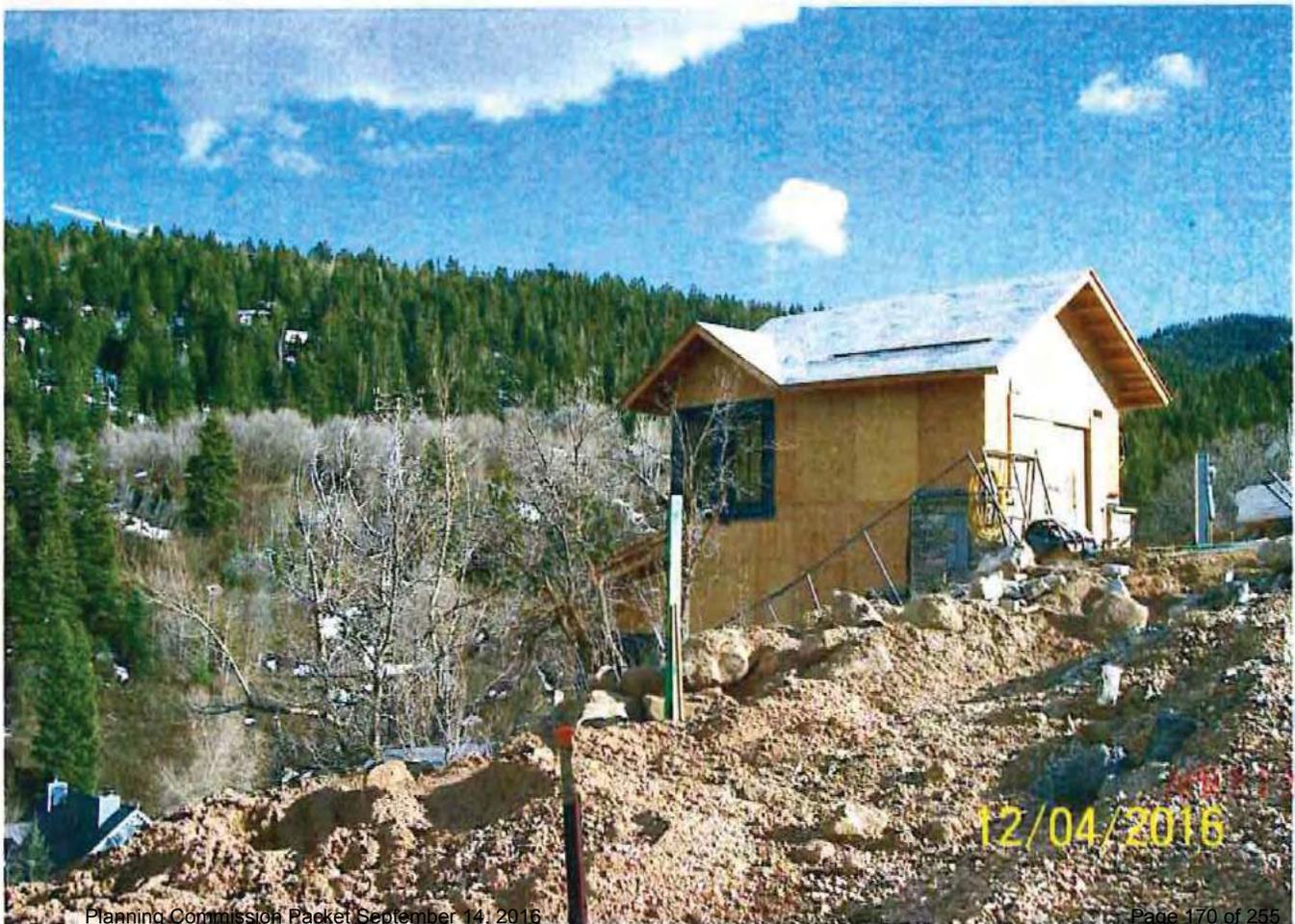
3.0



EXHIBIT B -VisualAnalysis/Streetscape

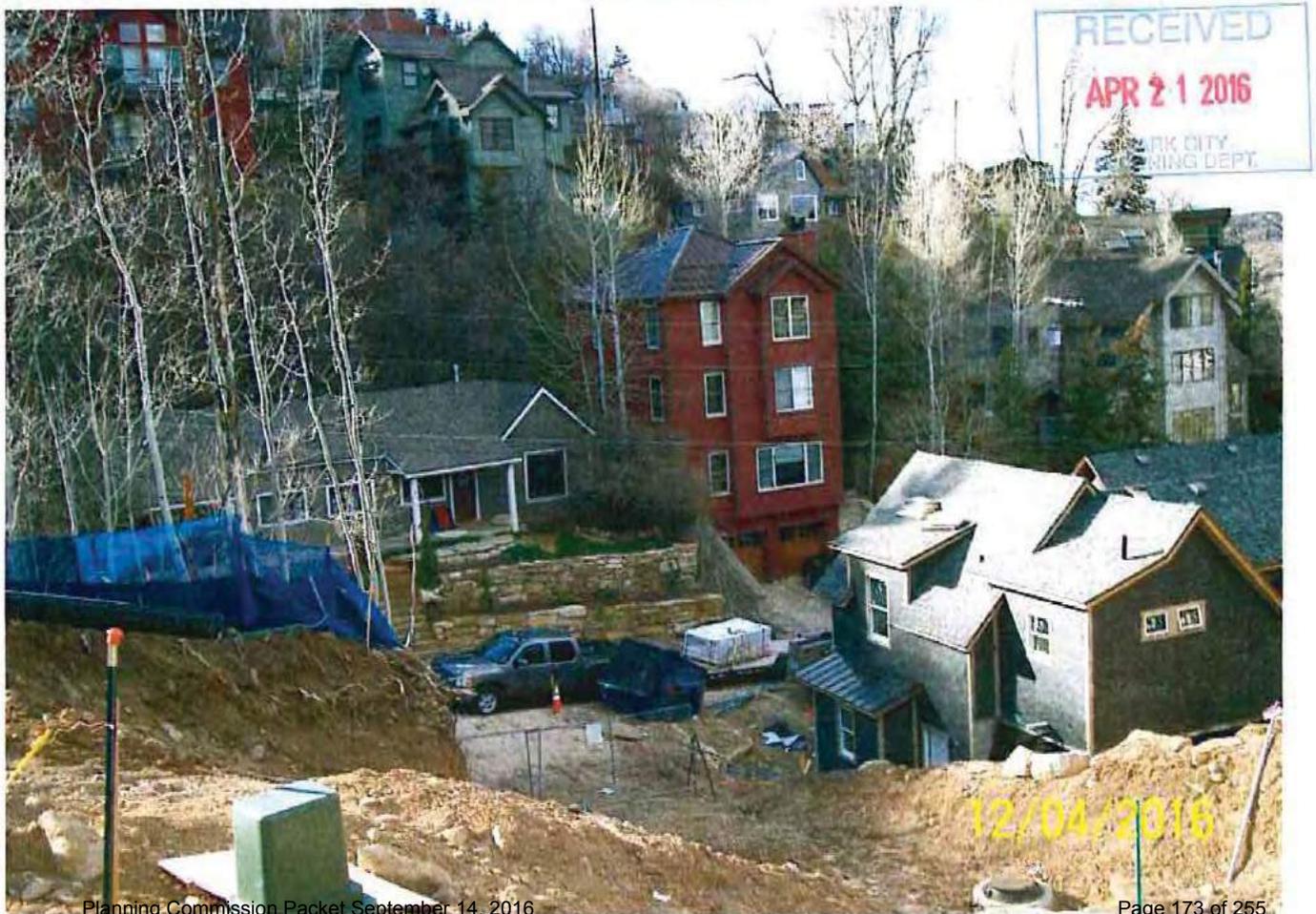












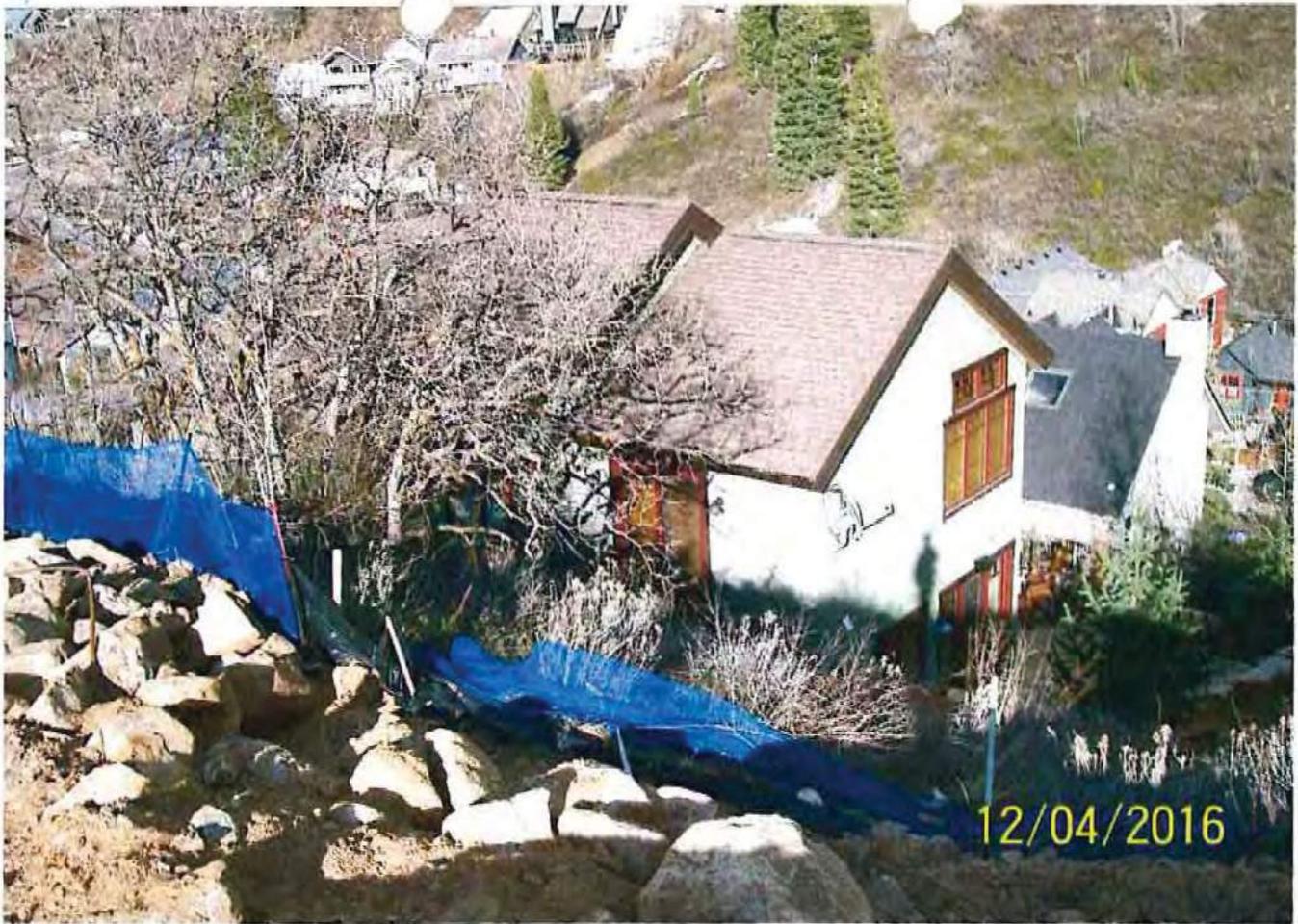


12/04/2016



12/04/2016

RECEIVED  
APR 21 2016  
CITY  
DEPT.



RECEIVED  
APR 21 2016  
PARK CITY  
PLANNING DEPT

# EXHIBIT D- Notice of City Council Action and Staff Report

September 18, 2008

Mr. Dwayne Seiter  
Via email

## NOTICE OF CITY COUNCIL ACTION

<u>Project Name</u>	King Ridge Estates
<u>Project Description</u>	Appeal of Planning Commission denial of three Conditional Use Permits for Construction on Steep Slopes, located at 158, 162 and 166 Ridge Avenue.

<u>Date of Meeting</u>	September 18, 2008
------------------------	--------------------

Action Taken By City Council: The City Council OVERTURNED the Planning Commission action and APPROVED the three Steep Slope Conditional Use Permits based on the following:

### Lot 3, 158 Ridge

#### Findings of Fact:

1. The property is located at 158 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
8. The minimum rear yard setback is 15 feet. The applicant proposes 53.8 feet. The plat approval required substantial compliance to conceptual plans showing a 58 foot rear setback.

9. ~~The minimum side-yard setback is 5 feet. The applicant proposes 5 feet on the south side and ten feet on the north side.~~
10. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
11. The applicant is proposing two on-site parking spaces within a minimum sized garage.
12. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The proposed above-grade Floor Area is 3,030 square feet.
14. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
15. The proposed footprint is 2,120 square feet.
16. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor.
17. A height exception is requested.
18. Four stories are not prohibited by the Land Management Code.
19. A snowmelt system requiring an Encroachment Agreement is proposed within the Ridge Avenue right of way.
20. The staff findings in the Analysis section are incorporated herein.

#### Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approval:

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. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. An Encroachment Agreement for the snowmelt system is required.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage door shall be a "carriage" style door made of wood.

8. 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.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. This approval will expire on September 18, 2009, if a building permit has not been issued.
11. Lot 3 must have an eastern setback of 58 feet from the eastern property line to be in strict compliance with the condition of approval for the plat amendment.

### **Lot 2, 162 Ridge**

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

1. The property is located at 162 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
8. The minimum rear yard setback is 15 feet. The applicant proposes 53 feet. The plat approval required substantial compliance to conceptual plans showing a 53 foot rear setback.
9. The minimum side yard setback is five feet. The applicant proposes five feet on the south side and five feet on the north side.
10. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
11. The applicant is proposing two on-site parking spaces within a minimum sized garage.
12. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The proposed above-grade Floor Area is 3,030 square feet.
14. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
15. The proposed footprint is 2,120 square feet.
16. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and

~~that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor.~~

17. A height exception is requested.
18. Four stories are not prohibited by the Land Management Code.
19. A snowmelt system requiring an Encroachment Agreement is proposed within the Ridge Avenue right of way.
20. The staff findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

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. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. An Encroachment Agreement for the snowmelt system is required.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage door shall be a "carriage" style door made of wood.
8. 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.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. The garage depth on Lot 2 is corrected to measure 20 feet interior depth, 21 feet exterior depth.
11. This approval will expire on September 18, 2009, if a building permit has not been issued.

**Lot 1, 166 Ridge**

Findings of Fact:

1. The property is located at 166 Ridge Avenue (formerly 255 Ridge).

2. The zoning is Historic Residential Low-density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
8. The minimum rear yard setback is 15 feet. The applicant proposes 37.7 feet. The plat approval required substantial compliance to conceptual plans showing a 37 foot rear setback.
9. The minimum side yard setback is five feet. The applicant proposes five feet on the south side and five feet on the north side.
10. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
11. The applicant is proposing two on-site parking spaces within a minimum sized garage.
12. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The proposed above-grade Floor Area is 3,016 square feet.
14. The maximum footprint for this lot based on the plat approval is 2,117 square feet.
15. The proposed footprint is 2,117 square feet.
16. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor.
17. A height exception is requested.
18. Four stories are not prohibited by the Land Management Code.
19. A snowmelt system requiring an Encroachment Agreement is proposed within the Ridge Avenue right of way.
20. The staff findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

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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. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. An Encroachment Agreement for the snowmelt system is required.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage door shall be a "carriage" style door made of wood.
8. 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.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that is prepared, stamped, and signed by a licensed structural engineer.
10. This approval will expire on September 18, 2009, if a building permit has not been issued.

Sincerely,

Brooks T. Robinson  
Principal Planner

**City Council  
Staff Report**



**Subject:** 158, 162, and 166 Ridge Avenue  
**Author:** Brooks T. Robinson  
**Date:** September 18, 2008  
**Type of Item:** Quasi Judicial – Appeal of Planning Commission denial of Steep Slope Conditional Use Permits

**Summary Recommendations**

Staff recommends that the City Council review the record and the requested information and hear the appeal of the Planning Commission's denial of the proposed steep slope Conditional Use Permits. Staff has provided findings of fact and conclusions of law to support the denial of the application; however, if the Council wishes to grant the appeal, staff has provided two suggested conditions of approval and can return with additional findings if so directed.

For the purpose of paper conservation and brevity, the appeal of each of the three properties has been consolidated into one report. However, Council must take a separate action on each of the properties.

On August 21, the Council requested two items of information:

- The concept cross-sections from the plat amendment, and
- A survey of the neighborhood of other buildings and the number of stories in each.

The applicant has prepared a presentation incorporating the requested information.

**Topic**

**Applicant:** Silver King Resources, LLC  
**Location:** 158, 162, 166 Ridge Avenue, Lots 1-3 King Ridge Estates Subdivision  
**Zoning:** Historic Residential Low Density (HRL)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Appeal of Planning Commission actions are heard by the City Council pursuant to Section 15-1-18 (C)

**Background**

On August 21st, the City Council heard an appeal of the Planning Commission's denial of three Steep Slope Conditional Use Permits (please refer to Staff Report for Aug 21<sup>st</sup> Council meeting for substantial background information). At that time, the Council continued the items and requested additional information. The Council, in reviewing neighborhood compatibility, requested that the appellant provide analysis on the number of stories of houses in the area. In addition, the Council requested copies of the

concept cross sections that were presented during the plat amendment. The appellant has prepared a presentation incorporating both requests (attached as Exhibit B).

Several of the Council members commented on the Land Management Code definitions that are being referenced. The plat amendment intentionally conditioned the maximum house size based on Gross Floor Area. Gross Floor Area is defined as:

15-15-1.94. 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, 400 sq. ft. in Historic District, are not considered Floor Area. **Basement Areas below Final Grade are not considered Floor Area** (emphasis added).

During the plat amendment process, the City Council directed staff and the applicant to research the surrounding HRL zoning district. The analysis presented then found that the lot sizes are consistent with lot sizes in the neighboring HRL zone. The average lot size in the HRL zone in the area is 5,677 square feet. The average footprint in the HRL zone around the property is 1,917 square feet with an average house size, excluding basements and garages, 2,748 square feet or 143% of the footprint. The Code maximum footprints for the proposed lots are 2,118 square feet, 2,117 square feet and 2,404 square feet. The Council found that the lot 3 footprint at 2,404 square feet is not compatible with neighboring HRL zone properties because the footprint is 25% larger than the average for the area. Therefore, the Council required a plat note that restricted Lot 3 to a footprint of 2,120 square feet. Lots 1 and 2 footprints are to be noted as 2,117 and 2,118 square feet. In addition, the Council limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.

The Council also placed several other restrictions on the lots, each of which were agreed to by the applicant. A plat note was added requiring 30 feet non-disturbance zone in the rear (east) of the three lots. In addition, the east side of any future houses must substantially conform to the exhibit shown to the City that placed the houses 37, 55, and 58 feet from the eastern property line. Also, the garage element must be at the front setback, cannot exceed the minimum depth as allowed by Code, and cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). A height exception for the garage only may be granted if it meets the preceding criteria. No other portion of the house is eligible for a height exception.

Staff found that the proposed houses met the restrictions placed on the plat with two exceptions. These two items were also discussed by the Planning Commission. The first was the depth of the garage on lot 2 which was shown as 23 feet on the exterior, 22 feet on the interior. The Historic District Design Review plans show this dimension being corrected to the 20 foot minimum depth on the interior, 21 feet on the exterior. The

second issue was the substantial conformance with the exhibit showing the east side of the buildings at 37, 55, and 58 feet from the eastern property line. Lot 3 was shown at 53+ feet and the Planning Commission found that that was not substantial conformance. The applicant is willing to reduce the lot 3 building to comply with the specific 58 foot setback.

At the August 21 Council meeting, the City Attorney suggested that the cross section exhibit from the plat amendment discussion be compared with the actual plans. The cross section of Lot 2 is attached as Exhibit A. The cross section shows three stories with the lowest story approximately eight feet in the air at its furthest extent. This is roughly equivalent to another story (a basement) to tie the building to the ground. The last graphic in the PowerPoint presentation prepared by the appellant shows the comparison.

In evaluating neighborhood compatibility, staff and the Planning Commission review the Steep Slope CUP criteria and the definition of compatibility. The LMC defines compatibility as:

15-15-1.52. Compatible or Compatibility. Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Buildings, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

Scale, mass and bulk are the crux of the issue. The third issue of non-compliance found by the Planning Commission was mostly related to the four story façade and basement retaining walls, and their relation to visual impacts from below and to the east. The plat restrictions limit the height, footprint, above ground floor area and setbacks. It is the visible portion of the building that is important in evaluating scale, mass and bulk. Staff differed from the Planning Commission by finding that the lowest level buried below final grade, while perceived from the east with the basement wall as the only portion that is exposed, does not add to the scale, mass and bulk of the buildings. The questions to ask are: Does Council find that the basement wall integrates with the neighborhood and maintains the context of the surrounding area, or is it incompatible? Otherwise, do the buildings step back in relation to the grade? Is there sufficient articulation in the horizontal and vertical forms in the buildings? Are the buildings broken into smaller components that are in scale with the Historic District? Specifically, does the Council agree with Findings No. 7-14?

#### Alternatives

- The City Council may deny the appeal and uphold the Planning Commission decision in whole or in part; or
- The City Council may grant the appeal and overturn the Planning Commission decision in whole or in part; or
- The City Council may remand the matter back to the Planning Commission with specific direction to evaluate additional information; or

- The City Council may continue the item, requesting additional information for review.

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### **Recommendation**

Staff has included the previous findings of fact and conclusions of law from the denial of the Steep Slope CUPs from the Planning Commission. If the direction of the Council is to grant the appeal in part, staff suggests the two following conditions of approval relative to two of the Planning Commission's concerns. Staff would also recommend that a full set of findings be returned to the Council for ratification.

### **Conditions of Approval**

1. The garage depth on Lot 2 is corrected to measure 20 feet interior depth, 21 feet exterior depth.
2. Lot 3 must have a eastern setback of 58 feet from the eastern property line to be in strict compliance with the condition of approval for the plat amendment.

### **158 Ridge Ave**

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

1. The property is located at 158 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The Planning Commission found that visual and environmental impact of the home is not mitigated in compliance with Criteria 1: Location of Development. The house is not compatible with the Historic District in size and scale. The scale of the building is of a four story building when viewed from the east. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house.
8. The Planning Commission found that visual impact of the home is not mitigated in compliance with Criteria 2: Visual Analysis. The visual impact from the east is of a four story building.
9. The Planning Commission found that the impacts of the retaining structures are not mitigated in compliance with Criteria 4: Terrace. The retaining structures on the side of the home are not to retain existing grade, but are a manipulation of grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area.
10. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 5: Building Location. The natural topography of the site is

very steep on the western third and flatter in the middle. The building does not correspond to this topography and manipulates grade for a bigger house.

11. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 6: Building Form and Scale. The scale of the building is not in keeping with the Historic District. Four stories are achieved only with a manipulation of exterior grade with extraneous retaining walls.
12. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 7: Setbacks. Although there is an increased setback on the east based on the subdivision plat approval, no further reductions in side or rear setbacks was designed. The scale of the building is such that increased setbacks would help mitigate the impacts.
13. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 8: Dwelling Volume. The visual mass when viewed from the east is of a four story building which is not in keeping with the character of the historic district.
14. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 10: Height Exceptions. More specifically, the design and articulation of the building mass does not mitigate the visual impacts and differences in scale between the proposed building and nearby residential structures.
15. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
16. The minimum rear yard setback is 15 feet. The applicant proposes 53.8 feet. The plat approval required substantial compliance to conceptual plans showing a 58 foot rear setback. The Planning Commission found non-compliance with this plat requirement.
17. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and ten feet on the north side.
18. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
19. The applicant is proposing two on-site parking spaces within a minimum sized garage.
20. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
21. The proposed above final grade Floor Area is 3,030 square feet.
22. The proposed total Floor Area, including basement, is 5,148 square feet.
23. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
24. The proposed footprint is 2,120 square feet.
25. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor. The interior dimensions for the two garages are 12 feet wide by 20 feet deep. The roof element is 18 feet above the garage floor and has an 8:12 pitch.

#### Conclusions of Law:

1. The CUP is not consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The proposed use will not be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have not been mitigated through careful planning.
4. The Planning Commission did not err its application of the Land Management Code.

#### Order

1. The Planning Commission decision to deny the Steep Slope CUP for 158 Ridge Avenue is upheld and the appeal for the 158 Ridge Avenue Steep Slope Conditional Use Permit is denied.

#### 162 Ridge Ave

#### Findings of Fact:

1. The property is located at 162 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The Planning Commission found that visual and environmental impact of the home is not mitigated in compliance with Criteria 1: Location of Development. The house is not compatible with the Historic District in size and scale. The scale of the building is of a four story building when viewed from the east. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house.
8. The Planning Commission found that visual impact of the home is not mitigated in compliance with Criteria 2: Visual Analysis. The visual impact from the east is of a four story building.
9. The Planning Commission found that the impacts of the retaining structures are not mitigated in compliance with Criteria 4: Terrace. The retaining structures on the side of the home are not to retain existing grade, but are a manipulation of grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area.
10. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 5: Building Location. The natural topography of the site is very steep on the western third and flatter in the middle. The building does not correspond to this topography and manipulates grade for a bigger house.

11. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 6: Building Form and Scale. The scale of the building is not in keeping with the Historic District. Four stories are achieved only with a manipulation of exterior grade with extraneous retaining walls.
12. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 7: Setbacks. Although there is an increased setback on the east based on the subdivision plat approval, no further reductions in side or rear setbacks was designed. The scale of the building is such that increased setbacks would help mitigate the impacts.
13. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 8: Dwelling Volume. The visual mass when viewed from the east is of a four story building which is not in keeping with the character of the historic district.
14. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 10: Height Exceptions. More specifically, the design and articulation of the building mass does not mitigate the visual impacts and differences in scale between the proposed building and nearby residential structures.
15. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
16. The minimum rear yard setback is 15 feet. The applicant proposes 53 feet. The plat approval required substantial compliance to conceptual plans showing a 53 foot rear setback.
17. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and 5 feet on the north side.
18. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
19. The applicant is proposing two on-site parking spaces within a minimum sized garage.
20. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
21. The proposed above final grade Floor Area is 3,030 square feet.
22. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
23. The proposed footprint is 2,120 square feet.
24. The proposed total Floor Area, including basement, is 5,148 square feet.
25. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor. The interior dimensions for the garage is the Code minimum 20 feet wide by 20 feet deep. The roof element is 18 feet above the garage floor and has an 8:12 pitch.

Conclusions of Law:

1. The CUP is not consistent with the Park City Land Management Code, specifically

2. The proposed use will not be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have not been mitigated through careful planning.
4. The Planning Commission did not err its application of the Land Management Code.

#### Order

1. The Planning Commission decision to deny the Steep Slope Cup for 162 Ridge Avenue is upheld and the appeal for the 162 Ridge Avenue Steep Slope Conditional Use Permit is denied.

#### **166 Ridge Ave**

##### Findings of Fact:

1. The property is located at 166 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The Planning Commission found that visual and environmental impact of the home is not mitigated in compliance with Criteria 1: Location of Development. The house is not compatible with the Historic District in size and scale. The scale of the building is of a four story building when viewed from the east. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house.
8. The Planning Commission found that visual impact of the home is not mitigated in compliance with Criteria 2: Visual Analysis. The visual impact from the east is of a four story building.
9. The Planning Commission found that the impacts of the retaining structures are not mitigated in compliance with Criteria 4: Terrace. The retaining structures on the side of the home are not to retain existing grade, but are a manipulation of grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area.
10. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 5: Building Location. The natural topography of the site is very steep on the western third and flatter in the middle. The building does not correspond to this topography and manipulates grade for a bigger house.
11. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 6: Building Form and Scale. The scale of the building is not keeping with the Historic District. Four stories are achieved only with a manipulation of exterior grade with extraneous retaining walls.

12. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 7: Setbacks. Although there is an increased setback on the east based on the subdivision plat approval, no further reductions in side or rear setbacks was designed. The scale of the building is such that increased setbacks would help mitigate the impacts.
13. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 8: Dwelling Volume. The visual mass when viewed from the east is of a four story building which is not in keeping with the character of the historic district.
14. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 10: Height Exceptions. More specifically, the design and articulation of the building mass does not mitigate the visual impacts and differences in scale between the proposed building and nearby residential structures.
15. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
16. The minimum rear yard setback is 15 feet. The applicant proposes 37 feet. The plat approval required substantial compliance to conceptual plans showing a 37 foot rear setback.
17. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and 5 feet on the north side.
18. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
19. The applicant is proposing two on-site parking spaces within a minimum sized garage.
20. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
21. The proposed above final grade Floor Area is 3,016 square feet.
22. The maximum footprint for this lot based on the plat approval is 2,117 square feet.
23. The proposed footprint is 2,117 square feet.
24. The proposed total Floor Area, including basement, is 5,133 square feet.
25. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor. The interior dimensions for the two garages is the Code minimum 20 feet wide by 20 feet deep. The roof element is 18 feet above the garage floor and has an 8:12 pitch.

Conclusions of Law:

1. The CUP is not consistent with the Park City Land Management Code, specifically
2. The proposed use will not be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have not been mitigated through careful planning.
4. The Planning Commission did not err its application of the Land Management Code.

Order

1. The Planning Commission decision to deny the Steep Slope CUP for 166 Ridge Avenue is upheld and the appeal for the 166 Ridge Avenue Steep Slope Conditional Use Permit is denied.

Exhibits

- A – Cross section of concept plan from plat amendment
- B – Appellants presentation

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**Lot 3, 158 Ridge**

**Findings of Fact:**

1. The property is located at 158 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
8. The minimum rear yard setback is 15 feet. The applicant proposes 53.8 feet. The plat approval required substantial compliance to conceptual plans showing a 58 foot rear setback.
9. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and ten feet on the north side.
10. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
11. The applicant is proposing two on-site parking spaces within a minimum sized garage.
12. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The proposed above-grade Floor Area is 3,030 square feet.
14. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
15. The proposed footprint is 2,120 square feet.
16. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor.
17. A height exception is requested.
18. Four stories are not prohibited by the Land Management Code.
19. A snowmelt system requiring an Encroachment Agreement is proposed within the Ridge Avenue right of way.
20. The staff findings in the Analysis section are incorporated herein.

**Conclusions of Law:**

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

- ~~3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.~~
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

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. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. An Encroachment Agreement for the snowmelt system is required.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage door shall be a "carriage" style door made of wood.
8. 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.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. This approval will expire on September 18, 2009, if a building permit has not been issued.
11. Lot 3 must have an eastern setback of 58 feet from the eastern property line to be in strict compliance with the condition of approval for the plat amendment.

**Lot 2, 162 Ridge**

Findings of Fact:

1. The property is located at 162 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.

8. The minimum rear yard setback is 15 feet. The applicant proposes 53 feet. The plat approval required substantial compliance to conceptual plans showing a 53 foot rear setback.
9. The minimum side yard setback is five feet. The applicant proposes five feet on the south side and five feet on the north side.
10. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
11. The applicant is proposing two on-site parking spaces within a minimum sized garage.
12. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The proposed above-grade Floor Area is 3,030 square feet.
14. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
15. The proposed footprint is 2,120 square feet.
16. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor.
17. A height exception is requested.
18. Four stories are not prohibited by the Land Management Code.
19. A snowmelt system requiring an Encroachment Agreement is proposed within the Ridge Avenue right of way.
20. The staff findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

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. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. An Encroachment Agreement for the snowmelt system is required.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.

6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage door shall be a "carriage" style door made of wood.
8. 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.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. The garage depth on Lot 2 is corrected to measure 20 feet interior depth, 21 feet exterior depth.
11. This approval will expire on September 18, 2009, if a building permit has not been issued.

### **Lot 1, 166 Ridge**

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

1. The property is located at 166 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
8. The minimum rear yard setback is 15 feet. The applicant proposes 37.7 feet. The plat approval required substantial compliance to conceptual plans showing a 37 foot rear setback.
9. The minimum side yard setback is five feet. The applicant proposes five feet on the south side and five feet on the north side.
10. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
11. The applicant is proposing two on-site parking spaces within a minimum sized garage.
12. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The proposed above-grade Floor Area is 3,016 square feet.
14. The maximum footprint for this lot based on the plat approval is 2,117 square feet.
15. The proposed footprint is 2,117 square feet.

16. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor.
17. A height exception is requested.
18. Four stories are not prohibited by the Land Management Code.
19. A snowmelt system requiring an Encroachment Agreement is proposed within the Ridge Avenue right of way.
20. The staff findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

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. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. An Encroachment Agreement for the snowmelt system is required.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage door shall be a "carriage" style door made of wood.
8. 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.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that is prepared, stamped, and signed by a licensed structural engineer.
10. This approval will expire on September 18, 2009, if a building permit has not been issued.

# City Council Staff Report



**Subject:** 158, 162, and 166 Ridge Avenue  
**Author:** Brooks T. Robinson  
**Date:** August 21, 2008  
**Type of Item:** Quasi Judicial – Appeal of Planning Commission denial of Steep Slope Conditional Use Permits

PLANNING DEPARTMENT

## Summary Recommendations

Staff recommends that the City Council review the record and hear the appeal of the Planning Commission's denial of the proposed steep slope Conditional Use Permits. Staff recommends that the City Council uphold the Planning Commission's denial of the proposed steep slope Conditional Use Permits and has provided findings of fact and conclusions of law to support this recommendation.

For the purpose of paper conservation and brevity, the appeal of each of the three properties has been consolidated into one report. However, Council must take a separate action on each of the properties.

## Topic

**Applicant:** Silver King Resources, LLC  
**Location:** 158, 162, 166 Ridge Avenue, Lots 1-3 King Ridge Estates Subdivision  
**Zoning:** Historic Residential Low Density (HRL)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Appeal of Planning Commission actions are heard by the City Council pursuant to Section 15-1-18 (C)

## Background

On December 12, 2007, the City received an application for a steep slope Conditional Use Permit (CUP). After further revisions, up to and including May 5, 2008, the application was deemed complete. Each application is a request for approval of a single-family home. On lot 1 (166 Ridge) the house proposed is approximately 5,133 square feet on a 5,902 square foot lot. On lot 2 (162 Ridge) the house proposed is approximately 5,148 square feet on a 5,898 square foot lot. On lot 3 (158 Ridge) the house proposed is approximately 5,148 square feet on a 6,550 square foot lot. Because each of the proposed dwellings have square footage greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant was required to file a Conditional Use Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC.

## Plat

The property is located on Ridge Avenue north of the switchback, in the Historic Residential Low Density (HRL) zoning district. The Planning Commission held

numerous public hearings from February to September 2007 on the proposed plat.

Although the Planning Commission forwarded a negative recommendation on the plat, the City Council, after further staff analysis and amendments to the findings of fact and conditions of approval, approved the plat on October 25, 2007. The proposed plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City. The three lots are 5,902 square feet, 5,898 square feet, and 7,208 square feet in area. The parcel is 2,110 square feet in area.

The Council found that the lot sizes were consistent with the surrounding HRL zone lots in that the average lot size in the HRL zone in the area is 5,677 square feet. The Code maximum footprints for the lots based lot size would be 2,118 square feet, 2,117 square feet and 2,404 square feet. The average footprint in the HRL zone around the property is 1,917 square feet with an average house size, excluding basements and garages, 2,748 square feet. The Council found that the lot 3 footprint at 2,404 at square feet is not compatible with neighboring HRL zone properties because the footprint is 25% larger than the average for the area. The Council also found that built houses sizes in the HRL district around the subject property have an average square footage of 143% of the footprint.

With these findings, the Council placed the following restrictions on the plat. The applicant consented to these restrictions.. A plat note was added to restrict Lot 3 to a footprint of 2,120 square feet. Lots 1 and 2 footprints are 2,117 and 2,118 square feet. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3. The garage element must be at the front setback, cannot exceed the minimum depth as allowed by Code, and cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). A height exception for the garage only may be granted if it meets the preceding criteria. No other portion of the house is eligible for a height exception. Finally, in addition to the 30-foot no-build area on the eastern portion of each of the lots, the buildings were required to be in substantial compliance with the conceptual footprints shown which are up to 58 feet from the eastern property line.

#### Driveway grade, use of platted unbuilt Ridge Avenue Right of Way

The City Council, in approving the plat amendment included Condition of Approval #16 which states:

16. Applicant will seek a Variance or Special Exception for driveway grade in a platted unbuilt City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.

The Board of Adjustment, at a public hearing on December 18, 2007, granted a Special

Exception to the LMC requirement (15-3-5 (A)) of a maximum grade of 10% within the City's right of way, in this case, the platted Ridge Avenue ROW north of the paved Ridge Avenue. Increasing the driveway slope to 14% (the maximum private driveway slope allowable per City standards) would reduce the eight foot height of the associated retaining walls another 4 feet over the 100 foot length.

On February 13, 2008, the Planning Commission re-opened the public hearing on the Conditional Use Permit for construction of a private driveway in the platted, unbuilt Ridge Avenue right of way. The Planning Commission approved the CUP with conditions that a landscape plan to mitigate the retaining walls and a snow removal plan be submitted with the Steep Slope Conditional Use Permit. A landscape plan was attached to the Steep Slope CUP and met the required conditions and an Encroachment Agreement for a snowmelt system is was reviewed and approved by the City Engineer.

#### Steep Slope CUPs

On June 11, 2008, Planning Commission considered three Conditional Use Permits for Development on Steep Slopes for the properties located at 158, 162, and 166 Ridge Avenue. In reviewing the project against the CUP criteria, the Staff found no unmitigated impacts and recommended approval of each of the CUPs (See Exhibits B-1, B-2, and B-3).

At the June 11<sup>th</sup> meeting, the Planning Commission by unanimous vote removed this item from the Consent Agenda and held a public hearing. Development on Steep Slope Conditional Use Permits are reviewed by the Planning. Also by unanimous decision, the Planning Commission, after discussion, voted to direct staff to prepare findings for denial. On June 25<sup>th</sup>, the Planning Commission ratified the Findings of Fact and Conclusions of Law (See Exhibits A - 1, A - 2, and A - 3).

#### Appeal

The Planning Commission found that the three proposed houses did not comply with the Steep Slope CUP criteria numbers 1, 2, 4, 5, 6, 7, 8, and 10 (See Minutes, Exhibit C). The Commission also found that 158 Ridge (lot 3) did not meet the "substantial compliance" requirement of the plat by having the eastern edge of the building 53 feet and not 58 feet from the eastern property line. In summary, the Commission found that the houses were not compatible with the neighboring houses in the Historic District in size and scale. The buildings present a four story element when viewed from the east and the visual impact of the lowest story, although technically meeting the LMC definitions and not counting towards Gross Floor Area, was found to be contributory to the finding of incompatibility. The lowest story on each building is approximately 1850 square feet, or roughly 36% of the total area of each house. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house. The retaining structures on the side of the home are present not to retain existing grade, but exist to manipulate grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area. Finally, although the proposed houses do meet the restrictions on height, footprint, and Gross Floor Area as set forth in

the subdivision approval, the Planning Commission found that the proposed houses maximize each condition without enough articulation or increased setbacks to mitigate the visual impacts.

On July 7, 2008, the City received a written appeal of the Planning Commission's actions and three supplemental letters, one for each house (Exhibit D). Appeals of Planning Commission actions are heard by the City Council and follow the procedure detailed in Land Management Code section 15-1-18. The appeal was timely received and contained the necessary information and fees. Under 15-1-18(G), the burden of proof is on the appellant to prove the Planning Commission erred in making its findings. The City Council reviews factual matters *de novo* and shall determine the correctness of the decision in interpretation and application of the Land Management Code.

The appellant disagrees with the Planning Commission findings as unsupported by the facts and that the conclusions are arbitrary and capricious. On the major points, visual analysis, mass and scale, and incompatibility with the Historic District, the appellant argues that there are few objective criteria with which to measure. The buildings are not visible from the LMC defined Vantage Points. The Commission's findings of visual incompatibility are solely based on the eastern elevation which is only visible from the higher vantage point of Prospect Avenue. The buildings are not visible from Daly Avenue. The appellant argues that the plat requirement for the 30-foot no build zone and substantial compliance with the conceptual footprint placing the buildings up to 58 feet from the eastern property line provide adequate mitigation to any visual impact. Further, the appellant argues that each story of the buildings steps back from nine to nineteen feet from the lower story and that the roof elements step similarly. Finally, the appellant argues that the plat requirements limiting footprint, Gross Floor Area, and height were based on objective data relative to the surrounding area and that the Commission's findings are not.

#### **Recommendation on 158 Ridge Ave**

Staff requests the City Council review the following findings of fact and conclusions of law, amend as deemed necessary, and uphold the Planning Commission decision:

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

1. The property is located at 158 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.

7. The Planning Commission found that visual and environmental impact of the home is not mitigated in compliance with Criteria 1: Location of Development. The house is not compatible with the Historic District in size and scale. The scale of the building is of a four story building when viewed from the east. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house.
8. The Planning Commission found that visual impact of the home is not mitigated in compliance with Criteria 2: Visual Analysis. The visual impact from the east is of a four story building.
9. The Planning Commission found that the impacts of the retaining structures are not mitigated in compliance with Criteria 4: Terrace. The retaining structures on the side of the home are not to retain existing grade, but are a manipulation of grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area.
10. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 5: Building Location. The natural topography of the site is very steep on the western third and flatter in the middle. The building does not correspond to this topography and manipulates grade for a bigger house.
11. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 6: Building Form and Scale. The scale of the building is not is keeping with the Historic District. Four stories are achieved only with a manipulation of exterior grade with extraneous retaining walls.
12. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 7: Setbacks. Although there is an increased setback on the east based on the subdivision plat approval, no further reductions in side or rear setbacks was designed. The scale of the building is such that increased setbacks would help mitigate the impacts.
13. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 8: Dwelling Volume. The visual mass when viewed from the east is of a four story building which is not in keeping with the character of the historic district.
14. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 10: Height Exceptions. More specifically, the design and articulation of the building mass does not mitigate the visual impacts and differences in scale between the proposed building and nearby residential structures.
15. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
16. The minimum rear yard setback is 15 feet. The applicant proposes 53.8 feet. The plat approval required substantial compliance to conceptual plans showing a 58 foot rear setback. The Planning Commission found non-compliance with this plat requirement.
17. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and ten feet on the north side.
18. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
19. The applicant is proposing two on-site parking spaces within a minimum sized garage.

20. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
21. The proposed above final grade Floor Area is 3,030 square feet.
22. The proposed total Floor Area, including basement, is 5,148 square feet.
23. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
24. The proposed footprint is 2,120 square feet.
25. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor. The interior dimensions for the two garages are 12 feet wide by 20 feet deep. The roof element is 18 feet above the garage floor and has an 8:12 pitch.

Conclusions of Law:

1. The CUP is not consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The proposed use will not be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have not been mitigated through careful planning.
4. The Planning Commission did not err its application of the Land Management Code.

Order

1. The Planning Commission decision to deny the Steep Slope CUP for 158 Ridge Avenue is upheld and the appeal for the 158 Ridge Avenue Steep Slope Conditional Use Permit is denied.

**Recommendation on 162 Ridge Ave**

Staff requests the City Council review the following findings of fact and conclusions of law, amend as deemed necessary, and uphold the Planning Commission decision:

Findings of Fact:

1. The property is located at 162 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.

7. The Planning Commission found that visual and environmental impact of the home is not mitigated in compliance with Criteria 1: Location of Development. The house is not compatible with the Historic District in size and scale. The scale of the building is of a four story building when viewed from the east. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house.
8. The Planning Commission found that visual impact of the home is not mitigated in compliance with Criteria 2: Visual Analysis. The visual impact from the east is of a four story building.
9. The Planning Commission found that the impacts of the retaining structures are not mitigated in compliance with Criteria 4: Terrace. The retaining structures on the side of the home are not to retain existing grade, but are a manipulation of grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area.
10. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 5: Building Location. The natural topography of the site is very steep on the western third and flatter in the middle. The building does not correspond to this topography and manipulates grade for a bigger house.
11. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 6: Building Form and Scale. The scale of the building is not in keeping with the Historic District. Four stories are achieved only with a manipulation of exterior grade with extraneous retaining walls.
12. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 7: Setbacks. Although there is an increased setback on the east based on the subdivision plat approval, no further reductions in side or rear setbacks was designed. The scale of the building is such that increased setbacks would help mitigate the impacts.
13. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 8: Dwelling Volume. The visual mass when viewed from the east is of a four story building which is not in keeping with the character of the historic district.
14. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 10: Height Exceptions. More specifically, the design and articulation of the building mass does not mitigate the visual impacts and differences in scale between the proposed building and nearby residential structures.
15. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
16. The minimum rear yard setback is 15 feet. The applicant proposes 53 feet. The plat approval required substantial compliance to conceptual plans showing a 53 foot rear setback.
17. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and 5 feet on the north side.
18. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
19. The applicant is proposing two on-site parking spaces within a minimum sized garage.

20. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
21. The proposed above final grade Floor Area is 3,030 square feet.
22. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
23. The proposed footprint is 2,120 square feet.
24. The proposed total Floor Area, including basement, is 5,148 square feet.
25. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor. The interior dimensions for the garage is the Code minimum 20 feet wide by 20 feet deep. The roof element is 18 feet above the garage floor and has an 8:12 pitch.

#### Conclusions of Law:

1. The CUP is not consistent with the Park City Land Management Code, specifically
2. The proposed use will not be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have not been mitigated through careful planning.
4. The Planning Commission did not err its application of the Land Management Code.

#### Order

1. The Planning Commission decision to deny the Steep Slope Cup for 162 Ridge Avenue is upheld and the appeal for the 162 Ridge Avenue Steep Slope Conditional Use Permit is denied.

#### **Recommendation on 166 Ridge Ave**

Staff requests the City Council review the following findings of fact and conclusions of law, amend as deemed necessary, and uphold the Planning Commission decision:

#### Findings of Fact:

1. The property is located at 166 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The Planning Commission found that visual and environmental impact of the home is not mitigated in compliance with Criteria 1: Location of Development. The house is

- not compatible with the Historic District in size and scale. The scale of the building is of a four story building when viewed from the east. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house.
8. The Planning Commission found that visual impact of the home is not mitigated in compliance with Criteria 2: Visual Analysis. The visual impact from the east is of a four story building.
  9. The Planning Commission found that the impacts of the retaining structures are not mitigated in compliance with Criteria 4: Terrace. The retaining structures on the side of the home are not to retain existing grade, but are a manipulation of grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area.
  10. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 5: Building Location. The natural topography of the site is very steep on the western third and flatter in the middle. The building does not correspond to this topography and manipulates grade for a bigger house.
  11. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 6: Building Form and Scale. The scale of the building is not in keeping with the Historic District. Four stories are achieved only with a manipulation of exterior grade with extraneous retaining walls.
  12. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 7: Setbacks. Although there is an increased setback on the east based on the subdivision plat approval, no further reductions in side or rear setbacks was designed. The scale of the building is such that increased setbacks would help mitigate the impacts.
  13. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 8: Dwelling Volume. The visual mass when viewed from the east is of a four story building which is not in keeping with the character of the historic district.
  14. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 10: Height Exceptions. More specifically, the design and articulation of the building mass does not mitigate the visual impacts and differences in scale between the proposed building and nearby residential structures.
  15. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
  16. The minimum rear yard setback is 15 feet. The applicant proposes 37 feet. The plat approval required substantial compliance to conceptual plans showing a 37 foot rear setback.
  17. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and 5 feet on the north side.
  18. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
  19. The applicant is proposing two on-site parking spaces within a minimum sized garage.
  20. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.

21. The proposed above final grade Floor Area is 3,016 square feet.
22. The maximum footprint for this lot based on the plat approval is 2,117 square feet.
23. The proposed footprint is 2,117 square feet.
24. The proposed total Floor Area, including basement, is 5,133 square feet.
25. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor. The interior dimensions for the two garages is the Code minimum 20 feet wide by 20 feet deep. The roof element is 18 feet above the garage floor and has an 8:12 pitch.

Conclusions of Law:

1. The CUP is not consistent with the Park City Land Management Code, specifically
2. The proposed use will not be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have not been mitigated through careful planning.
4. The Planning Commission did not err its application of the Land Management Code.

Order

1. The Planning Commission decision to deny the Steep Slope CUP for 166 Ridge Avenue is upheld and the appeal for the 166 Ridge Avenue Steep Slope Conditional Use Permit is denied.

Exhibits

- A – Staff Reports (A -1, 2, and 3) for Planning Commission Findings for denial (June 25, 2008)
- B – Staff Reports and one set of Floor Plans and Elevations (B – 1, 2, 3, and 4) for 158, 162 and 166 Steep Slope CUP (June 11, 008)
- C – Minutes from June 11, 2008 Planning Commission hearing.
- D – Appeal for each of the three houses

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# EXHIBIT E- City Council Minutes

Page 3  
City Council Meeting  
September 18, 2008

Consideration of a Resolution declaring September 21-28, 2008 as “Bag the Bag” Week in Park City, Utah and promoting the use of reusable shopping bags – Diane Foster introduced David Gerber and Megan Fernandez from the Leadership Class. Ms. Fernandez on behalf of the Leadership Class, thanked Recycle Utah, Park City High School Environmental Club, Sustainability Team and all of the residents who have supported the Resolution. The goal of the Class project is to promote the use of reusable shopping bags which could have a huge positive impact on the landfill. She introduced the Bag Monster, wearing close to 500 bags, which is the number used by the average American citizen every year and ends up in the landfill polluting the environment. She discussed Leadership researching sustainable practices in other communities and concluding that the best strategy for Park City is a voluntary approach to change and they would like to revisit it in a year to evaluate its success.

David Gerber discussed Bag to Bag Week where the Bag Monster will make special appearances. A local business donated 4,700 reusable bags that will be distributed throughout the week. He discussed programs targeted for elementary school kids and a media push. The group will have a table at the Park City Film Festival over the weekend with informational pieces and the High School Environmental Club will be passing out reusable bags on Saturday, September 27. Mr. Gerber asked that the Council waive the fee for temporary special use signs; all members agreed.

Liza Simpson, “I move we adopt a Resolution declaring September 21-28, 2008 as “Bag the Bag” Week and promoting the use of reusable shopping bags within Park City”. The Mayor expressed his appreciation of the Leadership’s Class efforts. Jim Hier seconded. Motion unanimously carried.

## **VI OLD BUSINESS (Continued public hearings)**

1. Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR248 and US40 interchange in the Quinn’s Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and approving a Water Agreement, and amending the Official Zoning Map of Park city to zone the property in the Community Transition Zoning District (CT) – The City Attorney stated that the petitioners requested a motion to continue to October 2, 2008. The Mayor opened the public hearing and with no comments from the audience requested a motion to continue to October 2, 2008. Candace Erickson, “I so move”. Roger Harlan seconded. Motion carried unanimously.

2. Consideration of an appeal of the Planning Commission’s denial on June 25, 2008 of a Steep Slope Conditional Use Permit for 158 Ridge Avenue, 162 Ridge Avenue and 166 Ridge Avenue – Brooks Robinson explained that a hearing on these properties was conducted on August 21, 2008. The appellant must prove the Planning

Commission erred in its decision. At the meeting, Council requested information regarding the visuals presented at the plat amendment stage last October and a survey of heights of the surrounding buildings because it was critical in the Planning Commission's decision and relevant to some discussions on compatibility in the Historic District. He referred to the PowerPoint presentation in the meeting packet prepared by the appellants and the plat amendment meeting information prepared in October.

Mr. Robison referred to a concern expressed by Commissioner Peek at the last meeting regarding one of the garages measuring 23 feet, but it actually met the plat requirement at 21 feet. The Planning Commission found non-compliance with the setback shown at the plat stage and the applicant has expressed willingness to correct that to 58 feet consistent with the plat. If the Council decides to overturn the Planning Commission's decision, staff asks that the findings be prepared and ratified by the City Council. Final findings to deny for all three properties have been prepared and are available.

Spencer Viernes, Ray Quinney & Nebeker attorney for Silver King Resources LLC, referred to their presentation made on August 21 and asked for an opportunity to rebuke any comments or analysis tonight with respect to the Code, if needed.

Jonathan DeGray, architect, presented information through a PowerPoint presentation about building types in the neighborhood which was requested from Council last meeting. A variety of vantage points were photographed from Ridge Avenue, King Road, Sampson Avenue, Woodside Avenue, Prospect Avenue, and Ontario Avenue and Mr. DeGray pointed out a number of three and four storied buildings which were identified on the graphic by a marker. He also displayed newer three and four level construction at the end of Ridge Avenue as it meets Daly Avenue.

Mr. DeGray illustrated a slide of the building section presented during the plat process for this project. He stated that he did not produce the drawing; it was prepared by Gus Sherry. The rendering shows the building hanging out above the grade line about eight feet and four levels although the bottom level is elevated about a half flight and the building does not meet the ground. In comparison to the actual architectural section, the building falls within the height limit and the multi-storied section is further up the hill. Another difference is his building is two feet lower in grade than the plat section shows. He explained that a number of levels result in the significant vertical change. The CUP for the driveway, serving all three structures, was approved in February 2008. Additional building sections were provided to the Planning Commission at that time showing four stories on all of the plans which were displayed. The overall site plan also shows four stories for the three properties.

Mr. DeGray emphasized that he relayed to the Planning Commission that if the additional setback of five feet on Lot #3 is an issue, they are willing to increase it from

53 feet to 58 feet. The dimension of the garage on Lot #2 was an oversight on the steep slope CUP information as 23 feet but will be 21 feet and has been corrected. The incorrect drawing seems to continue to be circulated.

Joe Kernan pointed out references to four story buildings throughout the findings and the retaining structures on the side of the buildings which are not at natural grade but are a manipulation of grade in order to bury the lowest story which is not counted toward gross floor area. He asked if the use of retaining walls is typical and acceptable. Mr. DeGray responded that the Code defines stories and basements and what is allowed for the manipulation of grade. The project has taken advantage of the allowance in the LMC to bring the grade up and around those lower levels to pull them out from the building. The retaining walls allow the buildings to step back rather than result in a vertical façade and he relayed that the Code requires stepping to tie into the natural topography. The plat was approved with constraints on square footage and footprint which resulted in this design with the basement. Brooks Robinson interjected that over the past 15 years, maximum house sizes have been noted on plats and it has been more common to see the retaining wall to accommodate the basement design to acquire the maximum square footage, since the basement is not counted. He suggested that this be addressed in future amendments to the Code, if desired by Council. Roger Harlan expressed concern if this practice encourages large four story construction accomplished with changing grade with an artificial retaining wall. Jim Hier acknowledged that the basement square footage is not counted but there could still be a four story building on the site with less square footage, but it would still look like a four story building. The fact that some of the square footage is buried underground wouldn't change the above-ground impact. He did not believe that any of the arguments in the findings for denial indicate that the square footage is too high; the focus is that the buildings are four stories. Mayor Williams asked if the intent was to include the basement square footage in the maximum 3,030 square foot maximum and Brooks Robinson responded, no and added that it was never pertinent to the Planning Commission. The staff tried to be very clear, especially in compiling neighborhood house size information, that basement square footage was excluded so that comparisons were effective and compatibility was based on the same criteria.

Jim Hier believed that at the meetings of September 27 and October 26, 2007, Lot #2 was presented as three floors with a step-down area; the floors changed from a four foot separation to a ten foot separation. Jonathan DeGray explained that the graphic of the building above-grade shows that it's hanging out in space. It needs to touch ground or the grade needs to be artificially built up. He reminded members that Mr. Sherry developed the sections based on the footprint requirements and the elevation changes between his road work and the existing grade on the lower part of the site. He couldn't explain the graphic but pointed out that even if it was a three story structure, it would have the same volume above ground. Jim Hier recalled that the other two buildings

were always shown as four stories. Liza Simpson agreed that following the changing plans was confusing and pointed out that the engineer's drawing showed the buildings exceeding height limitations. Mr. DeGray interjected that this occurred prior to the restriction on the plat. Ms. Simpson continued that she contemplated the design dropping down so the height was compliant.

Sean Marquardt, agent for appellant, explained that he worked with the engineer, Gus Sherry, and discussed the definition of floor area which became a focus at the time. Because the building was hanging out, they assumed there would be a basement. He stated that they looked at Anchor Development which has a maximum above-ground square footage of about 3,025. The lot allows for a 2,200 square footprint and access off of Kind Road. Mr. Marquardt pointed out that the formula will yield over 5,000 square feet and other undeveloped properties around them will likely be in excess of 5,000 square feet as well because of the plat notes.

Jim Hier stated that Findings Nos. 7, 8, 11, and 13 all address an issue four stories, but there isn't a finding that explains the problems and why they should be prohibited which should have been the basis for other findings regarding four stories. He finds it difficult to support those findings for denial. Finding No. 9 deals with the terrace, Finding No. 10 with building location, Finding No. 12 with setbacks, and Finding No. 14 is not specific. He understood that Finding No. 16 relating to the garage dimension issue has been remedied.

With regard to Finding No. 9, Mr. Viernes explained that the Planning Commission argued that the retaining structures were a manipulation of grade. His analysis of the LMC is that the finding is not relevant to the criteria in the LMC. Section 15-2.1-6(b) (4) provides that terrace retaining structures are allowed to retain natural grade. The June 11, 2006 staff report indicates that the retaining structures maintain natural grade. The Planning Commission finding is not supported by any factual evidence provided to them. Finding No. 10 regarding the natural topography of the site where the criteria in the Code indicates that the buildings act as infrastructure must be located to minimize cut and fill that would alter the perceived topography. There is no language in the finding of fact that indicates the natural topography has been altered, in fact the previous Finding No. 9 from the original June 11, 2006 staff report indicates that natural grade is maintained similar to the topography. Criteria No. 5 goes on to indicate that the site design and the building footprint have to coordinate with adjacent properties to maximum opportunities for open areas, preservation of natural vegetation, and minimize driveway and parking areas. Extensive discussions with the planning staff in preparing the design of the site planning for the original plat approval were lengthy and focused on site design, lot size, building footprint size, maximum square footage, inclusion of a non-disturbance area to preserve natural vegetation and the design of the driveway CUP in order to minimize the driveway and parking areas. Spencer Viernes explained that the

discussions with the planning staff in preparing the designs and site planning for the original plat approval were lengthy, including the design of the driveway CUP. The Planning Commission's finding that the natural topography is very steep and the building does not correspond to the natural topography is not tied to the LMC.

Sean Marquardt commented that the Planning Commission's Finding No. 11 again states that the scale of the building is not in keeping with the Historic District, indicating that four stories are achieved only through the manipulation of exterior grade. There's no mention whether four stories is appropriate or inappropriate in the LMC nor is there any mention of number of stories in the Historic District Guidelines and is therefore irrelevant. Jonathan DeGray also pointed out that the presentation documents a multitude of existing four storied buildings within the neighborhood.

With regard to setbacks, Mr. Viernes expressed that the applicant has demonstrated a willingness to comply. The setbacks are intended to minimize a wall effect along the street and the rear property line and the size and architecture of the structure is largely a function of the restrictions placed from the plat approval process. Jonathan DeGray added that with the setbacks of 37 feet on Lot 1, 55 feet on Lot 2 and 58 feet on Lot 3 significantly exceed the normal setbacks for the zone.

Liza Simpson expressed that she is not in agreement with the appellant's argument about findings relating to four stories. She believes that the Planning Commission found that the project does not fit within the neighborhood and the findings are still valid when omitting the words "four story". Although she appreciates the visuals, examples exist that support incompatibility and she agrees with the findings.

Mr. Viernes pointed out that under the LMC, the factual findings are actually for de novo review so there's no reason to rely solely on findings. In response to a comment from Joe Kernan, Mr. Viernes felt there needs to be an objective standard that can be applied uniformly to each new development because without uniformity, actions lead toward ad hoc legislation and the general public doesn't know what to expect. He felt that compatibility should be measurable criteria so proposals can be evaluated. Jonathan DeGray added that they moved forward with discussions with staff based on the criteria of the LMC.

Mayor Dana Williams expressed that his concern dealt with compatibility acknowledging that this finding is difficult to defend through the LMC. He recognized the Council's philosophical beliefs about compatibility in the Historic District but felt that this is another discussion for another night. Candace Erickson agreed stating that she does not like the project and felt there is a *loophole* in the Code that needs to be changed. Discussion continued regarding the belief that the design of the structure without manipulation of grade would look similar above-ground because there is no height limit.

Mr. Hier also noted that the Planning Commission did not seem concerned about square footage but compatibility in the neighborhood. Brooks Robinson agreed with Mr. Hier's comments about above-ground square footage. He explained that philosophically, the square footage that is buried is not an issue because it doesn't affect the visual mass and scale of the above-ground building.

Mark Harrington explained that in consideration of the previous comments and if the manipulation of grade doesn't violate the standard to minimize cut and fill that would alter the perception of natural grade it is not material to Council and therefore, the Planning Commission finding can not be supported for denial. He emphasized that this is not a *loophole* in the LMC, but a deliberate amendment to the Code.

Liza Simpson stated that she does not accept the statement that compatibility has to be completely quantifiable because it is visual. Mark Harrington agreed that it does not have to be as quantifiable as expressed by legal counsel, because the result is *cookie-cutter* designs. However, at the same time, the Code must articulate incompatibility or describe the adverse impact that can not be mitigated. The finding must be objective and if it is visual, members need to distinguish between the appellant's presentation on existing three and four storied buildings from the facts of this case. Through use of a project model, Jonathan DeGray explained the look of the structure if it were pushed back into the hillside with no terrace or retaining wall and he described a building with less square footage but a more vertical look because of no stepping. There could still be a basement.

Brooks Robinson noted that if the far north end was kept close to existing grade, then some square footage would have been counted on the lowest level (200 to 300 square feet). The Mayor invited public input.

Carlene Riley, 84 Daly, stated that this development is too big and allowing three and four storied structures on Ridge Avenue will set a precedent for the Historic District. Steep slopes should be analyzed and she wished that a smaller scale would have been determined early in the process.

With no further comments, the Mayor closed public input.

Roger Harlan brought up measuring compatibility objectively and Mark Harrington added that the compatibility analysis was submitted at the subdivision level which focused on above-ground mass. He felt providing this study is fairly objective and part of the staff's practice when faced with these questions. The problem in this instance is that the basement exception allows approximately 1,200 to 800 additional square feet depending on the application, of buried area. In terms of the finding of compatibility and how it compares to the presentation is the crux of the issue. Finding No. 1 was clarified

as being the criteria in the Code for a steep slope CUP and there was discussion about the intent of terracing to avoid steep flat building facades. Brooks Robinson pointed out that steep slope criteria encourage that the building be broken up into smaller components. Jim Hier stated that in his opinion, four stories are allowed by the footprints dictated on the plat with no restriction on total height. If it is not compatible with the neighborhood it can't be because of total square footage and it's not because of manipulation of natural grade because the resulting structure would be similar. Liza Simpson did not believe that the project follows the natural topography. The presentation photos show houses on hillsides while the Ridge Avenue structures are on a bench area. The Mayor emphasized that if the design followed natural topography, the look and visual impact of the resulting buildings would not be very different.

Jim Hier, "I move that we direct staff to prepare findings for approval of the CUP for 158, 162, and 166 Ridge Avenue based on modifying the findings based on the initial findings prepared for approval in a prior packet". Joe Kernan seconded. Roger Harlan believed that the project will be most visible from Prospect Avenue but not other viewpoints. Motion carried.

Candace Erickson	Nay
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Nay

## VII ADDITIONAL DISCUSSION – AGENDA ITEMS

## VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

## MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Jerry Gibbs, Public Works Director; Kathy Lundborg, Water Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property, litigation and personnel". Jim Hier seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Jim Hier, "I move to open the meeting". Candace Erickson seconded. Motion unanimously carried.

Page 10  
City Council Meeting  
September 18, 2008

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

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Janet M. Scott, City Recorder



**Ordinance No. 07-74**

**AN ORDINANCE APPROVING THE SUBDIVISION NO. 1 MILLSITE RESERVATION PLAT AMENDMENT LOCATED AT 255 RIDGE AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 255 Ridge Avenue have petitioned the City Council for approval of the Subdivision No. 1 Millsite Reservation 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; and

WHEREAS, the Planning Commission held public hearings on February 14, March 14, April 25, July 11 and July 25, 2007, and conducted a site visit on February 28, 2007, to receive input on the Subdivision No. 1 Millsite Reservation plat amendment;

WHEREAS, on September 12, 2007, the Planning Commission forwarded a negative recommendation for Subdivision No. 1 Millsite Reservation plat amendment; and

WHEREAS, on September 20, October 11 and October 25, 2007, the City Council held public hearings, scheduled a site visit for October 4, and directed staff to return with additional information; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Subdivision No. 1 Millsite Reservation plat 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. The Subdivision No. 1 Millsite Reservation plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 255 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The proposed plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. The three lots will be 5,902 square feet, 5,898 square feet, and 7,208 square feet in area. The parcel will be 2,110 sf in area.

5. The lot sizes are consistent with lot sizes in the neighboring HRL zone.
6. Code maximum footprints for the proposed lots are 2,118 square feet, 2,117 square feet and 2,404 square feet.
7. The average lot size in the HRL zone in the area is 5,677 square feet. The average footprint in the HRL zone around the property is 1,917 square feet with an average house size, excluding basements and garages, 2,748 square feet.
8. The lot 3 footprint at 2,404 at square feet is not compatible with neighboring HRL zone properties because the footprint is 25% larger than the average for the area.
9. Built houses sizes in the HRL district around the subject property have an average square footage of 143% of the footprint.
10. Existing Ridge Avenue crosses the property and will be dedicated to the City in the parcel as Parcel A. Ridge Avenue is a substandard street that generally does not exist within its platted right of way.
11. The lots have slopes greater than 30% and a Steep Slope Conditional Use Permit will be required for each of the proposed homes.
12. All homes within the HRL zoning district require Historic District Design Review.
13. A 30-foot no-disturb area is proposed on the eastern property line of the three lots.
14. The applicant proposes houses set 37, 55, and 58 feet from the eastern property line.
15. The maximum grade of the driveway in platted Ridge Avenue is 10%. Due to the unique nature and the fact that the City has vacated Anchor to the north of the subject property, the City supports a variance or special exception to a maximum driveway grade of 14%.
16. Adequate snow storage is provided along the east, west and north sides of the driveway.
17. A two tiered retaining wall along the west and north sides will be a maximum of eight feet high (total). A Variance or Special Exception to a maximum of 14% would lower the wall another 4 feet over the 100 foot length.
18. The closest house to the west, 85 King Road, has a setback of ten feet to its rear property line. This house has a +/- 8 foot rock retaining wall being constructed at the rear property line. The proposed wall for the 255 Ridge driveway would step from this wall with a horizontal distance of 4 feet before the first 3 to 4 foot high poured concrete wall. Another four foot horizontal landscaping area separates the two walls within the right of way.
19. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way, adjacent to 85 King Road.
20. Utilities will be in the Ridge Avenue right of way.
21. The Ridge Avenue right of way has been vacated both to the immediate north and south of the site, but the right of way is the legal access for 255 Ridge. This configuration is unique in the Park City Survey and the Snyder's Addition to the Park City Survey.
22. Walls, driveways, stairs, a tunnel and other structures are found in existing rights of way in the Historic District.

### Conclusions of Law:

1. There is good cause for this plat amendment because, as conditioned, twelve lots will be combined to create three lots of record and a parcel consisting of a portion of Ridge Avenue will be dedicated to the public.
2. The plat amendment, as conditioned, is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public interest nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

### Conditions of Approval:

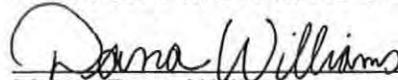
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A final utility plan is required to be approved by the City Engineer prior to plat recordation.
4. A financial security for public improvements, in an amount approved by the City Engineer and in a form approved by the City Attorney, is required prior to plat recordation.
5. An Encroachment Agreement with the City, for the private driveway within the platted Ridge Avenue, is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
6. The driveway construction requires a Conditional Use Permit that may be reviewed concurrent with a Steep Slope Conditional Use Permit. The current application shall be amended to incorporate the grade change to existing Ridge Avenue to be approved by the City Engineer, in such case the retaining wall will not exceed eight feet (8') in total height at the northwest corner.
7. A snow shed easement or roof design acceptable to the Chief Building Official will be required at the time of a Steep Slope CUP.
8. A note will be added to the plat that requires the installation of Modified 13-D sprinklers in each house.
9. A note will be added requiring 30 feet non-disturbance zone in the rear (east) of the three lots. In addition, the east side of any future houses must substantially conform to the exhibit shown to the City that placed the houses 37, 55, and 58 feet from the eastern property line.
10. Construction mitigation plan, which will include controlling loose rocks, must be approved prior to granting building permits.
11. A plat note will be added to restrict Lot 3 to a footprint of 2,120 square feet. Lots 1 and 2 footprints are to be noted as 2,117 and 2,118 square feet.

12. A plat note will limit the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The garage element must be at the front setback, cannot exceed the minimum depth as allowed by Code, and cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). A height exception for the garage only may be granted if it meets the preceding criteria.
14. No other portion of the house is eligible for a height exception.
15. Except for Condition of Approval #14, nothing herein limits the scope of review by the Planning Commission during their review of a Steep Slope Conditional Use Permit and the Driveway Conditional Use Permit.
16. Applicant will seek a Variance or Special Exception for driveway grade in a platted unbuilt City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.
17. Driveways into the garages cannot exceed the minimum slope necessary for drainage away from the garages.

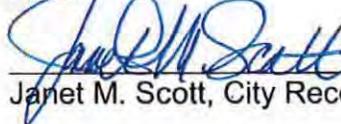
**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 25th day of October, 2007.

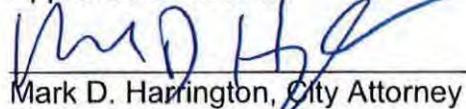
PARK CITY MUNICIPAL CORPORATION

  
 \_\_\_\_\_  
 Mayor Dana Williams

Attest:

  
 \_\_\_\_\_  
 Janet M. Scott, City Recorder

Approved as to form:

  
 \_\_\_\_\_  
 Mark D. Harrington, City Attorney



FILE COPY

## EXHIBIT G - Special Exception

December 19, 2007

Mr. Dwayne Seiter  
Via email: dwayneseiter@yahoo.com

### NOTICE OF BOARD OF ADJUSTMENT ACTION

<u>Project Name</u>	King Ridge Estates
<u>Project Description</u>	Special Exception for Driveway Grade in a platted, unbuilt City right of way.

<u>Date of Meeting</u>	December 18, 2007
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Action Taken By Board of Adjustment: The Board of Adjustment APPROVED the proposed Special Exception based on the following:

#### Findings of Fact

1. The property is located at 255 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. The maximum slope of the driveway in platted Ridge Avenue is 10%. There is a unique nature and the City has vacated Ridge Avenue to the north of the subject property. The City Council added a Condition of Approval to the plat directing the applicant to seek a variance or special exception to a maximum driveway slope of 14%.
5. Adequate snow storage is provided along the east, west and north sides of the driveway.
6. A two tiered retaining wall along the west and north sides will be a maximum of eight feet high (total). A Variance or Special Exception to a maximum of 14% would lower the wall another 4 feet over the 100 foot length to a maximum height of 4 feet.

#### Conclusions of Law

1. The proposed Use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.

2. The proposed Use and Development will not substantially diminish or impair the value of the Property within the neighborhood in which it is located.
3. The proposed Use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.
4. The proposed special exception will be constructed, arranged and operated so as to be Compatible with the Use and Development of neighboring Property in accordance with the applicable district regulations.
5. The proposed Use and Development will not result in the destruction, loss or damage of natural, scenic or Historic features of Significance.

Order

1. The request for a Special Exception to Land Management Code 15-3-5 (A) is approved to allow a driveway slope of no more than 14%.

Sincerely,

Brooks T. Robinson  
Principal Planner

# Exhibit H -Planning Director Approval for height exception



June 24, 2016

Thaynes Capital Park City LLC  
Attn: Damon Navarro  
PO Box 681849  
Park City, UT 84068

## **NOTICE OF PLANNING DIRECTOR DETERMINATION**

Project Address: 158 Ridge Avenue  
Project Description: Planning Director Determination for garage height exception above 27 feet  
Project Number: HDDR: PL-16-03148 and SS CUP: PL-16-03149  
Date of Action: June 24, 2016

### **Action Taken by Planning Director:**

Per Land Management Code (LMC) 15-2.3-6 Building Height, no structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height; however, the following Building Height exception applies:

*4. Garage on a Downhill Lot. The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five (35') from existing grade.*

The Planning Director finds that the garage on the downhill lot located at 158 Ridge Avenue may exceed the twenty-seven feet (27') height limit with a proposed height of 29.5 feet due to the following Findings of Fact:

### **Findings of Fact:**

1. The intent of this regulation is to accommodate a single car garage in a tandem configuration and to avoid garages wider than single-car width.
2. The proposed garage circulation height is 29.5 feet, 5.5 feet under the allowable 35 feet

height exception subject to approval by the Planning Director.

3. The garage is a single car garage in a tandem configuration with single-car width driveway.
4. The Lot slopes downhill on the east elevation.

Conditions of Approval

1. All standard conditions of approval shall apply.
2. No additional living space is approved except a circulation area and ADA elevator.

If you have any questions regarding this determination, please don't hesitate to contact the Planning Department at 435-615-5060.

Sincerely,

A handwritten signature in black ink, appearing to read 'BE', is positioned above the typed name.

Bruce Erickson, AICP  
Planning Director

CC: Makena Hawley, City Planner



December 12, 2014

Thaynes Capital Park City LLC  
Attn: Damon Navarro  
PO Box 681849  
Park City, UT 84068

NOTICE OF PLANNING COMMISSION ACTION

Project Description: 166 Ridge Ave CUP for Construction in Platted, un-built City Right-of-Way  
Project Number: PL-14-02288  
Project Address: 166 Ridge Ave  
Date of Final Action: July 23, 2014

Action Taken

On July 23, 2014, the Planning Commission conducted a public hearing and approved the 166 Ridge Avenue Conditional Use Permit (CUP) for Construction in Platted, un-built City Right-of-Way according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The property is located at 158, 162, and 166 Ridge Avenue.
2. The zoning is Historic Residential Low Density (HRL).
3. The approved plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A Special Exception was granted by the Board of Adjustment to permit a driveway slope up to 14%.
6. A two-tiered retaining wall along the west and north sides will be a maximum of eight feet high (total). The Special Exception granted on December 18, 2007 lowered the wall another 4 feet over the 100 foot length to a maximum height of 4 feet. Retaining walls exceeding 4 feet will need to be approved by the Planning Director and City Engineer.

7. The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended).
8. There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway. A snow shed easement was recorded at Summit County as Entry # 906401 on September 9, 2010.
9. The driveway will be paved in concrete.
10. The staff findings in the Analysis section 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 will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

### Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building 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.
3. 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 and Fire District standards, is a condition precedent to building permit issuance.
4. The City Engineer will review the transition slopes to the 15% grade.
5. Planning Director and City Engineer will review the final design and materials for the proposed road and any necessary retaining walls. No retaining wall shall exceed four (4) feet unless approved by the Planning Director and City Engineer. Per the June 9, 2009 CUP extension request before the Planning Commission, the maximum height of the retaining was not to exceed 6.87 feet above existing grade.
6. Snyderville Basin Water Reclamation District review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance.
7. A final utility plan is required to be approved by the City Engineer prior to issuance of a building permit.
8. A Historic District Design application shall be submitted prior to submittal of a building permit application for Lots 1, 2, & 3.
9. A building permit will be required to build the road and retaining walls.
10. The City Engineer will review the final construction documents and confirm that all existing utilities will not be impacted and anticipated utilities will be located in

accordance with the plans as submitted.

11. A final landscape plan shall be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review for approval by the Planning Department prior to issuance of a building permit for the lots and driveway. The landscaping shall be complete prior to issuance of a final certificate of occupancy for the lots. The landscape plan shall provide mitigation of the visual impacts of the driveway and any retaining walls and mitigation for removal of any existing Significant Vegetation. Prior to removal of any trees, an arborist report shall be provided to the Planning Department for review. The arborist report shall include a recommendation regarding any Significant Vegetation proposed to be removed and appropriate mitigation for replacement vegetation.
12. Parking is restricted to on the driveway.
13. All conditions of approval of the Subdivision No. 1 Millsite Reservation Plat (Ordinance No. 07-74) and the findings of the December 18, 2007 Special Exception approval must be adhered to.
14. The Conditional Use Permit will expire on July 23, 2015, if a building permit has not been granted.
1. The Planning Department and City Engineer will review any proposed guardrail and lighting considerations at time of final design.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5068 or contact me by email at [christy.alexander@parkcity.org](mailto:christy.alexander@parkcity.org).

Sincerely,



Christy J. Alexander, AICP  
Planner II



August 17, 2015

Thaynes Capital Park City LLC  
Attn: Damon Navarro  
PO Box 681849  
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: 162 Ridge Ave Steep Slope CUP  
Project Number: PL-15-02761  
Project Address: 162 Ridge Ave  
Date of Final Action: August 12, 2015

Action Taken

On August 12, 2015, the Planning Commission conducted a public hearing and approved the 162 Ridge Avenue Steep Slope Conditional Use Permit (CUP) according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The property is located at 162 Ridge Avenue.
2. The property is described as a Lot 2, King Ridge Estates, a portion of Block 75, Millsite Reservation to Park City.
3. The lot is 131.07' in length on both sides, with a width of 45'; the lot contains 5,898 sf of area. The allowable building footprint is 2,117 sf for a lot of this size and the proposed building footprint is 1,460 sf.
4. The King Ridge Estates Subdivision plat states the maximum floor area cannot exceed 3,030 sf; the proposed home has a floor area of 3,030 sf (excluding a 324 sf garage as the Plat Notes state garages up to 600 sf are not included in the overall floor area).
5. The vacant site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
6. The property is located in the HRL zoning district and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.
7. Access to the property is from Ridge Avenue, an unbuilt right-of-way to be built by the applicant. The access drive is being built concurrently with development of each

lot. Currently the drive is being constructed for Lot 1 as that home is under development and will continue to Lot 2 upon building permit approval for Lot 2. The lot is a downhill lot. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.

8. The neighborhood is characterized by primarily historic and non-historic single family houses and vacant lots.
9. A Historic District Design Review (HDDR) application was reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The design was found to comply with the Guidelines.
10. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.
11. The driveway is proposed to be a maximum of 14 feet in width and 20 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9') and the grade of the driveway complies at 12.1% slope.
12. The garage does not exceed 18 feet in height above the garage floor.
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with allowable height limits and height envelopes for the HR-L zoning district as the house measures less than 27 feet in height from existing grade, the structure is less than the maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters, and the design includes a 12 foot step back at a height slightly below 23 feet.
15. The proposal, as conditioned, complies with the Historic District Design Guidelines as well as the requirements of 15-5-5 of the LMC.
16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood.
17. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also comply with the Design Guidelines.
18. No lighting has been proposed at this time. Lighting will be reviewed by the Planning Department at the time of the building permit for compliance with the Land Management Code lighting standards.
19. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.
20. There will be no free-standing retaining walls that exceed four feet in height. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% or greater slope areas.
22. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.
23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.
24. The garage height is 34 feet on a downhill lot; garage height may exceed up to 35' on a downhill lot subject to Planning Director approval.
25. The findings in the Analysis section of this report are incorporated herein.
26. The applicant stipulates to the conditions of approval.
27. The Planning Commission held a public hearing at the July 22, 2015 meeting for this item and continued the item to August 12, 2015 to allow the applicant to update the design of the home with revisions requested by staff.

### Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

### Conditions of Approval

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 storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation, and shall mitigate the visual effects of the retaining walls. Lawn area shall be limited in area.
6. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared,

- stamped, and signed by a licensed structural engineer.
7. This approval will expire on August 12, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
  8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
  9. All retaining walls within any of the setback areas shall not exceed more than four feet (4') in height measured from final grade, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
  10. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
  11. 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.
  12. Construction waste should be diverted from the landfill and recycled when possible.
  13. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.
  14. Parking is only allowed on the private driveway in front of the garage for 162 Ridge Avenue; parking is prohibited on the private drive (extending from Ridge Avenue).
  15. The contractor shall provide and place signage such as Heavy Truck Traffic, etc. along access routes.
  16. Truck access during construction shall be limited to King Road.
  17. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells and emergency egress.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5068 or contact me by email at [christy.alexander@parkcity.org](mailto:christy.alexander@parkcity.org).

Sincerely,



Christy J. Alexander, AICP  
Planner II



December 12, 2014

Thaynes Capital Park City LLC  
Attn: Damon Navarro  
PO Box 681849  
Park City, UT 84068

NOTICE OF PLANNING COMMISSION ACTION

Project Description: 166 Ridge Ave Steep Slope CUP  
Project Number: PL-14-02268  
Project Address: 166 Ridge Ave  
Date of Final Action: August 27, 2014

Action Taken

On August 27, 2014, the Planning Commission conducted a public hearing and approved the 166 Ridge Avenue Steep Slope Conditional Use Permit (CUP) according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The property is located at 166 Ridge Avenue.
2. The property is described as a Lot 1, King Ridge Estates, a portion of Block 75, Millsite Reservation to Park City.
3. The lot is 131.07' in length on the north side, by 99.12' in length on the south side, with a width of 50'; the lot contains 5,899 sf of area. The allowable building footprint is 2,117.3 sf for a lot of this size and the proposed building footprint is 1,624 sf.
4. The Plat states the maximum floor area cannot exceed 3,030 sf; the proposed home has a floor area of 2,881 sf (excluding a 267 sf garage as the Plat Notes state garages up to 600 sf are not included in the overall floor area).
5. The vacant site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
6. The property is located in the HRL zoning district and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.
7. Access to the property is from Ridge Avenue, an unbuilt right-of-way to be built by the applicant. The lot is a downhill lot. Two parking spaces are proposed on site.

One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.

8. The neighborhood is characterized by primarily historic and non-historic single family houses and vacant lots.
9. A Historic District Design Review (HDDR) application was reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The design was found to comply with the Guidelines.
10. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.
11. The driveway is proposed to be a maximum of 13 feet in width and 27 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9').
12. The garage does not exceed 18 feet in height above the garage floor.
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with allowable height limits and height envelopes for the HR-L zoning district as the house measures less than 27 feet in height from existing grade, the structure is less than the maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters, and the design includes a 10 foot step back at a height slightly below 23 feet.
15. The proposal, as conditioned, complies with the Historic District Design Guidelines as well as the requirements of 15-5-5 of the LMC.
16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood, in particular the pattern of houses on the downhill side of Park Avenue.
17. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the Design Guidelines.
18. No lighting has been proposed at this time. Lighting will be reviewed by the Planning Department at the time of the building permit for compliance with the Land Management Code lighting standards.
19. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.
20. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at four feet (4') or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% or greater slope areas.

22. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.
23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.
24. The garage height is 34.5 feet on a downhill lot; garage height may exceed up to 35' on a downhill lot subject to Planning Director approval.
25. The findings in the Analysis section of this report are incorporated herein.
26. The applicant stipulates to the conditions of approval.

### Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

### Conditions of Approval

1. All Standard Project Conditions shall apply.
2. No Building permit shall be issued until the Plat has been recorded.
3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
4. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
5. 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.
6. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation, and shall mitigate the visual effects of the retaining walls. Lawn area shall be limited in area.
7. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
8. This approval will expire on July 23, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
10. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
11. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
12. The garage door shall be a "carriage" style door made of wood.
13. 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.
14. Construction waste should be diverted from the landfill and recycled when possible.
15. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.
16. Parking is only allowed on the private driveway in front of the garage for 166 Ridge Avenue; parking is prohibited on the private drive (extending from Ridge Avenue).
17. The contractor shall provide and place signage such as Heavy Truck Traffic, etc. along access routes.
18. Access during construction shall be limited to one direction, up either Daly Avenue to Ridge Avenue and down King Road, or vice versa, so that one single road will not be impacted with access occurring both directions.
19. This approval will expire on August 27, 2015, if a building permit has not been issued.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5068 or contact me by email at [christy.alexander@parkcity.org](mailto:christy.alexander@parkcity.org).

Sincerely,



Christy J. Alexander, AICP  
Planner II

**Conditions of Approval pertaining to Lot 3 of King Ridge Estates -**

**COA status -**

**COA's from Ordinance 07-74:**

#3. A final utility plan is required to be approved by the City Engineer prior to plat recordation.	Reviewed and approved.
#4. A financial security for public improvements, in an amount approved by the City Engineer and in a form approved by the City Attorney, is required prior to plat recordation.	Reviewed and approved.
#5. An Encroachment Agreement with the City, for the private driveway within the platted Ridge Avenue, is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.	Approved and recorded Entry No. 00847042
#6. The driveway construction requires a Conditional Use Permit that may be reviewed concurrent with a Steep Slope Conditional Use Permit. The current application shall be amended to incorporate the grade change to existing Ridge Avenue to be approved by the City Engineer; in such case the retaining wall will not exceed eight feet (8') in total height at the northwest corner.	Approved as PL-14-02288 on 7/23/14 and EN-15-00735 issued on 5/27/15. The driveway is currently under construction. The concrete wall has been built and the drive grade is roughed in.
#7. A snow shed easement or roof design acceptable to the Chief Building Official will be required at the time of a Steep Slope CUP.	The Chief Building Official will require snow shed agreements from each neighboring property and will provide an approval determination during the Building Permit Plan Check process.
#8. A note will be added to the plat that requires the installation of Modified 13-D sprinklers in each house.	Completed, also a condition of approval on the HDDR.
#9. A note will be added requiring 30 feet non-disturbance zone in the rear (east) of the three lots. In addition, the east side of any future houses must substantially conform to the exhibit shown to the City that placed the houses 37, 55, and 58 feet from the eastern property line.	Completed, shown on plat and site plan.  Lot 3 is over 60 feet from the eastern property line.
#10. Construction mitigation plan, which will include controlling loose rocks, must be approved prior to granting building permits.	Will be completed at building permit stage.
#11. A plat note will be added to restrict Lot 3 to a footprint of 2,120 square feet. Lots 1 and 2 footprints are to be noted as 2,117 and 2,118 square feet.	Complies. Lot 3 footprint contains a footprint of 1,460.
#12. A plat note will limit the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.	Complies. Lot 3 square footage contains 2,945 square feet. Lower Level: 1,307 sq. ft. Main Level: 1,423 sq. ft. Upper level: 215 sq. ft. and a 336 sq. ft. garage (Garages, up to a maximum Area of 600 square feet, are not considered Floor Area Per LMC 15-15

<p>#13. The garage element must be at the front setback, cannot exceed the minimum depth as allowed by Code, and cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). A height exception for the garage only may be granted if it meets the preceding criteria.</p>	<p>1.107) Complies. 15 feet (front) to garage element and 20.5 feet (front) to entry. Note – The garage element meets the Plat COA #13 by placing the actual garage element at the front setback while still creating an 18 foot parking space to the front of the garage door in order to meet the 2 on-site parking space requirements (Please See Exhibit A for plans).</p>
<p>#14. No other portion of the house is eligible for a height exception.</p>	<p>Complies, as stated in the LMC: "Height exception for GARAGE ON DOWNHILL LOT. The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade." No other portion of the house other than the additional width is utilized to accommodate circulation.</p>
<p>#16. Applicant will seek a Variance or Special Exception for driveway grade in a platted unbuilt City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.</p>	<p>Completed. Special Exception approved on 12/18/07.</p>
<p>#17. Driveways into the garages cannot exceed the minimum slope necessary for drainage away from the garages.</p>	<p>Because of the topography, the driveway slopes slightly downward before evening off before the garage, there is a gutter 5 feet from the garage door to collect drainage.</p>
<p><b>COA's from King Ridge Estates Plat:</b></p>	
<p>#3 – Designs of access to and fire protection for all proposed building must meet the requirements of the Park City Fire Service District. Modified 13-D sprinklers are required in each house.</p>	<p>Is also a condition of approval for the HDDR.</p>
<p>#7 - 30' wide no-disturb area along the rear of Lots 1-3 is intended to preserve existing vegetation both during and after construction, disturbance within 30 feet of the rear line will be required only in the vicinity of power and storm drain construction.</p>	<p>Completed. Shown on both the plat and the site plan.</p>
<p>#-8 – The max floor area, as defined by the Park City LMC, cannot exceed 3,030 square feet for any structure on Lot 1, 2, or 3.</p>	<p>Complies. Lot 3 square footage contains 2,945 square feet. Lower Level: 1,307 sq. ft. Main Level: 1,423 sq. ft. Upper level: 215 sq. ft. and a 336 sq. ft. garage (Garages, up to a maximum Area of 600 square feet, are not considered Floor Area Per LMC 15-15</p>

<p>#10 Lots designated as low pressure sewer system lots shall be required to install a low pressure grinder pump station and appurtenances consistent with the SBWR public low pressure sewer system installed for the development. The King Ridge homeowners association shall be responsible for operation, maintenance and repair of the low pressure grinder pump station and appearances.</p>	<p>1.107) Oversight by SBWRD at the time of Plat recordation.</p>
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**COA's from Shared Driveway CUP:**

<p>#5. Planning Director and City Engineer will review the final design and materials for the proposed road and any necessary retaining walls. No retaining wall shall exceed four (4) feet unless approved by the Planning Director and City Engineer. Per the June 9, 2009 CUP extension request before the Planning Commission, the maximum height of the retaining was not to exceed 6.87 feet above existing grade.</p>	<p>EN-15-00735 has been reviewed and issued as of 5/27/15 for all utilities and retaining within the ROW.</p>
<p>#11. A final landscape plan shall be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review for approval by the Planning Department prior to issuance of a building permit for the lots and driveway. The landscaping shall be complete prior to issuance of a final certificate of occupancy for the lots. The landscape plan shall provide mitigation of the visual impacts of the driveway and any retaining walls and mitigation for removal of any existing Significant Vegetation. Prior to removal of any trees, an arborist report shall be provided to the Planning Department for review. The arborist report shall include a recommendation regarding any Significant Vegetation proposed to be removed and appropriate mitigation for replacement vegetation.</p>	<p>Landscape plan has been submitted with the HDDR application and is under review.</p>
<p>#12. Parking is restricted to on the driveway.</p>	<p>Complies. 158 Ridge contains two on-site parking spaces per parking code requirement.</p>
<p>#15. The Planning Department and City Engineer will review any proposed guardrail and lighting considerations at time of final design.</p>	<p>At the time of the Building Permit Plan Review the Planning Dept. and the City Engineer will provide final approval determination.</p>

**COA's from Height Special Exception:**

<p>#2 – No additional living space is approved except a circulation area and ADA elevator.</p>	<p>Complies.</p>
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**COA's from Special Exception for driveway grade:**

<p>No COA's pertaining to this project</p>
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# Planning Commission Staff Report



**Subject:** Silver Bird Condominiums at Deer Valley Second Amended – Amending Unit 29 Condominium Plat  
**Author:** Makena Hawley, Planner I  
**Project Number:** PL-16-03207  
**Date:** September 14, 2016  
**Type of Item:** Administrative – Condominium Plat Amendment

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the Silver Bird Condominiums at Deer Valley Second Amended – Amending Unit 29 condominium plat, based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

## Description

**Applicant:** David & Phyllis Oxman represented by Mike Johnston, Summit Engineering Group  
**Location:** 7379 Silver Bird Drive, Unit 29  
**Zoning:** Residential Development (RD) as part of the Deer Valley MPD  
**Adjacent Land Uses:** Condominium units, hotel, ski terrain of Deer Valley Resort, single family homes.  
**Reason for Review:** Plat amendments require Planning Commission review and City Council action

## Proposal

The applicant is requesting to amend the existing Silver Bird Condominiums plat and Silver Bird Condominiums First Amended (Exhibit D & E). The purpose of this condo plat amendment is to convert existing common area into private area, so that they can enclose an area and convert it to living space for Unit 29. The area is located on Level 1 and Level 2 in the unit as shown in Exhibit A- Elevations.

## Background

On June 28, 2016, the applicant submitted an application for the Silver Bird Condominiums at Deer Valley Second Amended – Amending Unit 29 condominium plat. The property is located at 7379 Silver Bird Drive in the Residential Development (RD) District. The applicant wishes to convert existing common space surrounding the current patio deck into private area (increase of approximately 274 square feet foot print and total of 548 square footage increase in floor area).

The Silver Bird Condominiums plat was approved by City Council on October 7, 1982 and recorded at Summit County on October 22, 1982. Silver Bird Condominiums is subject to the Deer Valley MPD as amended (DVMPD) that allows 6 units for Silver Bird

Condominiums. There are 6 existing Silver Bird Condominium units and the proposed amendment does not create additional units. Within the DVMPD, a developer can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size. A total of 6 units were constructed with the allowed number of units per the Eleventh Amended Deer Valley MPD. The Silver Bird Condominiums parcels were developed using allowed number of units without a stipulated unit size. The proposed amendment does not change the number of residential units. No additional parking is required.

The Silver Bird Condominiums First Amended condominium plat was approved by City Council on September 4, 2015 and recorded at Summit County on April 24, 2015. The condominium plat amendment was to convert limited common deck space to private area for Units 25, 26, 27, 28, 29 & 30, so that they could enclose a covered patio and convert it to living space. Units 27, 28, 29, & 30 requested to convert common area deck space to private so that they could extend their deck. Units 25 & 29 requested to enclose existing hallways and convert them from common area into private space. This application is requesting an extension beyond the previous approvals.

**Analysis**

The zoning for the Silver Bird Condominiums within the Deer Valley MPD is Residential Development (RD). The area was part of the original Deer Valley MPD that was zoned RD-MPD during the approval of that Master Planned Development. There are 6 residential units. The square footage of the unit being converted change as shown in the table below:

	<b>Private Area</b>	<b>Change to</b>
Unit 25	3,310.2 sq. ft.	-
Unit 26	3,320.38 sq. ft.	-
Unit 27	3,663.39 sq. ft.	-
Unit 28	3,356.93 sq. ft.	-
Unit 29	3,453.13 sq. ft.	4,001.2 sq. ft.
Unit 30	3,475.87 sq. ft.	-

The property is subject to the following criteria:

	<b>Permitted through MPD/CUP</b>	<b>Proposed</b>
Height	35' + an additional 5' for a pitched roof	No changes are proposed.
Setbacks	Per the record of survey plat.	No changes are proposed.
Allowed Units	6 units	No changes are proposed.
Parking	1.5 spaces/unit	No changes are proposed.

Furthermore, per state code, on April 12, 2016 the Silver Bird HOA has recorded a unanimous vote of approval in support of this request (Exhibit C).

**Good Cause**

Planning Staff finds there is good cause for this condominium plat amendment to allow the owners to utilize the space as living area without increasing unit equivalents or parking requirements, or decreasing open space past 60%, consistent with provisions of the Deer Valley MPD. Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code.

### **Department Review**

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

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet on August 15, 2016 in accordance with the requirements in the LMC. Legal notice was also published in the Park Record on August 10, 2016 and on the public notice website in accordance with the requirements of the LMC. At the August 24, 2016 Planning Commission meeting the item was continued to September 14, 2016.

### **Public Input**

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting scheduled for October 6, 2016.

### **Process**

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

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Silver Bird Condominiums at Deer Valley Second Amended – Amending Unit 29 condominium plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the condominium plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the condominium plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

### **Significant Impacts**

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

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

The proposed condominium plat amendment would not be recorded and the unit will remain as is and they owner will not be able to enclose the common area into the unit.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the Silver Bird

Condominiums at Deer Valley Second Amended – Amending Unit 29 condominium plat, based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

**Exhibits**

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Applicant’s Project Intent Letter

Exhibit C – HOA approval supporting request to convert unit

Exhibit D – Silver Bird Condominiums Record of Survey Map

Exhibit E – Silver Bird Condominiums First Amended Condominium Plat

Exhibit F – Vicinity Map/Aerial Photograph/Streetscape Images

## Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 2016-

### **AN ORDINANCE APPROVING THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY SECOND AMENDED –AMENDING UNIT 29 CONDOMINIUM PLAT, LOCATED AT 7379 SILVER BIRD DRIVE, PARK CITY, UTAH.**

WHEREAS, the owner of the property known as the Silver Bird Condominiums at Deer Valley – Unit 29, located at 7379 Silver Bird Drive and the Silver Bird Condominium HOA, have petitioned the City Council for approval of the Silver Bird Condominiums at Deer Valley Second Amended – Amending Unit 29 condominium plat to convert existing common area into private area, so that they can convert it to living space for Unit 29; and

WHEREAS, August 15, 2016 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, August 15, 2016 proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on August 24, 2016, to receive input on the proposed amended condominium plat and continued the item to September 14, 2016; and

WHEREAS, on September 14, 2016, the Planning Commission forwarded a \_\_\_\_\_ recommendation to the City Council; and,

WHEREAS, on October 6, 2016, the City Council held a public hearing on the proposed amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Silver Bird Condominiums at Deer Valley Second Amended – Amending Unit 29 condominium plat to allow the owners to convert existing common space to private space without increasing the unit equivalents or parking requirements, consistent with provisions of the Deer Valley MPD, as amended (11<sup>th</sup> Amended MPD).

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 Silver Bird Condominiums at Deer Valley First Amendment condominium plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

### Findings of Fact:

1. The property is located at 7379 Silver Bird Drive Unit 29 within the Residential Development (RD) District and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).
2. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size so long as the project has %60 or more of open space.
3. A total of 6 units were constructed with allowed number of units per the Deer Valley MPD. The Silver Bird Condominiums parcels are all included in the 11<sup>th</sup> Amended Deer Valley Master plan and are developed using allowed number of units without a stipulated unit size with provision that at least 60% open space is maintained.
4. Silver Bird Condominiums record of survey plat was approved by City Council on October 7, 1982 and recorded at Summit County on October 22, 1982.
5. The Silver Bird Condominiums First Amended condominium plat was approved by City Council on September 4, 2015 and recorded at Summit County on April 24, 2015. The condominium plat amendment was to convert limited common deck space to private area for Units 25, 26, 27, 28, 29 & 30, so that they could enclose a covered patio and convert it to living space. Units 27, 28, 29, & 30 requested to convert common area deck space to private so that they could extend their deck. Units 25 & 29 request to enclose existing hallways and convert them from common area into private space.
6. On June 09, 2016, the applicants submitted an application for a condominium plat amendment to convert common space to private area for Unit 29, so that they can convert it to living space.
7. The application was deemed complete on June 28, 2016.
8. The square footage of the unit, including the area being converted is as follows: Unit 29 private area: 4001.2 sq. ft.;
9. The Silver Bird Condominiums parcels were developed using allowed number of units without a stipulated unit size. The amendment does not change the number of residential units and at least 60% open space is maintained.
10. The plat amendment does not increase the parking requirements for these units.
11. The HOA received 100% approval from the owners to convert this unit on April 12, 2016.
12. The findings in the analysis section are incorporated herein.
13. The applicants will be required to provide a survey at the building permit stage for the Planning Department's review.

### Conclusions of Law:

1. There is good cause for this condominium plat amendment.
2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended condominium plat is consistent with the 11<sup>th</sup> Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
5. Approval of the condominium plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the condominium plat.
2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the condominium 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. Fire suppression must extend into the addition.
4. All conditions of approval of the Silver Bird Condominiums at Deer Valley condominium plat and the Deer Valley MPD as amended shall continue to apply.
5. This Plat is required to be recorded prior to any building permit issuance.

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

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2016.

PARK CITY MUNICIPAL CORPORATION

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

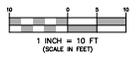
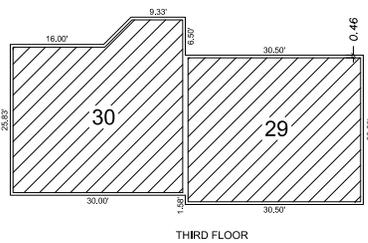
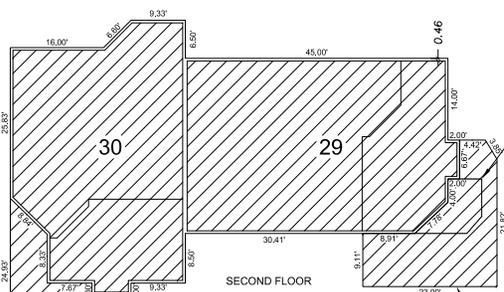
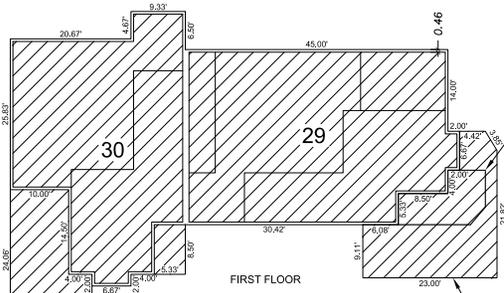
ATTEST:

\_\_\_\_\_  
Michelle Kellogg, City Recorder

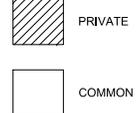
APPROVED AS TO FORM:

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

Exhibit A - Proposed Plat



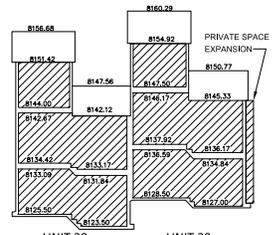
**OWNERSHIP LEGEND**



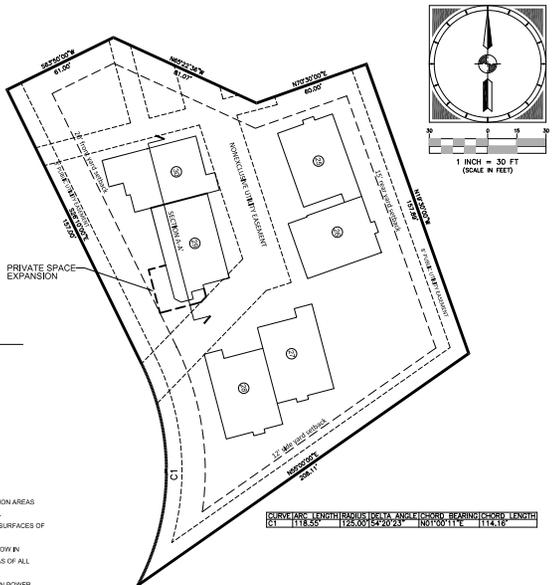
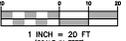
1. ALL AREAS DESCRIBED HEREIN ARE COMMON AREAS AND FACILITIES AND PRIVATE OWNERSHIP.
2. DIMENSIONS SHOWN ARE TO UNFINISHED SURFACES OF THE BOUNDING WALLS.
3. SQUARE FOOTAGES OF UNITS SHOWN BELOW IN TABULATIONS INCLUDE THE GARAGE AREAS OF ALL UNITS.
4. BENCHMARK ELEVATION 8124.06 - SPIKE ON POWER POLE NORTHEAST CORNER INTERIOR SILVER LAKE WINKEL ROAD AND LAKE FLAT "E" ROAD.
5. SEE WWW ENTRANCE ROAD DESIGN FOR LOCATION OF PRIVATE ROADS AND DRIVEWAYS.

**TABULATIONS**

UNIT 29 PRIVATE AREA 4001.2 SQ.FT.



**ELEVATIONS**



**SILVER BIRD CONDOMINIUM SITE MAP**

**PLAT NOTES**

1. THIS PLAT REPRESENTS AN AMENDMENT OF UNIT 29 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (RECORDATION NUMBER 197341.) THIS AMENDMENT EXPANDS THE PRIVATE SPACE ON THE FIRST AND SECOND LEVELS OF UNIT 29.
2. ADDITIONAL UNITS ARE SHOWN HEREON FOR REFERENCE ONLY, AND ARE NOT CHANGED WITH THIS DOCUMENT. FOR INFORMATION ON ANY UNIT OTHER THAN 29, REFER TO "SILVER BIRD CONDOMINIUMS" WITH RECORDATION NO. 197341 AND "SILVER BIRD CONDOMINIUMS AT DEER VALLEY FIRST AMENDMENT" WITH RECORDATION NO. 101227.0N FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.
3. COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR ITEMS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT, ALL REQUIREMENTS SET FORTH TO THIS AMENDMENT ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS.
4. ALL CONDITIONS OF APPROVAL OF THE DEER VALLEY RESORT 1TH AMENDED AND RE-STATED LARGE SCALE MPD AND THE ORIGINAL SILVER BIRD CONDOMINIUMS AT DEER VALLEY APPROVAL SHALL CONTINUE TO APPLY.
5. THIS CONDOMINIUM PROJECT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN PARK CITY ORDINANCE 16-.
6. THE UNITS OF THE CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.

**RECORDING INFORMATION**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, PERSONALLY APPEARED BEFORE ME \_\_\_\_\_, NOTARY PUBLIC, \_\_\_\_\_

**CONDOMINIUM PLAT  
SILVER BIRD CONDOMINIUMS  
AT DEER VALLEY  
SECOND AMENDMENT  
-A UTAH CONDOMINIUM PROJECT-**

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

**LEGAL DESCRIPTION OF SILVER BIRD CONDOMINIUMS AT DEER VALLEY**  
 BEGINNING AT A POINT WHICH LIES EAST 566.74 FEET AND SOUTH 365.26 FEET FROM THE SOUTHWEST CORNER OF SECTION 27 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 55°00'00" WEST 208.11 FEET TO A POINT ON A 125.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID 125.00 FOOT RADIUS CURVE TO THE LEFT 118.55 FEET LONG CHORD BEARS NORTH 1°00'10" EAST 114.16 FEET; THENCE NORTH 26°10'00" WEST 157.00 FEET; THENCE NORTH 83°50'00" EAST 61.00 FEET; THENCE SOUTH 69°22'36" EAST 81.07 FEET; THENCE NORTH 70°30'00" EAST 60.00 FEET; THENCE SOUTH 19°30'00" EAST 157.89 FEET TO THE POINT OF BEGINNING, CONTAINING 0.807 ACRES FOR SIX CONDO UNITS.

**SURVEYOR'S CERTIFICATE**

I, BRING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE PROPERTY SHOWN ON THIS PLAT AND DESCRIBED ABOVE, AND HAVE AMENDED SAID CONDO UNITS AS SHOWN HEREON. I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT AMENDMENT IS A CORRECT REPRESENTATION OF THE PROPERTY SURVEYED, AND HAS BEEN PREPARED IN CONFORMANCE WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8 OF THE CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57.

SURVEYOR'S SEAL

BRING CHRISTENSEN  
PROFESSIONAL LAND SURVEYOR

DATE \_\_\_\_\_

**OWNER'S CONSENT TO RECORD - H.O.A.**

I, BRING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE PROPERTY SHOWN ON THIS PLAT AND DESCRIBED ABOVE, AND HAVE AMENDED SAID CONDO UNITS AS SHOWN HEREON. I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT AMENDMENT IS A CORRECT REPRESENTATION OF THE PROPERTY SURVEYED, AND HAS BEEN PREPARED IN CONFORMANCE WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8 OF THE CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57.

SILVER BIRD CONDOMINIUM OWNERS ASSOCIATION  
A UTAH NON-PROFIT CORPORATION

BY: \_\_\_\_\_  
BRUCE S. MORRA, PRESIDENT

**ACKNOWLEDGEMENT**

STATE OF UTAH  
COUNTY OF SUMMIT

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, PERSONALLY APPEARED BEFORE ME BRUCE S. MORRA, WHO BEING DULY SWORN, DID SAY THAT HE IS PRESIDENT OF SILVER BIRD CONDOMINIUM OWNERS ASSOCIATION, A UTAH NON-PROFIT CORPORATION, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF THE CORPORATION, AND FURTHER ACKNOWLEDGED TO ME THAT THE CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC

**OWNER'S CONSENT TO RECORD - UNIT 29**

I, BRING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE PROPERTY SHOWN ON THIS PLAT AND DESCRIBED ABOVE, AND HAVE AMENDED SAID CONDO UNITS AS SHOWN HEREON. I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT AMENDMENT IS A CORRECT REPRESENTATION OF THE PROPERTY SURVEYED, AND HAS BEEN PREPARED IN CONFORMANCE WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8 OF THE CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57.

BY: \_\_\_\_\_  
DAVID C. OSMAN, TRUSTEE OF THE SILVER BIRD 29 TRUST

BY: \_\_\_\_\_  
PHYLLIS S. OSMAN, TRUSTEE OF THE SILVER BIRD 29 TRUST

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, PERSONALLY APPEARED BEFORE ME DAVID C. OSMAN & PHYLLIS S. OSMAN, WHO BEING DULY SWORN, DID SAY THAT THEY ARE THE TRUSTEES OF THE SILVER BIRD 29 TRUST AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT THEY EACH SIGNED THE FOREGOING INSTRUMENT.

NOTARY PUBLIC



PROJECT NO.: L16-052  
 DRAWN BY: JDE  
 REVIEWED BY: BC  
 APPROVED BY: BC  
 DATE: JULY 6, 2016

PARK CITY PLANNING COMMISSION  
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF \_\_\_\_\_, 2016.

PARK CITY ENGINEER  
 THIS PLAT IS IN CONFORMANCE WITH THE INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPT. ON THIS DAY OF \_\_\_\_\_, 2016.

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT  
 REVIEWED FOR CONFORMANCE TO THE SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF \_\_\_\_\_, 2016.

PARK CITY ATTORNEY  
 APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

CITY COUNCIL APPROVAL  
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

CERTIFICATE OF ATTEST  
 I CERTIFY THAT THIS PLAT AMENDMENT WAS APPROVED BY THE PARK CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

RECORDER  
 ENTRY NO. \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 DATE OF UTAH COUNTY OF SUMMIT  
 DATE RECORDED AT THE REQUEST OF \_\_\_\_\_  
 SUMMIT COUNTY RECORDER

# EXHIBIT B- Project Intent Letter

**CONDOMINIUM PLAT  
SILVER BIRD CONDOMINIUMS AT DEER VALLEY  
SECOND AMENDMENT  
-A UTAH CONDOMINIUM PROJECT-**

**THE PROJECT INTENT AND SCOPE OF WORK:**

THIS PLAT REPRESENTS AN AMENDMENT OF COMMON SPACE TO PRIVATE SPACE FOR UNIT 29 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (RECORDATION NUMBER 197341.) THIS AMENDMENT EXTENDS EXISTING PRIVATE AREA OF UNIT 29.



EXHIBIT C - HOA Approval letter

April 12, 2016

To Park City Planning Dept.,

This letter is to certify that I, Bruce Morra, acting in my capacity as the President of the Management Committee of the Silver Bird Home Owner's Association, confirm that:

1. I have notified the owner(s) of each home within the Silver Bird development regarding the proposed conversion of some Common Area to Private Area for Unit 29;
2. and that the owners have all voted on the proposed change;
3. and that the vote was unanimous in the approval of supporting the request.
4. and that this vote meets the requirements of the Silver Bird Conditions, Covenants, and Restrictions.

BY: *Bruce Morra*  
 Bruce, Morra, Silver Bird HOA President

ACKNOWLEDGEMENT

State of UTAH  
County of Summit

On the 12 day of April, 2016 personally appeared before me Bruce Morra, who did say that he is the President of the Management Committee of the Silver Bird Home Owner's Association, and that the within and foregoing instrument was signed on behalf of said HOA, and he acknowledged to me that he executed the same.

WITNESS my hand and official stamp:

*Susan Brose McKeon*  
 Notary-Public  
 My commission expires: September 13, 2017

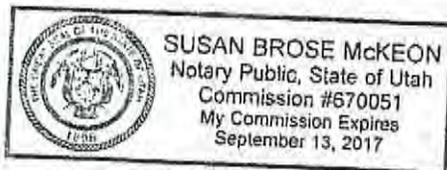
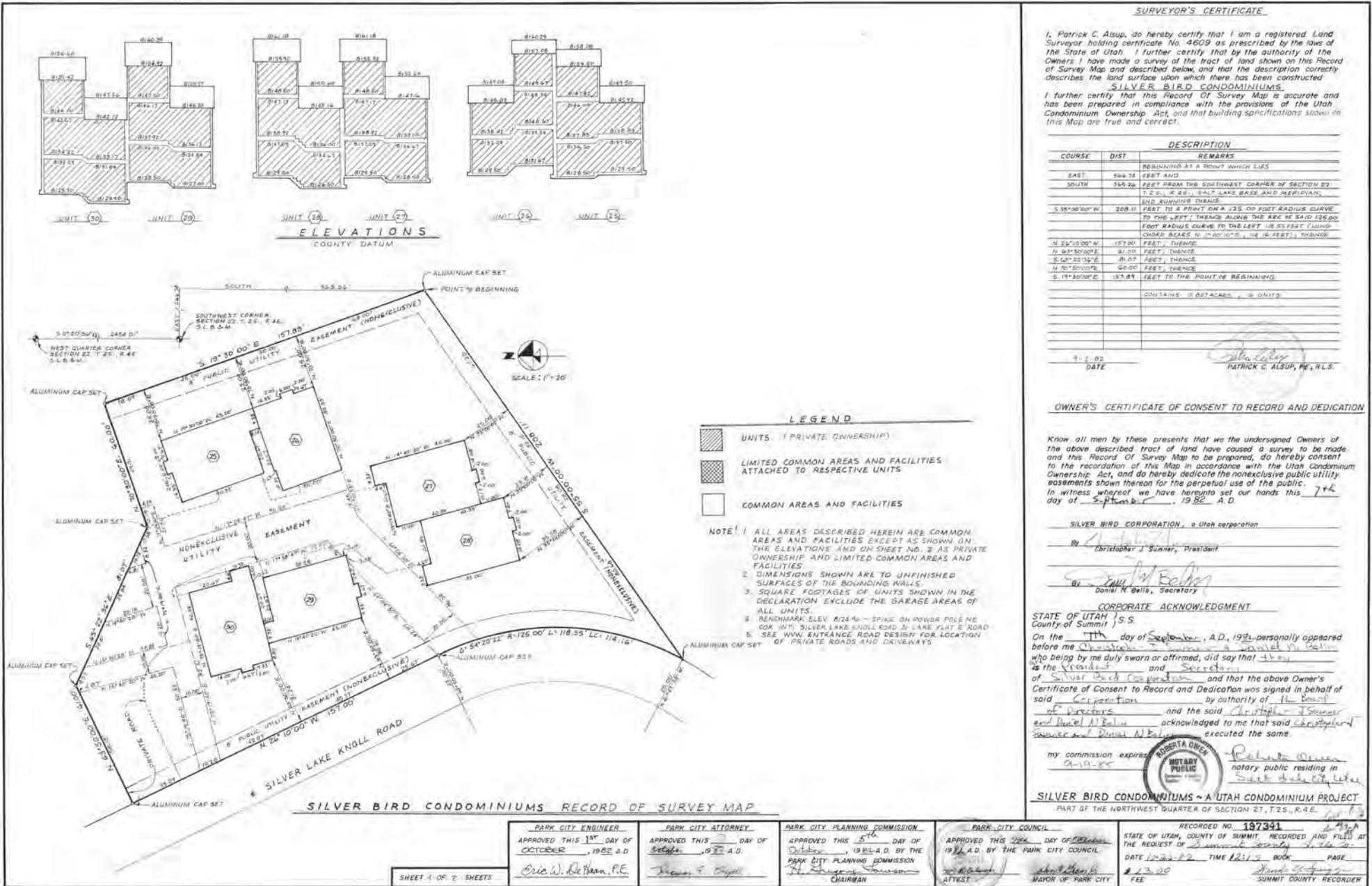


EXHIBIT D- Silver Bird Condominiums ROS plat



**SURVEYOR'S CERTIFICATE**

I, Patrick C. Alsop, do hereby certify that I am a registered Land Surveyor holding certificate No. 4609 as prescribed by the laws of the State of Utah. I further certify that by the authority of the Owners I have made a survey of the tract of land shown on this Record of Survey Map and described below, and that the description correctly describes the land surface upon which there has been constructed SILVER BIRD CONDOMINIUMS.

I further certify that this Record of Survey Map is accurate and has been prepared in compliance with the provisions of the Utah Condominium Ownership Act, and that building specifications shown on this Map are true and correct.

COURSE	DIST	DESCRIPTION	REMARKS
EAST	596.78	FEET AND	REBENDING AT A POINT WHICH LIES
SOUTH	345.26	FEET FROM THE SOUTHWEST CORNER OF SECTION 22	
T. 2 S. R. 22 E., SALT LAKE BASE AND MERIDIAN,		AND BOUNDING TRACES	
S 55°00'00" W.	208.11	FEET TO A POINT ON A 125.00 FOOT RADIUS CURVE	
TO THE LEFT; THENCE ALONG THE ARC OF SAID 125.00		FOOT RADIUS CURVE TO THE LEFT 18.55 FEET (LONG	
CHORD BEARS N 70°00'00" W, 18.55 FEET); THENCE			
N 24°10'00" W.	157.00	FEET; THENCE	
N 65°50'00" E.	81.00	FEET; THENCE	
S 64°20'14" E.	81.07	FEET; THENCE	
N 70°50'00" E.	52.00	FEET; THENCE	
S 19°30'00" E.	157.89	FEET TO THE POINT OF BEGINNING.	
		CONTAINS 0.807 ACRES, 0 UNITS	

DATE: 9-1-82  
PATRICK C. ALSOP, P.E., P.L.S.

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

Know all men by these presents that we the undersigned Owners of the above described tract of land have caused a survey to be made and this Record of Survey Map to be prepared, do hereby consent to the recording of this Map in accordance with the Utah Condominium Ownership Act, and do hereby dedicate the nonexclusive public utility easements shown thereon for the perpetual use of the public.

In witness whereof we have hereunto set our hands this 7<sup>th</sup> day of September, 1982 A.D.

SILVER BIRD CORPORATION, a Utah corporation  
By Christopher J. Sumner, President  
By Daniel N. Bellis, Secretary

**CORPORATE ACKNOWLEDGMENT**

STATE OF UTAH ) S.S.  
County of Summit )

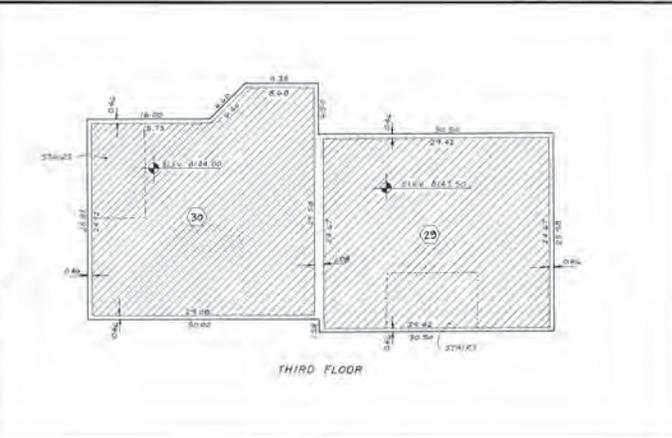
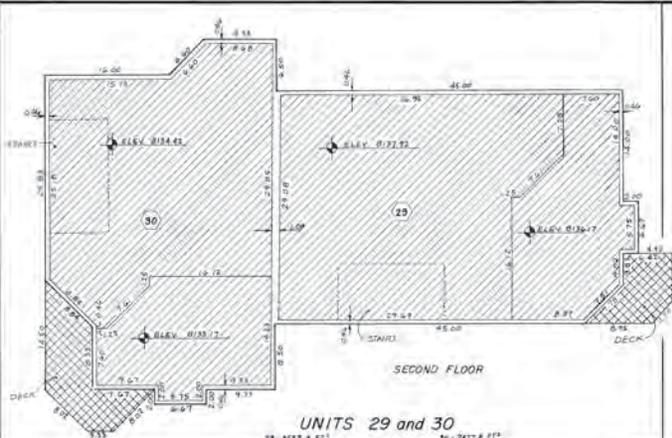
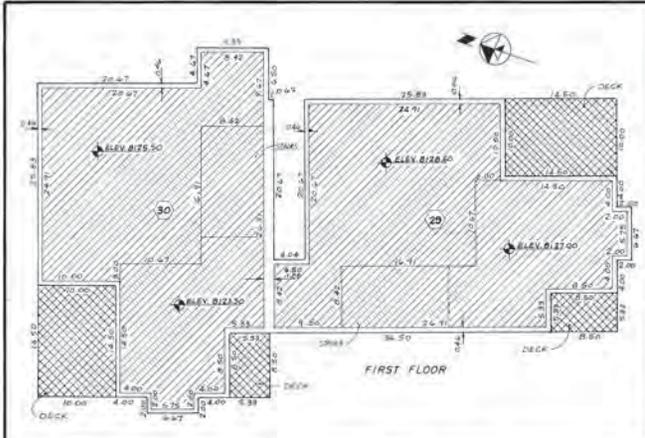
On the 7<sup>th</sup> day of September, A.D., 1982, personally appeared before me Christopher J. Sumner and Daniel N. Bellis, who being by me duly sworn or affirmed, did say that they are the President and Secretary of Silver Bird Condominiums and that the above Owner's Certificate of Consent to Record and Dedication was signed in behalf of said Corporation by authority of the Board of Directors and the said Christopher J. Sumner and Daniel N. Bellis acknowledged to me that said Christopher J. Sumner and Daniel N. Bellis executed the same.

my commission expires 09-19-85

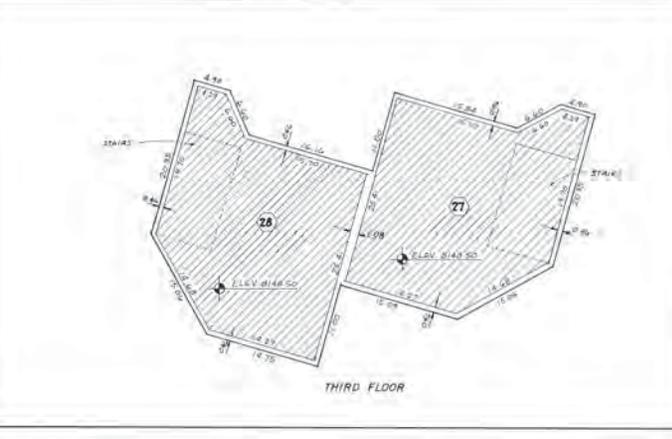
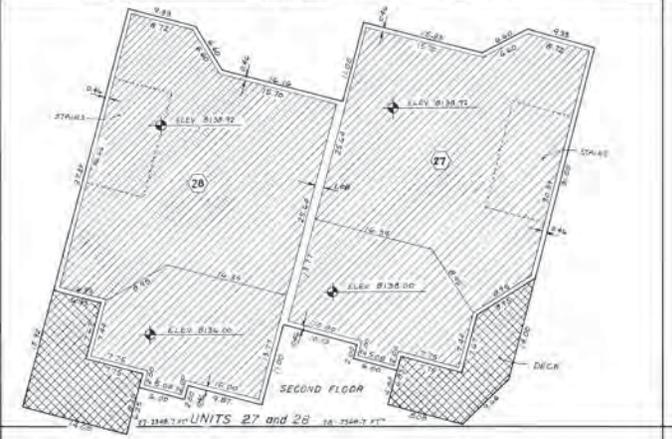
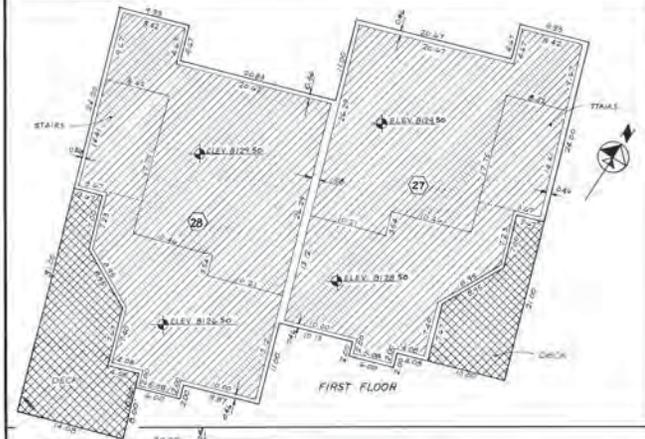
**ROBERTA OWEN**  
NOTARY PUBLIC  
notary public residing in Salt Lake City, Utah

**SILVER BIRD CONDOMINIUMS - A UTAH CONDOMINIUM PROJECT**  
PART OF THE NORTHWEST QUARTER OF SECTION 27, T.2S., R.4E., S.4E.

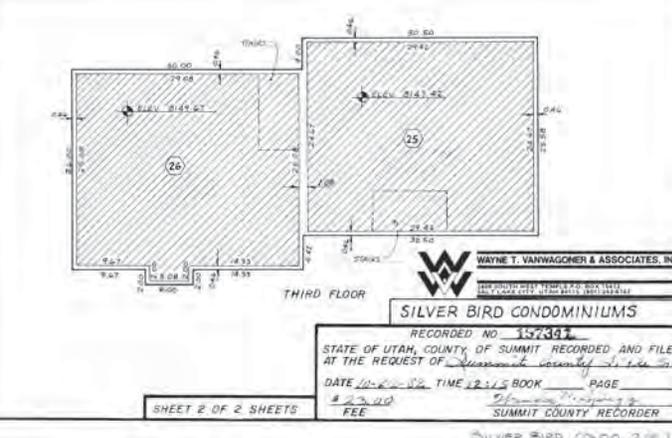
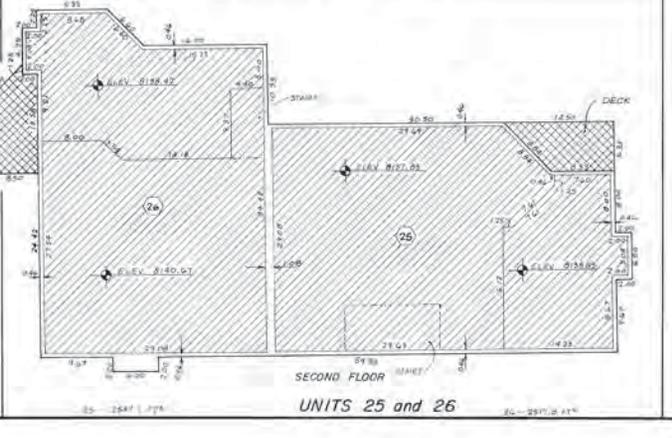
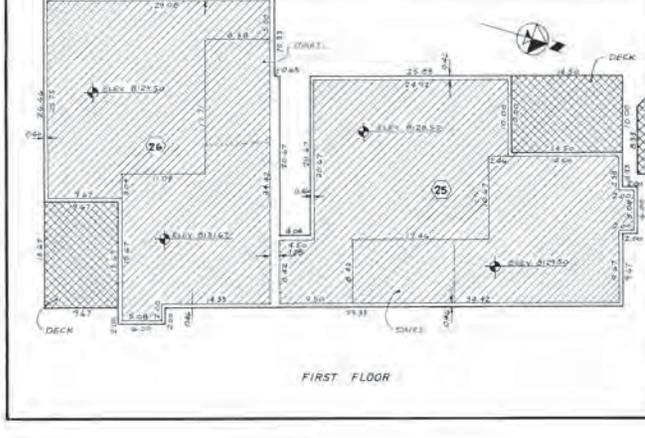
RECORDED NO. 197391  
STATE OF UTAH, COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF Silver Bird Condominiums, 9/1/82.  
DATE 10-2-82 TIME 12:15 P.M. BOOK PAGE  
# 13-20  
Summit County Recorder



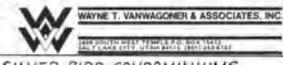
UNITS 29 and 30  
22-2553, 4 211' 20" x 247.8 211'



UNITS 27 and 28  
22-2558 211' 20" x 246.7 211'



UNITS 25 and 26  
22-2547 211' 20" x 251.2 211'



**SILVER BIRD CONDOMINIUMS**  
 RECORDED NO. 157381  
 STATE OF UTAH, COUNTY OF SUMMIT RECORDED AND FILED  
 AT THE REQUEST OF Wayne T. VanWagner & Associates, Inc.  
 DATE 10-20-12 TIME 2:15 BOOK 146 PAGE 5  
 FEE \$ 23.00 SUMMIT COUNTY RECORDER

SHEET 2 OF 2 SHEETS

SILVER BIRD COND. 211' 1

EXHIBIT E - Silver Bird Condominiums - First Amended Condo Plat

CONDOMINIUM PLAT  
**SILVER BIRD CONDOMINIUMS  
 AT DEER VALLEY  
 FIRST AMENDMENT  
 -A UTAH CONDOMINIUM PROJECT-**

A PARCEL OF LAND LOCATED  
 IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
 SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

**LEGAL DESCRIPTION OF SILVER BIRD CONDOMINIUMS AT DEER VALLEY**

BEGINNING AT A POINT WHICH LIES EAST 306.74 FEET AND SOUTH 385.28 FEET FROM THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND PLACING THENCE SOUTH 87°00'00" WEST 204.11 FEET TO A POINT ON A 120.00 FOOT RADIUS CURVE TO THE LEFT; THEN ALONG THE ARC OF SAID 120.00 FOOT RADIUS CURVE TO THE LEFT 178.50 FEET (LONG CHORD BEARS NORTH 17°00'00" EAST 174.38 FEET); THENCE NORTH 2°00'00" WEST 152.00 FEET; THENCE NORTH 87°00'00" EAST 83.00 FEET; THENCE SOUTH 87°22'30" WEST 83.00 FEET; THENCE NORTH 1°00'00" EAST 83.00 FEET; THENCE SOUTH 1°00'00" EAST 154.89 FEET TO THE POINT OF BEGINNING, CONTAINING 0.827 ACRES FOR SAID CONDO UNITS.

**SURVEYOR'S CERTIFICATE**

I, BRIG CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 142878 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE PROPERTY SHOWN ON THIS PLAT AND DESCRIBED ABOVE, AND HAVE AMENDED SAID CONDO UNITS AS SHOWN HEREON. I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT AMENDMENT IS A CORRECT REPRESENTATION OF THE PROPERTY SURVEYED, AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN THIS PLAT AMENDMENT TO BE PREPARED, AND IN ACCORDANCE WITH THE UTAH CONDOMINIUM ACT, UTAH CODE TITLE 67.



*Brig Christensen*  
 BRIG CHRISTENSEN  
 PROFESSIONAL LAND SURVEYOR  
 DATE: 11-11-14

**OWNER'S CONSENT TO RECORD - UNIT 26**

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT 26 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT I CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDECTION OF THIS PLAT.

BY: *John C. Murphy*  
 JOHN C. MURPHY, TRUSTEE OF THE MURPHY FAMILY TRUST DATED JULY 26, 1994

**ACKNOWLEDGEMENT**

STATE OF UTAH  
 COUNTY OF Summit

ON THIS 10th DAY OF February, 2014, PERSONALLY APPEARED BEFORE ME JOHN C. MURPHY, WHO BEING DULY SWORN, DID SAY THAT HE IS THE TRUSTEE OF THE MURPHY FAMILY TRUST DATED JULY 26, 1994, WHICH OWNS UNIT 26 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT HE SIGNED THE FOREGOING INSTRUMENT.

*John C. Murphy*  
 JOHN C. MURPHY  
 NOTARY PUBLIC



**OWNER'S CONSENT TO RECORD - UNIT 29**

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT 29 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT I CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDECTION OF THIS PLAT.

BY: *David C. Dumas*  
 DAVID C. DUMAS, TRUSTEE OF THE SILVER BIRD 29 TRUST DATED APRIL 3, 1992

**ACKNOWLEDGEMENT**

STATE OF Utah  
 COUNTY OF Summit

ON THIS 6th DAY OF February, 2014, PERSONALLY APPEARED BEFORE ME DAVID C. DUMAS, WHO BEING DULY SWORN, DID SAY THAT HE IS THE TRUSTEE OF THE SILVER BIRD 29 TRUST AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT HE SIGNED THE FOREGOING INSTRUMENT.

*David C. Dumas*  
 DAVID C. DUMAS  
 NOTARY PUBLIC



**PLAT NOTES**

- THIS PLAT REPRESENTS AN AMENDMENT OF UNITS 26, 27, 28, 29 & 30 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY REGISTER (REGISTRATION NUMBER 18741). THIS AMENDMENT CONVERTS ALL EXISTING LIMITED COMMON AREA SPACE INTO PRIVATE AREAS FOR UNITS 26, 27, 28, 29 & 30. THE SPACE BEING CONVERTED IS LOCATED ON LEVEL 1, HALLWAYS & IN ALL UNITS 26, 27, 28, 29, & 30 AS NOTED AND DESCRIBED HEREON.
- THIS PLAT ALSO REPRESENTS AN AMENDMENT OF UNITS 27, 28, 29 & 30 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY REGISTER (REGISTRATION NUMBER 18741). THIS AMENDMENT EXTENDS EXISTING COMMON AREA SPACE OF UNITS 27, 28, 29 & 30. THE EXTENDED DECK SPACE IS LOCATED ON LEVEL 1 AND LEVEL 2 FOR UNITS 27, 28, & 30 AND ON LEVEL 1 FOR UNIT 29 AS NOTED AND DESCRIBED HEREON.
- THIS PLAT ALSO REPRESENTS AN AMENDMENT OF UNITS 27, 28, 29 & 30 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY REGISTER (REGISTRATION NUMBER 18741). THIS AMENDMENT ENCLOSES EXISTING HALLWAYS AND CONVERTS THEM FROM COMMON AREAS INTO PRIVATE SPACE FOR UNITS 27, 28, 29, & 30. THE ENCLOSED HALLWAYS ARE ON LEVEL 1 FOR UNITS 27, 28, 29, & 30.
- CONDOMINIUMS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR OTHER PROVISIONS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT. ALL REQUIREMENTS SET FORTH IN THIS AMENDMENT ARE IN ADDITION TO ANY OTHER APPLICABLE REQUIREMENTS.
- ALL CONDITIONS OF APPROVAL OF THE DEER VALLEY REPORT (17)14 AMENDED AND REPEATED LAWS, RULES AND REGULATIONS AND THE ORIGINAL SILVER BIRD CONDOMINIUMS AT DEER VALLEY APPROVAL SHALL CONTINUE TO APPLY.
- THIS CONDOMINIUM PROJECT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN PARK CITY ORDINANCE 14-43.
- THE UNITS OF THIS CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL, WATER MAIN LINE, THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE, OPERATION, AND REPAIRS OF ALL COMMON PRIVATE LATERAL, WATER MAIN LINES.

**RECORDING INFORMATION**

Blank box for recording information.

**OWNER'S CONSENT TO RECORD - H.O.A.**

KNOW ALL MEN BY THESE PRESENT THAT SILVER BIRD CONDOMINIUM OWNERS ASSOCIATION (THE ASSOCIATION), THE AUTHORIZED REPRESENTATIVE OF ALL OF THE UNIT OWNERS HOLDING AT LEAST A TWO-THIRDS OWNERSHIP INTEREST IN THE COMMON AREA AND FACILITIES OF THE PROJECT PURSUANT TO THE PROVISIONS OF SECTION 27 OF THE DECLARATION OF CONDOMINIUM OF THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY, CERTIFIES THAT IT HAS APPROVED THIS PLAT AMENDMENT TO BE PREPARED, AND IN BEHALF OF ALL OF THE UNIT OWNERS DOES HEREBY CONSENT TO THE RECORDECTION OF THIS PLAT.

SILVER BIRD CONDOMINIUM OWNERS ASSOCIATION  
 A UTAH NON-PROFIT CORPORATION  
 BY: *Bruce S. Moran*  
 BRUCE S. MORAN, PRESIDENT

**ACKNOWLEDGEMENT**

STATE OF UTAH  
 COUNTY OF Summit

ON THIS 7th DAY OF February, 2014, PERSONALLY APPEARED BEFORE ME BRUCE S. MORAN, WHO BEING DULY SWORN, DID SAY THAT HE IS PRESIDENT OF SILVER BIRD CONDOMINIUM OWNERS ASSOCIATION, A UTAH NON-PROFIT CORPORATION, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF THE CORPORATION, AND FURTHER ACKNOWLEDGED TO ME THAT THE CORPORATION EXECUTED THE SAME.

*Bruce S. Moran*  
 BRUCE S. MORAN  
 NOTARY PUBLIC



**OWNER'S CONSENT TO RECORD - UNIT 27**

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT 27 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT I CAUSED THIS PLAT AMENDMENT TO BE PREPARED.

BY: *Robert Scott Moran*  
 ROBERT SCOTT MORAN, AS JOINT TENANT

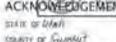
BY: *Robert M. Michael*  
 ROBERT M. MICHAEL, AS JOINT TENANT

**ACKNOWLEDGEMENT**

STATE OF UTAH  
 COUNTY OF Summit

ON THIS 2nd DAY OF February, 2014, PERSONALLY APPEARED BEFORE ME ROBERT SCOTT MORAN AND ROBERT M. MICHAEL, WHO BEING DULY SWORN, DID SAY THAT HE AND SHE ARE CO-OWNERS OF UNIT 27 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT EACH SIGNED THE FOREGOING INSTRUMENT.

*Robert Scott Moran*  
 ROBERT SCOTT MORAN  
 NOTARY PUBLIC



**OWNER'S CONSENT TO RECORD - UNIT 30**

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT 30 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT I DO HEREBY CONSENT TO THE RECORDECTION OF THIS PLAT.

BY: *Robert E. Ward*  
 ROBERT E. WARD, AS TO AN UNDIVIDED ONE-HALF INTEREST

BY: *Philip S. Sullivan*  
 PHILIP S. SULLIVAN, AS TO AN UNDIVIDED ONE-HALF INTEREST

**ACKNOWLEDGEMENT**

STATE OF Utah  
 COUNTY OF Summit

ON THIS 3rd DAY OF February, 2014, PERSONALLY APPEARED BEFORE ME ROBERT E. WARD, WHO BEING DULY SWORN, DID SAY THAT HE IS AN OWNER OF UNIT 30 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT HE SIGNED THE FOREGOING INSTRUMENT.

*Robert E. Ward*  
 ROBERT E. WARD  
 NOTARY PUBLIC



**OWNER'S CONSENT TO RECORD - UNIT 28**

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT 28 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT I CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDECTION OF THIS PLAT.

BY: *John D. Lehner*  
 JOHN D. LEHNER, TRUSTEE OF JOHN D. LEHNER REVOCABLE TRUST DATED DEC. 21, 1997

**ACKNOWLEDGEMENT**

STATE OF Utah  
 COUNTY OF Summit

ON THIS 13th DAY OF February, 2014, PERSONALLY APPEARED BEFORE ME JOHN D. LEHNER AND DENISE A. LEHNER, WHO BEING DULY SWORN, DID EACH SAY THAT THEY ARE THE TRUSTEES OF THE JOHN D. LEHNER REVOCABLE TRUST DATED DEC. 21, 1997, WHICH OWNS UNIT 28 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND EACH DULY ACKNOWLEDGED TO ME THAT HE AND SHE SIGNED THE FOREGOING INSTRUMENT.

*John D. Lehner*  
 JOHN D. LEHNER  
 NOTARY PUBLIC



COMMERCIALITY OF PURCHASES  
 BY: *Robert E. Ward*  
 ROBERT E. WARD, NOTARY PUBLIC  
 COMMERCIALITY OF PURCHASES  
 BY: *Denise A. Lehner*  
 DENISE A. LEHNER, NOTARY PUBLIC  
 COMMERCIALITY OF PURCHASES  
 BY: *John D. Lehner*  
 JOHN D. LEHNER, NOTARY PUBLIC



PROJECT NO: 14-009  
 CLIENT: JCF  
 REVISION: BC  
 APPROVED BY: BC  
 DATE: NOV 7, 2014

SHEET 1 OF 2

PARK CITY PLANNING COMMISSION  
 APPROVED BY THE PARK CITY PLANNING COMMISSION ON THE 11th DAY OF March, 2014  
*Anna Wood*

PARK CITY ENGINEER  
 THIS PLAT IS IN CONFORMANCE WITH THE INFORMATION ON FILE IN THE OFFICE OF THE SUMMIT COUNTY REGISTER ON THE 11th DAY OF March, 2014  
*Michael*

SNYDERVILLE BASIN  
 WATER RECLAMATION DISTRICT  
 REVIEWED FOR CONFORMANCE TO THE SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDIZATION BY THE 11th DAY OF March, 2014  
*R. B. ...*

PARK CITY ATTORNEY  
 APPROVED BY CONSENT ON THE 15th DAY OF April, 2014  
*Paul G. Miller*

CITY COUNCIL APPROVAL  
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THE 15th DAY OF April, 2014  
*John Moran*

CERTIFICATE OF ATTEST  
 I CERTIFY THAT THIS PLAT AMENDMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT, UTAH CODE TITLE 67, AND THE UTAH CONDOMINIUM ACT, UTAH CODE TITLE 67, AND THE UTAH CONDOMINIUM ACT, UTAH CODE TITLE 67.  
*Morgan*

REC-600A RECORDED  
 BY: *John Moran*  
 DATE: 11/15/14  
 COUNTY: Summit  
 BY: *John Moran*



EXHIBIT F- Vicinity Map followed by streetscape images of Unit 29



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JUN 09 2016  
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PLANNING DEPT



