



AGENDA

MEETING CALLED TO ORDER – 3:30 PM		<i>pg</i>
ROLL CALL		
REGULAR AGENDA - Public hearing and possible action		
General Plan	<i>Planning Director</i>	<i>5</i>
<i>Public hearing and possible recommendation to City Council</i>	<i>Eddington</i>	
WORK SESSION – Discussion items only, no action taken.		
Park City Mountain Resort – Master Planned Development	<i>Planner Astorga</i>	<i>9</i>
ADOPTION OF MINUTES OF SEPTEMBER 25, 2013		<i>85</i>
ADOPTION OF MINUTES OF NOVEMBER 6, 2013		<i>125</i>
PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda		
STAFF AND BOARD COMMUNICATIONS/DISCLOSURES		
CONTINUATIONS - Public hearing and possible action		
916 Empire Avenue – Steep Slope Conditional Use Permit	PL-13-01533	
<i>Public hearing and continuation to December 11, 2013</i>	<i>Planner Whetstone</i>	
530 Main Street, River Horse – Conditional Use Permit for a seasonal tent	PL-13-02066	
<i>Public hearing and continuation to December 11, 2013</i>	<i>Planner Grahn</i>	
Risner Ridge Subdivision 1 & 2 – Plat Amendment	PL-13-02021	
<i>Public hearing and continuation to December 11, 2013</i>	<i>Planner Whetstone</i>	
1255 Park Avenue, Park City Library – Plat Amendment	PL-13-01950	
<i>Public hearing and continuation to December 11, 2013</i>	<i>Planner Grahn</i>	
7101 Silver Lake Drive, Lot 2B Subdivision of Lot 2 North Silver Lake – Conditional Use Permit for Lockout Units	PL-13-02034	
<i>Public hearing and continuation to December 11, 2013</i>	<i>Planner Astorga</i>	
Lot 2B Subdivision of Lot 2 North Silver Lake – Subdivision	PL-13-02048	
<i>Public hearing and continuation to December 11, 2013</i>	<i>Planner Astorga</i>	
Lot 2B Subdivision of Lot 2 North Silver Lake – Condominium Conversion	PL-13-02049	
<i>Public hearing and continuation to December 11, 2013</i>	<i>Planner Astorga</i>	
REGULAR AGENDA - Public hearing and possible action		
1255 Park Avenue, Park City Library – Master Planned Development	PL-13-02085	<i>177</i>
<i>Public hearing and discussion</i>	<i>Planner Grahn</i>	
Fifth Amended Courchevel Condominiums at Deer Valley, 2700 Deer Valley Drive – Amendment to Record of Survey	PL-13-02098	<i>235</i>
<i>Public hearing and possible recommendation to City Council</i>	<i>Planner Alexander</i>	
264 Ontario Avenue – Steep Slope Conditional Use Permit	PL-13-02055	<i>261</i>
<i>Public hearing and possible action</i>	<i>Planner Whetstone</i>	
ADJOURN		

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

REGULAR AGENDA

Planning Commission Staff Report



Subject: General Plan
Author: Thomas Eddington, Planning Director
Kayla Sintz, Planning Manager
Date: November 20, 2013
Type of Item: Legislative

Summary Recommendations

Staff recommends that the Planning Commission review the proposed modifications to the General Plan, hold a public hearing, and consider forwarding a positive recommendation to the City Council.

Background

The draft version of the General Plan was completed on March 27, 2013, and distributed to the Planning Commission and City Council for review and comments. The draft document presented for discussion incorporates the input received from each of the Task Force meetings held from June - August. Individual comments provided independently and without consensus from the task force group have not been incorporated.

Discussion

Introduction Section

Limited discussion occurred in regards to the *Introduction* section at the last Planning Commission meeting on November 6, 2013 due to time constraints. Comments were received in referencing the 'Triple Bottom Line'. Staff has removed the section referencing those elements and would like additional discussion regarding the *Introduction* (Exhibit B).

PC direction: Agree Reject Modify

Neighborhood Section

As stated in the last Planning Commission meeting of November 6, 2013, most of the *Neighborhoods* were discussed as part of the last Task Force meeting. Remaining edits were submitted in writing. Additionally, many previously discussed Policy items affect the Neighborhood sections due to the interconnected Core Values: *Small Town, Natural Setting, Sense of Community* and *Historic Character*.

The Planning Commission should review the following pages of the attached revised *Neighborhood* section (Exhibit C). Based on the comments received at the November 6, 2013 meeting, Staff incorporated changes and modified sections accordingly. In addition, following the meeting, Staff incorporated other minor changes submitted by Commissioners Brooke Hontz, Charlie Wintzer and Stewart Gross.

The Neighborhood section was enlarged to include dividing the previously combined neighborhood of *Bonanza Park and Prospector*. While there was discussion of these neighborhoods being referenced as Sub-Areas under the existing format, Staff felt the Commission's desire to split them into two distinct neighborhoods was a better solution.

The previously identified Neighborhood section was as follows:

<u>Neighborhood</u>	<u>Page reference in original TASK FORCE draft document</u>
1 – Thaynes	pages 311-320
2 – Park Meadows	pages 321-330
3 – Bonanza Park / Prospector	pages 331-342
4 – Resort Center	pages 343-362
5 – Old Town	pages 363-380
6 – Masonic Hill	pages 381-390
7 – Lower Deer Valley	pages 391-402
8 – Upper Deer Valley	pages 403-414
9 – Quinn's Junction	pages 415-430

The new *Neighborhood* listing was renumbered for ten (10) areas and includes: (Exhibit C)

<u>Neighborhood</u>	<u>Page reference in attached Exhibit C</u>
1 – Thaynes	pages 2-11
2 – Park Meadows	pages 12-21
3 – Bonanza Park & Snow Creek	pages 22-33 *new section
4 - Prospector	pages 34-43 *new section
5 – Resort Center	pages 44-63
6 - Old Town	pages 64-81
7 – Masonic Hill	pages 82-91
8 – Lower Deer Valley	pages 92-103
9 – Upper Deer Valley	pages 104-115
10 - Quinn's Junction	pages 116-131

PC direction: Agree Reject Modify

Recommendation

Staff recommends that the Planning Commission review the proposed modifications to the General Plan, conduct a public hearing, and consider forwarding a positive recommendation to the City Council. Staff would also recommend the Planning Commission provide direction on any further areas or changes they would like Council to continue work on.

Exhibits

- Exhibit A – Revised Schedule for General Plan Completion
- Exhibit B – Revised Introduction Section
- Exhibit C – Revised Neighborhood Section

Unchanged documents from the November 6, 2013 meeting complete the remainder of the document

Updated General Plan Schedule

			Reference pages
Joint PC/CC Meeting	Policy Issues	9/4/2013	
PC Public Hearing	Kick Off - Exec Summary & Small Town	9/11/2013	93-114; 175-200
PC Public Hearing	Sense of Community	9/25/2013	131-164; 237-288
PC Public Hearing	Natural Setting	10/9/2013	115-130; 201-236
PC Public Hearing	Historic Character	10/23/2013	185-174; 289-310
PC Public Hearing	Neighborhoods & Overview of Draft Document	11/6/2013	312-430
PC Public Hearing	Review and Recommendation to CC	11/20/2013	NA
CC Work session	Introduction - Executive Summary	11/21/2013	
CC Public Hearing	Values, Goals, Strategies	12/5/2013	
CC Public Hearing	Final Draft Distribution	12/12/2013	
CC Public Hearing	Action - Vote on GP	12/19/2013	

Revised 11/6/13

WORK SESSION

Planning Commission Staff Report



Application #: PL-13-02135 & PL-13-02136
Subject: PCMR Base Area MPD
Author: Francisco Astorga, Planner
Date: November 20, 2013
Type of Item: Administrative – MPD Amendment & CUP Work Session Discussion

Summary Recommendations

Staff recommends that the Planning Commission review the proposed scope of modifications to the approved Master Planned Development (MPD) and Conditional Use Permit (CUP) for Park City Mountain Resort (PCMR) and provide input/direction to the applicant. Specifically, staff recommends that the Planning Commission confirm their willingness to consider density reallocations between the parcels to enable Woodward project review to move forward and provide direction to proceed with the amended site plan as proposed for substantive review in accordance with applicable LMC regulations.

Description

Applicant: Park City Mountain Resort represented by Jenni Smith & Tom Pettigrew and Michael Barille
Location: 1310 Lowell Avenue
Zoning District: Recreation Commercial (RC) District
Adjacent Land Uses: Ski base area, residential and recreation commercial
Reason for Review: Introduction to the proposed MPD Amendment and CUP for their proposed next phase

Background

On June 25, 1997 the Park City Planning Commission approved the Park City Mountain Resort Large Scale Master Plan. See Exhibit A – 09.02.1997 Action Letter. The Development Agreement was recorded with the County on July 21, 1998. See Exhibit B – Development Agreement. The maximum density permitted was limited to 492 Unit Equivalents. The approved Master Plan includes construction of new buildings on all of the current surface parking lots, addition of skier parking in underground structures, construction of a new plaza oriented primarily toward the day skier, installation of skiing improvements, etc. The Master Plan consisted of 5 parcels, A - E. Parcel A has already been developed, Marriott's Mountainside. The remaining parcels have not as they currently serve as parking lots:



The following table and notes below shows the allocation of density per each parcel:

Parcel	Gross Residential SF	Residential Support Commercial & Accessory Use @ 10%	Accessory Use to Resort Operation	Retail/ Commercial	Total (2)
A	287,000	28,700	35,000	(1)	350,810
B	294,000	29,400		(1)	323,519
C	159,000	15,900	18,000	(1)	192,963
D	93,000	9,300		(1)	102,338
E	141,000	14,100	32,000	(1)	187,157
Total	974,000	97,400	85,00		1,156,787

- (1) If there are retail/commercial uses other than Support Commercial or Accessory Uses they will require a proportionate reduction in the square footage that is allocated for the other uses in this table.
- (2) Building square footage does not include Resort Accessory uses, mechanical, maintenance or storage space that may be located below grade or parking as shown in the Concept Master Plan.
- (3) Underground public convention and meeting space is allowed in addition to the total Parcel square footage allowance.

The existing MPD covers the base area owned by PCMR. In 2007, as a result of the amendment to the Flagstaff Annexation for the Montage Hotel in which all remaining density in the PCMR lease area (most of the ski terrain) was transferred to the Montage site, the lease area was annexed into the City. The lease area has zero density, is zoned open space, and is limited to ski area uses by deed restriction and conservation easement. The City confirmed at the time of annexation that the annexation would not affect PCMR's rights under the existing MPD.

During the joint CC / PC Joint Meeting on December 8, 2011, PCMR (John Cumming and other PCMR/Powdr Corp officials) provided a long term vision on how they see a partnership with the City and their future in the community. Feedback from PC and CC at that time was that there was broad support for moving forward with partnering with PCMR due to improved transportation, integrated transit, housing opportunities, etc. See Minutes attached as Exhibit F. The City Council approved a Letter of Intent on August 9, 2012 regarding collaboration between the Lower Park Redevelopment Authority and PCMR to pursue a construction agreement for a joint transit and parking facility at the resort base. See Exhibit G – 08.09.2012 City Council Letter of Intent between PCMR and LPA RDA.

Proposal

Consistent with their presentation at the CC / PC Joint Meeting, the applicant is moving forward with formal applications to implement their revised vision for the resort. The applicant requests to amend the approved MPD to move forward with their current plans as their development plans have changed over these last 16 years. The applicant also submitted a CUP for development on Parcel C consisting of their Woodward facility described in their project description. See Exhibit C – Woodward Project Description. The Woodward project would be approximately 80,000 square feet in size and it would have, in some parts, up to four (4) stories. See Exhibit D – Woodward Preliminary Concept.

Discussion

This work session discussion is intended to answer general questions pertaining to their current proposal, specifically, their Woodward Facility; to discuss the possible amendments to the MPD; and to introduce an updated preliminary conceptual site plan. See Exhibit E – Preliminary Conceptual Site Plan

The MPD Development Agreement indicates that the agreement may be amended from time to time by mutual consent of the Parties, i.e., City and Property Owner.

However, the Development Agreement indicates that there is no transfer of density between Parcels. The applicant would like to discuss with the Planning Commission the possibility of reallocating density between the existing parcels. This work session discussion is not intended to represent exactly what can be done with the entire project but rather serve as a first step to make sure that the Planning Commission, the City, and the applicant are both on the same page and to start the process going forward.

Would the Planning Commission be inclined to amend the MPD to allow the transfer of allocated density from one parcel to another? The Planning Department recommends that we open this dialogue to understand their reasons to justify the transfer of density from one site of the development to another. Staff finds based upon a high level initial review, there are good reasons to consider the relocation which may result in a better site plan in accordance with LMC § 15-6-5 and no change/possible reduction in overall density.

Provided the Planning Commission confirms the staff recommendation to proceed with the application, staff would initiate formal review of the proposal and applicable public process under Chapter 6 of the LMC, Master Planned Developments.

Summary Recommendations

Staff recommends that the Planning Commission review the proposed scope of modifications to the approved Master Planned Development (MPD) and Conditional Use Permit (CUP) for Park City Mountain Resort and provide input/direction to the applicant and staff as requested above.

Exhibits

Exhibit A – 09.02.1997 Action Letter

Exhibit B – Development Agreement

Exhibit C – Woodward Project Description

Exhibit D – Woodward Preliminary Concept

Exhibit E – Preliminary Conceptual Site Plan

Exhibit F – 12.08.2011 City Council / Planning Commission Joint Work Session Minutes

Exhibit G – 08.09.2012 City Council Letter of Intent between PCMR and LPA RDA



Department of Community Development
Engineering • Building Inspection • Planning

September 2, 1997

Doug Clyde
Powdr Corp
P O Box 39
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name: Park City Mountain Resort

Project Description: Large Scale Master Plan

Date of Meeting: June 25, 1997

Action Taken By Planning Commission: Approved the Park City Mountain Resort Large Scale Master Plan with the following findings of fact, conclusions of law, and conditions of approval:

Master Planned Development Findings:

1. There are 31.19 acres of Recreation Commercial Zoning at the Park City Mountain Resort Base. The existing development occupies 6.27 acres of that total. There are, therefore, 24.92 acres of property zoned Recreation Commercial (RC) under consideration in this application. The permitted density in the RC zone for Master Planned Developments is 1 unit equivalent for each 2,000 square feet of land area on the site (Section 10.16 of the Park City LMC).

A portion of the area zoned RC is within the Sensitive Lands Overlay Zone. Based upon the total area of the site, and taking into consideration the Sensitive Area Overlay Zone, the maximum density permitted would be 491.78 Unit Equivalents.

2. The Park City Mountain Resort Large Scale Master Plan includes:
 - demolition and replacement of the Gondola Building with a hotel/timeshare stepping up the hill
 - construction of new buildings on all of the current surface parking lots
 - addition of skier parking in underground structures
 - construction of a new plaza oriented primarily toward the day skier
 - improvement of the existing plaza to better serve skiers staying on site
 - installation of skiing improvements

00513070 Bk01166 Pg00554

- construction of employee housing
- realignment of Lowell Avenue and modifications to Empire Avenue

The Master Plan consists of 5 parcels which are fully described in a booklet entitled Concept Master Plan dated June 10, 1997. That document is referenced as a part of this approval.

Density

The densities and square footages proposed are as follows:

<u>Parcel Square Footage Allowance Table</u>					
Parcel	Gross Residential Sq. Ft.	Residential Support Commercial & Accessory Use @ 10%	Accessory Use to Resort Operation	Retail/ Commercial	Total (2)
A	287000	28700	35000	(1)	350810
B	294000	29400		(1)	323519
C	159000	15900	18000	(1)	192963
D	93000	9300		(1)	102338
<u>E</u>	<u>141000</u>	<u>14100</u>	<u>32000</u>	<u>(1)</u>	<u>187157</u>
Total	974000	97400	85000		1156787

- (1) If there are retail/commercial uses other than Support Commercial or Accessory Uses they will require a proportionate reduction in the square footage that is allocated for the other uses in this table.
- (2) Building square footage does not include mechanical or storage space that may be located below grade.

The residential development is intended to occur in the form of condominiums, hotels and timeshares and is intended to serve the visitor.

The square footage numbers that are shown in the Parcel Square Footage Allowance Table are the maximums that can be built within each category. Three separate factors control the size of the individual buildings, and in each case the most restrictive of these factors will

control the size of the building. The size and configuration of each building is limited by the gross square footage listed in the Parcel Square Footage Table, and the overall building envelope as set out in the Volumetrics, neither of which can be exceeded. In addition the entire project is limited by the total Unit Equivalents that are available within the MPD. The project is entitled to a total of 492 unit equivalents.

Mechanical space, maintenance and storage space that is located underground is not included in the total building square footage and is allowed in addition to the total Parcel Square Footage Allowance. Public Convention and Meeting Space that is likewise underground would be allowed in addition to the total Parcel Square Footage Allowance.

3. The commercial uses proposed in the Park City Mountain Resort MPD are consistent with the RC zone and support the residential bed base and skiing activity. The commercial uses are defined as follows:

RESORT ACCESSORY USES:

The following uses are accessory uses for the Resort's Winter and Summer operations. These uses meet the definition of "Accessory" by being: (1) clearly incidental to, and customarily found in connection with, the principal building or use, and (2) operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors to the principal use or building. Accessory uses do not require the use of Unit Equivalents. Other uses that are not listed here may also qualify as "Accessory".

Information/Lost and Found
Maintenance Facilities
Mountain Patrol
Mountain Administration
Mountain Patrol Medical Facilities
Base Day Lodge and Food Service
Public Lockers
Public Restrooms
Horseback Riding and Stables
Mountain Bike Rental, Repair, and Sales
Ski/Snowboard (etc.) Repair, Rental and Sales
Ski School/Skiwee/ Kinderschule/Day Care
Ticket Sales
Summer Recreation Facilities
Public Convention Facilities

00513070 Bk01166 Pg00556

RESIDENTIAL ACCESSORY USE AND SUPPORT COMMERCIAL:

Residential accessory uses include those facilities that are for the benefit of the building residents and do not require the use of Unit Equivalents. These uses include, but are not limited to the following:

Health Clubs and Fitness Centers
Pools, Saunas and Hot Tubs
Ski Lockers
Lobbies
Meeting Rooms
Storage
Laundry
Employee Facilities

Residential Support Commercial are those commercial uses that are oriented towards the internal circulation of the development, for the purposes of serving the needs of the residents or users of that development and otherwise meet the definition as found in the Land Management Code. Support Commercial does not require the use of Unit Equivalents.

General Commercial and Retail activities that do not qualify as Support Commercial or Accessory use may be desirable. For example, a full service hotel would require a restaurant that would provide food service to patrons outside of the project. General Commercial or Retail will require the use of Unit Equivalents as per the Land Management Code. No square footage has been allocated to this space; consequently, it would have to come out of one of the other categories that make up the total square footage of the building.

4. In conjunction with the planning for the Village Development, a Mountain Upgrade Plan was prepared by Sno.engineering. This mountain upgrade plan calls for the construction and/or replacement of several lifts with detachable lift systems. Plans for the next 6 years result in a mountain configuration of 7 detachable chairs, and 11 fixed grip lifts. Additionally, the First Time beginner lift may also be a detachable. New lifts will include an expansion into McConkey's Bowl, a detachable that services the Bonanza run, and a new transportation lift from the new plaza and drop off area at Building E to a new restaurant site just below the summit. The new transportation lift may be a gondola or a hybrid detachable chair/gondola. If required, cabin storage will be at the top terminal with a minimal terminal at the base. Both Payday and Motherlode will be replaced with detachables.

00513070 Bk01166 Pg00557

On mountain food service will be improved and expanded. New restaurants include a large upper day lodge in the meadow just above the Assessment ski run, and some smaller restaurants in the Payday and King Con Ski Pods.

The majority of the uphill improvements are not within the City Limits of Park City. Because the improvements may impact traffic, parking, runoff, and views within Park City, the City is requesting review authority of those improvements.

5. The Large Scale MPD proposes over 70% open space in the form of pedestrian plazas and walkways, ski runs, and landscaped areas. Special conditions will be placed on the Master Plan to ensure the long term maintenance and quality of those open space areas and that they remain open to the public, subject to reasonable restrictions.
6. The applicant prepared two parking and traffic studies which were carefully evaluated by the Planning Commission. A parking management plan is proposed to minimize neighborhood impacts and to provide opportunities for creative parking solutions. The applicant is being required to upgrade roads and intersections to meet the increase traffic demand.
7. The site planning for the project takes into consideration separation from existing uses and has been determined to provide adequate setbacks. The setbacks proposed are at, or in excess, of those required in the RC Zone.
8. The Recreation Commercial Zone allows the highest density in the City and is intended to provide transient residential bed base.
9. The site planning criteria set forth in Section 10.9(h) of the Land Management Code were considered in the review of this Large Scale Master Plan. Specific design guidelines, building volumetrics and site planning were required in order to:
 - site building masses in the most appropriate locations, taking into consideration surrounding uses and structures;
 - cluster units in the most developable portions of the project, keeping development off of the hillsides and maintaining significant view corridors;
 - place utilities and roads in areas already disturbed whenever possible;
 - provide for significant pedestrian circulation;
 - improve the efficiency of the road and transit system;
 - provide attractive and functional landscaping and streetscape;
 - minimize the impact of construction on the neighborhood and surrounding open space areas;
 - maximize public access and usability of open space;

00513070 8x01166 Pg00558

- ensure that the buildings are attractive and compatible with existing structures and architectural styles in Park City;
 - provide adequate facade variation.
10. Because of significant existing vegetation on the site, limits of disturbance and construction staging will be required to manage construction activity.
 11. The adjacent neighborhood is unique in that it includes a variety of land uses and occupancies. In order for the impact of construction on the adjacent neighborhoods to be minimized, a construction mitigation plan is required.
 12. The Park City Mountain Resort Master Plan will result in a significant demand for new employees as detailed in employee generation studies conducted by both the applicant and the City. The City Council has stated that employee generation should be addressed in resort expansion. The Park City Mountain Resort has agreed to provide seasonal housing for 80 employees, which constitutes 10% of the employees generated. In addition, the Park City Mountain Resort provides an employee shuttle from Salt Lake City, Provo and Heber and will commit to continue this service.
 13. Parking requirements for the residential developments will be dependent on the final unit configuration and will conform to the current requirements for parking as set out in Chapter 10 of the Land Management Code. Those requirements are based on unit type, zone and project size. The classification that applies to this project is RC³ (projects having more than 24 development credits) and is as follows:

Unit Type	Unit Square Footage (not to exceed)	Parking Spaces Required
Hotel Room/Suite	650	0.66
Studio Apt.	1,000	0.66
One Bedroom Apt.	1,000	0.66
Two or more Bedroom Apt.	1,500	1
Apt. greater then 1,500 sq. ft.	2,000	1.5
Apt. greater then 2,000 sq. ft.	2,500	2
Apt. in excess of 2,500 sq. ft.	none	2

Total skier parking for the ski area is 1700 stalls, of which 1200 exist in the surface parking lots. These 1200 surface stalls will be replaced by 1800 underground stalls for the exclusive use of the Resort. It is anticipated that all Resort parking will be paid parking.

00513070 Bk01166 Pg00559

Parking for the Resort's Accessory Uses and or Support Commercial to the Resort are included in the 600 additional parking stalls that will be built for the Resort uses. Parking for employees of the new Accessory Uses to the ski area are provided for at the rate of 1 space per 400 sq. ft.. Parking for the replacement of the Commercial in the Gondola building is included in the existing parking for the Resort.

Resort employees are generally parked off site and will be transported by: local busing to proposed employee housing, the continuation of the Employee parking program on the Munchkin Lane site, and the Resort's Employee busing program which services Provo, SLC and the Heber areas.

Commercial uses other than Accessory or Support may require additional parking if these uses generate parking demand that conflicts with the peak Resort parking demand. These parking requirements will be determined when the use of the space is declared at the CUP level.

14. It has been represented by Powdr Corporation that this plan is the complete plan for new development on the undeveloped lands currently owned by Powdr Corp or its subsidiaries, at the base of the resort.
15. The conceptual elements of the basic fire protection and life safety plan for the Master Plan have been set out in correspondence from Rolf Jensen and Associates to Ron Ivie dated December 11, 1996. Several overall life safety requirements will apply project wide with specific fire protection requirements for Building A. Building A requires fire protection systems in excess of the minimums as set forth in the Uniform Fire Code in order to gain approval. The balance of the project will be of standard design based upon the rating of the building. Specific plans for the implementation of the fire protection elements will be a condition precedent to any Conditional Use Approval.

005 13070 Bk01166 Pg00560

Findings for Recommending the Requested Height Variation to the City Council:

The applicant has requested a height variation as provided for in the Section 10.9 of the Land Management Code. The heights proposed are described and regulated by the Concept Master Plan Book dated June 10, 1997 and are summarized on pages 10, 10B, 11 and 11B, copies of which are attached to this approval.

In many cases, the Planning Commission required significant changes to the project, or extraordinary conditions based upon review of the criteria outlined in Section 10.9(f) of the Land Management Code.

The Planning Commission has considered the site specific review standards outlined in Section 10.9(f) Variations in Height Requirements and recommends a variation in height based upon the following findings:

- The Planning Commission carefully considered the extent of the RC zone, and has determined that clustering the density around a new skier plaza at the base of the ski runs is preferable to spreading the density up the hill to the extent of the RC zone. The clustering preserves open space, allows for the separation of buildings, and provides opportunities for view corridors.
- The applicant provided extensive visual analysis, including shadow studies, to determine the effect of the proposed height variation on views and solar access. Building layout and massing were modified based upon those studies. The majority of the mass and height of the proposed buildings was placed toward the hill, away from existing residential uses.
- Specific building volumetrics were developed by the applicant to define where building masses should and should not occur. The volumetrics provide massing transitions to the adjacent existing buildings and streets, and maintain important view corridors.
- The clustering of density increases the potential effectiveness of public transportation. The Planning Commission reviewed circulation and transit plans. The project, when built, will result in significant traffic circulation and transit improvements.
- The Planning Commission has determined that the location of the proposed buildings is appropriate for density, bed base and commercial uses contained in the Master Plan.
- A major element of the Planning Commission review included landscaping, streetscape and building design details, which reduce the apparent mass of the structures and to provide some pedestrian scale at sidewalks and plaza areas.
- Because of the clustering of density, over 70% of the site will remain in open space. The Planning Commission requires that the open space be preserved in perpetuity, through easement restrictions, zoning or other means deemed to be appropriate by the applicant and City.

00513070 Bk01166 Pg00561

- The increase in height requested does not result in increased density beyond that which is allowed by the RC zoning.
- The requested height variations are deemed appropriate by the Planning Commission as they provide an opportunity to enhance the appearance of the buildings through significant vertical and horizontal articulation. The articulation is defined in the building volumetrics, which are an integral component of the plan, and are incorporated by reference to this approval.

Conclusions of Law:

1. The proposed Large Scale Master Plan, as conditioned, is consistent with the criteria set forth in Chapter 10 of the Land Management Code.
2. The proposed plan is consistent with the 1985 Comprehensive Plan for Park City and with Phase 1 of the 1996 Park City General Plan.
3. The Planning Commission has considered the criteria for a height variation as specified in Section 10.9(f) and recommends the variation be approved by the City Council.
4. The uses proposed in the Large Scale Master Plan are consistent with the intent of the RC zone. The uses are intended to be nightly rental, operating as hotels, timeshare, or condos available for nightly rental.
5. The nature of the commercial uses has been limited to support the purpose of this area as outlined in the Comprehensive Plan for Park City and the 1996 General Plan.

Conditions of Approval:

1. This approval includes and incorporates the "Concept Master Plan" dated June 10, 1997. The Concept Master Plan details volumetrics, horizontal and vertical articulation, maximum square footage of each building, streetscapes, and architectural and design guidelines, all of which are integral to this plan. This Large Scale Master Plan approval is conceptual in nature. Each parcel and building is subject to conditional use review by the Planning Commission. Site specific proposals must substantially conform to the approved Concept Master Plan. The square footages and unit equivalents are intended to be maximums which the Planning Commission may consider during site specific conditional use review. The maximum square footages and the volumetrics as described in the Concept Master Plan shall be the maximums permitted for each development parcel. The overall project shall not exceed the permitted density of 491.78 Unit Equivalents. If the Planning Commission approves less than the maximum square footages outlined in the Master Plan for any given parcel, that square footage will not be allowed to be transferred to another parcel.

2. The volumetrics outlined in the Concept Master Plan are intended to communicate to potential developers that building height and facade variation are critical components of this project. The volumetrics represent maximums that can be achieved on any given parcel. The vertical and horizontal articulations that are specified in the volumetrics are minimums that must be met. If the proposed building does not fill the volumetrics, the minimum roof and facade shifts set out in the Design Guidelines and Volumetrics must be present in the reduced structure.
3. Final site planning is required which shall include landscaping, streetscape details and finalization of the design guidelines for the buildings. Lighting standards shall be consistent with the standards in effect at the time of application for building permits. If the architectural design guidelines (such as materials, color and fenestration) for Park City become more restrictive in the future than those for this project, the more restrictive guidelines shall apply, but not to the extent that they negatively effect the structural engineering of the project. The final site planning shall orient delivery, service and trash access away from existing residential uses whenever possible. The bridges shown on the preliminary site plan are conceptual only and are not granted specific approval at this time. Planning Commission may be decide that alternative methods for providing the necessary pedestrian links are more desirable.
4. This Large Scale Master Plan approval is contingent upon City Council approval of the recommended height variation, as required in Section 10.9(f) of the Park City Land Management Code. If the height exception, and therefore the Master Planned Development, is approved by the City Council, the applicant must apply for the necessary change in the zoning map and resubdivision of the property. Planning Commission and City Council shall review and take action on these applications. The approval and construction of the Master Plan can only move forward if and when the height exception, zone modification, and resubdivision are approved by the City Council.
5. The City does not fully own the current Bus Drop Off Area at the Resort Center. As a part of the process for this approval, the City, the Resort Center and the Park City Mountain Resort discussed transit alternatives, which includes the City obtaining control of the Bus Drop Off Area. That area is being required to be improved as a part of this Large Scale Master Plan. The ownership and maintenance issues must be resolved prior to, or concurrent with any plat approval for this Large Scale Master Plan. If this cannot be achieved, the circulation and transit plan will be reevaluated.

00513070 Bk01166 Pg00563

6. The applicant has submitted a draft phasing plan. Prior to, or concurrent with the review of the first CUP, a detailed phasing plan for the entire Large Scale MPD is required. That plan shall include, but not be limited to, the following:
 - timing and phasing of development
 - phasing of parking to ensure adequate skier parking is available during each phase
 - schedule for construction and completion of public improvements including plazas, pedestrian walkways and trails, streets, transit improvements, utilities, landscaping, and lighting.
 - a plan to address the improvements to be completed by the 2002 Olympics
 - timing of construction of the employee units

7. As a part of the draft phasing plan, the applicant has proposed construction management practices. A more comprehensive construction mitigation plan is required and specific construction mitigation plans will be required as a part of each CUP. That plan shall address, at minimum, the following:
 - Days of the week and hours when construction is permissible
 - Routing of construction traffic so that adjacent residential streets are not affected
 - Material stockpiling and staging on site
 - Parking of construction vehicles
 - Maintenance of pedestrian ways and trails during construction
 - Recycling of construction waste, including the minimizing of off-site soil/material transport.

A financial security will be required to ensure compliance with the agreed to Construction Mitigation Plan, consistent with existing practices.

8. A Master Owners Association will be formed for this Large Scale MPD prior to or concurrent with any subdivision or condominium plat approval. The Association shall be responsible for maintenance of all landscaping, streetscape and plaza improvements, pedestrian pathways and trails and other public amenities that are a part of this Master Plan. The Master Association shall coordinate recycling, snow removal and maintenance with the existing associations in the resort center project.

9. The developer shall upgrade utilities as deemed reasonably necessary by the City Engineer. These upgrades shall be consistent with the application of these standards throughout the City.

10. Concurrent with the review of the CUP for each building, the applicant shall satisfy fire protection requirements as specified by the Chief Building Official and the Park City Fire

Service District. If building height or square footage is required to be decreased as a result of meeting the fire protection requirements, that square footage shall not be allowed to be transferred to another parcel.

11. The proposed employee housing will be required to meet the standards guidelines adopted by the City Council (such as rental limitations and sizes) at the time of site specific approval. The specific location, design and restrictions on the housing requires the appropriate review by the Planning Commission.
12. Prior to any construction commencing on this project, or Planning Commission action on any CUP related to this project, the Park City Mountain Resort, Property Owner(s), City and County shall enter into an annexation or interlocal agreement which gives the City review authority over improvements to the Park City Mountain Resort. If an interlocal agreement is executed, the City's review will specifically include:
 - The impact of any improvement on parking, traffic and transportation systems.
 - Environmental or visual impact on Park City consistent with the provisions outlined in the Sensitive Lands Ordinance.
 - Water quality and erosion prevention and revegetation.
 - Lighting
13. Prior to any construction commencing on this project, or Planning Commission final action on any CUP related to this project, the traffic mitigation plan submitted by the applicant shall be finalized, to the satisfaction of the City Engineer, Public Works Director and Police Chief, which shall address, but not be limited to:
 - Traffic control during peak hours of peak ski season.
 - Timing and financial responsibility for required improvements to Empire and Lowell Avenues and for the intersections of Deer Valley Drive and Park Ave and Deer Valley Drive and Bonanza.

In general, Lowell Avenue waterline work shall be constructed between October and May to minimize conflicts with irrigation demands, but not done at times that would impede skier traffic flow through the area.

14. Prior to any construction commencing on this project, or Planning Commission final action on any CUP related to this project, a parking mitigation plan shall be submitted by the applicant, to the satisfaction of the City Engineer. This plan shall include:
 - A plan to prohibit and enforce no parking zones in adjacent neighborhoods and an agreement as to the financial responsibility for that enforcement. The applicant is

00513070 Bx01166 Pc00565

expected to be responsible for parking enforcement costs beyond that which would normally be provided by Park City.

- A parking operations plan, including specifics of the pay for parking system.
- A parking structure design, circulation plan to ensure safe, convenient circulation for vehicles and pedestrians.
- Contingency plans for satellite large vehicle and overflow parking.
- A condition that if adequate parking is not provided to handle peak day parking requirements, the City shall have the authority to require the Resort to limit ticket sales until the parking mitigation plan is revised to address the issues. The intent is that any off-site parking solution include a coordinated and cooperative effort with the City, other ski areas, the Park City School District, Summit County, and the Park City Chamber/Bureau to provide creative solutions for peak day and special event parking.

This plan shall be reviewed and modified, if necessary, as a part of the CUP for each phase to evaluate transit alternatives and demonstrated parking needs.

15. The Staff, applicant and property owners shall prepare documentation (preferably deed restrictions) necessary to ensure that development does not occur in the future in the areas shown as open space in the Park City Mountain Resort Master Plan and that the area is maintained to a mutually acceptable standard.
16. The City and the applicant will concurrently enter into a development agreement which includes language necessary to implement the Findings of Fact, Conclusions of Law and Conditions of Approval of this Large Scale MPD.

Sincerely,



Nora Seltenrich, AICP
Special Projects Manager

NS/rr

00513070 Bx01166 Pg00566

WHEN RECORDED, PLEASE RETURN TO:
PARK CITY MUNICIPAL CORP.
CITY ATTORNEY
P O BOX 1480
PARK CITY UT 84060

Exhibit B

**Fee Exempt per Utah Code
Annotated 1953 21-7-2**

Recorded this ___ day of
_____, 1998 at Book
___ Page # ____.

**DEVELOPMENT AGREEMENT BY AND BETWEEN
PARK CITY MUNICIPAL CORPORATION AND POWDR CORP., POWDR
DEVELOPMENT COMPANY, PARK CITY SKI HOLIDAYS, AND GREATER PARK
CITY COMPANY, RELATING TO THE DEVELOPMENT COMMONLY KNOWN AS
THE PARK CITY MOUNTAIN RESORT**

THIS DEVELOPMENT AGREEMENT (Agreement) is entered into this _____ day of June, 1998, by and between POWDR CORP., a Delaware corporation, POWDR DEVELOPMENT COMPANY, a Utah corporation, GREATER PARK CITY COMPANY, a Utah corporation, Park City Ski Holidays, a Utah corporation, and each of their successors in interest, parent corporations, affiliates, subsidiaries and assigns (collectively, Developer), and PARK CITY MUNICIPAL CORPORATION, a third class city of the State of Utah (City). Developer and City are, from time to time, hereinafter referred to individually as a "Party" and collectively as the "Parties".

00513070 Bk01166 Pg00378-0067E
7-300w
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1998 JUL 21 12:03 PM FEE \$1.00 BY DM
REQUEST: PARK CITY MUNICIPAL CORP

RECITALS

- A. Developer controls the development rights to, owns, or is purchasing approximately 24.92 acres located in Park City as described in Exhibit A attached hereto (the "1997 Master Planned Area"), and has a legal interest (whether by lease, fee title, or prescription) in certain real property consisting of approximately three thousand five hundred (3500) acres located in unincorporated Summit, Salt Lake, and Wasatch Counties as described in Exhibit B and depicted in Exhibit C attached hereto (the "Park City Alpine Terrain").
- B. Developer intends to develop the 1997 Master Planned Area pursuant to the "Park City Mountain Resort Base Area Master Plan Study" (Exhibit D) and subject to all conditions of approval described in Exhibits E and F attached to this Agreement (respectively, the June 25, 1997 Conditions of Planning Commission Approval and the August 21, 1997

Conditions of City Council approval) (collectively, the “PCMR Concept Master Plan”). City desires to enter into this Agreement to memorialize Developer’s commitment to comply with all conditions of approval and to further clarify and memorialize the relationship of the Parties.

- C. City has taken planning actions relating to the development of the 1997 Master Planned Area and the Park City Alpine Terrain which culminated, after a duly noticed public hearing on June 25, 1997, in a unanimous, conditional approval of the PCMR Concept Master Plan.
- D. Developer will contract in reliance on the PCMR Concept Master Plan approval.
- E. City granted development rights and height variations contained in the PCMR Concept Master Plan in exchange for, *inter alia*, development restrictions on both the Open Space designations within the 1997 Master Planned Area and within the Park City Alpine Terrain.

NOW, THEREFORE, in consideration of the promises, covenants, and provisions set forth herein, the receipt and adequacy of which consideration is hereby acknowledged, the Parties agree as follows:

AGREEMENT

Section 1. DEFINITIONS

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by this Agreement. Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement, including its Exhibits.

- (a) “Community Development Director” shall mean the Director of the City’s Department of Community Development, or his or her designee.
- (b) “Master Owners’ Association” means the Park City Resort Base Area Plaza Association, a Utah non-profit corporation.
- (c) “Parcel” means one of parcels A through E described in the PCMR Concept Master Plan.

00513070 Bk01166 Pg00379

(d) “Residential Accessory Use” means an approved use for the benefit of Project residents that does not require the use of Unit Equivalents and includes, but is not limited to, the following:

Health Clubs and Fitness Centers

Pools, Saunas and Hot Tubs

Ski Lockers

Lobbies

Meeting Rooms

Storage

Laundry

Employee Facilities

(e) “Residential Support Commercial Use” means a commercial use that is oriented toward the internal circulation of the development, to serve the needs of the residents or users of that development and otherwise meets the definition of a support commercial use found in the 1997 Land Management Code. Residential Support Commercial Uses do not require the use of Unit Equivalents.

(f) “Resort Accessory Use” means an approved use for Developer’s winter and summer operations that does not require the use of Unit Equivalents. Resort Accessory Uses include the following, as well as other uses that are not listed below but which qualify as “accessory” because they are clearly incidental to and customarily found in connection with the principal building or use and are operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors to the principal building or use:

Information/Lost and Found

Maintenance Facilities

Mountain Patrol

Mountain Administration

Mountain Patrol Medical Facilities

Base Day Lodge and Food Service

Public Lockers

Public Restrooms

Horseback Riding and Stables

00513070 Bk01166 Pg00380

Mountain Bike Rental, Repair, and Sales
 Ski/Snowboard (etc) Repair, Rental and Sales
 Ski School/Skiwee/Kinderschule/Day Care
 Ticket Sales
 Summer Recreation Facilities
 Public Convention Facilities

(g) "Unit Equivalent"

Unit Equivalent

Configuration	Unit Equivalent
Motel room, not exceeding 500 square feet, including bathroom areas, but not corridors outside of room	.25
Hotel suite, or one bedroom apartment not exceeding 650 square feet, including bathroom areas, but not corridors outside of room	.33
One bedroom or studio hotel room, condominium, or two bedroom hotel suite or condominium, not exceeding 1,000 square feet	.50
Condominium or hotel suite of any number of rooms, not exceeding 1,500 square feet	.75
Condominium of any number of rooms, not exceeding 2, 000 square feet	1.00

Configuration	Unit Equivalent
Condominium of any number of rooms, not exceeding 2500 square feet.	1.33
Condominium of any number of rooms, in excess of 2,500 square feet	1.50
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	1.00

- (1) Within a hotel or condominium project with front desk nightly rental, up to 5% of the total floor area may be dedicated to meeting rooms and an additional 5% for support commercial, areas without requiring the use of a unit equivalent of commercial space.
- (2) Circulation spaces including lobbies inside or outside of units do not count as floor area of the unit, or as commercial unit equivalents
- (3) 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.
- (4) The Developer shall have the right to make its election of how to apply the unit equivalency within individual building projects. An election of the final unit configuration must be made at the time the application for final site plan is submitted, and the election of unit mixes is part of the conditional use process that the final site plan is reviewed under.
- (5) For purposes of calculating unit equivalency, "condominium" means a residential unit, which is designed to maximize its potential for continuous use as nightly lodging. Such design shall include the provision of front desk accommodation services and lockout units within a minimum of 80% of the units containing more than one bedroom attributed to each Parcel.

Section 2. OBLIGATIONS OF DEVELOPER

2.1 Conditions of Approval

Developer accepts and shall comply with all impact, connection and building fees currently in effect, or as subsequently enacted in a generally applicable fee ordinance, all subject to the provisions in ¶2.1.15 herein, and all conditions of approval imposed by the City in connection with the approval of the PCMR Concept Master Plan, including, but not limited to:

2.1.1 The approval includes and incorporates the "PCMR Base Area Master Plan Study" which details volumetrics, horizontal and vertical articulation, maximum square footage of each building, streetscapes, and architectural and design guidelines, all of which are integral to this plan. Large Scale Master Plan approval is conceptual in nature. Each Parcel is subject to conditional use (Small-Scale MPD) review by the Planning Commission. Site specific proposals must substantially conform to the approved PCMR Concept Master Plan. The square footages and unit equivalents are maximums that the Planning Commission may consider during site specific review. The maximum square footages and the volumetrics as described in the PCMR Base Area Master Plan Study are the maximum square footages and volumetrics permitted for each development Parcel. The 1997 Master Planned Area shall not exceed the permitted density of 491.78 Unit Equivalents (excluding support commercial, underground public convention and meeting space). If the Planning Commission approves less than the maximum square footages outlined in the PCMR Base Area Master Plan Study for any given Parcel, that square footage will not be transferred to another Parcel.

2.1.2 The volumetrics outlined in the PCMR Base Area Master Plan Study are intended to communicate to potential developers that building height and facade variation are critical components of this project. The volumetrics represent maximums that can be achieved on any given Parcel. The vertical and horizontal articulations that are specified in the volumetrics are

minimums that must be met. If a proposed building does not fill the volumetrics, the minimum roof and facade shifts set out in the Design Guidelines and Volumetrics of the PCMR Base Area Master Plan Study must be present in the reduced structure.

2.1.3 Final site planning to the satisfaction of the Planning Commission is required for each Small Scale MPD that shall include landscaping, streetscape details and finalization of the design guidelines for the buildings. Lighting standards shall be consistent with the standards in effect at the time of application for building permits. If the architectural design guidelines (such as materials, color and fenestration) for Park City become more restrictive in the future than those for this project, the more restrictive guidelines shall apply, but not to the extent that they negatively affect the structural engineering of the project. The final site planning shall orient delivery; service and trash access away from existing residential uses whenever possible. The bridges shown on the preliminary site plan are conceptual only and have not been granted specific approval. The Planning Commission may decide that alternative methods for providing the necessary pedestrian links are more desirable than the bridges depicted in the Concept Master Plan.

2.1.4 Developer has rezoned and partially re-subdivided the 1997 Master Planned Area. Additional re-subdivision will follow. The Planning Commission and City Council shall review and take action on re-subdivision applications as submitted. Construction of the development contemplated by the PCMR Concept Master Plan can move forward only if and when each pertinent re-subdivision is approved by the City Council. At Developer's request, the City has subdivided Parcel A. Developer agrees that Parcel A-1 will be developed first and that Parcels A-2 and A-3 shall be developed as "additional land" (as such term is used in the Condominium Ownership Act, U.C.A. §57-8-1 et. seq.) to the condominium project consisting initially of Parcel A-1.

00513070 Bk01166 Pg00384

- 2.1.5 Neither the City nor the Developer owns the current Bus Drop off Area at the Resort Center. The Bus Drop off Area must be improved, and the Bus Drop off Easement attached hereto as Exhibit G must be executed, prior to any building permit.
- 2.1.6 The Developer has submitted, and the City has approved, a detailed phasing plan attached hereto as Exhibit H.
- 2.1.7 As a part of the phasing plan, the Developer has proposed construction management practices. More detailed construction mitigation plans, to the reasonable satisfaction of the Chief Building Official, are required for each Parcel, as it is proposed for development. At a minimum, those Parcel-specific construction management plans shall address the following:
- Days of the week and hours when construction is permissible
 - Routing of construction traffic so that adjacent residential streets are not affected
 - Material stockpiling and staging on site
 - Parking of construction vehicles
 - Maintenance of pedestrian ways and trails during construction
 - Recycling of construction waste, including the minimizing of off-site soil/material transport.

Reasonable financial security will be required to ensure compliance with each Construction Mitigation Plan.

- 2.1.8 Developer has formed a Master Owners' Association for the 1997 Master Planned Area. The Association shall be responsible for, and shall ensure to the reasonable satisfaction of the City Attorney, the maintenance of all landscaping, streetscape and plaza improvements, pedestrian pathways and trails and other public amenities that are a part of the PCMR Concept Master Plan. The Master Owners' Association shall coordinate recycling, snow removal and maintenance with the existing associations in the Resort Center. Under all circumstances, the Developer is ultimately responsible for the foregoing obligations of the Master Owners' Association.

00513070 Bk01166 Pg00385

- 2.1.9. The Developer shall upgrade utilities, as the City Engineer deems reasonably necessary for the development of the Concept Master Plan. These upgrades shall be consistent with the application of these standards throughout the City. Developer shall provide financial assurance as the City Engineer deems reasonably necessary to secure the completion of public improvements contemplated by the PCMR Concept Master Plan.
- 2.1.10. Concurrent with the review of the Small Scale MPD (CUP) for each building, the Developer shall satisfy fire protection requirements attached hereto as Exhibit I. If building height or square footage is required to be decreased as a result of meeting the fire protection requirements that square footage shall not be transferred to another Parcel.
- 2.1.11. The proposed employee housing shall comply with Section 2.2 herein.
- 2.1.12. The Developer shall comply with the traffic mitigation plan attached hereto as Exhibit J.
- 2.1.13. The Developer shall comply with the parking mitigation plan attached hereto as Exhibit K. This plan shall be reviewed and modified, if necessary, as a part of the Small Scale MPD (CUP) for each phase to evaluate transit alternatives and demonstrated parking needs. If, in practice, the parking mitigation plan fails to adequately mitigate peak day parking requirements, the City shall have the authority to require the Resort to limit ticket sales until the parking mitigation plan is revised to address the issues. The intent is that any off-site parking solution include a coordinated and cooperative effort with the City, other ski areas, the Park City School District, Summit County, and the Park City Chamber/Bureau to provide creative solutions for peak day and special event parking.

2.1.14 Development Exclusion.

Developer shall not promote, encourage, nor allow (to the extent of Developer's current, and if increased, future, legal rights) in the, the Shadow Lake Lease Area, the Thaynes Mining Reservation Area, or the Development Exclusion Area

depicted within the Park City Alpine Terrain (Exhibit C), residential development of any kind nor any commercial nor industrial development which customers will primarily access by rubber tired vehicles. Developer contemplates on-mountain commercial facilities such as restaurants and other services which accommodate individuals engaging in recreational activity on the Park City Alpine Terrain. This Agreement does not prohibit the transfer of base densities from the Park City Alpine Terrain to other suitable locations in unincorporated Summit County. Further, most of the Development Exclusion Area is held under ski leases by GPCC, which reserve development rights in United Park City Mines (UPCM) and others. GPCC holds rights of first refusal in lease lands for which the owner receives a *bona fide* offer of sale. GPCC agrees immediately to notify Park City Municipal Corp. of the fact and substance of any offer to purchase which triggers GPCC's right of first refusal to purchase lease lands; and to the extent allowed by the current leases agrees to cooperate with Park City Municipal Corp. to exercise such right of first refusal prior to the expiration of the first right of refusal period described in the leases by a party, which is or will become bound by these Development Exclusions. GPCC further agrees that it will not amend any of its leases involving lands within the Park City Alpine Terrain to reduce or exclude land that is presently subject to this Agreement. The Parties agree that nothing in this subsection is intended to adversely affect lessor's rights in the leases.

- 2.1.15. Developer has chosen to mitigate additional impacts associated with developing the PCMR Concept Master Plan by paying impact fees (consistent with *Banberry Development Corp. v. South Jordan*, 631 P.2d 899 (Utah 1981)) in lieu of off-site improvements. Developer's commitment to payment of such impact fees is contractual in nature and will be assessed proportionally, prior to issuance of building permits, regardless of fluctuations in state law pertaining to the City's regulatory authority to impose impact fees. The City agrees to incorporate the substance of this subsection in all subsequent development agreements associated with similarly situated projects.

00513070 Bk01166 Pg00387

2.2 Employee Housing

Developer shall construct or provide deed restricted off-site housing for 80 PCMR employees on or before October 1, 2003.¹ The rental rate (not including utilities) for the employee housing will be determined by the City Council Housing Resolutions Establishing Guidelines and Standards, but will not exceed 1/3 of the employee's base gross wages. The rental rate shall be assured in perpetuity through deed restrictions in form and substance satisfactory to the City. Developer must commence construction or complete the purchase of housing to accommodate 80 employees within 90 days of receiving a Small Scale MPD which, in combination with previously granted Small Scale MPDs, represent approvals for a total of 50% of the total square footage of the Concept Master Plan. Developer must work expeditiously to complete the employee housing project(s). In no case shall Small Scale MPDs, which represent approvals for a total of 60% of the Small Scale MPDs within the PCMR Concept Master Plan, be issued until the required housing is available for occupancy. Park City will provide Developer a letter of compliance when it fulfills this requirement.

2.3 Ski Operations Improvements

The Developer has submitted a Mountain Upgrade Plan, which is attached hereto as Exhibit L. Development of the skiing and related facilities as identified in the Mountain Upgrade plan is a conditional use within the City limits and is a subject to administrative review² and approval or rejection for improvements visible from vantage points within the City limits prior to application to Summit County for any necessary County permit. Within the areas shown on the view shed Area map, Exhibit M, the Developer shall notify the Community Development Director of the proposed project and shall submit a plan detailing the proposed location of the alignment and scope of the proposed undertaking will be submitted with such notification. The Developer and the Community Development Director shall discuss the project and the potential

¹ If there is a downturn in the market, and the Developer fails to obtain approval for 60% of the Small Scale MPDs within the PCMR Concept Master Plan, on or before October 1, 2003, Developer shall, at a minimum acquire, by lease or by purchase its proportionate obligation to produce employee housing, and shall offer such housing to employees at a price at or below Park City's applicable affordable housing rates and standards. For example, if only 40% of the Small Scale MPDs have been approved by October 1, 2003, Developer shall provide housing for 32 PCMR employees at the lesser of the City's Affordable Housing rate or no more than 1/3 of the employee's monthly income. Once Developer ultimately achieves the 60% Small Scale MPD approval, it must provide deed restricted housing for all 80 employees as detailed above.

² Developer shall have a right of appeal pursuant to the Land Management Code of any denial of an administrative permit for Ski Operations Improvements.

impacts of the project to Park City including its visibility, re-vegetation plan and erosion control proposal. The following Standards shall apply to the Community Development Director's review:

- 2.3.1. Consistency with the Mountain Upgrade plan. The selection of lift transportation type shall be at the sole discretion of the Developer.
- 2.3.2. The Community Development Director may identify certain techniques as identified in the Park City Mountain Resort Resource Management Plan - Visual Management Guidelines to mitigate any impact to the view shed. The techniques include realignment, re-vegetation, and special silvacultural treatments between ski spaces to achieve the necessary blending. Traditional openings for ski trails and lifts with straight edges and uniform widths will be minimized to the greatest extent possible. Interconnected ski spaces of variable width and length, which are linked together in the fall-line to take advantage of the natural open spaces and vegetative conditions, islands and glades, natural or natural appearing trail edges, are preferred. Trails that are designed for base area return or circulation between fall line areas shall be designed for appropriate grades and widths consistent with minimizing visual impact.
- 2.3.3. Ski run lighting shall be consistent with the Park City lighting standards. Glare shall be minimized to the greatest extent possible.
- 2.3.4. Lift towers shall be painted or otherwise treated to blend with the natural surroundings. The color black, as currently used on the Payday Lift, is considered to be the most appropriate. Other colors may be appropriate that are consistent with low contrast with the surrounding vegetation and terrain. Galvanized lift equipment shall be treated to minimize reflectivity.
- 2.3.5. Vegetation management, re-vegetation and erosion control techniques shall be designed in accordance with the Park City Mountain Resort Resource Management Plan - Vegetation Management Plan and Re-vegetation Guidelines. The objective shall be to achieve a vegetative condition that enhances the skier experience and long term forest health.

00513070 Bk01166 Pg00389

Re-vegetation shall be designed to control erosion and to restore ground cover as quickly as possible after ground disturbing activities.

- 2.3.6. **Parking.** At all times Developer shall assure that it has adequate parking or has implemented such other assurances, as provided in the Parking Mitigation Plan, to mitigate the impact of any proposed expansion of lift capacity.

Upon Developer's compliance with the preceding standards, Developer shall apply to Summit County to issue a permit, consistent with the Community Development Director's approval, to proceed with Ski Operations Improvements within the unincorporated portions of the Viewshed Area. Ski Operations Improvements within the City limits shall comply with all applicable laws.

Section 3. DEVELOPMENT OF THE 1997 MASTER PLANNED AREA

- 3.1 Vested Right to Develop. Developer has a vested right to develop the 1997 Master Planned Area in accordance with the PCMR Concept Master Plan, which details volumetrics, horizontal and vertical articulation, maximum square footage of each building, streetscapes, and architectural and design guidelines, all of which are integral to this plan. Each Parcel is subject to Small-Scale MPD/conditional use review by the Planning Commission. Site specific proposals must substantially conform to the approved PCMR Concept Master Plan. The maximum square footages, unit equivalents and volumetrics as described in the Park City Mountain Resort Base Area Master Plan Study are the maximums permitted for each development Parcel. The overall project shall not exceed the permitted density of 491.78 Unit Equivalents (excluding support commercial, underground public convention and meeting space). If the Developer submits, or the Planning Commission approves (based on criteria in the Concept Master Plan), less than the maximum square footages outlined in the Park City Mountain Resort Base Area Master Plan Study for any given Parcel, that square footage will not be allowed to be transferred to another Parcel. The volumetrics outlined in the Park City Mountain Resort Base Area Master Plan Study communicates to potential developers that building height and facade variation is critical components of this project. The volumetrics represent maximums that can be achieved on any given Parcel. The vertical and horizontal articulations that are specified in the volumetrics are

minimum articulations that must be met. If a proposed building does not fill the approved volumetrics, then the minimum roof and facade shifts that are set out in the Design Guidelines and Volumetrics must be present in the reduced structure (i.e. the structure is reduced from the bottom up). It is solely within the Developer's discretion to submit for approval a structure that underutilizes the maximum unit equivalents or square footages for a particular structure. The Planning Commission may approve a Small Scale Master Plan for less than the stated maximum unit equivalents or square footages for any of the development Parcels in each of the following circumstances: 1) the Developer proposes the plan; or 2) the Planning Commission finds that the Developer's proposed plan does not comply with the PCMR Concept Master Plan.

3.2 Permitted Uses. The permitted uses of the Property, the density and intensity of use, the maximum height, bulk and size of proposed structures, provisions for reservation or dedication of land for public purposes and location of public improvements, location of public utilities and other terms and conditions of development applicable to the Property, shall be those set forth in the PCMR Concept Master Plan and are more particularly described as follows:

3.2.1. Parcel Square Footage Allowance Table

Parcel	Gross Resi. Sq.Ft.	Res. Support Comm. & Accessory Use @ 10%	Accessory Use to Resort Operation	Retail/ Comm.	Total (2)
A	287000	28700	35000	(1)	350810
B	294000	29400		(1)	323519
C	159000	15900	18000	(1)	192963

Parcel	Gross Resi. Sq.Ft.	Res. Support Comm. & Accessory Use @ 10%	Accessory Use to Resort Operation	Retail/ Comm.	Total (2)
D	93000	9300		(1)	102338
E	141000	14100	32000	(1)	187157
TOTAL	974000	97400	85000		1156787

(1) If there are retail/commercial uses other than Support Commercial or Accessory uses they will require a proportionate reduction in the square footage that is allocated for the other uses in this table.

(2) Building square footage does not include Resort Accessory Uses, mechanical, maintenance or storage space that may be located below grade or parking as shown in the Concept Master Plan.

(3) Underground public convention and meeting space is allowed in addition to the total Parcel square footage allowance.

3.2.2. **Maximum Unit Equivalents:** Developer is entitled to a maximum of 491.78 unit equivalents.

3.2.3. **Volumetrics:** The specific volumetrics, including Design Intent, Approval Criteria and Assumptions for Parcels A, B, C, D, E, and the Arcade are set forth in detail, and incorporated herein by reference, on Pages 122 through 148 of the Park City Mountain Resort Base Area Master Plan Study.

3.3 State and Federal Laws. Nothing in this Agreement shall limit the future exercise of the police power of the City in enacting zoning, subdivision, development, growth management, platting, environmental, open space, transportation and other land use plans, policies, ordinances and regulations after the date of this Agreement.

Notwithstanding the retained power of the City to enact such legislation under the police power, such legislation shall only be applied to modify the vested rights described in §§3.1-3.2 if the City demonstrates a compelling, countervailing public interest to override the vested rights doctrine. Any such proposed change affecting the vested rights of the Developer shall be of general application to all development activity within the RC zone.

Section 4. AMENDMENT OF AGREEMENT AND DEVELOPMENT PLAN

4.1 This Agreement may be amended from time to time by mutual consent of the Parties.

Section 5. IMPLEMENTATION OF THIS AGREEMENT

5.1 Processing and Approvals. Site specific plans shall be deemed proposed Small Scale Master Plans pursuant to Section 1.14(a) of the Park City Municipal Corporation Land Management Code (or its equivalent) and shall be subject to the conditional use permit process as set forth in the Park City Municipal Corporation Land Management Code. City shall review and approve or deny site-specific plans according to the Concept Master Plan and the Land Management Code. City shall process and take action on Developer's applications for land use permits and approvals with due diligence.

5.2 Cooperation in the Event of Legal Challenge. If any third party challenges the validity of or, any provision of the PCMR Concept Master Plan or the height exception for the Concept Master Plan the parties shall cooperate in defending such action or proceeding and Developer shall indemnify and shall hold City harmless for any expense generated from such challenge.

Section 6. GENERAL PROVISIONS

6.1 Covenants Running with the Land. The provisions of this Agreement shall constitute real covenants, contract and property rights and equitable servitudes, which shall run with the land comprising the Property and the Development Exclusion Area. The burdens and benefits hereof shall bind and inure to the

benefit of each of the Parties hereto and all successors in interest to the Parties hereto.

6.2 Transfer of Property. Developer shall have the right to assign or transfer all or any portion of its interests, rights or obligations under this Agreement or in the Property to third parties acquiring an interest or estate in the Property or any portion thereof. Developer's obligations under this Agreement by its assignee or transferee shall not relieve Developer of any responsibility or liability to the expressly assumed obligation. Developer shall provide notice of any proposed or completed assignment or transfer. If Developer transfers all or any portion of the property to any person or entity, the transferee shall succeed to all of Developer's rights under this Agreement as they affect the right to proceed with development of that portion of the Property transferred to the transferee. As portions of the Property are sold, Powdr Corp., Powdr Development Corp., or GPCC may ask the City to apportion their obligations to a successor or to multiple successors in interest. To the extent the City believes that the successor in interest has adequate resources to secure the City's rights in this Agreement, or some portion thereof, the City shall release the Developer from its proportionate residual liability under this Agreement.

6.3 No Agency, Joint Venture or Partnership. It is specifically understood and agreed to by and between the Parties that: (1) the subject development is a private development; (2) City and Developer hereby renounce the existence of any form of agency relationship, joint venture or partnership between City and Developer and (3) nothing contained herein shall be construed as creating any such relationship between City and Developer.

Section 7. MISCELLANEOUS

7.1 Incorporation of Recitals and Introductory Paragraphs. The Recitals contained in this Agreement, and the introductory paragraph preceding the Recitals, are hereby incorporated into this Agreement as if fully set forth herein.

- 7.2 Other Miscellaneous Terms. The singular shall include the plural; the masculine gender shall include the feminine; “shall” is mandatory; “may” is permissive.
- 7.3 Severability. If any provision of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid or unenforceable, then, to the extent that the invalidity or unenforceability does not impair the application of this Agreement as intended by the parties, the remaining provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect.
- 7.4 Construction. This Agreement has been reviewed and revised by legal counsel for both Developer and City, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.
- 7.5 Notices. Any notice or communication required hereunder between City and Developer must be in writing, and may be given either personally or by registered or certified mail, return receipt requested. If given by registered or certified mail, the same shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If personally delivered, a notice is given when delivered to the party to whom it is addressed. Any party hereto may at any time, by giving ten (10) days written notice to the other party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the parties at the address set forth below:

00513070 Bk01166 Pg00395

If to City to:

City Attorney
P.O. Box 1480
445 Marsac Ave.
Park City, UT 84060

Copy to:
City Manager
P.O. Box 1480
445 Marsac Ave.
Park City, UT 84060

If to Developer to:

Powdr Development Company.
P.O. Box 39
Park City, Utah 84060

Copy to:
Stephen D. Swindle, Esq.
Van Cott, Bagley, Cornwall & McCarthy
50 South Main Street #1600
Salt Lake City, Utah 84144

- 7.6 No Third Party Beneficiary. This Agreement is made and entered into for the sole protection and benefit of the parties hereto. No other party shall have any right of action based upon any provision of this Agreement.
- 7.7 Counterparts and Exhibits. This Agreement is executed in four (4) duplicate counterparts, each of which is deemed to be an original. This Agreement consists of 22 pages, including notary acknowledgment forms, and in addition, thirteen (13) exhibits, which constitute the entire understanding and agreement of the parties to this Agreement. The following exhibits are attached to this Agreement and incorporated herein for all purposes:
- Exhibit A Legal Description of 1997 Master Planned Area
 - Exhibit B Legal Description of Park City Alpine Terrain
 - Exhibit C Depiction of Park City Alpine Terrain, with Development Exclusion Areas

00513070 Bk01166 Pg00396

- Exhibit D Park City Mountain Resort Area Master Plan Study
- Exhibit E June 25, 1997 Conditions of Planning Commission Approval
- Exhibit F August 21, 1997 Conditions of City Council Approval
- Exhibit G Bus Drop Off Easement
- Exhibit H Phasing Plan
- Exhibit I Fire Protection Requirements
- Exhibit J Traffic Mitigation Plan
- Exhibit K Parking Mitigation Plan
- Exhibit L Mountain Upgrade Plan
- Exhibit M Viewshed Area Map

7.8 Attorneys' Fees. The prevailing party shall be awarded its attorneys' fees and costs to enforce the terms of this agreement.

7.9 Duration. This agreement shall continue in force and effect until all obligations hereto have been satisfied. The PCMR Concept Master Plan shall continue in force and effect for a minimum of four years from its issuance and shall be effective so long as construction is proceeding in accordance with the approved phasing plan. Upon expiration of the minimum four-year period, approval will lapse after two years of inaction, unless extended for up to two years by the Planning Commission.

IN WITNESS WHEREOF, this Agreement has been executed by the City of Park City, acting by and through its City Council as of the ___ day of June, 1998.

Park City Municipal Corporation

By: Charles P. Klingenstein
 Charles P. Klingenstein, Mayor Pro Tem

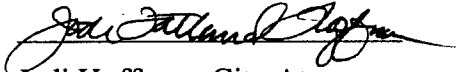
ATTEST: City Clerk

By: Janet M. Scott
 Janet Scott, City Recorder




00513070 Bk01166 Pg00397

Approved as to Form:


Jodi Hoffman, City Attorney

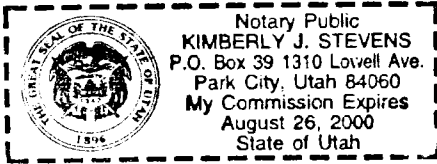
DEVELOPER:

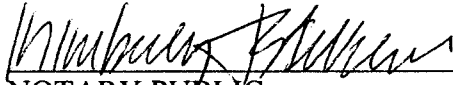
Powdr Development Corp.,
a Utah corporation


By: Douglas Clyde, President

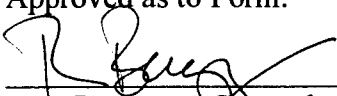
STATE OF UTAH)
 SS
COUNTY OF Summit

The foregoing Agreement was acknowledged before me this 25 day of June, 1998 by Douglas Clyde, President of Powdr Development Corp., who executed the same on behalf of said corporation.

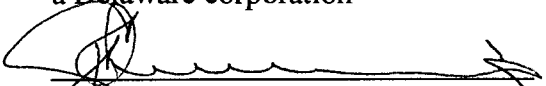



NOTARY PUBLIC

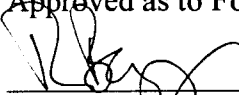
Approved as to Form:


Tom Berggren, Counsel to Powdr Development Corp

Powdr Corp.,
a Delaware corporation


By: John D. Cumming, President

Approved as to Form:


Tom Berggren, Counsel to Powdr Corp

00513070 Bk01166 Pg00398

Greater Park City Corp.,
a Utah corporation

By: John D. Cumming, President *Greater Park City Corp*

Approved as to Form:

Tom Berggren
Tom Berggren, Counsel to Greater Park City Corp

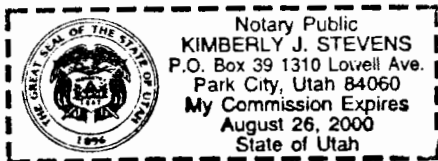
Park City Ski Holidays,
a Utah corporation

By: John D. Cumming, President and General Manager
Approved as to Form:

Tom Berggren
Tom Berggren, Counsel to Park City Ski Holidays

STATE OF UTAH)
 SS
COUNTY OF *Summit*)

The foregoing Agreement was acknowledged before me this 25 day of June, 1998 by John D. Cumming, President of Powdr Corp., Greater Park City Company, and Park City Ski Holidays, who executed the same on behalf of said corporations.



Kimberly J. Stevens
NOTARY PUBLIC

00513070 Bk01166 Pg00399



Park City Mountain Resort Presents Its Woodward Park City Vision to Park City Planning Commission

Introducing Woodward Park City.

Woodward Park City is Park City Mountain Resort's vision for a vibrant new Park City destination serving a booming action sports market whose influence is being felt across the ski and snowboard industry. It is an action sports mountain training center and camp hosting a spectrum of programs for skateboarding, BMX, cheer, snowboarding, skiing, and digital media. The facility and campus will house trampolines, a skate park, foam pits, ramps, jumps, a pump track, a media lab, lounge, and more. It will be built in the upper portion of Park City Mountain Resort's First Time parking lot, adjacent to Lowell Avenue.

Existing Woodward facilities have thrived to such an extent that some of the world's most accomplished action sports athletes, including Olympians, seek opportunities to train at them. Woodward's core business, however, is family-oriented and remains focused on providing youth experiences to be remembered for a lifetime. Woodward Park City will closely follow that philosophy.

This dynamic project will maintain Park City's reputation as a destination at the forefront of the mountain recreation marketplace, while broadening its appeal in a range of other athletic niches. It's a new year-round economic driver for the community, and will help local businesses generate year-round revenue with sustained operations during the spring and fall shoulder seasons. The ski and snowboard industry has become a focal point for an exciting intersection of creativity, athleticism, progression and digital media – that is exactly what Woodward Park City will be devoted to serving.

Beginning with its opening in 1963 and throughout the 50 years since, Park City Mountain Resort has operated with an eye toward the trends and demands shaping the industry's future. With Woodward Park City, PCMR again addresses what's next in mountain recreation – and further positions the town of Park City as a premier year-round destination for the new generation of mountain enthusiasts.

There's no place like Woodward.

Woodward's first location opened in 1970 in Woodward, Pennsylvania and has since grown to be recognized as a leader in action sports, gymnastic and cheer training centers. Over the last ten years, Woodward has opened an additional camp location in California, two mountain centers located in California and Colorado, and an international location in Beijing, China. Collectively, these five locations have grown

into premier training destinations for action sports athletes, gymnasts and Olympians. At the same time, Woodward holds strong to its core value of providing extraordinary experiences for athletes of all abilities of any age, with a focus on youth participants and progression.

As one of action sports' strongest brands, Woodward's rich history and strong relationships with key market influencers position it as the ideal intersection between athletes, brands, media and events.

Bringing Park City into what's next.

Woodward Park City is devoted full-time to serving the rapidly expanding action sports and youth markets of the ski and snowboard industry. It will market directly to the emerging generation of mountain enthusiasts, the largest generation in American history: Millennials (born between 1978 and 2000, Millennials are 95 million people strong, compared to 78 million baby boomers).

On-mountain tastes and trends are evolving, one lap through a terrain park illustrates the explosion in popularity and progression of action sports in just the last several years. Watch any of this season's ski movies and bear witness to how the rails and jibs of freeskiing and snowboarding have become such popular influences in the wider snow culture. The market's purchasing power – estimated at \$200 billion annually – is undeniable; more than 140 million action sports participants across the globe put it among sport's highest-growing participatory segments.

The next evolution of Park City Mountain Resort's visionary track record.

For half a century, Park City Mountain Resort has demonstrated both an ability to identify where the on-snow recreation industry is headed – whether it comes to infrastructure demands, world-class event hosting or consumer trends – and execute a plan to keep the resort at the forefront of the industry.

In 1978, Nick Badami saw the transformative potential for snowmaking on the mountain. Today, virtually every ski location in North America uses snowguns, and PCMR relies on it to open as early as it does.

In the 1980's and 1990's, in bringing World Cup racing to its slopes with America's Opening, PCMR put itself on the world stage. This vision set the tone for PCMR, and the town of Park City, as Olympic-caliber international destinations.

In the late 90's, PCMR introduced snowboarding to its terrain – a decision not without controversy at the time. Not long after, PCMR again looked forward by opening the first of its terrain parks. Today, with four terrain parks and two halfpipes, PCMR is recognized as one of the most influential and respected resorts in the snow sports industry – by pros, fans and event organizers. That progression continues to distinguish PCMR this season when it hosts the final qualifying event and naming ceremony for the first ever U.S. Olympic Freeskiing Team – a significant event in the town's message that Park City is an important stop on “the road to Sochi.”

With Woodward Park City, PCMR has again identified a definitive evolution in the on-mountain recreation market.

Park City's first 'Shoulder Season' solution.

Local businesses have long sought to fill the revenue valleys of Park City's spring and fall shoulder seasons. Woodward Park City's year-round operation will significantly contribute to filling those slow periods by attracting guests and families 12 months a year.

With operations at the three resorts closed during Park City's "shoulder season" periods, local restaurants, lodging outlets, shops and services are put in difficult positions of filling those revenue valleys. Operating year-round and serving a wide and diverse collection of interests, Woodward Park City will function as a tremendous new economic driver in Park City. This high-profile action sports center will bring families from around the country to shop, dine and stay in town while exploring all Park City has to offer, and works so hard to showcase, on a year-round basis.

While Woodward maintains a focus on youth experiences, its age offerings remain diverse. Outside of camp periods – devoted to serving visitors ages 7-17 years old – Woodward will present opportunities for adult participation, as well: possible offerings include, but are not limited to, corporate bookings and high altitude training events. The building's design also creates the capacity to host skateboarding and BMX contests of regional and national significance, pulling competitors, family and spectators into Park City and bolstering the facility's function as an economic driver.

Benefit for our neighbors.

Woodward Park City will bring a welcome change to the look and feel immediately around Park City Mountain Resort's First Time parking lot – replacing an aging lot left vacant during significant portions of the calendar with the site of a beautiful, state-of-the-art building that realizes an exciting combination of function and design. We are excited to not only provide our neighbors with a fascinating new experience, but present them a re-imagined and updated look to our base area befitting one of America's premier resorts in one of America's great ski towns.

Benefitting the resort and the community.

After years of research, planning and development, Woodward Park City is poised to be the next step in the progression of both Park City Mountain Resort and Park City proper. This incredible new facility will market directly to the next generation of Park City visitors, serve as an extraordinary new venue for local youth to pursue a range of athletic passions, significantly help generate revenue across the community during traditional business valleys and serve as an engaging new showpiece the entire town can be proud of. You can watch a video illustrating the passion behind Woodward at the following link: <http://parkcitymountain.com/woodward>.

We are eager to share our vision with you and one day look back on this project another 50 years from now as one that cemented Park City's place as one of North America's preeminent mountain destinations of the 21st century.

Exhibit D



back-lit perforated metal screens on framing, no glass or wall, at roughly upper 1/3 mechanical floor

glass storefront system with metal exterior screens below, roughly lower 2/3

perforated metal screens
extensive (shallow) planted roof system, native grasses
sunshades on south facade
typical aluminum storefront system
textured & stained fiber cement boards on rainscreen system
bridge viewing windows extend to stairs at ski slope

accent metal panels, painted interior commercial roller shades at south, east, west windows to control glare

bridge to parking structure
lower level training floor

varied profile painted corrugated siding
"wood" trim fins & accent panels-textured & stained fiber cement

south elevation
not to scale

vertical glulam beam sunscreens at east facade dorm lounge

bridge to parking structure

textured & stained fiber cement boards on rainscreen system

textured & stained fiber cement board entry canopy, warped to reflect interior ramps

textured & stained fiber cement screen on painted light steel frame

textured & stained fiber cement boards on rainscreen system

varied profile painted corrugated siding

north elevation
not to scale

c.architecture **pl**works
woodward park city
schematic design
8.30.2013
c.architecture #1211

conceptual elevations
contemporary mine theme

Exhibit E - Preliminary Conceptual Site Plan



PCMR Conceptual Site Plan



Oct. 2013

**CITY COUNCIL/ PLANNING COMMISSION
JOINT WORK SESSION
DECEMBER 8, 2011**

City Council Members: Dana Williams, Cindy Matsumoto, Alex Butwinski, Dick Peek, Liza Simpson, Joe Kernan

Planning Commission: Charlie Wintzer, Brooke Hontz, Julia Pettit, Jack Thomas, Mick Savage, Adam Strachan, Nann Worel

Ex Officio: Charles Buki, Facilitator; Mark Harrington, City Attorney; Thomas Bakaly, City Manager; Thomas Eddington, Planning Director; Jonathan Weidenhamer, Phyllis Robinson; Michael Barille, Plan Works, Jenni Smith, PCMR, John Cumming, Tim Brenwald; Powder Corp.

Mayor Dana Williams opened the joint work session at 6:15 p.m.

Mayor Williams remarked that one goal of the joint meetings was to address the geographic location of Park City Mountain Resort, and its relationship to the City and Lower Park Avenue. It is not meant to be exclusive of Deer Valley Resort, but due to its proximity, PCMR comes into play in discussions regarding the Lower Park Avenue RDA and plans for that area.

Charles Buki, a consultant from Alexandria, Virginia, was hired by the City to work with the City Council and Planning Commission on a range of issues. This was the fifth joint work session. Mr. Buki stated that a consistent approach was applied in the last four meetings and it worked well. The approach was to address things broadly at a middle level and then drill down from conceptual to a specific geography. This was done with Bonanza Park and it proved to be successful. It allowed two groups with two different purposes to develop a common vocabulary and to work in collaboration to move forward.

Mr. Buki remarked that the purpose of Session 5 was to make Lower Park Avenue the type of place they want it to be, based on the result of a survey taken by members of the Planning Commission and the City Council. The survey provided a tremendous amount of information to identify the center of gravity on a range of issues from function to character at both a specific level and city-wide. In addition, cues were taken from the 2009 Visioning, and that language was still in play this evening as they move forward.

Mr. Buki outlined the goals for this evening. He felt it was very important for the group to reaffirm or withdraw the redevelopment posture that was stated at the last four meetings, and then to discuss the PCMR concept.

Mr. Buki outlined the key points from each of the meetings. During Session One they discussed the core values that came out of Visioning and determined that development

must be guided by those core values. They heard from Design Workshop, had caring capacity studies and important competition studies that led them to conclude that development was essential for economic viability, and that a portfolio approach was necessary.

During Session Two they pushed the redevelopment concept and the partnership component. They identified the type of community they wanted and that individual neighborhoods have specific identifies. They agreed that regular redevelopment prioritization was necessary.

During Session Three they began to look at the permissible and desired outcome gap. What they want versus what they can do is not always the same and the gap needs to be closed. Desirable results hinge on trading off "gives and gets". They identified desired results through a survey for Bonanza Park, Lower Park Avenue and Old Town.

During the Fourth Session they worked specifically on Bonanza Park, primarily in terms of what could be done versus what they want, the desired results, and how they hinge on specific gives and gets.

Mr. Buki believed that overall there was agreement that there would never be perfect information, development would not wait, the competition is active, and doing nothing was not a strategy. The group was comfortable with the accuracy of his summary and agreed to move forward to the Lower Park Avenue discussion.

Mr. Buki presented the survey results for Lower Park Avenue. He noted that the primary question was what they should give up or pay for to achieve two principle objectives that the group previously identified, which was affordability and identity, and resulting in an inviting resort and recreation area with open space. In terms of character and function, they all looked at Lower Park and said that it lacks identify and it was uninviting. It was under-utilized, rundown, and outdated.

Mr. Buki remarked that the status quo is that it functions as a resort and has a recreation component, residential component, interactive open space and it is seasonal. The survey showed that they want character that is diverse and family friendly. They want it to be affordable and inviting, and they want a strong identify. In terms of function they want the open space to be interactive and they are committed to the Resort presence as the primary function. The participants also introduced mixed-use as a high priority. The residential component remained.

Mr. Buki stated that questions arose from the survey results. He asked what the group was willing to give to get what they want for Lower Park, and what tools should be used to

achieve that. It was noted that height was used as a tool in the Bonanza Park discussion. Giving height allowed for incubator business space, open space and view corridors. Density was another tool used in Bonanza Park, because density could be traded for view corridors.

To help achieve their wants for Lower Park Avenue, Mr. Buki introduced new questions in addition to those regarding give and gets, encourage/discourage, and tools. The first question was what they were willing to do, pay for, or otherwise give. The second question was what the market was apt to do. The third question was what would happen in terms of gets, if they do not give. Mr. Buki stated that money was another tool in play. He encouraged the group to think about using height, density and RDA funds to get the character and function they want in Lower Park. Since Lower Park is an economic driver for the City, they need to consider how the gets could translate into city-wide gets.

In order to achieve their goals for Lower Park, the first tool was the RDA. For the benefit of the public, Mr. Buki explained the background of the RDA. It is a tool for investing in a specific district for a set period of time to generate value over and above what would ordinarily be created. The RDA is designed to capture the increment, the over and above, and to keep a piece that is created locally and to reinvest it locally.

Mr. Buki outlined the strengths and challenges of the RDA tool. Council Member Kernan believed that it was better to use RDA money to make things happen that would not otherwise occur. In his opinion that was an important test on how to spend RDA money. Mr. Buki agreed and provided an example of a project that would satisfy the test.

The criticism of RDA is that interventions impede ordinary market tendencies. A second argument is the expectation of an upside, an increment that pre-supposes wider market strength. Mr. Buki identified a possible equity issue in Park City, which is why should the increment at Lower Park not be applied to Bonanza Park, Deer Valley or other parts of the City.

Mr. Buki remarked that a second piece is the discussion that flushes out the give and gets involved in making Lower Park great in the context of concept. The exercise this evening was to go through a concept for potentially redeveloping a massive part of the Lower Park area that would influence that area, and thereby influence the City. The concept would include a range of gives and gets and a range of things to discourage and encourage. He commented on the number of tools at their disposal. Mr. Buki pointed out that this was not an exercise of design review or plan review.

Commissioner Strachan asked if there was only one form of RDA or if they were free to extend it with changes. City Attorney Mike Harrington replied that there are three types of

RDAs in Utah, but because it would be an extension of the existing RDA he did not believe changes were allowed. He would verify that with Utah Law to make sure he was correct.

Jonathan Weidenhamer, Economic Development Manager, summarized how the City reached the point they were at currently in the context of the RDA. Mr. Weidenhamer stated that in January 2010 the City did an updated Redevelopment Plan. He used a map to identify the Lower Park RDA, which runs north to the Hotel Park City and includes the golf course. The current RDA expires in 2015. The question was whether or not to extend the RDA and use it as a tool to move forward. Mr. Weidenhamer explained that the Jack Johnson Company and Design Workshop were hired by the City to put together an updated plan. The role of the Jack Johnson Company was to set a local tone and provide visioning. Design Workshop followed up with a project list. Mr. Weidenhamer pointed out that the projects were scattered all over the area. The theme and threads of the Design Workshop projects were about the broader neighborhood and not limited to PCMR. The idea was to have a broad neighborhood plan for RDA dollars.

Mr. Weidenhamer stated that the Design Workshop plan broke into three areas, which balanced economic return, quality of life factors, and some of the community benefits talked about. Parking lot redevelopment scored high. Mr. Weidenhamer reviewed a spread sheet showing how other areas scored. The second scoring area was transit, traffic, circulation and walkability. The third area was community neighborhood, redevelopment and improvement. Some of the high scoring projects were not all parking lots.

Mr. Weidenhamer stated that the plan was presented to the City Council in January 2010 and they immediately honed in on community and neighborhood redevelopment. A primary goal was what could be done with land in which the City owned a large portion, such as the Senior Center and the Fire Station. A second consultant was then hired to bring forth a plan that would advance certain goals, including green spaces, historic fabric, character, authenticity, housing alternatives, work force, affordable housing goals, neighborhood connectivity, sustainable and green goals, etc. Those issues were currently being advanced with existing increments generated within the RDA.

Mr. Weidenhamer noted that Kent Cashel, the Transportation Manager, began to work on the transit/traffic/circulation/walkability goal. He asked Mr. Cashel to address those goals and talk about the planning.

Mr. Cashel stated that the project Mr. Weidenhamer had been working on in terms of goals for transit/traffic/circulation/walkability was the heart of the transportation system. He noted that the bus stop at Park City Mountain Resort is the second busiest stop in the bus system. Eight out of twelve routes run through there. On a winter day the City runs 360 buses through there and 2,000 people get on and off at that stop every day throughout the

winter. One challenge is the circulation through that entire area. What they currently have is neither efficient nor inviting. People get on and off the bus on a sidewalk, and the circulation goes directly to a parking lot. Mr. Cashel stated that a primary project is to find a solution for that stop. He believes there is an opportunity to improve transit through that area, which would have a positive impact on the entire system.

Mr. Cashel stated that every year for the last five years, Park City Mountain Resort, Deer Valley and the City partner a Peak Ski Day Traffic Management, where they talk about how they can better manage or funnel through the Park Avenue/Empire/Deer Valley intersection. Most of the traffic coming out of Deer Valley and PCMR flows through that intersection. Mr. Cashel stated that any opportunity to improve amenities at the base of a ski area in terms of traffic flow and slowing it down, would keep them from having to expand that capacity. Any project that addresses those issues helps Transportation.

Mr. Weidenhamer remarked that the things Mr. Cashel spoke about affect the quality of the experience for locals, visitors, and residents. He believed this discussion had a role in addressing and improving those matters. Mr. Weidenhamer stated that it was not about the parking lots. It was about taking the dollars generated and putting them back in for the overall benefit of creating more tax venues, as well as creating the value of each of the 436 businesses licensed in the district. The intent was for each of those businesses to raise their own values through this process.

Mr. Weidenhamer clarified that PCMR was involved in the process this was the best opportunity to work with the biggest landowner to effectuate the largest impact. The intent was to give PCMR the opportunity to tee up their vision on how they see a partnership with the City and their future in this community.

Tim Brenwald, the Chief Development Officer of Powder Corp., set the framework for discussion topics. He introduced John Cumming, the President and CEO of Powder Corp., and Jenni Smith, the President and General Manager for PCMR, and Michael Barille with Plan Works Design.

Mr. Brenwald stated that PCMR is very connected to Park City. He pointed out that both the Resort and Powder Corp. are ski area operators and owners; they are not developers. He noted that Powder Corp. was involved in the Bonanza Park discussions because they own a piece of property on the edge of the development area. He appreciated the way the City Council and Planning Commission jointly worked with Mark Fischer on setting development parameters for Bonanza Park. He was interested in working with the group in that same way for the Resort. Mr. Brenwald pointed out that the Resort is different because an MPD is already in place; however, he would like to strive for the same format with the City and the public because it is a healthy dynamic.

Mr. Brenwald thought it was important to recognize that PCMR is the second largest transportation hub, and they have worked with Kent Cashel and the Transportation Department to address many of the issues. Regarding the partnership between the ski area and the City, Mr. Brenwald clarified that the Resort was looking to build a better project, not a bigger project. He stated that the goal this evening was to be very open and to take questions. By the end of the evening he wanted everyone to have a true understanding of Powder Corp and PCMR, their visions and goals, and what they would like to do from a conceptual standpoint. Mr. Brenwald encouraged an open dialogue.

John Cumming provided a brief history of Powder Corp. and how the company functions as a ski area operator. Mr. Cumming stated that as they stumbled upon youth and action sports, they recognized the power in trying to continue what they were already focused on, which is to provide a family experience and vehicles for kids to learn, and to lower the barriers on converting people to skiing or snowboarding. The intent was to be agnostic about the mode of transportation, as long as they hit the right demographic and had the right amount of repeat visits. Mr. Cumming remarked that Powder Corp. was becoming more dedicated to that effort over time. The Millennial Generation and the ones that follow will significantly change the face of skiing and riding. He stated that the fastest growing piece of their business is digital media camps, which are hosted during the summer. They would eventually like to embark on winter camps.

Mr. Cumming reported that they were building a large action sports learning facility called Woodward Tahoe. The purpose is to teach young people how to safely do the things they aspire to do, and let them communicate their passion in the media. This would allow the Millennial Generation to have the same impact on the industry as the Baby Boomers.

Mr. Cumming noted that five shareholders own Powder Corp. It is a closely held company and he is the largest shareholder. He lives in Park City and hopes to pass on his knowledge and experience to his son. Mr. Cumming heard rumors that Powder Corp. had sold PCMR. He wanted it clear that the rumors were untrue and the Resort was not for sale. He intends to keep the Resort and to remain a part of the community, unless something unforeseen would prevent it.

Jenni Smith, Park City Mountain Resort, stated that she was embarking on her 33 year at PCMR. Ms. Smith provided a brief summary of activities at the Resort. During the peak ski season they have approximately 1500 employees; and 250 employees during the summer. Ms. Smith pointed out that PCMR is a ski area. The focus is on the mountain experience and enhancing the guest experience. The Resort does not own or operate any lodging. They provide on-hill skier services, such as ski school, food and beverage, rental and retail. She believed the Resort's success was tightly connected to its relationship with the

community and the town. They rely on Main Street for dining, entertainment and shopping for their guests. They rely on the entire town for lodging. They also rely on their partnership with the Chamber, as well as their relationship with the two neighboring resorts.

Ms. Smith provided examples to show how the management team uses Powder Corp. core values as they plan and think about the business. Ms. Smith stated that since 1998, when John Cumming and his brother firmly took hold of Powder Corp. and PCMR, over \$85 million has been spent in capital improvements at Park City Mountain Resort. As they look towards the future, the question is what more could be done to enhance the skier experience.

Ms. Smith stated that the goals for the base area development were to solve the transportation and connectivity problems Mr. Cashel identified. Whatever development occurs in the parking lot, it will become part of the neighborhood and maintain the neighborhood feel. A primary concern is providing a safe drop-off where parents can drop off their children for ski school. They also want development to include gathering spaces where people can enjoy the atmosphere year-round. Ms. Smith echoed comments by Kent Cashel and John Cumming outlining other areas where PCMR has partnered with the City.

Ms. Smith remarked that she also had attended some of the BOPA meetings and she was very excited by the discussions and comments about partnerships and working together.

Michael Barille, Plan Works Design, provided his personal history to acquaint the group with his background and experience. Mr. Barille stated that as he was leaving his position as the Planning Director for the County, he told the County Council that it was important to maintain their focus of community on 1) work force housing; 2) redevelopment; 3) good resort development that is consistent with who they are as a community. He believed those goals should be encouraged because they already have enough of everything else.

Mr. Barille stated that when he started Plan Work Design, those were the issues he wanted to work within; using his experience from both the public sector and from the way he was raised viewing things through a community lens. He felt fortunate that the project being discussed this evening contained all of those elements.

Mr. Barille stated that Powder Corp. hired him to take a look from different perspective. Powder Corp. had planned many things over the years but had not built anything, partially because other people were bringing in their plans and asking them to build it. Powder Corp. wanted to understand how the Resort might work better operationally and how it could be better integrated into the community to meet their own vision. Mr. Barille noted that they started with the entitlement and the best way to lay it out. They tried a number of different iterations and some maximized the remaining entitlement and others did not. It became clear early in the process that Mr. Cumming and his team had a different outlook

than most of Mr. Barille's clients. If it didn't feel right or flow the way the property should flow or have good places, they did not care about the density or the rate of return. Mr. Barille stated that in the years he has worked with Powder Corp., his understanding of resort development has evolved because of their views. He believed the Powder Corp. view has also changed because they have come to realize that development can be done in small chunks and integrated with the community. Their vision can be instilled over the developer without interfering with the quality of the resort experience and mountain recreation.

Mr. Barille presented a series of slides to address the past, the current, and the direction they want to go in terms of the relationship between PCMR and Park City Municipal. He pointed out that the Resort and the City already do many things together, such as Sundance, the World Cup ski races and other events. Mr. Barille highlighted the PCMR bus stop and the Town Lift as key partnerships between the two entities. He noted that the Town Lift has been a visual and functional link between the Resort and the town. It was a great vision and one that he has not seen in other resort communities.

Mr. Barille commented on the economic link. He emphasized that PCMR is a top ten ranked resort in North America and it was ranked the #1 family resort this year. They would not be able to survive and people would not come back if they did not have the amenities that Main Street and the town provides in terms of food and beverage, entertainment, shopping and the historic character the City works so hard to protect. They recognize the synergy and would like it to continue to grow as both the town and the Resort evolve.

Mr. Barille commented on the challenges that have been identified by the City, Powder Corp. and PCMR. He noted that the Otis Study ranked Empire Avenue and Lowell Avenue near the top of the list of roads needing upgrades to infrastructure and surfaces. The PCMR parking lots are challenging at times due to the slope and the way ice builds up. The bed base at the Resort is old, as well as the dining and entertainment area with the exception of Legacy Lodge and other things that have been recently updated. Mr. Barille agreed with the assessment that the Resort needs to evolve and become more special and consistent with the status Park City has in the broader regional market, as well as the status of the Resort itself. They are anxious to partner with the City on ways to accomplish that goal. Jammed bus and shuttle traffic is another problem and they plan to look for solutions from a design perspective to address that issue.

Mr. Barille stated that moving towards the future, they believe that the Lower Park Avenue RDA and working with the City Council and the Planning Commission was one of many vehicles that could be utilized to expand the existing partnership and to improve those areas. It could also be expanded to other areas through a more innovative use of

transportation. As the Resort develops, they could look at coordinating private transportation in a way that achieves trip reductions, reduces parking standards, and encourages people to carpool and not use individual rental cars. Housing was another partnership goal to find the right type of housing for the right end user in the right location.

Mr. Barille pointed out the uniqueness of having a Resort in close proximity to the town.

Mr. Barille presented a color coded maps showing the RDA boundary in yellow, City-owned property in green that extends from the Resort down to Park Avenue, the salmon color represented the only ground at the Resort base that PCMR owns and controls. Mr. Barille indicated a donut area with the skating rink, retail and bed base that is not owned and controlled by PCMR. They hope to work with those owners to see if they can create improvements. The best way to do that is by upgrading their own standards so people will rise to meet it.

Commissioner Savage referred to a previous comment that there were approximately 436 businesses at the Resort, and he wanted to know how many individual property owners there were in the donut area. Ms. Smith stated that there was the HOA for the homeowners and the property owners HOA. There were probably 200 to 300 condos in the donut area. Commissioner Savage asked if the majority of retail space was individually owned or condominium style. Ms. Smith replied that the business itself is individually owned but 99% of those businesses lease from one of approximately five to ten land owners.

Council Member Butwinski asked if the area shown for the potential transit center was owned by the Resort and if the Resort would have control over the transit center. Ms. Smith replied that what was shown was existing. She understood that any improvements were part of a joint agreement with the Resort Center, PCMR and Park City Municipal Corp.

Mr. Barille referred to the parking and noted that a total of 2513 spaces were anticipated in the parking study that was done as part of the MPD. The bulk of those spaces would go to skiing and the balance would be for residential. The total allowed square feet was slightly over a million. Approximately 974,000 square feet was for residential and under the existing entitlement, approximately 287,000 or 32 UEs were used for the Marriott Mountainside. The remaining was 680,000 square feet or 360 UEs.

Mr. Barille stated that the commercial was discussed specifically as resort support or accessory use to the resort, and it is based on a percentage of the overall entitlement. Language in the existing MPD states that if it falls into those categories or certain uses within a category, it does not need to be counted. Therefore, the MPD allows for flexibility

in the numbers.

Mr. Barille stated that there are 1222 parking spaces under the current condition. He provided a breakdown of where those spaces were located. He noted that what they will show in their concept plan is the idea of a reduced parking standard because it makes sense from the standpoint of cost of development and it encourages people to use alternate modes of transportation. If the parking structure is done as a joint venture, they would suggest exploring the idea of it being paid parking for some portion of the year. Having to pay to park also encourages people to think about alternate transportation or carpooling.

Mr. Barille stated that from a density standpoint they will not know exactly where they are until they get more into the specifics of final approvals that would occur under the MPD. However, their calculation is that the design they think is the best design represents less than the maximum entitlement. They have no intention of maximizing the entitlement. They were also uncertain if they would utilize the maximum commercial square feet. Mr. Barille remarked that Woodward is a new piece of the equation and they think that activity might occur at the base area. If that is commercial density it could increase the number.

Mr. Barille presented the different iterations they went through in looking at how the plan might lay out. Mr. Barille wanted the City Council and the Planning Commission to walk away from the discussion this evening with a real understanding of how differently Powder Corp. views resort development from what is typical. Their goal is to embark on a new model for resort development in a way that takes advantage of the unique relationship PCMR has with the town, and to make sure it is fully integrated. Mr. Barille outlined what Powder Corp. would like to accomplish for the Resort in terms of development and improvements to enhance the amenities and guest experience.

Mr. Barille reviewed the proposed design concepts. They want to create a great facility in partnership with the City and share it for events. They would like to put in a transit hub with restrooms and a waiting area, and smart signs that announce when the next bus is coming. Mr. Barille stated that a key factor is to recognize some of the things going on around the Resort. They also recognize the fact that there is discussion about a receiving area to address project impacts on the hill. They also understand that the Sweeney's have an entitlement that might also get built, and it would be important to find ways to connect that development without rubber tire tracks.

From the standpoint of resort design for the future base area, the plan is to have plazas and pedestrian streets that are well designed and create gathering areas and interest; but are also designed in locations that allow for view corridors for people to experience the fact

that they are in a ski resort. Mr. Barille stated that the intent is to create the type of feel this group previously discussed for the Bonanza Park redevelopment.

Mr. Barille commented on the design specific issues that were outlined in the packet. They looked at creating smaller building footprints that would be broken up and allow for different types of design principles in between the buildings.

Mr. Barille summarized the areas where they look for partnership with the City, which includes financial cooperation, shared events, economic viability, housing and resort/community integrated transportation strategies. Mr. Barille pointed out that Visioning offered a number of important lenses such as environment, community, economic factors, and quality of life for keeping Park City as it is. He believed that a strong partnership and good cooperation would accomplish many of the visioning goals in ways that could not be accomplished otherwise.

Mr. Barille stated that as they move forward, the City has the opportunity to work with Powder Corp. as a master developer and property owner. Powder Corp. is reaching out to the City because they want to develop on an appropriate scale in a way that can be phased over time and has an integrated parking and transportation strategy. Development would be focused on the belief that the skiing experience is the main priority, and that density and the return on real estate is further down the list. The result would be a better economic situation for everyone and it would heighten the experience for both residents and guests.

Mr. Barille stated that the risk of not partnering together would be the possibility of waiting until a larger master developer proposes something similar to the Four Seasons plan that had larger footprints and all the parking is underground. It could be one financier with a vision that might not be consistent with the town's vision.

Mayor Williams believed Powder Corp. had the right team moving forward. He favored the aspects of timing and phasing because they were not contingent on a master financing situation or having to develop everything at once. It allows the Resort to grow organically, which is very positive.

Mayor Williams called for public input.

Ruth Gezelius thought it was imperative that a better drop-off and access system to public transportation be implemented in the plan at this location. She remarked that some of the problems at the current location could be alleviated by having personnel direct traffic. That has not been done by the City or the Resort and she believed it was a gross oversight. Ms. Gezelius stated that the fact that the bus hubs in that location and slows down the transportation system for the entire town is a serious problem. For every person they can

encourage to take the bus eliminates the need for parking spaces. Keeping the transportation system user friendly is key to addressing parking lots. Ms. Gezelius commented on the issue of employee housing at the development site. She thought it was unfortunate that the remainder of the community bears the brunt of affordable housing that is off-site, since off-site housing creates the need for more vehicles. There is already an existing employee parking problem in the resort area. Ms. Gezelius stressed the importance of putting as much seasonal work force housing on-site as possible.

Mr. Buki thought Mr. Barille offered great comments to help guide the conversation this evening. In addition to questions regarding gives and gets, he raised the issues of financial cooperation and system implications.

Commissioner Wintzer asked for clarification on PCMR's timing. Mr. Barille did not believe there was a rush in the timing. The emphasis is on doing things in a way that is comfortable for the community and the City, but is still profitable and a good resort design. They understand that addressing the parking situation is an important asset. Mr. Barille stated that a new influence is the idea of Woodward and whether it would be beneficial to bring that to Park City.

Mr. Weidenhamer noted that the RDA expires on the last day of the calendar year 2015. Therefore, there was an urgency to begin an extension process if the group chooses that direction.

Mr. Brenwald understood that Commissioner Wintzer was concerned about pace. He noted that because it is the base area of the Resort and involves parking and other issues, it is also important for Powder Corp. to control the pace because it impacts the mountain from an operation standpoint. It also impacts the town, and phasing reduces some of those impacts. Proper absorption, making sure they are not overbuilding, and reducing operation impacts are important factors. Mr. Brenwald estimated 15 years as the overall timing.

Commissioner Wintzer clarified that he was referring to a start date more than completion. Mr. Cumming stated that the Rubik's Cube was the phasing of parking. They could not go into a ski season without the ability to park as many vehicles as they can now. The economic impacts would be significant if they lost a holiday season.

Mr. Buki asked Commissioner Thomas for his thoughts on the concept plan from a design viewpoint in terms of "gets" for the community. Commissioner Thomas could see some gets. A conglomeration of economies could cascade out of the health and welfare of Park City, mostly locally confined. Council Member Simpson asked if local meant the RDA area and Lower Park Avenue itself, or the entire City. Commissioner Thomas remarked that it was all the economies that affect Bonanza Park. Everything is connected and this was one

of the major economic generators of the community. Regarding the concept plan, Commissioner Thomas questioned the connectivity to a project he has been working on in Bonanza Park. He could see the connection to Park Avenue and the desire to make it a people mover, but he felt it was equally important to think in terms of a mass transit connection for the future. He would like that element to be addressed and included in the process.

Mr. Barille agreed that some things need to happen from the door of the Resort to the Cole Sport intersection and into the corridor. He understood that a study was being done to figure out some of those issues in terms of how it would all look in 20 years. He noted that Jenni Smith and her team have been participatory in that study. They would continue to participate and have that inform the design if possible.

Council Member Butwinski stated that there was more to the Lower Park RDA than just the Resort. They needed to consider other stakeholders in the area, specifically with regard to how this fits into the transportation plan or design. It is important to foresee what they want that connection to be in the future. Using Bonanza Park as an example, he noted that the way they were laying out the streets was not how the streets exist today. They were taking a longer view of what would be needed in terms of pedestrianization, vehicles, and ingress/egress. Council Member Butwinski acknowledged that the Resort is a key player, but to isolate it would be a mistake.

Mayor Williams stated that it was definitely important to find a way to make the intersection of Park Avenue and Deer Valley Drive work better. He was unsure of the right solution, but because of its proximity to the State Highway, they could utilize Council Government Funds to purchase ground if necessary. Mayor Williams referred to housing and projects that were the original nightly rentals for the Resort that have morphed over the last 25 years into primary residents and work force housing. He recalled an earlier conversation where Mr. Buki talked about RDAs that were helping to fund individual projects. People would use increment financing to improve structures rather than tear them down. Mayor Williams pointed out that it was an important tool that should not be forgotten, and he would like to learn more about the process.

Mayor Williams remarked that as they go down to Park Avenue and across the street, they need to be mindful of the mixture and the many areas of sensitivity. As they move farther up to the south of the Park City Mountain Resort parking lot, there are still a number of Old Town houses in that neighborhood and they are bound by the guidelines for compatibility in that area. As they move north, it becomes more two and three story structures. Moving down Deer Valley the buildings become larger and the density is greater. Mayor Williams liked the fact that the concept plan was broken up in a way that could be done over time, as compared to all at once.

Mayor Williams stated that someone would need to explain why the transportation works differently in that location, but he understood that it needed to be worked out. Mayor Williams liked the idea of separating bus routes from traffic routes, and separating the ski school. He favored the idea of grade changes to bring people in on the same level as the parking, so people can walk flat to the Resort. Mayor Williams was pleased with the basic design and he complimented Mr. Barille on his ideas in terms of the ability to work organically as time moves forward, as opposed to one large development.

Mayor Williams referred to the City-owned property identified on the map, and commented on potential uses for that property. He was unsure if the City would be willing to give up that property, but he was willing to talk about it. He believed they had the potential to accomplish a lot more much faster through this type of process.

Council Member Matsumoto could see a number of “gets” for the community, particularly in terms of transportation and creating a sense of community, rather than just a resort at the base of the mountain. Council Member Matsumoto supported extending the RDA so they could work towards accomplishing some of the goals together. She agreed that phasing was a key element and tying it to Old Town was important. She would also like to see other things occur in the area, such as preserving the Old Town houses and the uniqueness.

Mr. Buki asked Council Member Matsumoto to expand on her comment that it would feel more like a community than a resort. Council Member Matsumoto stated that she understood it would be a resort, but the way it was presented, it would feel like the Resort was part of town rather than being an isolated resort stuck on the edge of town. She saw that as being positive.

Commissioner Pettit stated that her children have been in programs at the Resort since they were three years old. The biggest challenge they faced as a family was picking up the kids after some of the programs, particularly when they were younger and needed help with their equipment. Commissioner Pettit favored anything that could be done to help resolve some of those problems in terms of creating dedicated short-term parking. She believed those amenities were important from the local service aspect. Commissioner Pettit stated that as an Old Town resident, she would like the ability to go skiing without using her car. Whenever possible, she walks from her home and takes the Town Lift up to the resort. Commissioner Pettit encouraged whatever they could do to improve transit options for Old Town residents and City residents as a whole. She had some concern with comments about parking and parking structures, and she would like to understand that better. It is important to create a plan to improve circulation and to have options for people to get in and out; but it is equally important to be forward thinking and environmentally sensitive to finding alternative solutions to get people out of their cars.

Ms. Smith concurred with Commissioner Pettit. She noted that the Resort tries to encourage people to use public transportation. Her office overlooks the parking lot and sees the number of vans and vehicles that come from different properties to drop off visitors. Her frustration is with the locals who live a mile from the Resort and drive their cars and park. She understands that Westerners like their cars, but at some point they need to get out of them to make Park City the community it wants to be. The key is to make transit and transportation so seamless that it is an easy decision to ride the bus and leave the car behind.

Ms. Smith agreed with Ms. Gezelius that the Resort has employee parking issues, which is one reason why they shuttle their employees. Unfortunately, they can't control the employees who work in other businesses at the Resort, and most of them use their cars. Ms. Smith was confident that if they all work together they could solve most of the problems.

Mr. Barille believed that if Powder Corp. could do a coordinated parking facility with the City, it would have some impact on traffic patterns and they may jointly have the ability to control employee parking. In response to Commissioner Pettit's comments, Mr. Barille stated remarked that there were interesting things happening in the lift manufacturing and design world. One product is called a Hill Track, which is a combination funicular and electric train, with the capacity to move a significant number of people per hour at less of a cost that either a train or funicular. He believed that type of application could help with some of the grade separation problems and connections to adjacent properties. It is something they would like to explore.

Council Member Simpson thought this was an incredible opportunity for the City. If they could solve the transit facility issue at PCMR and make it seamless, she was certain they would see more locals using the buses. She is well aware of the parking and circulation problems at the Resort. If they have the opportunity to resolve that issue it might cascade from there and improve connectivity throughout the town. Council Member Simpson could see the transit hub at the Resort being the first piece and then seamlessly connecting to Bonanza. She believed the connectivity projects they have discussed in Lower Park Avenue will make a big difference for those residents. The connectivity through City property to City Park is another link that would be incredibly well-used. Council Member Simpson was very excited about the transit hub.

Commissioner Wintzer preferred to spend more time talking about the Park and Ride outside of town and how to connect it to the Resort. Before they talk about less traffic, they need to find a way to keep cars from coming into town. The City built the Park and Ride but he never sees it being used. Between Park City and Deer Valley there are 400 to 500

cars in employee parking. He suggested training the employees to use the Park and Ride and suggested that they make it a focus at the beginning of this process rather than at the end. Commissioner Wintzer was concerned about having a transit hub on Lower Park Avenue. He worried that putting more traffic onto Park Avenue would create greater impacts to Old Town. Commissioner Wintzer was not opposed to the idea, but he needed to better understand the transit hub. He did not want to shift the parking problem at the Resort to another location. Commissioner Wintzer wanted to see the comprehensive transportation plan and how everything would function together.

Commissioner Wintzer stated that when his children were young, they had a locker to store their equipment so they could ride the bus to and from the Resort. He suggested that the Resort make it easy and affordable for kids so they can and will ride the bus.

Council Member Simpson clarified that the transit hub talked about for Park Avenue would be an enhanced stop and not an actual transit hub. It would be similar to the bus stop at the library.

Mr. Buki suggested that the group take some time this evening to think about what the proposed concept plan would mean for the Lower Park area.

Council Member Simpson felt it was important to better understand some of the pieces, but she personally thought it was the right direction.

Council Member Kernan stated that a selling point of the plan is that would be nicely developed, yet connected with people movers and additional transit to make it more convenient. It would bring in more people and more revenue without worsening the impacts. It would create a higher quality of life for everyone. In the long run, it would financially work better than just letting it happen by itself.

Commissioner Savage liked the idea of having a picture of where they want to be in the next ten to twenty years. He thought it was a good tool to have to be able to layer on top of an economic model. He also heard comments this evening about funding options. Commissioner Savage stated that they were faced with a huge capital investment and ultimately their ability is to reaffirm the City's posture on redevelopment as one of partnership and collaboration. He noted that Mr. Barille had said that PCMR would not take the approach of maximizing the entitlements under the current MPD. Commissioner Savage suggested overlaying a financial model that would become an integral part of the discussion. He stated that the resolution of the differences between what the City wants and what the ski area wants is best ferreted out and resolved in the context of a financial model that talks quantitatively about the gives and the gets. Commissioner Savage encouraged the City and Powder Corp. to work together on a model that addresses the

economic implications of this partnership and the desire for a shared vision to make sure they are moving forward in a way that people would find reasonable.

Commissioner Wintzer identified three major projects at Deer Valley, PCMR and Bonanza Park. He commented on the importance of having someone coordinate to make sure all three come on line with few impacts.

Mr. Buki stated that the clocking was ticking on the RDA and they may not always have it as a tool. He noted that approving an extension takes time and needs representation to process. Mr. Buki remarked that the first check was to see if there was consensus on extending the RDA.

Council Member Kernan thought the RDA should be extended with certain conditions. They should understand the end cost and what the community would get. He suggested that they move forward and obtain more information throughout the process to extend the RDA. Mayor Williams explained that there are eight votes in the RDA. Some entities are hurt from a tax standpoint, and the City would need their support in order to make it work. Mayor Williams thought they would need to prove the greater good to the people in the RDA that would be giving up increment. It will critical for those people to understand when the Resort is coming on line so they know they would be picking up assets to offset what they give up in the increment.

Mayor Williams stated that all he has heard over the past few years is “plan transportation first”. As they move forward, transportation and circulation is the first to consider before anything else.

Mr. Buki clarified that there was consensus among the group to work on extending the RDA. He remarked that this was aggressive redevelopment posturing and asked if the group was comfortable with that. Council Member Simpson pointed out that it was planning, not reacting.

Council Member Kernan remarked that this was an exciting time for Park City, as evidenced through the process of the joint meetings and the work being done by the HPCA in the Historic District. Considering the Plans being discussed for Bonanza Park, the Resort, and improvements for seniors, the town could be amazing 20 years from now.

Council Member Peek thought the transit center was one of the strongest assets they would gain. He believed that placement of the transit center would be the economic engine for this redevelopment area. If it is placed in an area where the Resort has more control, the mountain infrastructure could be brought to it and the bus system would become the most convenient way to get to the Resort.

Mr. Buki summarized that the transit center is a pivotal economic engine and the next discussion should be where it is most pivotal.

Mr. Buki recalled from the Bonanza Park meetings that the conversations were easy and hard at different times. The more in-depth the discussion, the harder it got. Mr. Buki noted that Bonanza Park was in early concept stage, and they had a process to advance it beyond conceptual. He asked if there was anything similar that could be used to move Lower Park Avenue to the next step.

Commissioner Hontz stated that as she looked at the plan and its evolution, all she saw were the “gets”. In order to make sure they receive those gets, they need to be memorialized through a development agreement or other type of program that takes it from site plan and master plan and puts it into agreement form. She believed the next step should be to consolidate and prioritize the “gets” to make sure it happens.

Mayor Williams thought it was important to know the primary resident base in the rest of the area, separate from the Resort. Knowing the breakdown would give an indication of the number of rental properties, 2nd homeowners, and primary residents. It would also help identify properties that are still in rental pools as opposed to long-term rentals.

Council Member Butwinski believed Commissioner Savage was on the right track by suggesting a low granular proforma of how it would all work. They know how the RDA is set up and there were projections in the Staff report regarding the increments that would be collected and how it would be spent. Council Member Butwinski did not want to build a parking structure and let the rest just happen. He felt it was important to develop a financial model that goes along with a rough phasing plan, so they know what will work before they actually build it.

Mr. Buki proposed that the group appoint one representative from the City Council and one from the Planning Commission to work with Jonathan Weidenhamer and the PCMR team.

Mr. Bakaly suggested that the City Council use the same representative for the RDA that would be appointed as the liaison to the Taxing Entity Committee. Mr. Bakaly remarked that the next major step would be to develop the list of projects that would be funded through the RDA extension. That list would then be given to the Taxing Entity Committee for approval. Mr. Bakaly explained the process for approving RDA projects, and noted that it was a lengthy process. He thought the list could be compiled and prioritized during the City Council Visioning in February.

Mr. Bakaly stated that with the general consensus to extend the RDA, the Staff could

combine their vision for the RDA with the information from the Resort. They could work on the list and address some of the planning issues that were addressed, as well as the connectivity to other parts of town. A report could be given at Visioning and the representatives could be appointed at that time.

Council Member Kernan favored the idea of having a task force with two Staff members and a representative from the City Council and the Planning Commission. Due to the holidays, Mr. Bakaly thought they could get the appropriate direction as part of Visioning in February.

Mayor Williams stated that the last couple of years had been phenomenal working with Mr. Buki through Visioning and through the five joint meetings. He thanked Mr. Buki for his work and the way he helped solidify the discussions and kept them cordial. Mayor Williams was positive that the community outlook would be better due to Mr. Buki's participation. The Work Session was adjourned at 8:30 p.m.

Prepared by Mary May, Secretarial Services





City Council Staff Report

Subject: Letter of Intent between Park City Mountain Resort and Park City Lower Park Avenue Redevelopment Agency (LPA RDA)
Author: Bret Howser
Department: Executive
Date: August 9, 2012
Type of Item: Administrative

Summary Recommendations:

Council should:

1. Authorize the City Manager to enter into a Letter of Intent with Park City Mountain Resort (PCMR) to pursue a construction agreement for a joint transit and parking facility at the resort base; and
2. Direct staff to schedule a RDA meeting on 8/23 to appoint Diane Foster as a replacement to Tom Bakaly on the RDA TEC committee, and confirm City support
3. Confirm City support of the extension of the Lower Park Avenue RDA (the RDA will formally direct TEC committee representatives on 8/23)

Topic/Description:

Letter of Intent between PCMR and Park City Redevelopment Agency (RDA) regarding the construction of a transit and parking facility at the resort base.

Background:

On December 8, 2011 the City Council and Planning Commission hosted the 5th of 5 joint meetings on the City's posture on redevelopment. This meeting specifically addressed the Lower Park Avenue RDA and even more specifically the question of extending the LPA RDA and partnership opportunities with PCMR to redevelop their parking lots.

At the meeting the City Council with Planning Commission input:

- Affirmed the City's posture on redevelopment as one of partnership and collaboration where necessary to achieve broader neighborhood goals and community vision;
- More specifically, the Council and Commission complete a survey that stated the area lacked identity, was uninviting, under-utilized and outdated. Furthermore they stated they wanted the resort presence to be the primary activity that enabled the open space to be interactive and create family friendly atmosphere and diverse opportunities; and lastly they confirmed use of RDA tax increment to effectuate their "gets" or goals stated later in this report;
- Directed staff to begin the process of extending the LPA RDA and agreed to appoint a Council Liaison (Dick Peek) as the Tax Entity Committee Member along with Tom Bakaly;

- Directed staff to begin negotiating possible terms with PCMR to identify deal points for redevelopment of a parking garage and transit center – specifically more detail on the financial, pro-forma level analysis and the conceptual scope of the project transit/parking project.

The full 12.8.11 staff report is available at:

<http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=8521>

The full 12.8.11 meeting minutes are available at:

<http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=8629>

To summarize the discussion at the meeting on 12/8/11, there was broad support for moving forward with the extension of the RDA and partnering with PCMR on a project. The public benefits of the project included:

- 1) Improved Transportation – improving connectivity, easing load in and load out and providing better access to the resort base;
- 2) Integrated Transit – more efficient bus service to the resort base would spur increased usage and make the overall system more effective and efficient;
- 3) Housing – affordable/attainable/workforce housing could be tied into the project, creating a neighborhood identity and transitioning the resort base in to the community, similar to the BOPA plan as well as provide MPD required housing on-site;
- 4) Events – partnership in the construction of parking can lead to partnership of parking operations for shared resort/community events, as well as sharing of revenue from parking to offset debt. Overall, partnership on the project is expected to greatly enhance the quality of the experience for locals, visitors, and residents alike;
- 5) Woodward Academy – provide programming atypical from traditional hotel, mixed use re-development that prioritizes recreation experience, family, and year-round recreation options that would help differentiate us from other resorts;
- 6) Timing/Phasing – financial contribution will allow us to effectuate the timing and receipt of our gets and influence the longer term phasing of the residential UE's, balancing incremental tax revenue with not growing just for growth's sake.

The group closed the meeting in agreement of appointing a member of each body to work with staff in a liaison role. Richard Peek is the City Council liaison and the Planning Commission will appoint a member at their next meeting.

Analysis:

Pursuant to Council direction, staff has negotiated a Letter of Intent (LOI) with Park City Mountain Resort (PCMR) which outlines the potential terms under which the Lower Park Avenue Redevelopment Agency (LPA RDA) would participate in the building of a

parking structure and integrated transit hub. The RDA would participate in the project for the purpose of securing public benefits identified above.

The attached Letter of Intent (LOI) outlines the general approach the two parties would take when structuring an agreement. PCMR has already signed the LOI in its current form. Staff recommends that Council direct the City Manager to enter into the LOI, at which point staff will begin negotiating terms of a final agreement between the two parties for the construction of a transit and parking facility at the resort base. Staff anticipates that this agreement would be finalized before the conclusion of the 2012 calendar year.

Major points of interest in the LOI include:

- 1) Event Parking – Park City would have access to the parking structure for up to 35 days annually for event use.
- 2) Affordable Housing – 20% of the existing affordable housing obligation (currently slated to be built at the Munchkin location) will instead be located at the resort base. The current obligation is about 40 units, so 20% is 8 units. It will be completed in the first phase of the project, either concurrent with the parking structure or at least by the time they build anything else at the resort base.
- 3) Timing/Phasing – The parking structure, transit hub, circulation improvements, etc., will all be completed in the first phase. In the event that the construction cannot be completed in one season, it will be completed during the construction season that immediately follows.
- 4) Woodward Facility – In many ways staff believes POWDR has identified the future of the sport and is making an investment in their future client. From an “attraction” standpoint as well as direct tax revenue standpoint, staff believes development of a Woodward Park City can be a huge branding boon and further establish Park City as a World Class Destination.
- 5) Parking Revenues – The LOI stipulates that PCMC will receive 10% of net operating revenue (meaning parking fees remaining after operations and maintenance costs).

The LOI anticipates the following funding sources for the project:

- 1) Private Development Financing: PCMR would secure much of the funding through whichever private mechanism they choose.
- 2) RDA Contribution: The RDA would contribute 20-25% of project costs (but no more than \$10 M). The money would come from a Tax Increment Revenue Bond, and the debt service on the bond would be paid for with property tax increment generated in the RDA.
- 3) FTA Grant Funding: The Transit Department has already begun the lengthy process of securing funding for the project through the FTA’s 5311 grant program. This funding is not a certainty, but the City has had a fair degree of

success getting this funding for similar projects in the past. If this funding is granted, we should expect it to cover 80% of the transit related project costs.

Staff believes that the LPA RDA, if extended by the Tax Entity Committee, can comfortably afford debt payments on a \$10 M bond. The tables below bear this out.

Historic Data

Fiscal Year	Increment	Mitigation Payment	Net Increment
2002	1,637,500	421,826	1,215,674
2003	1,884,461	689,957	1,194,504
2004	2,109,202	683,865	1,425,337
2005	2,173,064	683,346	1,489,718
2006	2,227,898	703,128	1,524,770
2007	2,476,412	864,444	1,611,968
2008	2,628,305	819,748	1,808,557
2009	2,764,425	891,285	1,873,140
2010	2,740,075	805,225	1,934,850
2011	2,577,315	713,739	1,863,576

Projected Increment

Fiscal Year	Low Projection	Medium Projection	High Projection
2012	2,027,430	2,070,752	2,114,074
2013	2,070,752	2,157,396	2,244,040
2014	2,114,074	2,244,040	2,374,006
2015	2,157,396	2,330,684	2,503,972
2016	2,200,718	2,417,328	2,633,938
2017	2,244,040	2,503,972	2,763,904
2018	2,287,362	2,590,616	2,893,870
2019	2,330,684	2,677,260	3,023,836
2020	2,374,006	2,763,904	3,153,802
2021	2,417,328	2,850,548	3,283,769

Debt Service

Assume 4% Rate

Amount	15-Yr Term	20-Yr Term
\$10 M	899,000	736,000
\$15 M	1,349,000	1,104,000
\$20 M	1,799,000	1,472,000
\$30 M	2,698,000	2,207,000

Next Steps

If this LOI is approved by Council, staff will move forward with the process of extending the LPA RDA. The Taxing Entity Committee (TEC), previously created by RDA Resolution, will be given notification of a meeting in September. These entities will have 30 days to designate representatives. Once the TEC meets, they will have the opportunity to extend the expiration date of the LPA RDA to 2030.

Department Review:

Sustainability, Executive, Legal

Alternatives:

A. Approve:

Direct the City Manager to enter into the LOI with PCMR. This is Staff's recommended action.

B. Deny:

Council may deny the request. The terms of the LOI will have to be renegotiated any may affect the timeline.

C. Modify:

Council may modify the request. This will have the same impact as denying the request.

D. Continue the Item:

Council may request additional information which may affect the timeline.

E. Do Nothing:

This will effectively put a hold on negotiations and will impact the project timeline.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination	Preserving & Enhancing the Natural Environment	An Inclusive Community of Diverse Economic & Cultural Opportunities	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Positively Impact?	- Accessible, world-class recreational facilities - Varied & extensive event offerings - Accessibility during peak season times - Well utilized regional public transit - Multi-Seasonal destination for recreational opportunities	- Reduced municipal, business and community carbon footprints	- Residents live and work locally - Vibrant arts and culture offerings - Diverse population (racially, socially, economically, geographically, etc.)	N/A
Which Desired Outcomes might the Recommended Action Negatively Impact?	- Balance between tourism and local quality of life	- Reduced municipal, business and community carbon footprints		N/A
Assessment of Overall Impact on Council Priority	Very Positive	Neutral (Growth will certainly adversely impact carbon output, but this should be mitigated somewhat by improved transit and on-site housing)	Positive	Neutral

Additional Comments: While it is likely that redevelopment and growth will result from the ultimate construction of a transit and parking structure at the resort base, the growth will be consistent with the general plan without significantly impacting view corridors. Issues related to growth, such as increased traffic, need for affordable housing, etc., are mitigated by improved circulation, transit, and on-site affordable units. Staff believes that this project strikes a healthy balance between the four Council Priorities and significantly contributes to Keeping Park City “Park City.”

Consequences of not taking the recommended action:

Staff would have to renegotiate terms with PCMR or abandon the project. In either case, this would have a serious impact on the current Council direction to extend the RDA. The City would also potentially forfeit an opportunity to collaboratively participate as a partner and influence the outcome of redevelopment at the resort base and therefore be inconsistent with previous direction

Recommendation:

Council should:

1. Authorize the City Manager to enter into a Letter of Intent with Park City Mountain Resort (PCMR) to pursue a construction agreement for a joint transit and parking facility at the resort base; and
2. Direct staff to schedule a RDA meeting on 8/23 to appoint Diane Foster as a replacement to Tom Bakaly on the RDA TEC committee, and confirm City support
3. Confirm City support of the extension of the Lower Park Avenue RDA (the RDA will formally direct TEC committee representatives on 8/23)

Exhibits

A - Proposed LOI

Letter of Intent between Park City Redevelopment Authority (“RDA”) and Park City Mountain Resort (PCMR)

This Letter of Intent is made and entered into this 9th day of August, 2012, by and between Greater Park City Company, a Utah corporation, dba, Park City Mountain Resort (PCMR) and Park City Redevelopment Authority (RDA) (jointly referred to herein as the Parties).

Purpose: This Letter of Intent shall clarify the understanding between the Parties with regard to the parking structure and transit center project conceptualized in Exhibit A (the Project), which is intended to be a joint project between the Parties and of a public as well as private benefit. This Letter is precursor to a definitive Agreement between the Parties stipulating the details of the Joint Project. The Letter outlines general guidelines under which the Parties will work together to arrive at an eventual Agreement.

Whereas, Park City Municipal Corporation and PCMR have an ongoing shared interest in hosting world class special events and mountain recreation based tourism;

Whereas, it is in the best interest of both Parties that these activities be welcomed in a manner that maximizes positive exposure for Park City as a world class destination, maximizes the capture of visitor expenditures within the greater Park City area, and minimizes the impacts to permanent residents;

Whereas, the ability to efficiently direct vehicle trips to logical nodes and to maximize transit ridership while minimizing impacts from congestion, traffic incidents, and reduced air quality is an integral part of operating a successful destination resort community;

Whereas, maintaining infrastructure, amenities, and a development pattern that is competitive in the regional, national, and international marketplace for destination visitors is important to both the economic health of the Parties and the quality of life that can be provided for Park City and Summit County residents;

Whereas, maintaining the health of our destination tourism based economy will result in long term revenue growth in the form of property tax, retail sales tax, TRT & RAP tax, and related spending that supports the overall Summit County business community;

Therefore, the Parties agree to explore the joint planning, financing, and development of a parking and transportation facility intended to further the public and private realization of the aforementioned goals and priorities.

1. Scope

- a. The Parties will work jointly to establish scope for each of the following aspects of the Project:
 - i. Parking –

1. Event Parking – Park City Municipal Corporation will have access or long term lease rights to the parking structure for up to 35 days of each year for purposes of event parking. The Final Agreement will outline the detailed plan. Scheduling, events, specific days and number of parking spots will be reviewed and agreed upon annually by both parties.
 - ii. Transit Hub Size & Location– The Parties intend to establish strategies to improve user friendliness, increase ridership, minimize waiting times and delays, explore smart messaging in conjunction with improved circulation patterns and stop / hub location(s), improve ability to serve events, achieve trip reductions and increase shared vehicle trips for recreation, tourism, event, and employee visits.
 - iii. Housing – The Parties agree that 20% of existing housing obligations required in the approved PCMR MPD (ie: 8 units) will be located at the resort base. The Parties intend to examine the best location and size for these units consistent with the current MPD and in light of efficiency issues, economic feasibility, and the needs of the intended occupants/residents/buyers. The Parties will also examine properties held by both Parties and whether these create opportunity for partnership between the Parties to jointly or separately develop and/or operate housing of the appropriate type at a preferred location.
2. Timing/Phasing of the Project
 - a. The parking structure, transit hub, circulation improvements, and smart messaging will be completed as part of the first phase, to the degree these can be completed within a single construction season.
 - b. The housing obligations to be located at the resort base (outlined above in section 1, iii) will be completed concurrent with the first completed phase of the parking / transit structure or prior to receiving a Certificate of Occupancy of the first project approved under the MPD that is not parking or infrastructure related, whichever occurs later.
 3. Financial Participation
 - a. Both Parties will share a portion of the financial responsibility for the Project.
 - b. The RDA will evaluate possible terms of contributing 20%-25% of the estimated costs of the Project, with a projected cap of \$10 million, from proceeds of RDA Tax Increment Revenue Bonds. This contribution is to be made for the purpose of securing the overall viability of the Project and for securing public benefits, including but not limited to: housing, mitigating traffic and circulation impacts, neighborhood place making, improved integration with transit, and coordination/management authority for use during community events. A portion of these community benefits will occur concurrent with the first phase of the parking project.
 - i. The RDA contribution will occur proportionally with the phasing of the Project and will be triggered by the issuance of a building permit. At no point during the phasing of the Project will the cumulative RDA contribution to date exceed 25% of the total Project cost to date.

- c. All efforts will be made to secure Federal grant funding for the transit portion of the Project. Any federal funding secured for the project will reduce the Parties' respective contributions proportionately.
 - d. The Parties will explore alternative financing options (i.e.: RDA Increment Bonds, conduit bonds, mezzanine financing, etc.) allowable by state code to defray financing costs where possible. Any financing secured by or through the RDA which is to be repaid by PCMR or Project revenues will be in addition to the contribution identified in section 3(b) rather than in lieu of that contribution.
- 4. Project Management
 - a. The Parties will finalize a project management plan in full compliance with federal, state and local procurement requirements. The parties have a goal of giving as much of the project management activity as possible to PCMR.
- 5. Ownership, Operations & Maintenance
 - a. The Parties will agree to an ownership structure that will result in satisfactory operations, maintenance, and capital replacement to each of the Parties.
 - b. The Parties will jointly agree to a minimum quality of ongoing service and maintenance for the structure prior to construction.
 - c. In the event that the Project is partially funded by FTA grants, the Parties will consider an appropriate structure of ownership such that the value of the land can be used as a grant match. The Parties may explore condominiumizing the parcel, entering a long-term lease, etc., as potential alternatives.
 - i. If land value is used as a grant match, the land will be donated and not sold to the RDA for additional cash consideration above and beyond the RDA contribution specified in 3(b).
- 6. Operating Revenues
 - a. Operating revenues will be used to pay for operating and maintenance expenses directly related to the parking structure (not to include debt service).
 - b. Any remaining net revenue will be distributed 90% to PCMR and 10% to the RDA.
 - c. Policies for the collection of revenue will be set by PCMR after consultation with City Staff.
- 7. Extension of the RDA
 - a. In the event that the Lower Park Avenue is not extended by vote of the Taxing Entity Committee and the RDA Board prior to expiration, any obligations of the Parties shall automatically terminate and be of no further force and effect.
- 8. Non-binding
 - a. This letter is a statement of intent only, and is not a binding obligation of either of the Parties. Such obligations may only be contained in a binding Definitive Agreement executed by the Parties.

Acknowledgment:

**Tom Bakaly
Authorized Representative
Park City Redevelopment Authority**

Acknowledgment:

**Jenni Smith
President and General Manager
Greater Park City Company,
A Utah corporation,
Dba Park City Mountain Resort**

Acknowledgment:

**John D. Cumming
Chairman and Chief Executive Office
Powdr Corp.,
A Delaware corporation**

Acknowledgment:

**John D. Cumming
Chairman and Chief Executive Office
Powdr Development Company,
A Utah corporation**

MINUTES – SEPTEMBER 25, 2013

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 25, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Stewart Gross, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Kayla Sintz, Planning Manager; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Mark Harrington, City Attorney

=====

The Planning Commission met in Work Session prior to the regular meeting. That discussion can be found in the Work Session Minutes dated September 25, 2013.

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Hontz, Strachan and Savage who were excused.

ADOPTION OF MINUTES

September 11, 2013

Commissioner Wintzer referred to page 72 of the Staff report, page 6 of the minutes, 5th paragraph, 5th line, and the sentence "... the number of people who drive to the junction to buy sheets and towels to take to Deer Valley". He clarified that he was talking about a commercial laundromat and corrected the sentence to read, "...the number of people who drive to the junction **to launder sheets and towels** to take to Deer Valley", to accurately reflect the intent of his comment regarding light industrial uses.

Commissioner Thomas referred to page 73, page 7 of the minutes, 6th paragraph, and corrected "...south into Wasatch County looking down hear the Brighton Estates..." to read, "...**near** the Brighton Estates..."

Commissioner Gross referred to page 76 of the Staff report, page 10 of the minutes and noted that his name was written as Steward Gross and should be corrected to read **Stewart Gross**.

MOTION: Commissioner Wintzer moved to APPROVE the minutes of September 11, 2013 as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed. Chair Worel abstained since she was absent from the September 11th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Gross referred to the 2519 Lucky John Drive replat item on the agenda and disclosed that he is a neighbor and a stakeholder in the area. He had not received public notice on this plat amendment and it would not affect his ability to hear the item this evening.

Commissioner Wintzer remarked that in talking about the Carl Winters School and the High School during work session, he felt it was important to note that the community had lost David Chaplin, who spent much of his career teaching there.

Director Thomas Eddington reported that the Planning Commission typically holds one meeting in November due to the Thanksgiving holiday. However, due to the lengthy agendas and the General Plan schedule, he asked if the Planning Commission would be available to meet on the First and Third Wednesdays in November, which would be November 6th and 20th. The Commissioners in attendance were comfortable changing the schedule. The Staff would follow up with the three absent Commissioners.

CONTINUATIONS(S) – Public hearing and continue to date specified.

1. Park City Heights – Pre-Master Planned Development and Amendment to Master Planned Development. (Application PL-13-01992 and PL-13-03010)

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

MOTION: Commissioner Thomas moved to CONTINUE the Park City Heights Pre-MPD and Amendment to Master Planned Development to October 9, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, public hearing, action.

1. 1255 Park Avenue, Park City Library – Pre-Master Planned Development
(Application PL-13-01992)

Planner Anya Grahn requested that the Planning Commission review the Park City Library Pre-Master Plan Development located at 1255 Park Avenue and determine whether the concept plan and proposed use comply with the General Plan and the goals.

During Work Session the applicant provided an overview of how a 21st Century library creates community spaces, conference rooms. It is about expanding the library and improving accommodations and improving the entry sequence and encouraging greater use of public transportation.

Planner Grahn noted that pages 84 through 85 of the Staff report outlined the goals of the current General Plan and how this application had met those goals. The Staff also analyzed the application based on the goals set forth in the new General Plan.

Commissioner Thomas remarked that since the new General Plan was still in the process of evolving and being modified, and it was not yet adopted, it was not pertinent to review the application under the new General Plan. He recommended that they remove that section. Commissioner Gross concurred.

Assistant City Attorney McLean stated that from a legal perspective, even though the Commissioners were relying on the existing General Plan, it would be changing. Therefore, if the Planning Commission has an issue regarding compliance with the new General Plan, it would be appropriate to raise the issue, particularly at this point in the process. Commissioner Thomas understood the legal perspective; however, the General Plan process was not completed and he was uncomfortable making that comparative analysis because it would add confusion.

Planner Grahn stated that if there was consensus to remove reference to the new General Plan, they suggested that they remove Finding of Fact 13, which talks about compliance with the drafted General Plan.

Commissioner Wintzer commented on uses and requested a note on the plat about exterior uses not sprawling into neighborhoods. They need to somehow acknowledge the need for a connection between the neighborhoods. Assistant City Attorney McLean stated that unless it was linked to the General Plan goals, it would be addressed with the MPD. Ms. McLean clarified that the main concept of the pre-MPD is compliance with the General Plan. However, it is appropriate to give initial feedback to make sure the concept is one the applicant should pursue.

Steve Brown representing the applicant, stated that time barriers would be placed as opposed to architectural barriers. Commissioner Wintzer clarified that he was talking about issues such as live music after 10:00 p.m. Mr. Brown stated that the applicant would respond in that vein.

Commissioner Gross referred to page 84 of the Staff report and the sentence stating that the applicant intends to continue to utilize the additional 72 parking spaces at the Mawhinney parking directly east of the Library as overflow parking. He wanted to make sure that would be a reality and that there would not be conflicts. Planner Grahn stated that the Staff report incorrectly stated 72 parking spaces. She believed the actual number was closer to 48 spaces, and she would confirm that number. She apologized for the mistake in her calculation. Commissioner Gross stated that regardless of the actual number, his concern was making sure that the parking spaces would remain as parking over the duration of the Library and its associated uses in the future.

Matt Twombly, representing the applicant, explained that building those spaces was a condition of the original MPD. He assumed it could be conditioned again to retain the spaces for the Library overflow. Director Eddington stated that it would be part of the MPD amendment. Commissioner Gross reiterated that his concern was to make sure it remained as parking as opposed to being developed.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to ratify the Findings for the pre-MPD application at 1255 Park Avenue, the Park City Library that it initially complies with the General Plan for a Master Planned Development, consistent with the Findings of Fact and Conclusions of Law as modified to remove Finding of Fact #13. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1255 Park Avenue

1. The property is located at 1255 Park Avenue in the Recreation Commercial (RC) District.
2. The Planning Department received a plat amendment application on June 14, 2013, in order to combine the north half of Lot 5, all of Lots 6 through 12, the south half of Lot 13 and all of Lots 23 through 44 of Block 6 of the Snyders Addition as well as Lots 1 through 44 of Block 7 and the vacated Woodside Avenue. Upon recordation of the plat, this property will be known as the Carl Winters School Subdivision, and is 3.56 acres in size.
3. There is a Master Planned Development from 1992 for the property; however, the changes purposed to the concept and density justify review of the entire master plan and development agreement by the Planning Commission. The library will be expanded by approximately 2,400 square feet in order to meet the demands of a twenty-first century library. These demands include a café as well as other meeting and conference rooms. A new terrace will also be created on the north elevation of the structure, adjacent to the park. In addition to these community gathering spaces, the library will temporarily house the Park City Senior Center.
4. The applicant submitted a pre-MPD application on July 19, 2013; the application was deemed complete on August 16, 2013.
5. The Park City Library contains approximately 48,721 square feet and was originally approved through two (2) MPDs in 1990 and 1992, as well as a Conditional Use Permit in 1992 to permit a Public and Quasi-Public Institution, the library. An

amendment to the Conditional Use Permit will be processed concurrently with the Master Planned Development.

6. Access is from Park Avenue, with a secondary entrance along 12th Street.

7. A finding of compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use Permit. Compliance with applicable criteria outlined in the Land Management Code, including the RC District and the Master Planned Development requirement (LMC-Chapter 6) is necessary prior to approval of the Master Planned Development.

8. Planning Commission action for General Plan compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. Final site plan and building design are part of the Conditional Use Permit and Master Planned Development review. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.

9. Staff finds that the proposal complies with Goal 1 of the General Plan in that it preserves the mountain resort and historic character of Park City. The proposal to expand the Library will be modest in scale and ensure the continued use of the historic Landmark Carl Winters School. The new structure will complement the existing historic building, complying with the Design Guidelines for Historic Sites.

10. Staff finds that the proposal complies with Goal 3 of the General Plan in that it maintains the high quality of public services and facilities. The City will continue to provide excellence in public services and community facilities by providing additional space for the transformation of the Park City Library into a twenty-first century library and community center.

11. Staff finds that the proposal complies with Goal 5 of the General Plan in that it maintains the unique identity and character of an historic community. The rehabilitation of the structure and the new addition will maintain the health and use of the site as a community center and library. Moreover, the new addition must comply with the Design Guidelines and be simple in design, modest in scale and height, and have simple features reflective of our Mining Era architecture and complementary to the formality of the existing historic structure.

12. Staff finds that the proposal complies with Goal 10 of the General Plan in that it supports the existing integrated transportation system to meet the needs of our visitors and residents. The improved entry sequence will encourage greater use of Planning Commission - September 25, 2013 Page 88 of 302 public transit, walkability, and biking to the library. The project is on the bus line and within walking distance of Main Street.

13. The discussion in the Analysis section is incorporated herein.

Conclusions of Law – 1255 Park Avenue

1. The pre-application submittal complies with the Land Management Code, Section 15-6-4(B) Pre-Application Public Meeting and Determination of Compliance.
2. The proposed Master Planned Development concept initially complies with the Park City General Plan.

2. Second Amended Stag Lodge Phase IV, 8200 Royal Street Unit 52 – Amendment to Record of Survey (Application PL-13-02025)

Planner Christy Alexander reviewed the application amended plat the existing Stag Lodge record of survey plat for Unit 52, which is a detached single-family unit. The request is to identify additional basement and sub-basement area beneath the home. The area is currently listed as common area because it is not listed as private or limited common on the plat. The owner would like to make the area private and create a basement, which would increase the square footage of the unit by 1,718 sf. Planner Alexander noted that the plat was previously amended for Units 44, 45, 45, 50, 51 and 52 in 2002 and recorded in 2003. At that time 3,180 square feet was added to each of those units in the vacant area.

Planner Alexander noted that the plat amendment would not increase the footprint of the unit and additional parking would not be required. The height and setbacks would remain the same.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the amendment to the record of survey.

Bruce Baird, representing the applicant and the HOA, noted that this same request was approved last year for two other units. It is a strange function of having space below the unit that is somehow considered common area in the deep dirt. The area does not count as an extra unit and it does not require additional parking. Mr. Baird thanked the Staff for processing this application quickly, which could allow his client the opportunity to get some work done before Deer Valley shuts down construction for the year. Mr. Baird reiterated that this was a routine application and he was prepared to answer questions.

Commissioner Gross asked if the amended would affect the height from the ground floor to the top. Director Eddington replied that height is based on the structure and not the use. Therefore, it would not affect the height. Commissioner Gross asked if the additional square footage would have the ability to be leased out separately. Mr. Baird replied that it was not intended to be a lock-out. Given the layout of the building it would be nearly impossible to set it up as a lockout.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council on the Second Amended Stag Lodge Phase IV plat for Unit 52 based on the Findings of Fact, Conclusions of Law and Conditions of approval as found in the draft ordinance. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Stag Lodge, Phase IV

1. The property is located at 8200 Royal Street East, Unit 52.
2. *The property is located within the Estate (E) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).*
3. 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.
4. The Deer Valley MPD allowed 50 units to be built at the Stag Lodge parcel in addition to the 2 units that existed prior to the Deer Valley MPD. A total of 52 units are allowed per the Eleventh Amended Deer Valley MPD and 52 units exist within the Stag Lodge parcel. The Stag Lodge parcels are all included in the 11th Amended Deer Valley Master plan and are not developed using the LMC unit equivalent formula.
5. Stag Lodge Phase IV plat was approved by City Council on March 5, 1992 and recorded at Summit County on July 30, 1992. Stag Lodge Phase IV plat, consisting of Units 44, 45, 46, 50, 51, & 52, was first amended on June 6, 2002 and recorded at the County on January 22, 2003. The first amendment added private area to Units 45, 46, 50, 51, & 52 and increased them to 3,180 sf.
6. On August 16, 2013, a complete application was submitted to the Planning Department for an amendment to the Stag Lodge Phase IV record of survey plat for Unit 52.
7. The plat amendment identifies additional basement area for Unit 52 as private area for this unit. The area is currently considered common area because it is not designated as either private or limited common on the plats.
8. The additional basement area is located within the existing building footprint and crawl space area and there is no increase in the footprint for this building.
9. Unit 52 contains 3,180 sf of private area. If approved, the private area of Unit 52 increases by 1,718 sf. Approval of the basement area as private area would increase Unit 52 to 4,898 sf.

10. As a detached unit, the parking requirement is 2 spaces per unit. The unit has an attached two car garage. The plat amendment does not increase the parking requirements for this unit.

11. Unit 52 was constructed in 1985. Building permits were issued by the Building Department for the work. At the time of initial construction, the subject basement areas were partially excavated, unfinished crawl space, with unpaved floors.

12. The HOA voted unanimously for approval to convert common to private space

13. The findings in the analysis section are incorporated herein.

Conclusions of Law – Stag Lodge, Phase IV

1. There is good cause for this amendment to the record of survey.
2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended record of survey plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
5. Approval of the record of survey amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Stag Lodge, Phase IV

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey plat for compliance with State law, the Land Management Code, the recorded plats, and the conditions of approval, prior to recordation of the amended 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 amendment 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. All conditions of approval of the Stag Lodge Condominium record of survey plats as amended shall continue to apply.
4. The plat shall be recorded at Summit County as a condition precedent to issuance of

certificates of occupancy for the interior basement finish work.

**3. Ontario Park Subdivision, 463 & 475 Ontario Avenue – Plat Amendment
(Application PL-13-02019)**

Planner Alexander reviewed the application for a plat amendment at 463 and 475 Ontario Avenue. Jeremy Pack, the owner, was requesting to combine the two lots.

Planner Alexander reported that in 1993, the previous owner, Joe Rush, owned Lot 19 as well as Lots 13 and 14 behind it on Marsac. Mr. Rush had wanted to build single family homes on Lots 13 and 14; however, with the diagonal of Marsac Avenue going across his property, Mr. Rush did not have enough area with the setbacks to build the home he wanted. Since Mr. Rush owned both of the properties he was granted a lot line adjustment, which made Lot 19 a substandard lot. At the time, Mr. Rush agreed to a deed restriction on Lot 19 which states, "The Grantor restricts construction on this lot alone. Construction can only occur with another lot adjacent to the property used for construction."

Planner Alexander noted that Joe Rush eventually sold the property and Jeremy Pack was the current owner. Due to the deed restriction, a single family home could not be built on the lot unless Lot 19 is combined with an adjacent lot. Mr. Pack was requesting to combine the lots together to build one single-family home. Because the lot would be larger, he could build a larger single-family home than what he could on the smaller lot. However, the setbacks would be increased on the larger lot. The applicant would be limited to a single family home because there is not enough square footage to build a duplex.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 463 & 475 Ontario Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Chair Worel opened the public hearing.

Bonnie Peretti stated that she knows Old Town quite well and she wanted to know the maximum square footage if the lots were combined.

Director Eddington noted that page 112 of the Staff report identifies the maximum footprint as 1,486 square feet. He pointed out that three stories is allowed in the zone.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the 463 & 475 Ontario Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of approval as found in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 463 & 475 Ontario Avenue

1. The property is located at 463 & 475 Ontario Avenue and consists of two “Old Town” lots, namely Lots 19 and 20, Block 55, of the amended Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. The property has frontage on Ontario Avenue and the combined lot contains 3,650 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
4. Single family homes are an allowed use in the HR-1 zone.
5. On August 6, 2013, the owner submitted an application for a plat amendment to combine the two lots into one lot of record for a new single family house.
6. The application was deemed complete on August 30, 2013.
7. The property has frontage on and access from Ontario Avenue.
8. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
9. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.
10. The proposed plat amendment does not create any new non-complying or nonconforming situations.
11. The maximum building footprint allowed for Lot One is 1,486 square feet per the HR-1 LMC requirements and based on the lot size.
12. The plat amendment secures public snow storage easements across the frontage of the lot.
13. In 1994, a lot line adjustment was done combining 100 square feet of Lot 19 with Lot 20.
14. Therefore, by itself, the remainder of Lot 19 is substandard.

Conclusions of Law – 463 & 475 Ontario

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 – 463 & 475 Ontario

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lot.
4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.
5. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. A 10 foot wide public snow storage easement is required along the frontage of the lot with Ontario Avenue and shall be shown on the plat.

4. Second Amended 2519 Lucky John Drive Replat – Plat Amendment (Application PL-13-01980)

Planner Whetstone reviewed the application for a plat amendment to re-establish a line that recreates Lots 30 and 31 of the Holiday Ranchette Subdivision. In 1999 an Administrative lot line adjustment removed the lot line between the two lots and created a single lot of record. The new owners would like to re-establish these two lots within the Holiday Ranchette Subdivision. Each lot is approximately 42,560 square feet, which is similar to the lots in the Holiday Ranchette Subdivision.

The Staff believes there is good cause for the application. The proposed subdivision re-establishes the two lot configuration as platted. It would not increase the original overall density of the

subdivision. All of the original drainage and utility easements were preserved in the previous amendments.

Planner Whetstone stated that the proposal meets the requirements of the Land Management Code and all future development would be reviewed for compliance with the Building and Land Management Code requirements. The Staff had recommended Condition of Approval #7 which requires the primary access to come off of Lucky John Drive to protect the new sidewalk that was constructed as a safe route along Holiday Ranch Loop. It would be a note recorded on the plat.

Planner Whetstone had received public input from several neighbors primarily related to various noticing requirements. She stated that the Staff had met the noticing requirements for a plat amendment by posting a sign on the property and sending letters to individual properties within 300 feet 14 days prior to this meeting. It was also legally published in the paper. Planner Whetstone noted that this item was continued at the last meeting because the required noticing had not been done.

Planner Whetstone added Condition of Approval #8 that would be a note on the plat. The Condition would read, "Existing grade for future development on Lot 31 shall be the grade that existed prior to construction of the garage." She understood that previous grading had raised the grade. The grade should be returned to the grade that existed prior to constructing the garage and the regarding that occurred at that time." Planner Whetstone noted that the survey with the original grade was on file in the Planning Department.

Planner Whetstone reported that the Planning Staff had done an analysis of this proposal and recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on the Lucky John plat amendment in accordance with the findings of fact, conclusions of law and conditions of approval found in the draft ordinance with the addition of Condition #8.

Steve Schueler with Alliance Engineering, representing the applicant, stated that he was unaware of the owner's intention with respect to the lot, but he presumed that they planned to sell it.

Commissioner Gross commented on the primary access being limited to off of Lucky John Drive. He recalled past discussion about TDRs and increasing densities in areas such as Park Meadows, and he wanted to make sure they were not creating an opportunity for this applicant or a future applicant to re-subdivide the lot again. He noted that the HOA has it designated as preserved open space. Commissioner Gross referred to page 128 of the Staff report and stated out of 100 lots, two lots are slightly under an acre and the rest of the lots are over an acre. Fifty lots are two acres or more. He believed that established the type of neighborhood that Holiday Ranchette is, and he felt it was important to maintain that consistency.

Commissioner Gross stated that as a single-family development it should rest on its own merits, have its own driveways, the respective easements that have been established with the homeowners and the covenants that are within the property.

Chair Worel opened the public hearing.

Steve Swanson submitted a handout of diagrams showing the prior condition, the as-built condition, and the split lot option to help support his comments. Mr. Swanson remarked that many of the neighbors do not understand the process and he has done his best to help them understand the role of the Planning Commission and the Staff. Mr. Swanson addressed the idea of re-discovering a line that represents the demarcation between the original lots 30 and 31. He stated that it may be true to some extent, but to cover it up and then to have it magically sold back is worrisome. Mr. Swanson remarked that the lots have not existed since the plat amendment was recorded in 1999. He believed they were talking about a re-subdivision of an existing lot, and regardless of the size it was in their neighborhood. He thought the bar should be set higher than the original because there is now existing hard construction and other improvements on this lot, the 2519 Lucky John replat.

Mr. Swanson remarked that the subject property and how it has development over time is important in terms of its relation to the neighborhood, Lucky John Drive itself, and in the context of the review and approval process operative at the time in the Holiday Ranch HOA CC&Rs. He recognized that the City has no obligation to enforce the CC&Rs.

Mr. Swanson reviewed the diagram of the prior condition site plan, which showed the two lots, 30 and 31, as they existed in 1999 with a HR plat overlay. He indicated a two-story residence that was built within the building pad, a driveway to the north, and an accessory building pad that could accommodate a garage, barn, etc, directly to the west. Mr. Swanson stated that at that point the approved and constructed projects meet the HOA requirements and the requirements of the CC&Rs. There were also no inconsistencies with respect to the LMC regarding single-family dwellings for orderly development, protected neighborhood character, and property values conserved. Mr. Swanson stated that he likes to reference the Municipal Code because it is important to understand that the City has broad authority in subdivisions in terms of review approval and purview. The LMC and the General Plan is all the City has. Mr. Swanson cited specific sections in the LMC to show the consistency between the LMC and the CC&Rs.

Mr. Swanson reviewed the as-built site plan diagram. He stated that the 1999 replat removed the center line and the subdivision is established. The Cummings were the owners at the time and they purchased both lots with a structure on one lot. Mr. Swanson noted that the owner received a variance to build a larger accessory structure than what the building pad would accommodate. The pad did not meet their needs so they purchased the adjacent lot and did the replat to combine the lots. Mr. Swanson explained that his graphic was intended to show the relationship and how it has changed in terms of how open space is viewed and the types of uses on parcels. He stated that the variance process that was affected at the time with the HOA architectural committee and the full knowledge of the HOA Board would have resulted in a larger garage being built to the north and it was placed within the building pad that was allotted to the second lot for a main building. Mr. Swanson remarked that in reality the owner was forever vacating the pad to the west. That change was shown on his diagram. He noted that the strip in between was open space. He remarked that the owner was also granted a variance to realign the entry drive and take a portion of the open space side yard. That was shown as a hatched area on the diagram. Mr. Swanson stated that based on the CC&Rs, a portion would have to remain open with no structures and no hard surfaces.

Mr. Swanson clarified that it was the HOA architectural committee and not the City who granted the variance. He explained that the hatched area was given back to the owner to utilize as a driveway surface for the single-family use with the approved accessory building at the new location. Mr. Swanson stated that it is routine and common for the HOA to work with the owners within the confines of the charter and the CC&Rs. He pointed out that the garage was raised up three to four feet from grade. Mr. Swanson remarked that there were still no conflicts or inconsistencies between the CC&Rs and the Land Management Code.

Mr. Swanson reviewed the slit option diagram. He stated that if the replat is successful and the two lots are re-created, it would create immediate non-conformances with respect to the Holiday Ranch CC&Rs and the LMC. Mr. Swanson outlined the non-conforming aspects. He stated that if the building is allowed to remain it would be under the minimum that is acceptable under the CC&Rs. The side yard open space is in conflict because hard drive surfaces would be needed to access the two parcels. A common driveway would create a conflict and a potential hardship for one or both owners. Mr. Swanson believed that it violated the LMC because the required three-foot landscape setback would no longer exist on either property, contrary to the Side Yard Exception 15-2-11H-8 of the LMC.

Mr. Swanson stated that orderly development was in question since the applicant is apparently not required to do anything to mitigate, and could initiate legal cross easements for the drive access. The owner could market, sell or hold these properties as he is equally entitled to now, but with the new underlying land being recorded as two lots. Mr. Swanson stated that the neighbors have seen firsthand what has happened to this property in a year's time. He presented a photo of what the property looked like a few years ago. It was meticulously maintained. The owner after the Cummings' recognized the value of the property and the neighborhood and was eager to contribute.

Mr. Swanson presented a photo showing the condition of the property in July 2013. He noted that the current owner took a disinterested stance on this property. Based on public record, he understood that the owner had leveraged the property and had no interest in contributing to the neighborhood or interacting with the neighbors and the HOA. Mr. Swanson believed it was only a question of solving the building addition to the existing garage, which creates an architectural problem for the HOA. He thought it was obvious that the house and garage go together. Mr. Swanson stated that there were too many negatives and unknowns to take a chance on this application. Because of the non-enforcement of CC&Rs clause and the City's broad powers, the HOA is left with created hardship and non-conformances on other issues that should have been dealt with first. He asked that the Planning Commission not take the Holiday Ranch neighbors down that path. Just because something can be done does not mean it should be done. He stated that the neighborhood is 80% full-time residents and many families. The property is inherently valuable because it has open view sheds and wildlife habitat corridors, as well as a strong and beautiful street presence.

Mr. Swanson believed the application should be rejected on its face and a recommendation to the City Council to deny this action. Short of this, he would ask the Planning Commission to continue in order to consider additional conditions of approval, one of which would be the signature and approval of the surrounding neighbors and owners.

Chair Worel asked Mr. Swanson if his comments were made on behalf of himself as an individual or on behalf of the HOA. Mr. Swanson replied that he spoke on behalf of himself as a resident.

Eric Lee, Legal Counsel for the Holiday Ranch HOA. Mr. Lee believed the City had the opportunity to keep the two parties out of litigation. He understood that the City had a policy of not enforcing CC&Rs; however, the CCRs in this case prohibited re-subdividing lots. As demonstrated by Mr. Swanson a quid pro quo negotiation was engaged fourteen years ago that resulted in the lot line adjustment. He stated that there may be room for negotiation now, but the Nevada Limited Liability Company that owns this property has not approached the Homeowners Association despite communication from him requesting communication on this issue. They have not approached the HOA for approval to re-subdivide the lot, despite the fact that the CC&Rs require that approval, or on anything other matter. It is an absentee owner. If they are willing to communicate with the HOA there may be the potential to work something out. If not, it would end up in litigation.

Mr. Lee requested that the Planning Commission do what was administratively done in 1999 when the City considered the neighborhood's position and obtained neighborhood consent for the lot line adjustment in 1999. His position was that the owner should not be bothering the City with this issue until they receive permission from the HOA. Mr. Lee believed a negative recommendation to the City Council would allow the owner and the HOA to try and work together.

Mr. Lee stated that forwarding a negative recommendation or deferring consideration of this application would serve another purpose. The declaration for the subdivision also precludes altering any improvements or landscaping without prior written approval from the architectural committee. He pointed out that a re-subdivision would require the lot owner to alter improvements in landscaping. If the Planning Commission forwards a positive recommendation and the City ultimately allows this re-subdivision, the City would be creating a hardship argument for this owner to take to the HOA, and it changes the balance in an unfair way.

After reading the Staff report, Mr. Lee had concerns with Findings of Fact #6 which states that, "There is an existing home on Lot 30 that was built within the required setback areas and is considered a non-conforming structure." He was unclear on the meaning and asked for clarification. However, if it means that subdividing the lot would create a setback problem, the Planning Commission needs to consider that issue.

Planner Whetstone noted that word "non-conforming" was an error in the Finding because the structure is conforming and the house on Lot 30 meets the setbacks. Mr. Lee clarified that if the subdivision occurred the home on Lot 30 would be at least 12 feet from the side yard. Planner Whetstone replied that this was correct.

Mr. Lee understood that if the subdivision was allowed, an accessory structure would exist on Lot 31. As pointed out in the Staff report, accessory structures are allowed in this District as long as the setback requirements. However, in his reading of the Code, an accessory structure is not allowed without a primary structure. Mr. Lee stated that creating the subdivision would create a lot with an accessory structure without a primary structure. The City would create that situation if the subdivision was approved.

Mary Olszewski, a resident of Holiday Ranch, thanked the Planning Commission for the job they do for the City. She stated the CC&Rs is their bible that has been enforced for 37 years. It is something they do not ignore. She stated that in standing by the CC&Rs they improve their neighborhood and contribute to the City. Ms. Olszewski remarked that historically they have a relationship with the City in that plans and designs are reviewed by the architectural committee and suggestions are made, and the plans ultimately come to the City for approval. She stated that in 1999 the Cummings came to the HOA and submitted a formal application and received letters for a variance from all the neighbors. In this instance they have been circumvented as a Board in the Holiday Ranch. A formal application was not made and no letters for a variance have been submitted from the applicant. Ms. Olszewski stated that the 1999 decision was predicated on this being one lot and a desire to help the homeowner. It seems whimsical that a homeowner can combine lots and then divide lots and leave the neighbors with a set of problems after they did their best to make everything work in the neighborhood. Mr. Olszewski stated that if the applicant is allowed to circumvent the Board, the HOA and the letters of acceptance, it weakens the CC&Rs and makes the Board moot in the neighborhood. She asked the Planning Commission to consider that in making their decision. The stronger the CC&Rs, the more valuable the property is and the greater contribution it makes to the City.

Mary Wintzer, a resident at 320 McHenry, disclosed that she is married to Planning Commissioner Charlie Wintzer. Ms. Wintzer realized that the Planning Commission was in a predicament with the policy of not being able to enforce the CC&Rs. As an Old Town resident she has spoken for years about the neighborhoods in Old Town that are being injured and how they are unable to get help from the City Council and enforcement from the Planning Commission. Ms. Wintzer noted that later this evening the Planning Commission would be discussing the General Plan and Sense of Community. She stated that what has been occurring in Old Town is now hitting Holiday Ranch. This community of full time-residents was asking the City to help uphold their sense of community. Ms. Wintzer remarked that if helping these citizens was not within their purview this evening, the Planning Commission needed to find a way to bring this into the discussion. She compared it to the domino effect. What has been happening in Old Town was now rippling to Holiday Ranch to Prospector and Thaynes, as a result of not paying attention to Sense of Community and what Park City means. Ms. Wintzer suggested that the Planning Commission and the City Council figure out a way of maintaining the sense of community the citizens were asking for.

Tracy Sheinberg, a neighbor, stated that when the current owner went to purchase the property, the real estate agent specifically told him that he could not split the lot. She was bothered by the fact that the owner had that information before he purchased the lot. She was also concerned because the owner has never lived in Park City and she assumed they did not plan to live there. They have never been a part of the community, yet they want to do something that is not allowed and would affect the neighborhood. As a neighbor, Ms. Sheinberg was concerned because the owner has let the property go into disarray. The driveway and the fence were falling apart and no one is taking care of the property. The owner now wants to split the lot and sell it as two lots. No one knows who the owner is because they never talked to the neighbors or met with the HOA. Ms. Sheinberg understood that there was no legal standing, but she thought the Planning Commission should take those factors into consideration because as a neighborhood they do care what happens to the houses and properties in their neighborhood.

Bonnie Peretti stated that she lives in the neighborhood in a home across the street and she was involved when the lots were combined under the assumption that they would not be separate. She was concerned with the term accessory apartment. Ms. Peretti noted that the owners have to refer to all accessory structures as a barn, even though some of the barns look like garages. Accessory structures were meant to accommodate horses at one point, and even now it still has to have the feeling of a barn. Accessory structures are not allowed to be rented or lived in. Ms. Peretti remarked that if the lots are split one lot would have a structure that is not a home. She wanted to know how the City could guarantee that the structure would stay under the terms of the CC&Rs. If they allow the lots to be divided they need to protect the neighbors. Ms. Peretti felt it was best to keep the property as one lot in the way everyone understood it would be.

Peter Marsh echoed the comments of the previous speakers who have been his neighbors for 25 years. Mr. Marsh stated that he was involved in the 1999 discussions and he was available to answer any questions the Commissioners might have regarding the combinations of the lots, or any questions for the HOA as the HOA spokesperson.

Chair Worel closed the public hearing.

Mr. Schueler pointed out that the definitions of the CC&Rs of the HOA states that there should be no subdivision of lots. However, the lots referred to are the lots that were in the original platted subdivision. He clarified that the applicant was only asking to re-create the lots that existed when the subdivision was recorded as a plat in 1974. Mr. Schueler remarked that the applicant was not seeking an active proposal for development of the property at this time. He was certain that when there is a proposal, the applicant would come before the HOA and comply with the CC&Rs.

Planner Whetstone referred to comments regarding the 3' side setback of landscaping between the driveways. She noted that it could be considered a shared driveway, which is allowed; but without knowing that for certain she recommended adding Condition of Approval #9 stating that, "The driveway and landscaping must be modified to meet the 3' side yard setback prior to recordation of the plat."

Assistant City Attorney McLean emphasized that the City does not enforce CC&Rs. The Planning Commission purview is to apply the Land Management Code to the application before them. Even if the LMC is in direct conflict with the CC&Rs, the Planning Commission is tasked with applying the Land Management Code and not additional private covenants. Litigation can be a way to enforce the CC&Rs but that would be between the HOA and the applicant. The City must abide by the Land Management Code.

Commissioner Thomas understood that the Homeowners Association was registered with the City and signatures from the HOA are required when building plans are submitted. Assistant City Attorney McLean explained that the City is required to notify the HOA when building plans are submitted.

Assistant City Attorney McLean clarified that in 1999 and currently, an administrative lot line adjustment requires the consent of the neighbors, but the only purpose is to alleviate the need for

having a public hearing before the Planning Commission. If the neighbors had not consented in 1999 the request for a lot line adjustment would have come to the Planning Commission.

Commissioner Wintzer stated that it is one thing to enforce the Code and another thing to ensure neighborhoods, and he was unsure how they could do both in this situation. Subdividing this property would create a non-conforming use, not of the LMC but of the CC&Rs. The structure that would be left is not an accessory building and is not large enough to meet requirements of the CC&Rs for a house. Commissioner Wintzer did not believe the Planning Commission had the legal means to stop the lot subdivision.

Commissioner Thomas concurred with Commissioner Wintzer. Often times they run into the decision-making process of having to abide by the Code even when they do not like the solution. Unfortunately, the CC&Rs and the HOA guidelines and rules are not the responsibility of the Planning Commission. Their responsibility is the LMC and the General Plan and from time to time they have to make decisions that impact people and neighborhoods. The Commissioners do not like that solution but it is the law and they are held accountable to the law.

Commissioner Gross was concerned that allowing the subdivision would be setting up the neighbors and the homeowners for future litigation and other issues because of the accessory structure and the driveway. He referred to LMC Section 15-7-3(b)-2 – Private Provisions, which talks about the provisions of the easement, covenants or private agreements or restrictions impose obligations more restrictive or a higher standard than the requirements of these regulations or the conditions of the Planning Commission, City Council or municipality approving a subdivision or enforcing these regulations and such provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Based on that language, Commissioner Gross believed that if the Homeowners Association had a stronger will to have the neighborhood a certain way than the City or the City Council, then the operative word is private rights and that should be respected per Section 15-7-(b)-2.

Assistant City Attorney McLean stated that if the LMC was more restrictive than the CC&Rs, the more restrictive would apply. However, if it is a private agreement and it is not reflected on the plat, the City would not enforce it. It is up to the HOA to enforce their provisions if they are more restrictive than the LMC.

Commissioner Wintzer asked for clarification on the side yard setback in the zone and what was permitted in the setback. Planner Whetstone replied that per the LMC the side yard setback is 12' and it allows patios, decks, chimneys, window wells, roof overhangs and driveways. Commissioner Wintzer asked if the driveways could go to the property line. Director Eddington stated that driveways could be 3' from the property line or 1' from the property line if it is deemed as assistance to help a car back in or out. Commissioner Wintzer was concerned that allowing the subdivision would create something that would not meet Code.

MOTION: Commissioner Wintzer moved to CONTINUE this item to a date uncertain until the applicant submits a site plan showing how the setbacks and driveways would comply with Code, and they would also have to submit their plans to the Homeowners Association. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**5. 70 Chambers Avenue – Steep Slope Conditional Use Permit
(Application PL-13-01939)**

Planner Whetstone reviewed the request for a steep slope conditional use permit located at 70 Chambers Avenue. The property is Lot 1 of the Qualls two-lot subdivision that was approved in 2004. Each lot was 4,125 square feet in area. There is an existing historic home on one of the lots and the lot at 70 Chambers Avenue has remained vacant since that time. Planner Whetstone stated that because the proposed structure is greater than 1,000 square feet and construction is proposed on an area of the lot that has a 30% or greater slope, the applicant was required to submit an application for a steep slope conditional permit.

The Staff had conducted an analysis of the proposal and the result of their analysis was contained on page 155 of the Staff report. Planner Whetstone noted that additional criteria specific to a steep slope conditional use permit was outlined on page 156 and 157 of the Staff report. Based on their analysis, the Staff determined that there were no unmitigated impacts with the proposal. Planner Whetstone remarked that the proposal has evolved over the past six month and the Staff was still working with the applicant regarding the design.

Planner Whetstone presented slides from various views to orient the Planning Commission to the property. The Staff had prepared conditions of approval to address mitigation issues.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP for 70 Chambers Avenue based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Darren Rothstein, the applicant, stated that he chose an architect who has designed projects in Park City in an effort to keep the process flowing. Mr. Rothstein noted that the square footage, setbacks and other design elements were below the maximum allowed. He pointed out that he could have built a duplex or a larger home than what was proposed, but he stayed within the footprint. The First floor footprint is 1600 square feet. As it moves up the hill the structure steps down to 1400 square feet on the second floor and 1100 square feet on the top floor. There is less excavation and very little retaining is required. Most of the retaining walls are four feet or smaller. Mr. Rothstein stated that the driveway is a 5% slope and matches grade, which reduces the overall scale of the building. The garage is set back 20' from the lot line and a single car garage is proposed.

Mr. Rothstein stated that a portion of the roof hits the maximum, but the majority of the roof is under height. The mid-span is 20' which is seven feet below the maximum.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Gross understood that the Planning Commission was not approving architectural elements this evening, but he commented on the 10' step with the deck above and the chimney. Commissioner Wintzer noted that page 176 of the Staff report showed the 10' setback and the relation to the deck and chimney. Planning Manager asked if the chimney encroached into the 10' setback. Commissioner Gross thought it appeared to encroach three feet into the setback.

Planner Whetstone stated that the façade of the building is at the 10' setback and the chimney steps forward. Mr. Rothstein did not believe the chimney encroached on the setback. Commissioner Gross thought the center line of the chimney was to the edge of the building. Commissioner Wintzer pointed out that the building steps back as required by the LMC.

The Commissioners and the Staff reviewed various drawings to determine whether or not the chimney encroached into the setback.

Commissioner Wintzer asked if the Code allowed the chimney to encroach into the 10' setback. Director Eddington stated that there was not an exception in the Code, but nothing in the Code disallowed the exception. Commissioner Wintzer thought it stepped back 10', came out 2' and then went back to 10' and he was comfortable with it. Commissioner Gross thought the stepping broke up the mass.

Assistant City Attorney McLean read from the Code, Chapter 2.2-5(a), in the HR1 Zone, "A structure may have a maximum of three stories." Chapter 2.205(b), "A ten foot minimum horizontal step on the downhill façade is required for the third story of a structure, unless the first story is located completely under finished grade of all sides of the structure. On a structure in which the first story is located completely under finished grade, a side or rear entrance into a garage that is not visible from the front of the façade, or is too far away, is allowed." Commissioner Gross clarified that the chimney is two feet to the front of the wall. Ms. McLean read the definition of a façade, "The exterior of the building located above ground and generally visible from other points of view."

Commissioner Thomas clarified that on the third story the façade of the building shifts two feet into the 10' setback. Based on the LMC, the third story is not ten feet and; therefore, the fireplace elevation did not meet Code. Commissioner Thomas asked if the Code has a height exception for fireplaces. Director Eddington stated that there is a side yard setback exception for those, but not in the front yard.

Commissioner Thomas believed the façade did not continually step back on the story and that was a violation of the Code. In looking at the drawing, Commissioner Wintzer noted that the fireplace inside the house meets Code and the fireplace outside comes out 2' into the setback.

Assistant City Attorney McLean re-read the language from Chapter 2.2-5(a) and (b). She stated that in this case, because the garage is on the front façade the last portion of the language would not apply. Therefore, the horizontal step is required for the third story of the structure. Ms. McLean suggested that the Planning Commission also look at the side area on the north side of the structure that has a 6' setback, which may also not comply with Code. Director Eddington noted that there

are also exceptions in the HR-1 for side yards that allow for bay windows and chimneys two feet into the side yard. He pointed out that the language for the front yard is not that clear.

Commissioner Thomas thought the Code was clear about the minimum 10' setback. The only portion that does not step back is the outdoor fireplace. The stairway is below the third story and that portion is at a different elevation.

Commissioner Wintzer thought there could be a workable solution. He suggested that the Planning Commission could add a condition of approval requiring the fireplace to be within the 10' setback, and allow the applicant to work with his architect to meet the condition. Mr. Rothstein preferred to have the opportunity to work it out with his architect rather than delay a decision and have to come back to the Planning Commission.

Commissioner Wintzer added Condition of Approval #15, "The fireplace will meet the 10' setback."

MOTION: Commissioner Wintzer moved to APPROVE the Steep Slope CUP for 70 Chambers Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report and as amended. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 70 Chambers Avenue

1. The property is located at 70 Chambers Avenue.
2. The property is within the Historic Residential (HR-1) District and is subject to all requirements of the Land Management Code and the 2009 Design Guidelines for Historic Districts and Sites.
3. The property is described as Lot 1 of the Qualls 2 Lot Subdivision, recorded at Summit County on December 15, 2004. The lot is undeveloped and contains 4,125 square feet of lot area.
4. The site is not listed as a historically significant site as defined in the Park City Historic Sites Inventory.
5. 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. On August 16, 2013, the design was found to comply with the Design Guidelines and the second notice was sent to adjacent property owners.
6. The lot is an undeveloped lot containing grasses and shrubs, including chokecherry, sage, and clusters of oak the property. There are no encroachments onto the Lot and there are no structures or wall on the Lot that encroach onto neighboring Lots. There is evidence of a small wooden coop structure from old wooden boards. There

are no foundations.

7. There is an existing significant historic structure on the adjacent Lot 2. Lot 2 is also 4,125 square feet in size.

8. Minimum lot size for a single family lot in the HR-1 zone is 1,875 square feet. Minimum lot size for a duplex in the HR-1 zone is 3,750 square feet.

9. The proposed design is for a three story, single family dwelling consisting of 2,989 square feet of living area (excludes 336 sf single car garage). A second code required parking space is proposed on the driveway in front of the garage on the property. The driveway is proposed to be a maximum of 12' in width and a minimum length of 20' to accommodate one code required space. The garage door complies with the maximum width of nine (9') feet.

10. The maximum allowed footprint for a 4,125 sf lot is 1,636 square feet and the proposed design includes a footprint of 1,608 square feet. By comparison, an overall building footprint of 844 square feet is allowed for a standard 1,875 square foot lot.

11. The proposed home includes three (3) stories. The third story steps back from the lower stories by a minimum of ten feet (10'). The first floor is not excavated fully beneath the upper floor.

12. 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. There are no houses or platted lots located to the south of this lot.

13. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at 4' (four) feet 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.

14. The site design, stepping of the building mass, increased horizontal articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% slope areas.

15. The design includes setback variations, increased setbacks, decreased maximum building footprint, and lower building heights for portions of the structure.

16. The stepped foundation decreases the total volume of the structure because the entire footprint is not excavated on each floor. The foundation steps, not to increase the volume but to decrease the amount of excavation and to minimize the exterior wall heights as measured from final grade. The proposed massing 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.

17. The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty-seven feet (27') in height.

18. This property owner will need to extend power to the site subject to a final utility plan to be approved by the City Engineer and applicable utility providers prior to issuance of a building permit for the house.

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

20. The applicant stipulates to the conditions of approval.

Conclusions of Law – 70 Chambers Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).

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

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

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

Conditions of Approval – 70 Chambers Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the north from damage.

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. No building permits shall be issued until all utilities are proven that they can be extended to the site.

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. Because of the proximity to the intersection of Marsac and Chambers the driveway must be located in a manner to not encroach on the intersection site triangles.
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. Lawn area shall be limited in area.
7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the 2009 Design Guidelines for Historic Districts and Historic Sites.
8. 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. The shoring plan shall take into consideration protection of the historic structure to the north.
9. Soil shall be tested and if required, a soil remediation shall be complete prior to issuance of a building permit for the house.
10. This approval will expire on September 25, 2014, 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.
11. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
12. All retaining walls within any of the setback areas shall not exceed more than six feet in height measured from final grade, except that retaining walls in the front yard shall not exceed four (4') feet in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
13. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
14. 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.
15. The fireplace will meet the 10-foot setback.

6. Land Management Code – Amendments to Chapter 2.4 (HRM)

(Application PL-12-02070)

Planner Francisco Astorga reported that this was a legislative item regarding LMC amendments to the HRM District, specifically for the open space requirement for multi-unit dwellings, as well as the current exception for historic sites through a conditional use permit, and the Sullivan Access Road criteria. The Planning Commission held a public hearing and discussed these amendments on September 11th, at which time the Planning Commission directed the Staff to prepare a two-dimensional diagram showing the specifics of the HRM District. The Commissioners were provided with 11" x 17" copies of the diagram.

Planner Astorga handed out an email he received from Clark Baron for the record. Mr. Baron was out of the Country and could not attend this evening.

Planner Astorga stated that the HRM District consists of 73 sites. He noted that Condos were identified as one site. Planner Astorga reported that of the 73 sites 27 are historic, four sites are vacant, and 19 of the sites have current access to Sullivan Road. Two historic sites have possible access to Sullivan Road. Planner Astorga noted that the minimum lot area for a multi-unit building is 5,625 square feet. There are 35 eligible multi-unit sites, with or without a structure. Seven sites that are eligible for a multi-unit building are historic. Three historic sites eligible for a multi-unit building have possible access to Sullivan road. Only one vacant site that would be eligible for a multi-unit building would meet the criteria.

Planner Astorga stated that the first criteria for open space is to be consistent with the MPD requirement of 30%. He explained that the only reason for proposing this concept in the HRM District was due to the proximity to City Park and the park at the Library. The Staff had conducted an analysis and every lot is less than a quarter of a mile from either of the two parks. The Staff identified that the neighborhood is served by these two open spaces, which justifies the 30% requirement.

Planner Astorga was prepared to answer questions related to significant open space found within setbacks. He had prepared a few scenarios if the Planning Commission was interested in seeing them.

Planner Astorga reiterated that the first component of the LMC Amendment was to reduce the open space requirement from 60% to 30%. He pointed out that the regulation started with the amendments to the LMC in 2009. Due to the economy and other issues, the recent application for the Greenpark Co-housing located at 1450 and 1460 Park Avenue was the only request for a multi-unit building from 2009 to 2013.

Chair Worel asked Planner Astorga to review the scenarios he had prepared. Planner Astorga noted that the first scenario focused on a lot that met the minimum 5,625 square foot lot size for a multi-unit building. The lot would be exactly 75' x 75'. If only the area within the setback is counted the open space would be 56%. Planner Astorga presented a scenario of 1353 Park Avenue, which is the largest lot within the District at approximately 141' in width and 150' deep, or half an acre. He noted that the larger the lot, the larger percentage of open space. There is no correlation between the setback and the open space requirement since open space is simply a function of a percentage,

while the setbacks will always remain 10' at the front, 10' on the sides and 10' on the rear. Therefore, on the larger lot, the setback area that would count as open space would be 69%. The third scenario was a vacant lot within the District, which is approximately 6700 square feet. The open space requirement on the setback area was 49%. The last scenario was based on the average lot size eligible for the multi-unit building which equates to .24 of an acre or approximately 10,500 square feet. The open space requirement in the setback area would be approximately 43%.

Planner Astorga noted that the second proposed amendment would add language as outlined on page 207 of the Staff report. This amendment relates to the medium density district where multiple buildings are allowed within the same lot. A current provision states that the Planning Commission may reduce setbacks to additions to historic structures identified on the Historic Sites Inventory. The intent is to alleviate some of the pressures of having to meet the standard setbacks, and still achieve some type of separation of the historic structure.

Planner Astorga stated that this LMC Amendment in the HRM would affect the 27 historic sites found within the District. However, of those 27 sites only seven qualify for a multi-unit building because of the minimum lot size. Planner Astorga emphasized that the intent is to achieve greater separation between the new building and the historic structure. The Planning Commission would have to review the criteria for compatibility in terms of mass, scale, form, volume, etc. He did not believe it would be appropriate to dictate a prescriptive number on a specific separation, but instead be part of the dialogue and the discussion between the proposal and the regulation.

The third proposed amendment pertained to the Sullivan Road access, specifically for affordable housing. The intent is to come up with an incentive for creating affordable housing units within the community. The Staff recommended adding a provision indicating that whenever an application comes in that proposes 50% or more deed restricted affordable housing units per the current Code, the access of Sullivan Road may be exempt. Planner Astorga noted that 19 sites have current access to Sullivan Road. Some of those sites are currently owned by the City and would have to follow that same regulation.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

In response to the email from Clark Baron, Commissioner Thomas disclosed that he has no financial interest in any property in this neighborhood.

Chair Worel opened the public hearing.

Jane Crane, a resident in the Struggler condominiums, found it unbelievable that changes were being proposed to change the LMC for the whole lower section of Old Town Park City for the two properties next door to the Struggler. Ms. Crane believed it would change the look of the lower part of Old Town if they allow all the properties identified for multi-unit housing. Increasing the number of people in additional units would increase the busyness of Old Town. It would decrease the parking and snow storage areas. It would not preserve or enhance Old Town Park City as it exists. Ms.

Crane referred to Planner Astorga's comments about the lack of applications due to the economy; however, when the boom comes in the future all of this property would be open to have multi-units that would decrease the flow of the town. The entire community would be adversely affected by the changes proposed to accommodate one project.

Ms. Crane asked if all the properties on Sullivan have backyards. She did not understand the backyard section of the Code if the backyard is a parking structure. The Code requires 5 feet in the backyard, but the backyard access would be the parking structure along Sullivan Avenue.

Planner Astorga stated that the minimum rear yard setback for a multi-unit building is actually 10-feet. However, the Code allows for access off Sullivan Road if specific criteria is met. Ms. Crane pointed out that if the units that were pointed out have access to Sullivan, those units have no back yard.

Dan Moss remarked that they were talking about changes and amendments, but they were really talking about compromises and exceptions to the historic Code that was put into place. Talking about things such as open space and setbacks leads to an increase in density and parking problems. Mr. Moss believed this would be a disservice to those who complied with the Code by now exempting others from the same requirements. He stated that all housing, affordable housing or otherwise, should meet the Code for the protection and greater good of all. They should not sacrifice the historic Code for the benefit of specific developments, and it would establish a dangerous precedent for years to come. He commented on the number of properties that would have the ability to latch on to these same compromises and exceptions to the rule. It would build on itself and have a gradual deteriorating effect on the fabric of Old Town.

Mr. Moss was disappointed that Commissioner Hontz was not in attendance because she had good vision on the suggestion to decrease the open space. He read from previous minutes, "Commissioner Hontz believed the points she outlined shows that the proposed change do not support any of the community ideals, and it would erode what they have worked hard to put into place. She could see this policy change causing problems for the City in terms of how the process was initiated and moved forward." He asked the Planning Commission to consider her thoughts and insights as they consider their decision this evening. Mr. Moss believed they had gone from an attitude of glaring non-compliance to an attitude of what they can do to push this along, all at a time when they have seen no changes brought to bear from any developer.

Brooks Robinson, Senior Transportation Planner for the City and formerly in the Planning Department, had read the Staff reports and the minutes from previous meetings. However, he did not recall reading any discussion about the Sullivan Road access regulations and how they came about. Mr. Robinson clarified that he was not for or against the amendment, and his intent was only to provide background information on Sullivan Road.

Mr. Robinson stated that leading up to the Olympics and in the midst of a hot real estate market the City was concerned with the increase in the development and re-development of properties that bordered both Park Avenue and Sullivan Road, particularly at a secondary or primary and sole access coming off of Sullivan Road. Mr. Robinson remarked that the current regulations in the Code were put in place not to prevent any development, but to direct access from Park Avenue

since all the properties bordered Park Avenue. The big question of why is that Sullivan services the City Park. With kids, park events and other activities, it was important to have slower speeds and less traffic. They did not want additional traffic that was serving other properties that could have access off of Park Avenue. For that reason, the criteria listed in the Code was put into place.

Mr. Robinson stated that an important consideration is that from 13th Street North Sullivan Road is a park road and not a dedicated public right-of-way. As a park road it could be closed for any number of reasons. Therefore, primary or sole access coming off of Sullivan Road was discouraged at that time. He recalled that the access needed to be pre-existing and additional public benefits needed to be met. Mr. Robinson remarked that with the current application that the LMC amendments allude to, those two properties currently have vehicular access on Park Avenue.

Assistant City Attorney McLean asked if Mr. Robinson was speaking on behalf of Public Works or as an individual. Mr. Robinson stated that he was speaking as an individual providing background information.

Craig Elliott, with the Elliott Work Group, complimented the Staff on a great report and the data that was requested was clear and easy to understand. Mr. Elliott added additional information into the data stream. He felt it was important to understand and compare two different places in town. Mr. Elliott noted that a traditional Old Town lot was 25' x 75' and 1875 square feet. A footprint is 844 square feet and a driveway is 180 square feet. The lot average is 1,024 square feet. The open space on a traditional Old Town lot is 45.4% open space, all basically being within the setbacks of the lot, and a little of that might be within the building boundary. Mr. Elliott thought it was important to understand what everyone thinks Old Town is and how it is set up. Mr. Elliott stated that he was not familiar enough with the statics of the entire HRM zone, but in the zone between 7-11 and the Miners Hospital there are five historic houses and multi-family projects with 11 buildings with over 50 units. Of those existing multi-unit structures, all of them are non-compliant structures and do not meet the criteria in the current Code. Mr. Elliott understood there was concerns about the potential of blowing out the existing multi-units projects, but it was highly unlikely because they could never be replaced with the open space that is required. The existing sites are all within the flood zone so the height of the building moves up several feet from the ground, which limits the height of the total structure to two habitable stories. Mr. Elliott believed it was very unlikely that someone would have an incentive to tear down the existing multi-unit, multi-ownership projects and rebuild them. However, if they did, they might build single family units, and the open space would still be 45% in that zone. Mr. Elliott thought it was important to understand the comparisons to the current discussion and how it would affect it.

Chair Worel closed the public hearing.

Commissioner Thomas thought it would be more palatable to reduce open space requirements and setbacks if they could ensure getting more deed restricted units in the zone. He suggested that they also tie 50% deed restricted housing to the 30% reduction in open space amendment.

Assistant City Attorney McLean suggested that the language could be revised to read, "In cases of development of existing sites where more than 50% is deed restricted affordable housing, the minimum open space shall be thirty percent (30%)."

Commissioner Thomas suggested that they also include 50% deed restricted housing to the second amendment regarding the Exception. Planner Astorga pointed out that the Planning Commission already had the ability to grant the exception for an addition to a historic structure. Planning Manager Sintz explained that the concept of the amendment is to achieve greater separation from a historic structure versus actually adding on to a historic structure. Commissioner Thomas stated that he was more comfortable with the first amendment because he was unsure how the second amendment would play out as proposed. Planner Astorga noted that the second proposed amendment would affect seven historic sites.

Director Eddington referred to page 206 and the amendment regarding open space. He asked if the opportunity to include 50% deed restricted affordable housing was the primary concern, or whether the amendment should read, "In cases of redevelopment of existing historic sites inventory properties the minimum open space could be 30%." Commissioner Thomas thought both were important.

Planning Manager Sintz clarified that two of the purpose statements for the HRM is to encourage rehabilitation of existing historic structures and encourage affordable housing. She stated that tying the exceptions back to the purpose statements strengthens the intent of the HRM zone.

In an effort to wrap historic and affordable housing into the first amendment regarding open space, Director Eddington recommended the following language, "In cases of redevelopment of existing historic sites on the historic sites inventory and contain 50% deed restricted affordable housing, the minimum open space requirement shall be 30%".

The Commissioners were comfortable with the revised language.

Commissioner Gross referred to the second amendment regarding exceptions and thought it would read better if they rearranged the word to read, "For additions to historic buildings and new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards:" The Commissioners were comfortable with the revision.

Planner Whetstone referred to page 209 of the Staff report, the Neighborhood Mandatory Elements Criteria. She noted that the proposed amendment states that the criteria does not apply if the development consists of at least 50% affordable housing. Planner Whetstone clarified that there was a requirement for a design review under the Historic District Design Guidelines in the RM zone.

Now that the entire area is zoned HRM, she thought that saying the criteria does not apply could also be saying that the developer would not have to comply with the design guidelines.

Planner Astorga recommended that they remove Item 3 because it was no longer necessary, since the design review is required under the zoning. Planner Whetstone pointed out that Item 6 should also be removed for the same reason. The Commissioners were comfortable striking Item 3 on page 209 and Item 6 on page 210. The remaining items would be renumbered.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation for the LMC Amendments to the HRM District as modified and edited during the discussion this evening. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Wintzer reiterated his previous request for the Staff to type the changes into a Word document as they are being discussed so the Commissioners could read it on their monitors to see exactly what they said before making a motion.

7. General Plan – Sense of Community

Commissioner Wintzer asked if there was a way for the Planning Commission to review the changes that were made during each General Plan meeting prior to the next General Plan meeting so the Planning Commission could keep current on each topic. If the Commissioners could not see the changes until the end of the document, they would have to back and read each set of minutes to piece the changes together. Director Eddington stated that the Staff would have to make the revisions within four days in order to have it in the Staff report for the next Planning Commission meeting. He suggested that the changes be included in the Staff report for the second meeting following the discussion on a specific topic.

Commissioner Gross suggested a one-page summary of the changes and discussion of the meeting.

Commissioner Thomas stated that if the Planning Commission has issues with a policy in one section that affects cascading items in the General Plan, it is important to have the ability to track those issues when they discuss the other sections. Making decisions without understanding the consequences could be difficult as it trickles through the entire document. He thought Commissioner Wintzer's request would help with that aspect.

Director Eddington believed the Staff could commit to a two week turnaround for providing the changes to the General Plan from each meeting. City Attorney Harrington thought the request was a good idea. However, the downside was unilateral document control since only a few people are skilled in the program to do the edits. It would create a prioritization crunch for the Staff and they would have to rely on their input in terms of practical turnaround. Mr. Harrington favored Commissioner Gross' suggestion to capture a quick punch list of items and have the Task Force meet within 72 hours to see where they were or were not in consensus to proceed with specific redlines, as opposed to having the changes sit on someone's desk while others are trying to recollect the sentiment of the discussion.

Commissioner Wintzer recognized that the comments were open to interpretation and whether it was a suggestion by one Commissioner or a consensus of the majority. Mr. Harrington pointed out they have solid recaps at the end of each item to make that determination. He noted that the Staff always intended an incremental review of the changes prior to bringing back the entire document. He thought it could be done through review and confirmation. If something was interpreted wrong it would come back to the Planning Commission for further discussion and clarification. Mr.

Harrington suggested that they look at the first redline at the next meeting and try to prepare an action punch list from this meeting for the subcommittee.

Chair Worel asked at what point they address typos and grammatical errors. Director Eddington noted that most of those changes were identified in the Task Force meetings. He pointed out that the Commissioners did not have a corrected document.

Goal 7 – Creative Diversity of Housing Opportunities

Commissioner Thomas questioned Item 23 on page 240 of the Staff report which talks about adjusting nightly rental restrictions - eliminate or expand. Planning Manager Sintz remarked that it could also remain the same. Commissioner Gross thought the certain districts should be called out to know where nightly rentals are allowed.

Commissioner Thomas thought a diversity of housing types related more to permanent housing or work force housing. He asked how nightly rentals would equate. Planning Manager Sintz noted that Goal 7 states, "A diversity of housing opportunities to accommodate changing use of residents." She asked if there was a strong desire to maintain primary resident ownership and occupancy in the existing neighborhoods, or whether there was a desire to expand nightly rentals into other areas. She pointed out that it came up as a policy question because there was no consensus during the joint meeting with the City Council.

Commissioner Gross was concerned that nightly rentals would impact the livability of the permanent residents. Commissioner Wintzer stated that nightly rentals ruined Old Town. Commissioner Thomas believed that nightly rentals conflicted with the idea diverse housing.

City Attorney Harrington read Goal 7.4 on page 247 of the Staff report, "Focus nightly rental within Resort Neighborhoods." He interpreted that as a contraction of the current Code by saying that nightly rentals should only be allowed in Resort Neighborhoods. They would then need to define the Resort Neighborhoods. Commissioner Wintzer noted that Old Town would be defined as a Resort Neighborhood because it is currently 60% nightly rental. Mr. Harrington stated that the Planning Commission could clarify whether to stay with the status quo or make a different determination. Commissioner Wintzer was opposed to putting nightly rentals in neighborhoods, regardless of the neighborhood.

Director clarified that for Goal 7.4 the Planning Commission wanted a better understanding and definition of Resort Neighborhoods, which would include places such as Deer Valley and PCMR. The Planning Commission did not want to direct nightly rentals into Park Meadow and Old Town type neighborhoods. The Commissioners concurred. Commissioner Wintzer pointed out that this issue was a conflict between the Planning Commission and the City Council because the Council approved several nightly rental requests that were denied by the Planning Commission. He felt strongly that the two groups needed to find some agreement and be consistent.

Director Eddington understood that the Planning Commission was recommended that they contract the areas where nightly rental is allowed. He was told that this was correct. Commissioner Gross stated that the neighborhoods needed to be specified.

Commissioner Wintzer asked for clarification on Item 24 on page 240 of the Staff report. Mr. Harrington explained that often times RDA and re-development authorities are known for doing new projects on blighted vacant lots. The question for the Task Force was whether there should be some guiding language relative to the Lower Park RDA regarding incentivizing turnover and re-development in the residential area in terms of grants to redo aging existing stock without it being a complete new project. He noted that one task force member said no and others favored general flexibility.

Director Eddington referred to Item 7.7 on page 248 of the Staff report and stated that when they went to the Task Force, the idea was that if they were going to use any City or RDA funds for retrofit, it would be for new housing opportunities, which would be geared more towards affordable/medium. Commissioner Wintzer wanted to make sure that "new housing" would not preclude an existing historic structure from becoming affordable housing.

Commissioner Thomas read Item 26 on page 240 of the Staff report, "Can some opportunities in counties be win/win regarding their economic development and not just PC pushing the problem on them". Commissioner Thomas asked if they were talking about transferred density into the community from the County.

City Attorney Harrington thought the question was whether there was a way to identify guidance towards situations where they would otherwise get pushback from either Wasatch or Summit County and make them a win/win for the County. Commissioner Thomas thought the intent of the goal was clear in the win/win aspect. Chair Worel noted that opportunities were identified in Item 8.9 on page 252 of the Staff report. Commissioner Thomas asked if the policy recommended establishing more workforce housing in Wasatch and Summit County. Director Eddington did not believe it was specifically focused on work force housing, but it identifies the opportunity to collaborate with the Counties and establish the right location for both parties.

Commissioner Thomas noted that Charles Buki had said that putting workforce affordable housing within the community rather than outside of the community would reduce congestion, traffic and other issues that came out of Visioning. He questioned whether Goal 8.9 was consistent with the visioning goals. He wanted to make sure they understood the consequence of moving workforce housing out of town. Commissioner Wintzer concurred. He suggested that the Staff strengthen the language to reflect what they really want.

City Attorney Harrington preferred that they affirmatively state the priority. He recommended leaving the first sentence of Item 26, and added, "However, the primary goal shall remain to have inclusive affordable housing within the Community". Commissioner Wintzer believed the goal was to have affordable housing next to the services it needs to eliminate the use of a car. For example, Redstone might be a good fit for affordable housing, but it would not work at Jordanelle. Commissioner Thomas pointed out that the success of affordable housing would also depend on where the residents work. He thought the issue was more complex. Mr. Harrington suggested that they articulate the goal in terms of minimizing trips. He drafted language to state, "Primary within community and in a location that minimizes trip generation." Commissioner Wintzer thought it should be clear that affordable housing would be for the local work force. Park City would not be

creating affordable housing for someone who works in Salt Lake. Commissioner Thomas believed that would be difficult to control, particularly if someone working in Park City loses their job and finds work in Salt Lake.

Director Eddington stated that the Staff would expand on the language. He clarified that the primary goal was inclusive affordable housing in the community for the Park City work force. Whether in the County or the City, affordable housing should be located near commercial centers or mixed use nodes. Director Eddington stated that they would also tie this goal to the related transportation goals.

Goal 8 – Workforce Housing.

Commissioner Thomas referred to Item 8.5 on page 251 of the Staff report, “Adopt a streamlined review processes for project that contain a high percentage of affordable housing. He asked for clarification of streamlined process. Commissioner Wintzer did not understand why they would streamline the process because the same questions need to be answered on all applications. He was concerned about giving applicants the perception that if their project would be approved immediately if they provide additional affordable housing. Mr. Harrington agreed that all projects should be reviewed in the same manner, including City projects. However, the goal as written implies that high density affordable housing outweighs the full planning process. If that is not their value, it should be removed. The Commissioners did not think any project should be streamlined and that the language should be stricken.

Commissioner Wintzer referred to Item 27 on page 240 of the Staff report, “Different standards/fees for affordable housing project? If on-site?” He stated that fees could be reduced for projects that exceed the affordable housing requirement. However, fees should not be reduced for projects that meet the affordable housing requirement in the Code.

Commissioner Gross referred to the language for Goal 8 on page 249 of the Staff report and felt it was unnecessary to include that Park City ranked much worse than 237 other jurisdictions on the availability of quality affordable housing and housing options. Director Eddington stated that the National Citizens Survey was a random sampling of communities.

Commissioner Gross suggested that they leave the first sentence, “The lack of housing opportunities has a negative impact upon our sense of community”, and remove the reference to the National Citizens Survey. The language would then pick up at, “When a community no longer has housing options for its core workforce such as....” He also suggested changing “and beyond” to “and others”.

Director Eddington noted that National Citizens Survey is referenced in other parts of the document. He noted that typically Park City fares well with NCS and it is used as a baseline to identify areas where issues need to be addressed. He stated that affordable housing and water quality were their worst rankings. Director Eddington clarified that the language regarding the NCS would be left in this goal since favorable NCS rankings were included throughout the document. Commissioner Gross was comfortable with the language after hearing the explanation. The Staff would replace “and beyond” with “and others” as suggested.

Goal 9 – Parks and Recreation

Chair Worel remarked that Goals 9 and 10 were very similar and she asked if they could be combined. Commissioner Wintzer thought Goals 9 and 10 were different because one looks at local park and recreation uses and the other addresses tourist attractions. Director Eddington stated that Goal 9 was originally written as amenities for residents and Goal 10 was written as an economic recreational offering for visitors. He noted that “and visitors” was added to the end of the caption of Goal 9 at the request of the Task Force. The Staff had tried to keep the two separate. The Planning Commission could correct it. Commissioner Wintzer saw it as two revenue sources. One was a local source and the other a tourist source. He thought they should be kept separate.

Chair Worel liked the redlined language at the beginning of Goal 9 to add inclusionary text that welcomes all residents and visitors to use the facilities, regardless of population. However, she suggested that they say, “regardless of ethnicity” rather than population.

Goal 10 – Park City shall provide world-class recreation and public infrastructure to host local, regional, national and international events.

Commissioner Wintzer read the language on page 259 of the Staff report, “Park city needs to be a year-round attraction with more events and activities.” He noted that the comment was made by one resident during the 2009 Community Visioning. Since it was the sentiment of only one person he did not think it should be stated as a community goal.

Director Eddington asked if they wanted language to add more events in the shoulder seasons. Commissioner Wintzer was uncomfortable putting that type of a blanket statement in the General Plan. Commissioner Gross recalled from the conversation that the intent was to make sure Park City had the right facilities to accommodate the events and entice people to Park City.

City Attorney Harrington stated that the core issue was that the prior General Plan directed an expansion of the year-round tourist economy and the goal to have increased world-class resort activity. He believed the policy question was whether or not they had approached the threshold of carrying capacity, or if they still wanted an active goal to attract more. The choice was to contract, keep the status quo and adapt, or continue to expand. It was noted that Item 10.6 states, “To collaborate with local hosts to attract additional national and international sporting events year-round.”

Commissioner Thomas thought both the quote by the resident and 10.6 should be left in the document because both were consistent with the broader cross-section of the City Council and the Planning Commission.

Goal 11 – Tourism

Commissioner Wintzer could not see a purpose for Item 11.1 regarding MPDs within the two primary resorts. Director stated that it might be the understanding that there are two resorts with two outdated MPDs. This would allow the opportunity for the resorts to come back to readdress market

issues and look at amendments to the MPD. He thought it was something the City should encourage given the change in economic cycles. Commissioner Wintzer was not opposed to the intent but he felt the language as written implies that “flexibility” means the resorts can do whatever they want.

Commissioner Gross recalled having this discussion when PCMR planned to come in at the end of the summer to possibly open up the MPD. Director Eddington stated that the Planning Commission had the discussion in November 2011 with Charles Buki and again more recently. That was the reason for including 11.1 in the General Plan.

Goal 12 – Foster diversity of jobs

Chair Worel noted that the first paragraph of the language on page 265 of the Staff report was verbatim from page 244.

Commissioner Wintzer stated that when he first read draft General Plan he had made a note that Goal 12 was about how not to keep Park City Park City. Director Eddington pointed out that this goal talks about the diversification of the economy, recognizing that the resorts “butter their bread”. This was something discussed with the task force and with individuals. What is available for the children of Park City after they return from college was the issue that led to Goal 12. That type of diversity and new employment opportunities would not occur at the expense of the resorts, but should it be proactively encouraged. Commissioner Thomas felt it was already beginning to happen.

Commissioner Gross commented on Item 36 on page 240 of the Staff report, to discourage national commercial retail chains. He did not believe that national chains are bad for communities because they offer stability. He felt the bigger issue was the need for a national chain to comply with the regulations of the City. Director Eddington stated that national chains were discussed on two occasions and there was concern that allowing national chains would not be keeping Park City Park City. Commissioner Gross asked if it could legally be blanketed with that statement because national could mean many things.

City Attorney Harrington stated that they could write language in the affirmative of what they want and why to discourage it, and then articulate the activity and the presence they do not want. Most communities have done that through the size of retail space and predatory business operations. Commissioner Wintzer noted that Roots is a national chain in Park City, as well as a few others. Commissioner Gross felt the issue was that national chains have their own building design and logos for recognition and identification. Director Eddington stated that the Planning Commission already has the ability to control design. If a national chain wants to locate in Park City, they should be willing to comply with the guidelines.

Chair Worel read 12D, “Discourage national commercial retail chains on Main Street and the negative impacts of big box and national chains on the unique Park City experience.” Commissioner Wintzer named some of the national chains stores currently on Main Street that fit with the tourist industry. Director Eddington noted that Walgreens and McDonald’s have expressed an interest in coming to Park City and he expected the Planning Commission would see more retail chains.

Commissioner Thomas was not opposed to certain retail chains as long as the scale and the exterior elements were consistent with the historic character of Park City.

Chair Worel thought they needed to be careful to keep the national chains from pushing out the local businesses.

Commissioner Gross thought the photo of the Silver King Coffee building should be removed from page 267 because it did not represent what they expect for Park City.

Commissioner Thomas thought Item 12.3 on page 267 was too specific by naming Bonanza Park. He felt that was inappropriate in a General Plan. Director Eddington explained that the strategy was talking about taking advantage of tax increment financing and reutilizing funds back into the District. Commissioner Gross suggested replacing the word “recycle” with “utilize” increased tax revenues. Director Eddington agreed with the change. He noted that it was appropriate to identify Bonanza Park by name because Lower Park and the resorts are called out in other portions of the document.

Goal 13 – Park City continues to grow as an arts and culture hub

Commissioner Gross had concerns with Item 39 on page 240 of the Staff report, “consider food trucks and carts.” Director Eddington stated that several people have asked why food carts could not be brought in late at night because all the restaurants on Main Street are closed before the bars close. Commissioner Wintzer thought they could be allowed for special events.. City Attorney Harrington stated that restricting food cars and beverage trucks to special events would be the status quo.

Goal 14 – Living within limits

Chair Worel asked for clarification on Item 14.3 on page 273 of the Staff report. Commissioner Gross agreed that it was difficult to understand the wording. Mr. Harrington recalled that 14.3 was a comment by Councilwoman Liza Simpson. Director Eddington revised the language, “Assess the impacts of additional development during the review of annexations. Public services should be....” He noted that the Staff would wordsmith the full language.

Commissioner Gross has concerns with the wording on 14.7. Commissioner Wintzer noted that the language refers to carrying capacities and every traffic study says that it works. He believed the City needed to establish the standards for carrying capacity and what level of streets. Commissioner Gross agreed.

Commissioner Thomas asked where they would address the creative aspects of sense of community as opposed to just the technical aspects. Sense of community merges the technical aspects and the creative aspects of the community. Without the creative aspects they end up with a soulless and boring community. Mr. Harrington stated that it was difficult to do in Utah because the conditional use permit State Statute is technically driven in terms of the mitigation aspects. The burden shifts to the City to demonstrate on the record the technical components. Mr. Harrington thought the best approach was to incentive it as opposed to prohibiting fundamental rights. The

fundamental fairness issue is that someone should be able to pick up the regulation and understand what they can or cannot do. The subjective component is a judgment that cannot be predicted. The skill is how to translate some of those into objective deliverables.

Commissioner Wintzer returned to 13.5 which promotes local music by encouraging the creation of music festivals. He felt they needed to specify that outside music cannot compete with quiet dining in a restaurant.

Commissioner Gross referred to page 278 and suggested that instead of spelling out Seven Eleven, that they use the chain logo 7-Eleven.

Chair Worel asked if the new General Plan would mention the award from Outside Magazine. Director Eddington thought Chair Worel made a good point and the Staff would include it.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

The Park City Planning Commission meeting adjourned at 10:35 p.m.

Approved by Planning Commission: _____

MINUTES – NOVEMBER 6, 2013

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
NOVEMBER 6, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Charlie Wintzer, Thomas Eddington, Kayla Sintz, Francisco Astorga, Christy Alexander, Polly Samuels-McLean

WORK SESSION ITEMS

Sign Code – Discussion regarding proposed amendments – Discussion

Planner Christy Alexander noted that the Planning Commission had previously reviewed the proposed amendments to the Municipal Sign Code and provided input. Based on their input the Staff had drafted an amendment to the Municipal Sign Code that would be presented to the City Council. The Staff was requesting further input from the Planning Commission on granting the special exceptions to the height limitation for certain signs, prior to going to the City Council.

Planner Alexander stated that following the last Planning Commission meeting the Staff revised the amendment to limit the special exceptions to just the Recreation Commercial (RD) and the Residential Development (RD) zones. The special exceptions would also be limited to building sites that are hotels or resort commercial structures. Planner Alexander noted that the Staff was hesitant about allowing the special exceptions throughout the City.

At the last meeting there was confusion with the placement of the proposed St. Regis sign. Planner Alexander reviewed pictures of what the signage would look like if the Special Exception was approved. She noted that the sign would not stand out, but it would be high enough to be seen approaching the St. Regis.

Commissioner Thomas asked if the backlighting would be allowed. Planner Alexander replied that it would allow the same down lighting that was currently allowed in the ordinance. Director Eddington stated that the Staff had included lighting restrictions, which was the same halo or down lighting. Commissioner Thomas was concerned about lighting a sign that high up on a reflective material. Director Eddington noted that reflective materials are not allowed. He agreed that the sign could be lighted within the Code. It could not be backlit but it could be down lighted. Commissioner Thomas pointed out that they could wash light on and highlight it. He thought that issue needed further thought and limits placed on the amount of lumens that could reflect off the surface.

Commissioner Thomas asked if there was a square footage, square inches requirement for the size of the sign. Director Eddington replied that it was the same requirement that exists in the Code. The materials and letter height restrictions would remain the same.

Commissioner Wintzer understood that the only change was the allowed height on a hotel. Director Eddington read the proposed language on page 12 of the Staff report, Item C, "The proposed sign shall be for a building/site that is a hotel or a resort commercial structure." The structure has to be relevant to the resort and it must be in the RC or RD Zones.

Commissioner Thomas asked about the log. Director Eddington stated that the logo would be counted as part of the square footage. Commissioner Wintzer clarified that the proposed Special Exception would not change anything but the height of the sign. He was told that this was correct.

Planner Alexander pointed out that the Special Exception for height would apply only if the Planning Director determines that it is feasible.

Commissioner Wintzer recognized that it was not a decision for the Planning Commission; but he was comfortable moving it forward to the City Council. Commissioners Worel, Gross and Hontz concurred. Commissioner Thomas stated that he would be comfortable moving it forward as long as the lighting was addressed.

Chair Worel called for public input.

Tom Bennett, the attorney for the developer of the St. Regis. Mr. Bennett felt it was important to understand that this amendment would not change any other provision of the sign code. It is strictly a height issue. He clarified that the St. Regis was only asking for a mechanism that was similar to a variance mechanism. The Special Exception opens the door for a situation where signage visibility is a problem, and it provides a mechanism to present your case to the Planning Director, if the sign meets all other requirements of the Municipal Sign Code.

7101 Silver Lake Drive, Lot 2B Subdivision of Lot 2 North Silver Lake – CUP for lockout units.
(Application PL-13-02034)

Commissioner Thomas stated that due to his involvement with the conceptual design early in the project, he would be recusing himself from this discussion, as he has consistently done throughout the process. Commissioner Thomas left the room.

Planner Francisco Astorga noted that this was a work session discussion and the Staff and applicant were requesting input and direction from the Planning Commission.

Planner Astorga reviewed the application for a conditional use permit modification. The original CUP was approved in 2010. The original approval indicated that if the applicant requested a lockout unit in the future, it would require a conditional use permit request. The applicant has filed the required CUP application with the Planning Department. Planner Astorga noted that there was some discrepancy in the number of lockout units by the applicant. The applicant incorrectly interpreted the definition of a lock out unit and request 124 lockout units. After looking at the definition of a lockout unit, which consists of a habitable room that may include a kitchenette, but not a kitchen, the applicant reduced the number to 85 lockout units to coincide with the 38 approved main units. Planner Astorga wanted to clarify that mistake on the project description.

Planner Astorga stated that the conditional use permit authorized for 38 units. The applicant was requesting to add 85 lockout units to those 38 main units. The proposed plans were in substantial compliance with the original approval with a few modifications. The Staff did not believe the modifications were substantial enough to trigger a full review.

Planner Astorga noted that pages 26 and 27 of the Staff report outlined the details of the conditional use permit approval, the appeals and two extensions.

The Staff requested discussion this evening on two points that relate to the conditional use

modification of the lockout unit, which is traffic and parking.

Rich Lichtenstein, representing the applicant, stated that he has been the owner's representative on this project since its inception. He introduced Russ Olsen, the CEO of Stein Eriksen, Steve Brown, the project consultant, and John Shirley, the project architect.

Mr. Lichtenstein stated that the project was approved in 2010 for 54 units; 16 detached homes and 38 condo units. On July 1, 2010, the City Council affirmed that approval. Due to the economic climate they were unable to break ground and came forth with two extensions that were approved. They were finally able to break ground the beginning of this year and expected to have the model home completed by the end of the year. At that point they would begin to take sales reservations for the ski season. Mr. Lichtenstein stated that besides breaking ground, they were also excited to announce a strategic alliance with Stein Erikson.

Mr. Lichtenstein noted that the original CUP did not include lockouts and it was very clear that any opportunity to build lockouts would require a CUP modification approved by the Planning Commission. He stated that the alliance with Stein Eriksen Lodge required them to make that request. Mr. Lichtenstein stated that they were prepared to show that there would be no further impacts or mitigation required on the property with the lockouts. The modification results in no additional square footage, not additional height, no reduction in open space, and the parking continues to be in excess of the Code requirement.

Russ Olsen, representing Stein Eriksen Lodge, was excited about this new project in North Silver Lake for the Stein Eriksen Residence project and the alliance that was formed. He stated that Stein Eriksen is not a developer and they do not have a financial interest in the development per se; however, they are involved because they are interested in the long term viability of the project and how it fits within the business plan and the model of future growth opportunities for Stein Eriksen Lodge. Mr. Olsen named other properties they manage in the North Silver Lake area. He noted that a positive for having Stein Eriksen involved was that they would be here managing the project for the long-term. They would not leave once the project is built. Mr. Olsen commented on parking, traffic and the shuttle service. He was convinced that the transportation service they provide currently for the Chateau and Stein's would translate directly to the Stein Eriksen Residences and eliminate the need for any of the guest to have cars.

In terms of the lockout situation, Mr. Olsen stated that the viability of a project is much greater with lockouts. He noted that a primary concern of having lockouts is the amount of traffic and parking generated, particularly during a large event. He pointed out that the Stein Eriksen Residences more of a country club where it is mainly for the owners who stay there and their guests. It will not have meeting spaces that would drive group business or a public restaurant. Stein Eriksen Residences is a more contained project and development, which is much different than the Chateau and the Stein Eriksen Lodge. Mr. Olsen stated that the impact of transportation would be minimal, but more importantly, the lockouts would help make the project more viable and more attractive to potential buyers. It was also critical in Stein Eriksen's decision to become involved in the project and to move forward with a successful long-term relationship with the owner of the project.

John Shirley, the project architect, reviewed the plans of a typical lockout unit. The areas in red

were areas where interior hallways were added in order to create the lockout ability. Within the units themselves, minor changes were made where the kitchenettes were added. Mr. Shirley stated that in working with Mr. Olsen and his Staff in terms of creating the amenity level they needed to meet the Stein standards, the conversion to lockout was quite easy because the units were already close to those standards.

Planner Astorga clarified that the plan Mr. Shirley was presenting was the current condo layout versus the proposed.

Commissioner Wintzer understood that the unit would go from one key to three with the two lockout units. Planner Astorga replied that the units range from 1 to 3 lockouts. The smaller lockouts are 250 square feet and the larger lockouts can be up to 1,000 square feet.

Planner Astorga stated that the first discussion item related to traffic. He noted that the applicant had resubmitted their original traffic study and provided a new updated traffic study indicating the impacts of the lockout units. Per the newly updated document, shown as Exhibit F in the Staff report, in terms of traffic level of survey, it would remain Level of Service A, which is the free-flow traffic conditions best type of scenario. Planner Astorga reported that the Staff found no additional impacts to mitigate related to traffic.

Planner Astorga asked if the Commissioners concurred with the finding regarding traffic.

Mr. Lichtenstein pointed out that when the traffic study was updated they were considering up to 148 lockout units, which was due to a miscalculation. Since they were proposing less lockout units, he believed the traffic would show better if it was updated on the current number of 85 lockout units.

Chair Worel referred to page 69 of the Staff report which states that the study was evaluated assuming 110 additional keys. She asked if the traffic study assumed that everyone would drive rather than use public transportation. Mr. Shirley explained that the assumption on the traffic analysis was 100% occupancy at peak season. Commissioner Wintzer clarified that the study assumed a car for every key, but it was still a Level of Service A.

Commissioner Hontz noted that page 76 of the Staff report talks about not considering the lockouts because each key would cause a separate dwelling unit, which produced an artificially high trip projections. She asked if they had assumed the units as residential condos instead. Commissioner Hontz was confused over whether or not it reflected 100% off of the lockout units. She also recalled language in the Staff report, stating that it was based off of parking stalls rather than the occupancy of the actual rooms. Commissioner Hontz thought a better assumption would be to run at a certain percentage of the expected occupancy at its peak. She believed it would be significantly lower, as evidenced by all the hotels that provide that service. Commissioner Hontz stated that she was confused by some of the statements in the traffic study and if that could be rectified she was comfortable with the study. She reiterated her preference to base the assumption off of the assumed occupancy rather than parking stalls.

Commissioner Wintzer stated that he would like a matrix that identifies number of keys in the worst case scenario. He thought it was important to know the worst case scenario and make a decision from that. Commissioner Wintzer also requested something that says per Code, how many parking

spaces are required. He felt that information was important in order to make a good recommendation.

Planner Astorga stated that parking was the second point for discussion. He noted that the original CUP indicated that the project needed to provide 106 parking spaces, which was without lockouts. The Planning Commission made findings to reduce that by 25%, which took the number to 80 spaces. Planner Astorga stated that the approval also indicated that the parking would be determined per the LMC regulations. He pointed out that last year the City amended the LMC as indicated on page 30 of the Staff report, and the parking requirement was reduced. Planner Astorga stated that the challenge in addressing Commissioner Wintzer's request, is that the Land Management Code provides a parking standard for a lockout unit in terms of a single family dwelling and a duplex. It does not provide a parking ratio for a lockout unit within a multi-unit building. Because of the lack of clarity in the LMC, they were simply saying that the area for the lockout unit would be consumed by the area of the multi-unit dwelling as a whole. Therefore, they do not require additional parking for a lockout unit because it is already counted as part of a multi-unit dwelling. Given the current standard, the Staff's finding is that the lockout unit parking would be a portion of the multi-unit dwelling.

Commissioner Gross asked what the demand would be based on the ratio of one parking space per bedroom. Planner Astorga replied that it would be whatever parking was required for the first 38 main dwelling, and if it was one per bedroom, that would be an additional 85 parking spaces for a total of 123. He clarified that 123 would be assuming they could borrow the standard from a single-family and a duplex, but he was unsure whether that could legally be done because it was not specified in the Code. Assistant City Attorney McLean stated that it would also be the same standard for a hotel of one per room.

Commissioner Wintzer did not believe they needed that much parking and he applauded Stein Eriksen for what they were doing. However, he wanted to be able to justify whatever the Planning Commission does and point to the interpretations, particularly if they were willing to reduce the parking. Commissioner Wintzer thought it was important to take into consideration that all the rooms could be occupied by someone with a car. It becomes a problem for the applicant if parking is not allowed on the street and the project is under parked. He wanted something that would show the basis for a parking reduction.

Planner Astorga reported that the applicant was requesting to provide 96 parking spaces. The original plan had not changed and they were not requesting to reduce that number. Mr. Lichtenstein stated that they could provide up to 96 parking spaces, but for many of the reasons being discussed this evening, he thought 80 parking spaces was an appropriate number. He concurred with Commissioner Wintzer on the need to provide justification for reducing the number. Mr. Lichtenstein reiterated Mr. Olsen's comment that the Stein Eriksen marketing program discourages people from bringing cars because there is no parking and shuttles are provided. He pointed out that reduced parking to encourage less cars contributes to the City's goal of reducing the carbon footprint.

Commissioner Hontz concurred with Commissioner Wintzer in terms of not setting a precedent. She wanted the project to be successful and that the occupancy would be high. She also hoped the

traffic system that Stein Eriksen employs would work and that the parking would not be needed. Commissioner Hontz wanted justification to show how much was based off of a hotel use and how much they believe it would actually be generated. Commissioner Hontz also wanted conditions to have a successful travel demand system implemented and no office-street parking. She was comfortable considering a reduction because they want to discourage parking and encourage people to use other methods of transportation; however, she needed the requested analysis before she could make that decision.

Commissioner Wintzer stated that every time parking comes up in a project, he requests that the Staff look at the St. Regis, the Montage or other projects that had parking plans, to find out what they were required to build and how much of the parking is actually used. It would provide the Planning Commission with internal data from hard numbers to determine whether they were requiring too much or not enough.

Director Eddington stated that the Planning Commission had reviewed the parking analysis for the Montage and St. Regis four months and both were operating around 55-60% of occupancy. Despite the fact that the parking was reduced, they were still not operating above the 55-60%, even during Sundance and the holiday season. Commissioner Wintzer apologized for not remembering that the Staff had done that analysis. He requested that the Staff include that information in future Staff reports so the Commissioners would have the real data in front of them. Planner Astorga remarked that included in the General Plan is a section called "Rethinking parking", which indicates that most parking ratios are borrowed from suburban developments. They need to do in-house research and analysis related to parking demands as suggested in the General Plan, as well as taking the direction given this evening. Planner Astorga stated that the Staff was aware of the parking issues and they were trying to address that in the General Plan.

Director Eddington remarked that that part of the Best Practices with regard to parking was not management parking through additional asphalt, but rather managing parking through people.

Planner Astorga referred to page 31 of the Staff report and the criteria for a conditional use permit. When the application came in the professional recommendation and agreed to by the applicant, was to focus on traffic and parking related to the lockout units. Planner Astorga clarified that this section of the Staff report was not intended to reopen the approved conditional use permit. He explained that most of the CUP criteria did not apply to lockout units; however, the Staff reported listed the criteria to see if the Planning Commission had additional issues for review.

Commissioner Hontz referred to page 65 of the Staff report, Sight Distance, from the eastbound left turning traffic, and recommendations suggested by the traffic engineer to improve sight distance. She believed the lockouts would result in a traffic increase beyond the previously approved plan, and she could be problematic. Commissioner Hontz thought the recommendations were minor and insignificant, but it would make it easier to turn in and out of the project. She requested that the Staff research the recommendations further.

Chair Worel wanted to know more about the impacts on utility capacity. Planner Astorga noted that the number of bedrooms was not changing. The only change was how the bedrooms are managed through the plan. The Sewer District did not have any issues with the lockouts because the number

of bedrooms remained the same. Planner Astorga offered to do the additional review and provide a better recommendation for that specific criteria.

Chair Worel opened the public hearing.

Bob Dillon, a resident of American Flag, stated that in the past he was the attorney representing a number of neighbors and HOAs. Mr. Dillon stated that this project was not approved as a hotel. It is a multi-unit dwelling. If this is a hotel that has commercial space and support commercial that is open to the public, it is completely different from what was approved. Mr. Dillon explained that as they went through the process, it was presented to the neighbors as large condominiums and that was how the parking was formulated and the traffic plan. Those plans would be different if it is operated as a hotel and the public is allowed to come in and use the parking and the unknown commercial facilities. Mr. Dillon was surprised that condo documents, the plat and the declarations had not been submitted. The Legal Department authorized pulling a building permit on this project when five provisions of the LMC did not allow them to do it. He was surprised that they have to look at lockouts before they apply for a CUP for the condo project. Mr. Dillon wanted to know what this project really is and how it would be operated. He pointed out that he had done all the legal work for the Chateau. He knows how it is constructed and how it is operated. Stein Eriksen is a great manager, but this project is not the Chateau and it is not Stein Eriksen Lodge. Mr. Dillon stated that as soon as the lockouts are approved, it really begins to look like a hotel, and this project was not approved to be a hotel.

Lisa Wilson stated that she has lived in Deer Valley since 1993. She purchased her lot fully aware that there could be a large project someday. They were told it could be a small boutique hotel and that it would be 54 units. Ms. Wilson thought she knew what a unit was. During the public process there was a compatibility argument that went on for year, and the project was deemed compatible because the units were approximately 6,000. Ms. Wilson handed out a document that was written by Katie Cattan, showing that the units would be 6,000 square feet. At one point they were compatible when the project proposed 54 units. Ms. Wilson reiterated that she thought she knew what a unit was, but now the number is as high as 140, and she no longer knows how to define a unit. Ms. Wilson presented a copy of a trust deed.

Commissioner Wintzer informed Ms. Wilson that the issue this evening was the lockout units and not the history of the project.

Ms. Wilson replied that the lockout units would tremendously change the value of the property. Since 2005 the property according to Summit County has been valued at \$1.2 million. There is a trust deed on record for \$85 million. She pointed out that changing to 140 units increases the value far more than \$85 million. Ms. Wilson passed provided the Commissioners with copies of the trust deed. Ms. Wilson commented on the amount of property taxes that have been paid since 2005. He noted that 85% of the property tax revenue should have gone to the teachers, but it did not. Ms. Wilson believed the proposal and the discussion was truly unbelievable. She presented a tax bill prior to 2005 showing that the developer used to pay over \$100,000 in property taxes and now they pay \$6,000. Ms. Wilson remarked that the developer uses ten acres of Deer Valley ski in/ski out property and their property tax is \$6,000. Deer Valley pays \$55 in property tax for the four acres that used to be a 54 unit condo project, and has now turned into 140 hotel rooms. Ms. Wilson was

unsure how it reached this point, and she hoped the Planning Commission could do something to change it. She wanted to make sure that the school district and the City gets the money they lost over the years.

Nancy Dalaska stated that she and her husband live on Royal Street in Deer Valley. They are relatively new to Park City and she had two concerns about this development. When they purchased their property five years they understood that Deer Valley was relatively low density. Having moved from Chicago she know the difference between high and low density. They moved here looking for a place with low density. Ms. Dalaska was not adverse to development and understood that good, responsible development is necessary in order for the community to thrive and they need good operators like Stein's, who she considers to be a good neighbor. However, the master development plan says 54 units were approved. She thought that number was aggressive for the property, but to add in another 85 units basically doubles the size of the project from what was approved. Ms. Dalaska stated that even though this might not be adding additional density, she was concerned about the traffic and the parking. She commended places that have shuttles, however, she has yet to see a shuttle drive by that was actually going 25 miles an hour or slower. There were already traffic issues on a small, curvy two-lane road and the shuttles drive up and down Royal Street way too fast. In addition, since they cannot require their guests to not bring a car, she thought it was reasonable to look at the worst case scenario in terms of traffic. Ms. Dalaska was concerned about the safety issues that come from the traffic and the shuttles. She was also concerned about the precedent this sets. She has seen this project and others approved for a certain scope and number of units. If this were approved with lockouts that would be different; however, to change the nature of the project after it has started seems like a bait and switch. Ms. Dalaska believed that it sets a dangerous precedent for the community. In looking at previous minutes that talked about prohibiting lockouts, she questioned whether this project would have originally been approved in 2010 if it had been presented as a hotel with lockouts. Ms. Dalaska asked the Planning Commission to consider the existing neighbors, the safety on Royal Street and the economic viability of the entire neighborhood; and not just the people buying in to this new project.

Chair Worel closed the public hearing.

For the next meeting, Commissioner Wintzer asked Planner Astorga to talk about what the Deer Valley MPD approved and whether this proposal would change the original MPD in terms of number of units. Planner Astorga stated that he would research the Deer Valley MPD and provide that information. He explained that a lockout and nightly rental were allowed uses in the District. However, a lockout nightly rental requires a conditional use permit in the District. Planner Astorga pointed out that the 2010 approval indicated that if the applicant wanted a lockout, they would have to come back to the Planning Commission for a CUP.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 6, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Thomas Eddington, Planning Director; Kayla Sintz, Planning Manager, Kirsten Whetstone, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Mark Harrington, City Attorney

=====

The Planning Commission met in work session prior to the regular meeting. The work session discussion can be found in the Work Session Minutes dated November 6, 2013.

REGULAR MEETING

ROLL CALL

Vice-Chair Thomas called the meeting to order at 6:35 p.m. and noted that all Commissioners were present except for Commissioners Savage, Strachan and Worel. With four members the Planning Commission had a quorum to conduct business.

ADOPTION OF MINUTES

September 25, 2013 – Work Session Minutes

Commissioner Hontz noted that the Work Session minutes had her listed as being in attendance. She corrected the minutes to remove her name and replace it with Commissioner Wintzer since he had attended but was not listed.

MOTION: Commissioner Wintzer moved to APPROVE the Work Session Minutes of September 25, 2013 as corrected. Commissioner Thomas seconded the motion.

VOTE: The motion passed. Commissioner Hontz abstained since she was absent on September 25th.

September 25, 2013 – Regular Meeting Minutes

Planner Whetstone referred to page 128 of the Staff report, page 24 of the minutes, regarding 70 Chamber Avenue, and noted that Condition #15 was added during the meeting and states that the fireplace will meet the 10-foot setback. She noted that it was for the fireplace that provided articulation into the 10-foot setback. Since that approval the Planning Commission forwarded language to the City Council about what could be in that area. Planner Whetstone suggested that

the minutes somehow address that the fireplace will meet the 10-foot setback as per the LMC in effect at the time of the building permit.

Assistant City Attorney stated that the minutes could not be amended to reflect something that had not occurred. The minutes reflect what actually occurred at that moment. Planner Whetstone pointed out that even though the condition says "setback", it was more of a "stepback". She request some type of reconsideration, otherwise, the applicant would have to bring back their conditional use permit to address the LMC that was moving forward. She explained that the chimney extension was in the horizontal setback. The chimney that was part of the wall extended two feet.

Assistant City Attorney McLean suggested that they re-listen to the recording. If setback was used in the discussion then the minutes could be amended to reflect what was actually said. However, if the minutes are correct and it was setback, the Staff could address the issue internally.

MOTION: Commissioner Thomas moved to CONTINUE the minutes of the Regular Meeting of September 25, 2013 pending verification with the recording regarding the issue of setback versus setback that was raised by Planner Whetstone this evening. Commissioner Wintzer seconded the motion.

VOTE: The motion passed. Commissioner Hontz abstained.

October 9, 2013

Commissioner Hontz noted that due to a problem with the recording equipment the majority of the October 9th meeting was not recorded. Due to the length of that meeting there was a significant amount of information that would have been on the recording. Unfortunately, she had not taken in-depth notes assuming that that the meeting was being recorded. Commissioner Hontz had nothing further to add to the minutes, but she wanted it on the record that a lot of discussion occurred that evening that was not reflected in the minutes.

Director Eddington clarified that there was a recording of the Work Session and the General Plan discussion. However, because of equipment failure, there was no recording for the remainder of the meeting and that portion of the minutes was prepared from notes.

MOTION: Commissioner Hontz moved to APPROVE the minutes of October 9, 2013. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

October 23, 2013

MOTION: Commissioner Hontz moved to APPROVE the minutes of October 23, 2013 as written. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Chair Worel applauded the Staff for their amazing effort on the General Plan and the copy that was provided to the Planning Commission. Planning Manager Sintz stated that it was primarily the efforts of Director Eddington.

Director Eddington reminded the Commissioners that due to the Thanksgiving holiday, their second meeting in November would be held on November 20th, which is the third Wednesday.

Planning Manager Sintz reported that the winners of the 2013 Jack Kemp Work Force Housing Models of Excellence were announced and Park City was recognized among that group. It is a great honor and the result of the great work Phyllis Robinson and Rhoda Stauffer have done over the years to bring that recognition to Park City.

Planning Manager Sintz commented on the length of the agenda for the November 20th meeting. She asked if it would be possible to start the meeting at 4:00. The Commissioners agreed to meet at 4:00.

Commissioner Hontz stated that she has been checking the City website and she did not believe it was in sync with their current meetings. Also, she no longer receives notices through E-notify. Commissioner Hontz suggested that the calendar be updated because it does not show future meetings, even the ones that are regularly scheduled.

Commissioner Wintzer disclosed that he would be recusing himself from 1105 Iron Horse Drive this evening.

CONTINUATIONS – Public Hearing and Continuation to date specified.

1. 115 Sampson Avenue – Plat Amendment
(Application PL-13-01893)

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

MOTION: Commissioner Wintzer moved to CONTINUE 115 Sampson Avenue – plat amendment, to December 11, 2013. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **1105 Iron Horse Drive – Conditional Use Permit for a Brewery in the LI Zoning District** (Application #PL-13-02065)

Commissioner Wintzer recused himself and left the room.

Planner Ryan Wassum reported that the applicants, Shades of Pale Brewing Company, would like to operate a beer brewery in an existing and vacant building at 1105 Iron Horse Drive within the Light Industrial Zone. A brewery is a light manufacturing use within the LMC and requires a conditional use permit. Planner Wassum noted that the Brewery currently operates in a smaller space at 1950 Woodbine Lane, with a conditional use permit that was approved by the Planning Commission on October 28, 2009.

Planner Wassum stated that in addition to beer production, the applicant would like to accommodate space for offices and have a minor retail space that may eventually offer product beer tastings, which is not an allowed use. As indicated in the Staff report, the proposed use is not expected to increase traffic in the area. The 14 spaces provide more than adequate parking. The physical design compatibility will compliment the surrounding area.

Planner Wassum referred to Criteria #12 – noise, vibration, odor, steam or other mechanical factors that affect people and property off site, and noted that the impacts would be mitigated per Condition of Approval #1. Condition #1 states, “A hazardous material management plan must be approved by the Building Department, the Fire Marshall, and the Snyderville Basin Water Reclamation District prior to the issuance of a business license.”

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the conditional use permit for brewery in accordance with the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz was comfortable with the conditions of approval. However, she suggested revising Condition #6 to remove the word “possible” from the second sentence. The revised sentence would read, “All impacts of the CUP must be mitigated.” Commissioner Hontz was uncomfortable with the wording in the third sentence, which read, “The City may void this CUP if impacts are found in the operation which may cause harm to the public.” Planning Manager Sintz suggested that they could reference Condition #6 to the additional information in Condition #1 regarding the hazardous mitigation plan.

Commissioner Hontz thought the intent of Condition #6 related to complaints from the public regarding noise, odor, vibration and other nuisances outside of hazardous materials. Planning Manager Sintz suggested revising the language to say, “A one year review of the CUP will be

scheduled for review by the Planning Staff within one year of issuance of the certificate of occupancy of the brewery. The Staff will update the Planning Commission of any complaints received.”

Commissioner Gross asked for clarification on the process if a CUP is revoked. Assistant City Attorney McLean stated that the impacts would have to be mitigated and there is an established process. She explained that once a CUP is granted the Planning Commission has the rights to assess the impacts. In this particular case, there is an existing brewery across the street. Therefore, the impacts that would occur from a brewery within that district already exist, and there have been no complaints. Ms. McLean was comfortable revising the condition with the language to include a Staff review.

Commissioner Hontz favored the review, but suggested a review in 18 months rather than one year.

Commissioner Gross referred to page 220 of the Staff report and the mention of 200 additional square feet possible for retail space. However, after reading further it talks about adding a second floor for office space. Commissioner Gross asked for the real square footage.

The applicant, Trent Fargher, replied that he was currently proposing to lease 2,000 square feet. They need extra height for the tanks which requires a second level of open space within the facility to put the larger fermentation tanks inside the building. Commissioner Gross understood that there would also be offices on the second level. Mr. Fargher replied that this was correct. It would be a mezzanine type area that would actually support the walls of the lower level.

Commissioner Gross noted that page 221 states that 14 spaces would be adequate for up to 4 employees. He was more concerned about Code and preferred that the language state that it meets or exceeds the Code, rather than just saying it is adequate.

Commissioner Gross stated that when he pulled up the assessor's plat, it was difficult to figure out where the 14 spaces were located. There was a parcel, but nothing that references any type of cross access easements or parking easements between parcels. He wanted to know what would happen in the future if the owners decide to split up the holdings and there were four or five different parcels. Commissioner Gross wanted to know where the 14 parking spaces were and that the parking is per Code and includes the 200 square foot additional space.

Director Eddington stated that the parking requirement is two parking spaces for employees. The retail space is 200 square feet and requires one parking space. The total parking requirement per Code is three spaces.

Commissioner Gross asked if the architectural vision shown on page 222 of the Staff report was compatible with everything they have been talking about the past few years with regard to the District. Director Eddington replied that it is conceptual. He thought it was a good design. Commissioner Thomas thought the design was very appropriate.

Commissioner Gross asked if there was a perception that the micro-brewery could eventually become a tourist attraction. If so, would there be tours and would that create an additional parking need. Mr. Fargher noted that he had people stop by today. He was unsure how often that would happen. Director Eddington stated that it would be part of the 18 month review.

MOTION: Commissioner Hontz moved to APPROVE the Conditional Use Permit for a Brewery at 1105 Iron Horse Drive in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval with the modification to Condition of Approval #6. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1105 Iron Horse

1. The subject property is located at 1105 Iron Horse Drive, Park City, Utah.
2. The property is located in the Light Industrial (LI) zone.
3. A brewery is a light industrial manufacturing use within the Land Management Code (LMC) and requires a CUP approval by the Planning Commission.
4. Retail use is an allowed use in the LI zone.
5. There are exterior changes to the existing building proposed within the application, including a second story addition to accommodate production equipment and offices. The proposed exterior changes do not alter the building footprint and comply with the LI zoning requirements.
6. Four parking spaces are required for this use, minor retail space, and number of employees (4). There are 14 available onsite parking spaces.
7. The internal vehicular and pedestrian circulation system will not be altered.
8. No outdoor storage of goods or mechanical equipment is proposed.
9. There are no significant traffic impacts associated with the proposed use or production output.
10. No significant additional utility capacity is required for this project.
11. The proposed development will not interfere with existing access routes for emergency vehicles.
12. No signs are proposed at this time.
13. The applicant will be renting the space from the owner of the property.
14. The proposal exists within the Park City Soil Ordinance Boundary.

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

Conclusions of Law – 1105 Iron Horse

1. The application satisfies all Conditional Use Permit review criteria for a Light Industrial Manufacturer as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)];
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The Applicant complies with all requirements of this LMC;
4. The Use is consistent with the Park City General Plan, as conditioned; and
5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1105 Iron Horse

1. A hazardous materials management plan must be approved by the Building Department, the Fire Marshall, and the Snyderville Basin Water Reclamation District prior to the issuance of a business license. If a hazardous materials management plan is not approved within 3 months of the Planning Commission approval of a conditional use permit, the conditional use permit will become void.
2. All standard conditions of project approval shall apply to this project.
3. All signs associated with the brewery must comply with the City's Sign Code and be issued a sign permit by the Planning Department.
4. No outdoor storage of goods or mechanical equipment is allowed onsite.
5. All County, State, and Federal Permits required for the use must be obtained by the owner prior to start of operations (brewing).
6. A review of the CUP will be conducted the Planning Staff within 18-months of issuance of occupancy for the brewery. The Staff will update the Planning Commission on any complaints received.

2. Park City Heights Subdivision – Amendment to Master Planned Development and a one-year extension of the Master Planned Development Approval (Application PL-13-02010)

Planner Whetstone stated that the Planning Commission reviewed this item during a Work Session, and again at their regular meeting on October 9th. At that time the Commissioners discussed the

amendment and suggested changes to the Findings of Fact, Conclusions of Law and Conditions of Approval of the original Park City Heights MPD.

Planner Whetstone noted that the second page of the Staff report outlined eight items that were discussed at the October 9th meeting. Due to time constraints, The Planning Commission continued the item to allow time to discuss the design guidelines.

The Staff had done an analysis of the changes and redlined the findings of fact, conclusions of law and conditions of approval to include the suggested changes from the October 9th meeting, as well as changes that the Staff made based on additional information from the applicant.

Planner Whetstone noted that the requested extension was included in the plat amendment and it would automatically be approved if the Planning Commission approves the amendments to the preliminary subdivision plat.

Planner Whetstone informed the Commissioners that if they needed to make additional changes, she could type it into a Word document for their review during the discussion.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the amendments and the extension of the Park City Heights MPD, according to the findings of fact, conclusions of law and conditions of approval as stated and amended in the Staff report.

Chair Worel referred to page 249 of the Staff report, Item (i) and the wording, "intentionally left blank." Planner Whetstone replied that the crossed out language in red was left with that phrase so they could see the language that was being removed. If the amendments are approved, Item (i) would be removed and the space would be left blank. That lets everyone know that (i) was not included in the amendment, but (j) stayed the same.

Chris Gamvroulas with Ivory Development introduced Planning Consultant, Spencer White; Environmental Consultant, Amy Findley; Project Manager, Brad Mackey; and Ben Hathaway, legal counsel. Mr. Gamvroulas stated that the objective this evening was to show the changes that were made to the plan following the meeting on October 9th, and to respond to some of the items outlined in the Staff report. He requested approval this evening so they could move forward with the preliminary plat in December in order to meet the timeline of closing homes in 2014.

Spencer White reviewed the changes to the master plan based on comments and concerns expressed on October 9th. He noted that due to the size of the repository they had proposed to eliminate two commercial parcels that had the potential for a daycare center or some other commercial function for the development, and replaced it with small lot single-family detached Park homes. Mr. White indicated the location of the community gardens in the last plan. Based on comments at the last meeting, the community gardens were removed from that location. There will be places around the clubhouse that could accommodate smaller community gardens. The original approval called for 15,000 square feet of community gardens and that area could now be used for a commercial function.

Mr. White stated that another issue was the repository and how the trails would function around the repository. The concern related to snow storage and the detention basins. Mr. White pointed out that the detention basins create a buffer between the homes, the streets, the trails, and the repository. They were also proposing a two rail fence that would run along the edge of the trail as a visual barrier between the manicured landscape and what will be a natural seeded landscape on the repository.

Mr. Gamvroulas noted that it would be a grass seed mix over the top of the repository, but it will not be manicured. He stated that a two rail fence still allows permeability on to the repository site, but provides a visual queue that something is on the other side.

Mr. White commented on the eight discussion items from the last meeting that were outlined in the Staff report. One was the reluctance to increase the size of the clubhouse for a daycare facility, or the ability to add on to the clubhouse. He stated that they would rather build one clubhouse of the proposed size, and have the ability on a separate parcel to do a daycare or any other type of commercial use in that area. That was a change from the last plan to the current plan.

Commissioner Wintzer wanted to know why that was preferred over building a full size clubhouse. Mr. Gamvroulas replied that a 3,000 square foot clubhouse would be sufficient to provide for this community. There was no guarantee that there would be a demand for a daycare. To build a 5,000 square foot clubhouse was cost prohibited. If there is a demand for some type of support commercial or a daycare, they could construct a building in a different location for that use. Commissioner Wintzer asked if the developer would pay for the daycare or support commercial when there is a demand. Mr. Gamvroulas answered yes.

Mr. White stated that the original language in the findings of fact addressed the conditional use permit process and other things, and that would remain the same.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz referred to page 267 of the Staff report and Conditions 63, 64, 65, 66. She appreciated the language regarding the easement. She suggested revising the language to read, "An easement to the parcel to the south shall be provided at the request of Park City Municipal if all property provided accesses within the Park City Municipal boundary."

Assistant City Attorney McLean offered a legal recommendation that also pertained to Finding #9. She had looked through the Code to see if there was anything to link this to annexation of the Gilmore property. The Code talked about construction of dead-end roads in 15-7.3-10. Ms. McLean suggested that Planning Commission request that the applicant offer for dedication an easement for emergency access only. The City Engineer will analyze the offered easement of dedication to determine whether it is warranted per the County and City master streets plans. Under the Code the City Engineer can make a recommendation. It will be offered up for dedication and the City Council

will have the ability to review it and determine whether it is warranted to accept that dedication based on the streets master plans. She pointed out that the Fire District asked for it from the standpoint of emergency access; but not for street connectivity.

Commissioner Hontz stated that she would support taking out the entire requirement. She assumed they would want the adjacent property owner to meet the standard and the City would want to understand what they were trying to do. She did not think they should make it easier at this time to provide the emergency access, since they might not necessarily deem what they were doing as annexable into the City. Commissioner Hontz understood that they were trying to be good neighbors, but the Fire District is not the Planning Commission and they do not have to include their recommendation.

Assistant City Attorney McLean stated that the Planning Commission could leave the easement between the parties as another alternative. Ms. McLean was unsure whether the property was within the annexation declaration area.

The Commissioners agreed to eliminate the last part of Finding of Fact #9 that was written in light blue in the Staff report, and to eliminate Condition of Approval #63 entirely.

Commissioner Hontz referred to Condition #64 and asked if the Voluntary Cleanup Program would become a public document if it is submitted to the City. Assistant City Attorney McLean replied that she was not familiar with the Voluntary Cleanup Program.

Amy Findley stated that it is a public document. All documents pertaining to the site are currently public documents. The Voluntary Cleanup Program is publicly accessible.

Commissioner Hontz referred to Condition #66, and she assumed that the VCP was different than the actual report. Ms. Findley explained that the VCP is the Voluntary Cleanup Program run by the State. It is a document that documents the work that is required by the Voluntary Cleanup Program. The report documents exactly what is on the property and the lateral/vertical extent of any soil and ground water impacts.

Commissioner Hontz turned to page 15 and 16 of the report. She believed this was the type of information a citizen would be looking for if they were a prospective buyer. She was certain it met State standards and Federal guidelines; however, the information in the conclusion is exactly what the impacted soils contained in the summary. She expected to see the exact wording of what was found in the soils, instead of the words "impacted soils" or "concentrations". Commissioner Hontz did not think the information provided was clear, but she would read it and know there was an issue. Commissioner Hontz stated that her concern was making sure that someone who takes the time to understand the situation can actually understand the information. She did not believe the report was clear enough for the average person to understand.

Assistant City Attorney McLean stated that the Voluntary Cleanup Program is a well-established program. It is State mandated and they are very thorough. They make sure that what is proposed meets safe standards and they follow through on what is proposed. Ms. McLean noted that the document was prepared for the State for a specific purpose, and she did not believe the Planning

Commission could mandate what should go into the report and/or what could be disclosed. The State has certain requirements on what needs to be disclosed for soils and Ms. McLean did not think it was appropriate to pick on one project. If they want those types of changes and disclosures, she would recommend that the Planning Commission apply it throughout the City and make all areas with remediated soils and/or heavy soils have such disclosures.

Commissioner Hontz respected Ms. McLean's comments; however, she personally has extensive background in environmental studies and development. Commissioner Hontz noted that the report clearly states what was found on the site. She was simply asking that it be stated again in the conclusion in a concise format.

Commissioner Hontz remarked that throughout the Country multiple projects have been built in areas that have needed to be cleaned up. However, she does not like how the government treats the public after it is cleaned up by saying that everything is fine and the public does need to know anything more. Commissioner Hontz stated that there is an application before the Planning Commission under which they were allowed to address this issue. She did not believe she was asking for anything beyond the standard of what would be expected of any developer. Commissioner Hontz stated that she was not asking for an unrealistic disclosure. She wanted disclosure of what exactly happened in the cleanup in a format that the average person could understand.

Ms. Findley remarked that all the information was contained in the report, and Section 4 talks about the results. She explained that it was a complex investigation and they had collected over 1200 soil samples in four distinct investigation areas, as well as ground water samples. Ms. Findley stated that it was not something that could be summarized clearly in a paragraph in the conclusion; however, the result section details where all the samples were collect and the concentrations. All the tables clearly define the extent of impacts in each area and the site was gridded.

Commissioner Hontz stated that she had read the entire report, and she disagreed with Ms. Findley about not being able to summarize a conclusion. Planner Whetstone clarified that the entire report was 700 pages with appendices and figures. She had only provided the Planning Commission with the text.

Mr. Gamvroulas noted that this report had been accepted by the EPA and the EQ. He understood Commissioner Hontz's concern in terms of what a lay person should be able to read and understand. Mr. Gamvroulas stated that the purpose of the Site Characterization is not what it will be in the future, but what it is and how it is found today. The Remedial Action Plan is the other report of what happens. A final report is the Certificate of Completion, at which time the site characterization is no longer valid because it is the past.

Commissioner Hontz stated that for Condition #66, she wanted a condition of approval that supports informing the public in a way that is not overly inflammatory or restrictive.

Mr. Hathaway stated that if they were dividing up and selling the property as is, there would be obvious concerns. However, that is not the case. The property for sale would be remediated, clean property and posted with a certificate of completion. It would be cleaned up according to EQ

standards, and by Utah Statute, no one acquiring the property would ever be responsible for what occurred in the past, once the certificate of completion is issued. He was not aware of any requirement that would require a seller of remediated property to disclose anything. However, Ivory Development has a practice of disclosing everything about all pieces of property and they make available to all prospective purchasers, all information related to ground water, soils, master plan issues, etc. Ivory has a library of for each of their projects and this would be included in that library and available to any prospective buyer who requests to see it. Mr. Hathaway stated that in addition, they have drafted language that would be included in the contract itself. It is a statement that would go to the prospective purchasing public. Mr. Hathaway passed around copies of the drafted statement.

Commissioner Hontz understood from Mr. Hathaway's comments that there was no required disclosure. Mr. Hathaway replied that case law in Utah requires disclosure of anything material to the buyer. It is left up to the developer to decide what is material to the buyer because it is not specifically defined.

Commissioner Hontz suggested that they eliminate Condition #66 on page 267 regarding all required disclosure requirements. Planner Whetstone noted that Condition #66 was written for the soil repository. The Staff understood that the concern was with the repository and that people knew what was there. The requirement was not for the lots because those would be cleaned and issued a certificate. Commissioner Hontz did not believe there was a required disclosure for the repository either.

Director Hontz suggested revising Condition #66 to incorporate the statement Mr. Hathaway submitted into the condition and say, "similar to this language." She thought the draft statement did a good job of indicating that something was there and it is now clean. She still had concerns with the last part of Condition #66 because this was not the type of information she would want to see in community noticing. She preferred to indicate a place where people could go to look up all the information that is available.

Mr. Hathaway clarified that in the contract packet that goes to all prospective purchases is a property condition that is unique for each subdivision. He assumed that Condition #66 as it relates to the cap would be included on one of those conditions. It is part of the neighborhood and part of the master plan and it would be disclosed. Mr. Hathaway stated that the language they have been discussing would also be included in those disclosures, along with all the other disclosures that would be made. He emphasized that it would be contained in a contract that the buyer receives and reviews before they can make an offer to purchase the home. It also invites them to the library to look deeper into the issues.

Ms. Findley remarked that all documents pertaining to the site characterization and the cleanup action would be available online on the State of Utah website.

Commissioner Hontz suggested revising Condition #66 to say, "...a disclosure, similar to the handout, shall be provided to prospective buyers and home buyers regarding the soils repository and site conditions." She preferred to eliminate or reword the last part of the condition regarding community noticing at the clubhouse.

Assistant City Attorney McLean advised the Planning Commission that this was a Master Planned Development amendment. She understood Commissioner Hontz's concern about transparency, but she was unable to find a provision in the Code that would support Condition #66 because it is not an issue that the Code addresses. Commissioner Hontz noted that the Counsel representing the applicant stipulates that they intend to provide the information regardless. Ms. McLean stated that the applicant could choose to stipulate to a certain condition. However, she understood that the information was provided as part of the sales packet, but it is not typically posted in clubhouses. Ms. McLean stated that if the Planning Commission puts conditions of approval on the applicant, they need to make sure it can be supported by Code.

Commissioner Hontz asked if the applicant was willing to stipulate to Condition #66 as amended. Mr. Gamvroulas replied that it would depend on the language. He stated that generally speaking they would agree to stipulate to some type of language indicating that the applicant would provide disclosure either through the sales process or through covenants of the remediated site and the existence of a repository within the boundary of the MPD.

Commissioner Hontz was comfortable with the wording Mr. Gamvroulas suggested, but adding, "more historical and environmental contamination." Mr. Gamvroulas stated that the applicant would disclose that it was contaminated and cleaned up, but they would not add a page showing every place where it was contaminated, because it is no longer contaminated. They would disclose within the sales contracts and/or the covenants of the community. He noted that this was not a negative for Ivory Development because they would be able to issue a certificate to the buyer letting them know that the area is clean. However, he did not want the Planning Commission to wordsmith his sales contracts because it is a private contract with another private person or entity.

Commissioner Hontz clarified that she was only trying to use the language that was drafted that hit on the key words to address her concerns. Mr. Gamvroulas stated that the language would be in a sales contract with a personal buyer, and he believed it was a relationship between Ivory Development and the buyer. He pointed out that disclosure ends with the buyer because when that person sells to someone else, at that point Ivory Development had no control over whether or not the seller discloses it to a future buyer. Anything meaningful or long lasting should be in the Covenants because that is a lasting document that affects everyone within the development.

Mr. Gamvroulas was not opposed to a condition that generically requires them to disclose within the Covenants the existence of the repository, that the area went through the VCP, and that they have received a certificate of completion. Ms. Findley stated that the area the repository lays on will be reported on the Covenants as a requirement of the Voluntary Cleanup Process.

Planner Whetstone drafted language for Condition #66 to read, "That the applicant stipulate to a condition that a disclosure regarding the Voluntary Cleanup Program, shall be included in the CC&Rs concerning the remediated site and the soil repository." The sentence regarding noticing in the clubhouse was removed.

Mr. Hathaway suggested "...regarding the developer's participation in the Voluntary Cleanup Program and received a Certificate of Completion shall be included in the CC&Rs." He deleted the remaining language, "concerning the remediated site and the soil repository." The Commissioners

and Mr. Gamvroulas were comfortable with Condition #66 as amended.

Mr. White referred to page 250 of the Staff report, Finding of Fact #1(o). He was unsure how the Planning Commission felt about the proposed commercial site, but if that was approved, the underlined language in red would not be necessary. Finding 1(o) was changed to read, "A 3,000 sf community center/club house shall be constructed by the developer. Exterior bathrooms will be available for park users." Mr. White suggested that they move the last sentence of #1(o) regarding the daycare and add it as #1(u). The Commissioners concurred. The language was revised and expanded to read, "Construction of support commercial such as a daycare facility, café, or other support commercial/offices would be the responsibility of the owner/developer of said property."

Mr. White referred to page 253 of the Staff Report, Finding #26 regarding the geotechnical study. He noted that there were two different soil studies in the same paragraph and that needed to be clarified and changed. Mr. White was comfortable with the first sentence as written; however, the redlined language beginning with "Further soils investigation work was conducted..." was a different type of soils study and should be moved to Finding #49, which talks about the historic mine soils. Mr. White suggested adding language to Finding 26 to say, "A new and an additional Geotech report was prepared on December 20th, 2011 and provided to Staff."

Mr. White explained that one study was the Geotechnical Soils report to build structures on the site. The second study was the Site Characterization Report related to the contaminated soils. It was important to keep the two studies separate. Commissioner Hontz preferred to address the Site Characterization report as a separate Finding #50.

Mr. White referred to Finding #37 on page 255 of the Staff report and noted that the language references Parcels I and J, which no longer exist. Mr. Gamvroulas stated that when they do the new preliminary plat, it would replace the current preliminary plat and parcels I and J would not be reflected. He thought the entire Finding could be removed. Mr. White agreed, since the same issues were addressed in the revisions to Finding 1(o) and 1(u).

Planner Whetstone questioned whether someone looking back might wonder why Parcels I and J were not shown. Commissioner Wintzer thought they should wait to address the issue when they review the new preliminary plat. He did not believe it was necessary to have the history in these Findings of Fact.

The Commissioners were comfortable deleting the language in Finding #37 and replacing it with "Intentionally deleted."

Chair Worel asked if the extension was part of these amendments or if it was a separate issue. Assistant City Attorney McLean remarked that it was within the MPD and addressed in Condition #36 with the extended date.

MOTION: Commissioner Thomas moved to APPROVE the proposed Amendments to the Park City Heights MPD and the Extension of the approval based on the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Staff report, with the edits and revisions that were made this evening. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

It was noted that Condition #36 had October 26, 2014 as the expiration date of the extension and that needed to be changed to reflect one year from the date of approval, which would be November 6, 2014. Assistant City Attorney McLean recommended that the Planning Commission make an amended motion to change the date in Condition #36 to reflect the correct date.

MOTION: Commissioner Thomas amended his previous motion to include changing the expiration date in Condition #36 regarding the extension, from October 26, 2014 to November 6, 2014. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Chair Worel called for discussion or comments on the Design Guidelines. Mr. White referred to a previous comment by Commissioner Hontz regarding the small lot single family detached homes and privacy issues with the yards. Mr. White stated that they looked at those and made minor adjustments to the site plan. More depth was added to the lot lines and because of that, the applicant was proposing a small change to the fences in the small lot single-family detached Park Homes only. Mr. White noted that previously the design guidelines did not allow for privacy fences. It only allowed for open or rail fencing to provide physical separation, but not visual separation. Mr. White stated that the rear yard setback was approximately 15 feet. The homes would be tight together and they believe a six foot privacy fence makes sense in that location only. Mr. White proposed adding language to that affect under Fences, Gardens, Walls and Gates.

Commissioner Hontz asked about the width of the lot. Mr. Spencer replied that the widths vary. The widest is 54', the middle lot is 42' and the end lot is 46'. The lots themselves are 67' deep.

The Commissioners accepted the proposed change.

Findings of Fact – Park City Heights MPD Amendments

1. The Park City Heights MPD includes the following:

a. 160 market rate units distributed in a mix of: cottage units on smaller lots (lots are approximately 6,000 to 8,600 sf in size); single-family detached units on approximately 8,000 sf to 27,000 sf lots; and single family detached on two upper lots which are approximately 44,000 and 48,000 sf each. The approximate distribution of types of product is identified in the Design Guidelines.

b. 28 deed restricted townhouse units (44.78 affordable unit equivalents or AUE). These 28 units meet the required IHC affordable units under their affordable housing obligation and are configured as seven four-plexes.

c. 16 deed restricted units (32 AUE). These 16 units meet the affordable housing required by the CT zone (LMC 15-2.23-4(A) (8)) and the Affordable Housing Resolution 17-99. These units are configured as a mix of single-family detached, cottage homes,

and townhouse units. These units will be configured as Single Family Detached Cottage Homes and dispersed throughout the cottage homes area.

d. 35 additional non-required deed restricted affordable units in a mix of unit types. These units will be configured as small lot Single Family Detached Park Homes.

e. All units (including all deed restricted units) will be constructed to, National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.

. In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.

f. A total of 171.5 acres of open space (not including open space within individual lots) is provided. This is approximately 72% of the entire 239 acres. This total includes the 24 acre parcel located adjacent to Highway 248 that is deeded to the City for open space.

g. An additional 5 acres of deeded open space is provided on Round Valley Drive adjacent to US 40 south of the Park City Medical Center. This open space is not included in the 72% figure. This is in exchange for transferring the 28 IHC deed restricted townhouse units to the PC Heights neighborhood. This parcel is deed restricted per requirements of the Burbidge/IHC Annexation and Development Agreements.

h. A dedicated 5.70 acres () of public neighborhood parklands with fields, tot lot and playground equipment, shade structure, paths, natural areas, and other amenities to be designed and constructed by the developer and maintained by the City. This parkland is included in the open space calculations. Bathrooms are proposed in the club house with exterior access for the public park users. Community gardens may be developed by the HOA in close proximity to the parkland within open space areas adjacent to the small lot Park Homes or the Park Homes.

i. (intentionally left blank)

j. 3 to 4 miles of soft surface trails within and around the property and an additional mile or so of hard surfaced sidewalks and paths along the Project's streets.

k. Trail connections to the Rail Trail and Quinn's trail, including trail on the north side of Richardson Flat Road from the 248 underpass to the Rail Trail and trail on the south side of the Road from the project to the Rail Trail. Trail connections to the south property line for future connections to the Jordanelle area. Trail easements on north side of Richardson Flat Road from Rail Trail to the east property line. Trail connections to the Park City and Snyderville Basin back country trails system. Trails are further described in Finding #11.

l. A Transit bus shelter along Richardson Flat road including "dial-a-ride signs" (City bus service is expected to be extended to Park City Heights and the Park and Ride).

m. Bike racks at the club house and Public Park.

n. Cross walk across Richardson Flat road at the rail trail.

o. A 3,000 sf community center/club house shall be constructed by the developer, Exterior access bathrooms will be available for park users.

p. Water infrastructure improvements that enhance the City's overall water system and provide redundancy as required by the Water Agreement executed as part of the Annexation Agreement. Water shares were dedicated to the City as part of a pre-annexation agreement.

q. Transportation improvements to the Richardson Flat/248 intersection including lane improvements and installation of a traffic signal to provide intersection safety (controlled left turn) and putting the Park and Ride facility and Park City Heights on the City bus route. These transportation improvements meet the requirements in the Annexation Agreement.

r. Following Wildlife recommendations as identified in the Biological Resources Overview prepared by Logan, Simpson Design, Inc. amended March 17, 2011.

s. Design Guidelines approved as part of this MPD apply to all lots, with the exception of the 2 upper lots proposed to be subject to the CCRs for the Oaks at Deer Valley, or equivalent.

t. No sound barrier walls or structures along US 40 within or related to the MPD.

u. Construction of support commercial such as a daycare facility, café, or other support commercial/offices would be the responsibility of the owner/developer of said property.

2. The Park City Heights MPD is subject to the Park City Heights Annexation Agreement approved by the City Council on May 27, 2010. The Annexation Agreement sets forth terms and conditions of annexation, zoning, affordable housing, land use, density, transportation and traffic, phasing, trails, fire prevention, road and road design, utilities and water, fiscal impact analysis, snow removal, fees, and sustainable development requirements for the 239 acre Park

City Heights MPD. The MPD as conditioned is in compliance with the requirements of the Annexation Agreement.

3. The Park City Heights Annexation Agreement includes a Water Agreement as an integral component. The Water Agreement sets forth terms and conditions related to water facilities, restrictions regarding water, and phasing of development as it relates to completion of water infrastructure. The MPD as conditioned is in compliance with the Water Agreement.
4. On June 17, 2010, the applicants submitted a pre-MPD application based on the annexation approval and agreement. The Planning Commission reviewed the pre-MPD application at two (2) meetings (July 14 and August 11, 2010) and found the application to be in initial compliance with applicable elements of the Park City General Plan.
5. On June 30, 2010, the applicants submitted a complete MPD application.
6. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code.
7. Public hearings on the MPD were held on October 13th, November 10th, and December 8th, 2010 and on February 9th, February 23rd, March 9th and March 23rd, 2011 and on April 27, 2011.
8. The property is located within the Community Transition (CT) zone. The MPD is in compliance with all applicable requirements of the CT zone, including density, uses, building setbacks, building height, parking, open space, affordable housing, and sustainable development requirements.
9. Access to the site is from Richardson Flat Road, a public road previously known as Old Dump Road. No access is proposed to the currently unimproved US 40 frontage road (UDOT) along the east property line. No roads are provided through the Park City Heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement.
10. Utilities are available in the area, however extension of utilities or utility upgrades to the development site are required. A final utility plan will be submitted with the final subdivision plats to be reviewed by the Interdepartmental and Utility Service providers Development Review Team. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner and that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes. Location of utility boxes shall be shown on the final utility plans. The MPD phasing plan shall be consistent with conditions of the Annexation Agreement related to provision of public services and facilities.
11. The MPD includes 1) a paved connector trail on the south side of and separated from Richardson Flat Road, from the project to the Rail Trail, 2) a paved connector trail on the north side of and separated from Richardson Flat Road, from the SR 248 underpass to the Rail Trail, 3) a trail connection from trails within the project to the

south property boundary line, 4) a trail easement along the north side of and separated from Richardson Flat Road from the Rail Trail to the east property boundary line, and 5) several miles of paved and soft surfaced trails throughout the development. All trails will be constructed by the developer consistent with the Park City Trails Master Plan.

12. The MPD includes a dedicated neighborhood public park to be constructed by the developer according to the City's parks plan, and as further directed by the City Council. Bathrooms are provided at the clubhouse with exterior access for the park users.

13. Parking within the MPD is proposed at two spaces per unit within private garages. Additional surface parking is provided for guests, the community gardens/park area, and the neighborhood clubhouse/meeting area. The streets have been designed to allow for parking on one-side per the City Engineer. Final street design will be determined at the time of the final plat and additional off-street guest parking areas will be incorporated into the design.

14. The proposed MPD density of 1 unit per acre complies with the density allowed by the CT zone. (239 units on 239 acres) The net density is 0.82 units per acre (195 units on 239 acres), excluding the 44 required deed restricted housing units. The density is consistent with the Annexation Agreement. If the additional 35 deed restricted affordable units are included in this analysis the net density is 0.67 units per acre (160 units on 239 acres).

15. The LMC requires a Sensitive Lands Analysis for all Master Planned Development applications. The MPD application included a Sensitive Lands Analysis.

16. A portion of property is located within the designated SR 248 Entry Corridor. This area is identified in the MPD as open space and all required entry corridor setbacks of 200' are complied with.

17. The property contains SLO designated steep slopes, ridgelines and wetland areas. These areas are identified in the MPD as open space areas and all required wetland and stream setbacks are complied with.

18. A wildlife study was conducted and a report (December 2010) was prepared by Logan Simpson Design, Inc. A revised report was prepared on March 17, 2011. The wildlife study addresses requirements of the Land Management Code and provides recommendation for mitigation of impacts on wildlife. An updated report was submitted by Logan Simpson Design, Inc on July 7, 2011. The purpose of the updated report was to provide additional recommendations on mitigating impacts of the development on the wildlife in the area; to validate the observations of the earlier biological reports; to further study and identify wildlife movement corridors, evidence of species of high public interest such as Elk, Moose, Deer, and other small mammals; locations of dens or nesting sites; and to identify any areas of high native species diversity.

19. The site plan complies with the minimum MPD required 25' setback around the perimeter of the property. Setbacks range from 25' to 690' (greater to the south property line).

20. The locations of the proposed units are consistent with the MPD site planning and Sensitive Lands Overlay criteria.

21. The property is visible from the designated LMC Vantage point along State Road 248 and a visual analysis was conducted by the applicant from this Vantage point. Additional visual analysis was provided from the intersection of Richardson Flat Road and SR 248. Units along the western perimeter are most visible along the minor ridge from SR 248. Any units that are over the 28' height limit as measured in the zone will be required to obtain an Administrative Conditional Use Permit.

22. (Intentionally left blank)

23. Design Guidelines for the Park City Heights MPD address site planning, setbacks, house sizes, architecture and design, sustainability and best practices, landscaping and water conservation, and other requirements of the Annexation Agreement.

24. A comprehensive traffic study and analysis of the Property and surrounding properties, including existing and future traffic and circulation conditions was performed by the Applicant's traffic consultant, Hales Engineering, dated June 7, 2007, on file at the Park City Planning Department. An updated traffic volume and trip generation report was provided by Hales Engineering on September 27, 2010. An additional traffic update was provided in 2008 by InterPlan Co at the request of the City Transportation Department. The Hales Engineering study was utilized during the annexation process in the determination of density and requirements for traffic and transportation related impact mitigations. The City's Transportation Department prepared a Short Range Transit Development Plan to study demand for transit, routes, efficiency of the transit system, etc. This Transit Plan addresses the timeline for bus service in the Quinn's Junction area. The City's Transportation Master Plan update will include the projected traffic from Park City Heights MPD in the recommendations for transportation improvements within the City.

25. Construction traffic is required to be addressed in the Construction Mitigation Plan.

26. A Geotechnical Study for the Park City Heights Development was provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. (June 9, 2006). Expansive clay soils were encountered across the site in the upper two and one-half to nine and one-half feet. Shallow bedrock was found within portions of the site. Special construction methods, removal of these unsuitable soils, and other mitigations are spelled out in the Study. An additional geotechnical report was prepared by AGEK dated December 20, 2011 and submitted to the City.

27. A Fire Protection Report (March 2011) identifies potential Wildland urban interface areas within the MPD. Prior to issuance of building permits the Building Department will review individual building fire protection plans for compliance with recommendations of the Fire Protection Report and applicable building and fire codes. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by development of the site.

28. Affordable housing obligations of the MPD are consistent with the affordable housing described by the Park City Heights Annexation Agreement, Housing Resolution 17-99 and as required by the CT zone. The MPD provides up to an additional 35 deed restricted housing units over the 28 deed restricted townhouse units (44.78 affordable unit equivalents (AUE) required by the IHC MPD and the 16 deed restricted units (32 AUE) required by the CT zone for the 160 market rate units). These affordable units are configured as a mix of single-family detached, , cottage units, and attached townhouse units. The additional 35 non-required deed restricted affordable units are proposed to be configured as the small lot Park homes as part of this MPD consistent with the needs described in Housing Market Assessment for Park City, dated September 2010. All units are proposed as for sale units. Defining the configuration of units to be as follows:

- a. 35 Deed restricted units will be configured as Small Lot Single Family Detached Park Homes.
- b. 28 Deed restricted townhouse units will be configured as attached Four-plex Park Homes.
- c. 16 Deed restricted units will be configured as Single Family Detached Cottage Homes dispersed throughout the development.

29. No building height exceptions have been requested and all buildings will comply with the height limitations of the CT zone.

30. Lots have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as further described in the Park City Heights Design Guidelines.

31. Utilities must be extended to the site to sustain the anticipated uses. Thirty (30') foot wide non-exclusive utility easements are generally necessary for long term maintenance and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities.

32. Off-site trail and intersection improvements may create traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general. Construction Mitigation Plans are required and shall be required to include mitigation for these issues.

33. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control and storm water management.

34. Final road designs will be provided to the Planning Commission for review with the final subdivision plats. To minimize visual impacts and to minimize disturbance of existing vegetation due to large areas of cut and fill slopes, low retaining structures (in steps of 4' to 6') are

recommended. These low retaining structures may be stepped to minimize their height. Design of these retaining structures is included in the PC Heights Design Guidelines to ensure consistency of design, materials, and colors throughout the development.

35. A storm water run-off and drainage plan is necessary to ensure compliance with Park City's Storm Water Management policies and plans and storm water Best Management Practices for storm water during construction and post construction with special considerations to protect the wetlands delineated on and adjacent to the site.

36. A financial guarantee for all landscaping and public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner in a timely manner. This financial guarantee is required prior to building permit issuance.

37. Intentionally deleted.

38. A master sign plan is required for Planning Department review and approval and all individual signs, including subdivision identification signs, require a sign permit prior to installation.

39. Sound mitigation may be desired by owners of units along US 40. Conditions of approval prohibit sound barrier walls within the MPD. However, other sound mitigation measures may be accomplished with landscaping, berming, smart housing design and insulation, and sound barriers constructed as part of the dwelling units.

40. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement.

41. The applicant stipulates to the conditions of approval.

42. The discussion in the Analysis sections of this report and the Analysis sections of the March 23, 2011 Planning Commission Staff Report (Exhibit A) are incorporated herein.

43. The applicants have met with Rocky Mountain Power and have increased the Rocky Mountain Power line setbacks as required by this Utility.

44. The site plan for the proposed MPD has been designed to minimize the visual impacts of the development from the SR 248 Entry Corridor and has preserved, through open space, the natural views of the mountains, hillsides and natural vegetation consistent with Park City's "resort character".

45. The 171.5 acres of open space adjacent the development, the trail connections and improvements, and proposed neighborhood public park, as conditioned, will provide additional recreational opportunities to the Park City community and its visitors, which strengthens and enhances the resort character of Park City.

46. The opportunities for mixed affordable housing types, including rental units, within the development will strengthen the resort economy by providing attainable housing options in a sustainable and energy efficient community for workers in Park City's tourism/resort based industries.

47. Surrounding uses include open space, Highway 248, US 40, the Rail Trail, the Municipal Water Treatment Plant, Quinn's recreation complex (fields and ice rink), and the IHC medical center and offices.

48. The MPD provides direct connection to and critical improvements of the Rail Trail and provides alternative transportation opportunities for recreation and commuting, such as biking, walking, in-line skating, and cross country skiing to Park City's business district at Prospector Square (within 2 miles) and to the IHC medical complex.

49. The MPD provides for remediation of historic mine soils for the good of the greater Park City community.

50. Further soils investigation work was conducted and a Site Characterization Report was prepared by IHI Environmental (May 6, 2013) to identify and locate historic mine soils and to draft a remediation plan to submit to the State Department of Environmental Quality as part of the Voluntary Cleanup Program.

Conclusions of Law – Park City Heights MPD Amendments

1. The amended MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6- Master Planned Developments Section 15-6-5 as stated in Exhibit A, March 23, 2011 Planning Commission Staff Report.

2. The amended MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.

3. The amended MPD, as conditioned, is consistent with the Park City General Plan.

4. The amended MPD, as conditioned, is consistent with the Park City Heights Annexation Agreement in terms of uses, density, housing types, site plan, affordable housing, open space, trail connections, road and intersection improvements, interconnectivity within the neighborhood, and provided neighborhood amenities.

5. The amended MPD, as conditioned, strengthens and enhances the resort character of Park City by providing a residential neighborhood of mixed housing types and prices connected by trails to parks, schools, recreation facilities, employment centers, medical facilities, and commercial areas and that is buffered by larger interconnected areas of open space that preserve entry corridor views of the resort areas and provide wildlife movement corridors.

6. The amended MPD, as conditioned, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood Compatibility.

7. The amended MPD provides amenities to the community so that there is no net loss of community amenities in that trail improvements, parkland, affordable housing, potential for neighborhood support daycare/commercial are provided, and remediation of historic mine soils on the site will be undertaken at a benefit to the community at large.

8. The amended MPD is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed. Additional affordable house, above that required is provided within the neighborhood.

9. The amended MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible. Seventy percent of the property remains in open space, with much of the undeveloped land containing significant vegetation and characterized by steeper slopes, visible hillsides, and sensitive ridgeline areas.

10. The amended MPD promotes the Use of non-vehicular forms of transportation through the pedestrian friendly site design and by providing trail connections, sidewalks, access to the Rail Trail, and easy access to parks and open space areas.

11. The MPD and MPD amendments have been noticed and public hearings held in accordance with the LMC.

Conditions of Approval – Park City Heights MPD Amendments

1. All standard project conditions shall apply (Attached).

2. A final subdivision plat for each phase, or sub phase, of development shall be submitted for review by the Planning Commission and City Council and shall be recorded prior to issuance of building permits for individual units within that plat. The plats shall be consistent with the LMC, preliminary plat and the PC Heights site plan and documents reviewed and approved by the Planning Commission during the MPD approval. Final street design, including final cut and fill calculations and limit of disturbance areas, shall be submitted with all final subdivision plats to be reviewed and approved by the Planning Commission during final subdivision review. Off-street guest parking areas shall be identified on the final plats.

3. A limit of disturbance area (LOD), maximum building footprint and/or house size limitation and a setback requirement table for the lots shall be included on the final plats consistent with the Park City Heights Design Guidelines.

4. A note shall be added to the final plats stating that a landscape plan shall be submitted for City review and approval for each lot, prior to building permit issuance for that lot.

5. A note shall be added to the final plats stating that all units (including all deed restricted units) shall be constructed to, National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points).

Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.

In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score.

Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.

6. A final landscaping and irrigation plan for common areas shall be submitted with the final plats for each phase. Entry and perimeter landscaping shall be completed within six (6) months of issuance of the first building permit, weather and ground conditions permitting. Other Project landscaping, shall be completed within nine (9) months of issuance of 50% of building permits or within six (6) months of any individual Certificate of Occupancy. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines.

7. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance.

8. All exterior lighting, including any street and/or path lighting shall be designed to limit the trespass of light into the night sky as much as possible and shall conform to the LMC Sections 15-5-5-(I) and 15-3-3(c) and the Park City Heights Design Guidelines.

9. All exterior lighting, with the exception of bollard lighting at the park shall be privately maintained.

10. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall address construction phasing, staging, storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas, temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service. The CMP shall include a site and landscape plan for the sales office building (either within the clubhouse or within a finished unit) to address landscaping, lighting, and parking for the sales office. Construction Mitigation Plans shall provide mitigation measures for traffic delays and

potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general.

11. The CMP shall address disposal and treatment of all excavated materials. The capping of exposed soils within the City's Soils Ordinance Boundary is subject to all applicable regulations and requirements of the Park City Soils Ordinance Title 11, Chapter 15- Park City Landscaping and Maintenance of Soil Cover. A detailed Limit of Disturbance (LOD) plan shall be submitted as part of the CMP. The Limits of Disturbance for the entire site shall be minimized to the greatest extent possible, using best construction practices, and shall include the use of additional low retaining walls and steeper slopes to prevent unnecessary disturbance of native vegetation.

12. A construction recycling area and an excavation materials storage area shall be provided within the development to reduce the number of construction trips to and from the development. This condition applies at a minimum to the first two phases of development and may be waived for subsequent phases of development upon request by the applicant and upon review by the Planning, Building, and Engineering Departments.

13. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed pre-development drainage conditions and special consideration shall be made to protect the wetlands delineated on and adjacent to the site.

14. Maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the rights-of-way and common areas, with the exception of the Public Park and public trails, shall be provided by the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included on the final subdivision plats.

15. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC Subdivision Regulations, for the value of all public improvements, pedestrian amenities and trails, sidewalks, bus stop amenities, landscaping (including landscaping to re-vegetate and re-landscape areas disturbed by construction related to the MPD) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance for new construction within each phase of construction. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.

16. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plats. Utility plans shall be reviewed by the Interdepartmental staff members and the utility service providers as the Development Review Team. Utilities for the MPD shall be placed underground.

17. The City Engineer shall review and approve all associated utility and public improvements plans (including streets and sidewalks, grading, drainage, trails, public necessity signs, street signs and lighting, and other required items) for compliance with the LMC and City standards as a condition precedent to final subdivision plat recordation. This shall include phasing plans for street construction to ensure adequate fire turn-around that minimize disturbance of native vegetation. Due to expansive soils in the area, grading and drainage plans shall include a comprehensive lot drainage plan for the entire phase of each final subdivision plat.

18. Above ground utility boxes must be shown on the final utility plans. The location of these boxes shall comply with best practices for the location of above ground utility boxes. These boxes shall be located in the most efficient, logical, and aesthetic locations, preferably underground. If located above ground the boxes shall be screened to minimize visual impacts and locations shall be approved by the City Engineer.

19. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plats, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.

20. All construction, including grading and trails, within the Park City Soils Ordinance area shall comply with restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15).

21. Trail improvements necessary to connect the Rail Trail to the Hwy 248 tunnel trail on the north side of Richardson Flat Road, as well as the trail connection from the Rail Trail to the public park on the south side of Richardson Flat Road, will likely impact the wetlands in this area. Precedent to issuance of a building permit for these trails a wetlands impacts and enhancements plan shall be reviewed by the Planning Staff. All required wetlands permits shall be obtained from the required agencies.

22. Mitigation for the disturbance of any wetland areas shall be identified on the trail construction plan and shall include enhancements of wetlands as an amenity feature for users of the trail system.

23. Enhancements to wetland areas and other disturbed areas within the MPD could include but are not limited to educational signs, such as identification of plants and animals, ecological processes, wetlands ecology, and insights into seasonal changes to the landscape; plantings that encourage and/or provide food sources for wildlife; additional on-site water sources; clean up of degraded areas; and new nesting habitat/bird and small mammal boxes.

24. Lots 89 and 90 of the amended preliminary subdivision plat have been shifted to match the trail phasing plan to locate the trail connection on the open space.

25. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006, Geotechnical Study for the Park City Heights Development provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Special construction methods, removal of unsuitable soils, and other mitigation measures are

recommended in the Study. Additional soils studies and geotechnical reports may be required by the Building Department prior to issuance of building permits for streets, utility installation, and structures.

26. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.

27. Fire protection and emergency access plans shall be submitted prior to the issuance of any building permits and shall be consistent with applicable building and fire codes and shall take into consideration the recommendations of the Fire Protection Report (March 2011). The fire protection plans shall include any required fire sprinkler systems and landscaping restrictions within the Wildland interface zones. The plans shall ensure that Park City's ISO rating is not negatively affected by the development.

28. A limit of disturbance area shall be identified during the building permit review and construction fencing will be required to mitigate construction impacts. Silt fencing is required during construction in areas where run-off and construction may impact adjacent wetlands, water ways, and undisturbed areas as determined by the Building Department.

29. Trail easements for all proposed trails in the MPD shall be platted on the final recorded subdivision plats. All trails shall be constructed consistent with the Park City Trails Master Plan and the Snyderville Basin Trails Master Plan. Connections to undeveloped property to the south providing future connections to the Wasatch County shall be consistent with the Wasatch County Trails Plan.

30. Construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the findings, and other neighborhood amenities associated with the first phase, shall commence upon issuance of the 40th building permit for Phase I (as described in the Annexation Agreement) and shall be complete within 9 months from commencement of construction, unless otherwise directed by City Council. In subsequent phases, trails, amenities, and other improvements shall be completed prior to issuance of 50% of the certificates of occupancy for the units within that phase, or as otherwise stated in the Development Agreement.

31. The neighborhood public park shall be developed in accordance with standards set forth and required by the City Council, Recreation Advisory Board and city standards. A minimum area of 100 by 80 yards shall be initially free from fixed improvements until final field design is approved or further conditioned at subdivision approval. The park will include bathrooms in the club house with exterior access for park users.

32. An Affordable Housing Plan, consistent with the Park City Heights Annexation Agreement and as required by LMC Section 15-6-5 (J), shall be reviewed by the Planning Commission and a recommendation shall be forwarded to the Park City Housing Authority. The Park City Housing Authority shall approve the final Park City Heights Affordable Housing Plan prior to issuance of any building permits for units within the

MPD.

33. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.

34. A master sign plan for the neighborhood shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.

35. No sound barrier walls or structures along Hwy 40 are permitted within the MPD. To the extent sound mitigation measures are utilized within the MPD, such measures shall be limited to landscaping and berms, energy efficient housing design and insulation, and sound mitigation constructed as part of the design of the dwelling units and shall be reviewed by the Planning Department for compliance with the Design Guidelines.

36. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire on November 6, 2014, unless Construction, as defined by the Uniform Building Code, has commenced on the project.

37. Pursuant to Section 15-6-4 (G) of the LMC, once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.

38. The Park City Soils Boundary shall be identified on the final plats (if applicable).

39. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.

40. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.

41. A re-vegetation plan for all disturbed areas (existing and newly disturbed) that are not landscaped with finished landscaping shall be submitted with the final road and utility plans for each phase. Re-vegetation of all disturbed areas within Phase One, that are not planned to be landscaped with finished landscaping, such as road and utility installation, soil remediation, other existing disturbed areas, shall be completed prior to issuance of the 28th certificate of occupancy for the Park City Heights MPD. If this area is used as a construction staging, construction recycling area, and excavated materials storage area, a new construction staging area will need to be approved by the Planning Department for the remainder of Phase I and for subsequent phases and shall be re-vegetated in a like manner with the issuance of certificates of occupancy for the final units in the respective phase.

42. Noxious weeds shall be managed per the Summit County noxious weeds ordinances during construction and in perpetuity by including regulations in the CMP, Design Guidelines, and

CCRs.

43. One additional site visit was required by certified biologists during May or June 2011 to: a) validate the observations of the preliminary biological report and, b) to further study and identify wildlife movement corridors, evidence of species of high public interest (Elk, Moose, Deer, and other small mammals), locations of den or nesting sites, and any areas of high native species diversity. The report, provided to the Planning Department by Logan Simpson Design Inc. on July 7, 2011, included additional recommendations on mitigating impacts of the development on wildlife and wildlife corridors. The report was provided to the Planning Department on July 7, 2011.

44. Clearing and grubbing of vegetation and soils shall be minimized from April through July to avoid disturbance of nesting birds, unless a detailed search for active nests is conducted and submitted to the Planning Director for review by a certified wildlife biologist and any active nests are protected during construction

45. Left blank intentionally.

46. Due to the visual exposure of these lots on the minor ridge, as a condition precedent to building permit issuance for construction of a house on the western perimeter lots, namely Lots 23, 24, 30, 31, 66, 67, 76 and 77 of the preliminary subdivision plat prepared by Ensign and dated 1/17/11, a conditional use permit shall be obtained if proposed building heights are greater than 28 feet. Lots 23, 24, 30, 31, 66 and 67 have been moved down the hill farther away from the minor ridge as much as possible and the concern for visual exposure is lessened with the revised plan. Lots 76 and 77 remain the same.

47. The applicants shall approach the adjacent property owner to the west to explore a mutually agreeable plan for incorporating the parcel into the Park City MPD and transferring density to the Park City Heights neighborhood in exchange for open space designation of this highly sensitive and visible parcel of land and the potential to relocate the upper western cul-de-sac to a less visible location.

48. All work within the Rail Trail ROW requires review by and permits issued by the Utah State Parks/Mountain Trails Foundation, in addition to the City. The Rail Trail shall remain open to pedestrians during construction to the extent possible.

49. High energy use amenities, such as snow melt systems, heated driveways, exterior heated pools and fireplaces, shall require energy off-sets and/or require the power to be from alternative energy sources, as described in the Park City Heights Design Guidelines.

50. All conditions, requirements, and stipulations of the Park City Heights Annexation Agreement and Water Agreement continue to apply to this MPD.

51. The final MPD phasing plan shall be consistent with conditions of the Water Agreement as to provision of public services and facilities.

52. All transportation mitigation requirements, as stated in the Annexation Agreement, continue to apply to this MPD.

53. The Applicant must meet all applicable bonding requirements.

54. Bus shelters on both the north and south sides of Richardson Flat Road shall be constructed within 60 days of issuance of the 40th certificate of occupancy. The shelter design and location shall be approved by the City Planning, Engineering, Building, and Transportation Departments and shall include a sign with the phone number of the Park City Bus service dial-a-ride. Information regarding the dial-a-ride service shall be posted within the shelters.

55. Sheet c4.0 (LOD Erosion Control Plan) shall be amended as follows: Note 1 shall read that the LOD for roadways is not to extend beyond 3' from the cut/fill limits as shown on the plan. Note 2: A 4 to 6 foot engineered wall shall be used in areas outside the limits of future home and driveway construction and where proposed cut/fill is in excess of 10' vertical as measured from the top back of curb to cut/fill catch point. Note 3: Proposed retaining walls shall not exceed 6 feet where they are necessary. A system of 4' to 6' walls with no individual wall exceeding 6', (i.e. tiered walls) may be used. The walls shall be separated by a 3' landscaped area from top back of lower wall to toe of upper wall. Note 4: Exceptions to these standards may be granted by the Planning Commission at the time of final subdivision plat review as necessary to minimize overall total disturbance.

56. House size limitations for all lots within the MPD shall be identified in the Design Guidelines subject to further appropriate reduction if found necessary during the final subdivision plat process, taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, solar access of adjacent lots, onsite snow storage, and ability to achieve LEED for Homes Silver rating to meet the applicable standards of LMC 15-7.3-3.

Nothing herein shall preclude the applicant from proposing alternative methods of mitigation. Specifically, and without limitation, the Design Guidelines shall provide that house sizes of the Homestead lots shall be no greater than the following: (as delineated below by lot numbers per the preliminary plat prepared by Ensign and dated 1/17/11)

Lots 58 thru 66- 4000 square feet
Lots 130 thru 154- 4000 square feet
Lots 163 thru 164- 4000 square feet
Lots 70 thru 72- 5000 square feet
Lots 105 thru 129- 5000 square feet
Lots 155 thru 156- 5000 square feet
Lots 77 thru 98- 6000 square feet

The Design Guidelines shall reflect a preference for smaller homes consistent with (a) "best practices" in sustainable design and development to address the materials and energy impacts of larger homes and (b) the historic pattern of residential development in Old Town.

57. The Park City Heights Design Guidelines were approved by the Planning Commission prior to ratification of the Development Agreement by the Planning Commission and shall be used to review all activity and permits for compliance with the MPD..

58. The Park City Heights Design Guidelines are an integral component of the Park City Heights MPD and substantive amendments to the Design Guidelines require Planning Commission approval. Minor amendments shall be reviewed by the Planning Director for consideration and approval.

59. Adequate snow storage easements, as determined in consultation with the Park City Public Works, will be granted to accommodate for the on-site storage of snow. Snow storage shall not block internal pedestrian sidewalks and circulation trails. Removal of snow from the Park City Heights MPD is discouraged with the final decision to haul snow from this area to be made by the City's Public Works Director. The soil repository shall not be utilized for snow storage. Stormwater detention areas to the west of the designed repository shall be allowed to be utilized for snow storage as well as stormwater.

60. To further encourage non-vehicular transportation, trail maps will be posted in the clubhouse for the benefit of future residents. There will also be a ride-share board located within the clubhouse that residents may utilize in order to plan carpooling which will further limit trips from the development. The dial-a-ride phone number shall be posted at the ride-share board. The HOA shall post information and consider a bike-share program.

61. The Park City Heights Design Guidelines and CCRs shall include information related to the history of the site and Quinn's Junction region.

62. All transportation mitigation elements, as required by the Park City Heights Annexation Agreement (July 2, 2010) continue to apply to this MPD. The Applicants, as required by the Annexation Agreement, shall complete, with the first Phase (first 90 UEs) of the MPD (as described in the Annexation Agreement), the SR248/Richardson Flat intersection improvements with all required deceleration and acceleration lanes; and shall include the required infrastructure (fiber optic, control boxes, computer links, etc.) to synchronize this traffic signal with the UDOT coordinated signal system on SR 248, within the Park City limits at the time of this MPD. At the time the traffic signal is installed, the Applicants shall request in writing that UDOT fully synchronize signals along SR 248, with supporting data as applicable. Required improvements to Richardson Flat Road, including 5' wide bike lanes, as stated in the Annexation Agreement, shall be complete with the first Phase (first 90 UEs) of the MPD. The cost sharing methodology between the Applicants and any assigns, for these mitigation elements, shall be detailed in the Park City Heights Development Agreement. The Applicant shall provide an annual assessment of traffic counts and bus needs generated by the MPD for five (5) consecutive years following issuance of the first certificate of occupancy. The applicants shall participate with the City to conduct an annual assessment, which shall include peak period counts of both summer and winter traffic in the vicinity of the SR 248/Richardson Flat Road intersection, and submit such to UDOT. This information shall be coordinated with best available UDOT data and analysis. This assessment shall be incorporated into ongoing Park City Transportation Master Plan and the Park City Transit planning efforts with UDOT. This

information shall be presented annually to the Planning Commission in conjunction with an update of the City Transportation Master Plan.

63. Prior to commencing any work to remediate metals impacted soils, a copy of the Utah Department of Environmental Quality approved remediation plan, prepared as part of the Utah Voluntary Clean-Up Program (VCP), shall be provided to the City.

64. The results and report of the soils investigation work prepared by IHI Environmental May 6, 2013) that identifies and locates historic mine soils, and the remediation plan submitted to and approved by the State Department of Environmental Quality as part of the Voluntary Cleanup Program, shall be provided to the Building Department prior to issuance of any building permits for development of streets, utilities, lots, trails, parks, and all construction that requires disturbance of soil.

65. The applicants stipulate to a condition that a disclosure regarding the developer's participation in the Voluntary Clean-up Program and receipt of certificate of completion shall be included in the CCRs.

3. General Plan – Overview of draft changes

Neighborhoods

Maps of the individual neighborhoods were on display through the room.

Planning Manager Sintz stated that a lot of the issues that were raised when discussing the different elements filtered down to neighborhoods. A number of items that were marked had been discussed or modified in previous discussion. For that reason there were less neighborhood issues in this section of the General Plan. Other than changes to the maps, the discussion was primarily a confirmation of some of the smaller items. She encouraged the Commissioners to speak up if an item was missing so it could be incorporated into the final draft.

Thaynes

Planning Manager Sintz referred to page 314 of the original General Plan Draft. She commented on a request to define different types of open space and there was a specific reference to the barn that was listed on page 314. Since that discussion took place, the Staff added a new section under the Natural Setting Strategy Section on open space. Planning Manager Sintz noted that this was new information that came out of the discussion, and she asked for comments on the breakdown of open space.

Director Eddington remarked that the Staff worked with COSAC and they looked at some of the old definitions from Summit Land Conservancy. They also looked at the City's definition for different open space from open space documents. The Staff tried to define passive and active open space. He noted that "urban" was a little more focused on what the Planning Commissioner deals with in MPDs, etc. Director Eddington stated that the Staff compiled all the information into a simple format that could serve as a guiding document for passive, active and urban.

Commissioner Hontz referred to page 23 of the Green Section. She thought pools were a good representation of active space, but she questioned whether private pools should be considered the same as public pools. Commissioner Wintzer suggested adding the word "public" in the language to make the distinction. The Commissioners concurred.

Planning Manager Sintz asked if Commissioner Hontz had the same concern with Fields and Courts. Commissioner Hontz thought the word "public" should also be inserted in that language. Planning Manager Sintz suggested revising the language on the previous page under Active Open Space to read, "Active Open Space consists primarily of public recreation facilities. The Commissioners felt that was appropriate because it would specify "public" for all the recreation categories.

Planning Manager Sintz referred to page 318 of the draft copy of the General Plan, and the bullet point that related to their discussion regarding removing co-housing as a housing type.

Director Eddington noted that another modification was the anticipated future conditions map. Initially it just said Future Conditions. The maps were changed to say, Anticipated Conditions. Director Eddington referred to pages 4 and 5 of the new draft and noted that they had left in Natural Conditions. However, they simplified some of the mapping and changed "open space" to "amenities", because it is not always open space when they discuss the amenities.

Commissioner Wintzer referred to page 11 of the new draft and language on the right hand side stating, "The Planning Commission shall consider adopting increased rear yard setbacks." He asked for clarification on where exactly that could occur, or whether it was all the lots. Director Eddington stated that it was talking about a general philosophy for most of the large lots in the Thaynes neighborhood to keep the back side protected. It was a recommendation that the Planning Commission consider looking at that for future LMC changes.

Commissioner Hontz stated that most of her changes were minor and she had clearly identified them on the front page. She pointed out that it was mostly regarding the photos. In the interest of time, she would submit her changes to the Staff following the meeting.

Planning Manager Sintz noted that the task force contacts for Neighborhoods were Commissioners Thomas and Hontz. Since the Planning Commission had decided on a hard stop at 10:00, the Commissioners could submit their changes or questions to their task force representatives if they were not addressed this evening.

Commissioner Wintzer asked to make a general comment on neighborhoods. He noted that in the Resort Center neighborhood the Staff had included plan principles, and he thinks it makes people focus on what those are. He suggested that they consider doing that for all the neighborhoods because the rest drift through the neighborhood without any focus points. Commissioner Wintzer provided examples of plan principles that could be considered for specific neighborhoods. He thought they should try to identify one or two important items for each neighborhood. Commissioner Wintzer had ideas for all the neighborhoods that he would share with the Staff.

Park Meadows

The Planning Commission agreed with the changes made to the Park Meadows Neighborhood as summarized on page 302 of the Staff report.

Bonanza Park and Prospector

Director Eddington commented on a previous discussion about separating these two neighborhoods. He asked if the Commissioners wanted to separate Bonanza Park and Prospector, or whether they wanted the Staff to focus on area plans for this area. He noted that an area plan was done for Bonanza Park and that would be coming back to the Planning Commission early next year when they talk about Form Based Code. The Planning Commission could choose to divide these two neighborhoods or they could recommend that the Staff do a Prospector area plan for everything to the east of the Bonanza Park line that bifurcates Bonanza Park and Prospector.

Director Eddington stated that the idea of having mixed-use connected is ideal because it makes a true neighborhood. The Staff thought it was better to leave them together and do two area plans. However, the Staff would support dividing the two.

Chair Worel believed the residents think of themselves as being separate. She did not think the Prospector residents consider themselves part of Bonanza Park. Commissioner Gross agreed. Commissioner Wintzer thought a primary goal for all the neighborhoods is to protect the existing affordable and attainable housing. If they lump all of Prospector into one neighborhood, it creates a tendency to look at general things that might encourage more growth. Commissioner Wintzer felt it was important to keep the areas that function as middle class housing areas from morphing into second homes or other things where they end up losing what they have. He was concerned that it could take five years to get an area plan, and he was uncomfortable talking about an area plan in the General Plan. Commissioner Wintzer stressed the importance of protecting Fireside and similar areas.

Chair Worel remarked that Bonanza Park and Prospector each have their own unique sense of community. Commissioner Thomas agreed. Director Eddington asked if the majority of the Commissioners favored separating the two. Commissioner Gross thought they should be separated as long as they have neighborhood connection as one of their goals.

Planner Astorga asked if they considered Snow Creek separate or part of Bonanza Park. Commissioner Gross thought it made sense to bring Snow Creek into the mix. Director Eddington pointed out that Snow Creek was actually in Bonanza Park.

Commissioner Wintzer thought pages 24 and 26 of the new draft supported the reason for keeping the two together, because it showed the transportation system going through the entire neighborhood.

City Attorney Mark Harrington suggested that they keep the two together, with the distinction of Sub A and Sub B as previously discussed. Director Eddington stated that establishing plan principles for Bonanza Park was easy, but they would have to establish some plan principles for Prospector. Commissioner Wintzer did not believe the principles would be much different.

Commissioner Thomas remarked that the point is that it should not be homogenized into one large massive zone.

The Staff would modify this neighborhood based on their comments.

Planning Manager Sintz referred to page 303 of the Staff report and the second bullet point, which was to modify the language on page 338 of the General Plan Draft. The new language read, "The City has the responsibility to incentivize local businesses via existing and new economic development tools." The Commissioners were comfortable with the revised language.

Planning Manager Sintz reported that when the Planning Commission used the voting mechanism in the earlier General Plan meetings, there was no consensus for the principle in the old draft page 340, 3.5 – Bonanzas Park and Prospector, "A central hub for public transportation." It was a 50/50 split vote. Commissioner Wintzer recalled that some of the Commissioners needed more information which contributed to the split vote. The question asked if they were interested in a public transportation hub, but it never said what it was connected to, where, etc. Commissioner Wintzer believed all the Commissioners were interested in a transit hub, but if they were not careful, it could be a non-stop to Salt Lake. It needed to be more defined before they could make a decision.

Director Eddington stated that the idea is for some type of transportation hub that would serve initially as Bus Rapid Transit and possibly move to street car and trolley. It would possibly connect Bonanza Park to the Main Street Transit Center. It could potentially have a future connection to Kimball Junction. Planning Manager Sintz understood from the minutes that the concept was whether or not the location was ideal due to perceived development that would occur in that specific neighborhood. Planner Astorga clarified that the question was asked because this District has two major corridors; SR224 and Kearns Avenue.

Commissioner Thomas noted that others have talked about ways to connect Bonanza Park to Main Street and to the Resort and how that component has a relationship with the other parts of the community. He believed there was a big difference between that idea and transit connecting to Kimball Junction or Salt Lake City, which is an entirely different discussion. Commissioner Hontz thought another important question was where to collect the people.

Commissioner Thomas stated that for him the answer was still unknown. Commissioner Hontz concurred. Commissioner Thomas thought the issue required a broader discussion at another time. The Planning Commission thought the language should be to explore a central hub for public transportation. City Attorney Harrington thought they could eliminate the very last phrase of Principle 3.5, because there was enough generality in the rest of the language regarding transportation options.

Planning Manager Sintz asked if the Commissioners would consider changing the bolded language to read, "Explore a central local hub for public transportation." The Commissioners were comfortable with that language. Director Eddington asked if they would consider "throughout Park City and Snyderville Basin." Commissioner Hontz answered no.

Commissioner Wintzer thought they should consider Snyderville Basin because it is the closest big stop from Kimball back into town. Director Eddington recommended that they at least explore it because it has the majority of affordable housing and their work force. Director Eddington offered to draft language that would include possibly connecting Park City to Snyderville Basin. He would remove Salt Lake City from the current language.

Commissioner Thomas stated that one of the things they heard from the consultants was for a better cross section of housing and more affordable and attainable housing within the City limits. If they encourage pushing the transit to Snyderville Basin, it changes that goal. Director Eddington clarified that he was only suggesting that if they were exploring a hub, it could probably go both ways from Bonanza Park. It could go south to Main Street and it could go north to the Canyons or Kimball Junction. He thought they should want that from a regional perspective. Commissioner Thomas believed there would be consequences. One is that affordable and attainable housing component would be pushed further and further out of the community because people could ride mass transit to come into town. Director Eddington remarked that an advantage would be to utilize some of the affordable housing that could be in Bonanza Park to go to a professional job at the junction, as well as connect to Main Street.

City Attorney Harrington separated the infrastructure policy decision from the implementation of connectivity and use. He stated that from a general perspective, the last phrase says nothing other than "especially if". The General Plan is only guidance, and they were talking about infrastructure for a hub that will facilitate connectivity between this area and the resorts. They can decide at a later date whether that should be primarily from an intra-city perspective or interconnected regionally. Mr. Harrington stated that the infrastructure for the vision is increased infrastructure for connectability. How much connectivity to add could be a subsequent policy decision. Mr. Harrington recommended that they separate that from the neighborhood issue and address the connectivity discussion regionally in the regional section.

Commissioner Thomas suggested that they keep it simple and remove the last paragraph without adding anything new. Planning Manager Sintz asked if the Commissioners were comfortable with the language in 3.5, with the exception of the last phrase. Commissioner Hontz noted that they were also adding the word, "Explore a central hub for public transportation." The Commissioners concurred.

Resort Center

Planning Manager Sintz noted that there were clarifications on some of the maps, and the removal of community co-op and community gardens, per previous discussions.

Commissioner Wintzer read the list of planning principles he had written: Protect Prospector single-family housing as primary residence; protect existing affordable and attainable housing in the area; protect entry corridor; protect views from entry corridor; limit nightly rental and timeshare; improve the entry experience into town. The Commissioners concurred.

Old Town

Chair Worel liked the idea of having a new strategy to update the ridgeline map. Director Eddington stated that it was also added as an overall strategy to the Natural Setting section. Commissioner Wintzer was unsure why they listed vantage points for Old Town. He thought it was better to add language, "To limit or discourage development on ridgelines". It should not matter where you see it from. He suggested a map that calls out the ridgelines. Director Eddington clarified that Staff was recommending re-examining the ridgeline map and subsequent Code language. Commissioner Wintzer reiterated that they should eliminate the vantage points and limit or discourage development on the ridgelines. Commissioner Hontz concurred.

Chair Worel was not convinced that vantage points were not important. Commissioner Thomas recalled a concern many years ago about the steep slope criteria and the sensitive lands ordinance. He believed they were expressing the same concern for building on ridgelines. If the General Plan discourages building on ridgelines, it can be explained further and more definitively in each of the neighborhoods.

Masonic Hill

When the Planning Commission voted with keypads in a previous meeting, it was a 50/50 split on whether or not to improve pedestrian connectivity to Old Town. Commissioner Gross asked if the main issue was connectivity across Deer Valley Road. Planning Manager Sintz believed it was the steepness of the grade. Commissioner Hontz thought it was unrealistic to expect that people would walk from homes on the hill down the entire road, across Deer Valley Drive and then somewhere else.

Planning Manager Sintz asked if there was consensus to delete "improve pedestrian connectivity to Old Town." The Commissioners concurred.

Lower Deer Valley, Lower Deer Valley, Quinn's Junction

The only changes were minor graphic modifications. The Commissioners had nothing new to add.

Commissioner Wintzer stated that as they reviewed the neighborhoods he made notes on items where he had questions or comments. He asked if the Staff wanted to discuss those this evening or if he should come into the Planning Department. Director Eddington stated that in the interest of time it would be best if he could meet with Staff in the office. Commissioner Gross noted that he had also made notes for discussion. Director Eddington asked the Commissioners to provide their notes to their task force representatives or schedule time with Staff.

Commissioner Hontz referred to page 113 of the new draft dealing with the EPA. She requested another map or an additional line that identifies the Voluntary Cleanup Program area. Director Eddington stated that they would have to make sure they could get the parcel map overlay to identify property. The Staff could look into it. Commissioner Gross asked if there was potentially

more than one. Commissioner Hontz replied that there would be if someone else was to do soils testing. She noted that as it was presented, it is public information that is readily accessible by anyone with a computer and skill set to type in the State website. She thought it should be included in the General Plan because it is so readily accessible and available to all members of the public.

City Attorney Harrington stated that there was a fundamental difference in the sense that the VCP program evolves and changes rapidly. Therefore, the General Plan would likely be quickly out of date. Mr. Harrington believed there was a public policy difference in terms of incorporating this in the General Plan versus a VCP or something going through the soils ordinance in the City. The true question is imparting notice on things that are governed by either State or Federal law versus making sure the public or prospective buyers are aware of areas impacted by soils.

Commissioner Hontz noted that pages 112-113 basically talked about this area. She agreed that the map referenced something very specific regarding the EPA; however, she believed that there was additional information relevant to this historical contaminated area that was appropriate to add.

Commissioner Wintzer referred to page 212, first column, and noted that it had Items 1 and 2 and then it skipped to Item 5. Director Eddington clarified that there were no missing items, they were just mis-numbered.

Chair Worel clarified that the Commissioners would submit their individual comments to the task force representatives or personally go into the Planning Department to meet with Staff. She asked if there were other comments.

Commissioner Thomas assumed they would eventually review the Introduction section of the General Plan.

Chair Worel opened the public hearing.

Steve Swanson was concerned that this might be the last opportunity for a General Plan review, but he was certain they would need at least one more meeting. Mr. Swanson had comments on Natural Setting, but he believed it crossed over into the neighborhood issues because they live in a natural area. He commented on the wildlife habitat x-crossings and noted that one item that was not mentioned was a study of the local service water system, primarily for the riparian habitat. Mr. Swanson stated that most of the wildlife habitat movement occurs in these areas and he did not believe it was well understood. He speaks to that from a neighborhood standpoint in Holiday Ranch. Holiday Ranch has a surface water system that has inefficiencies, but it also serves the needs of the riparian habitats for wildlife. Mr. Swanson clarified that he was looking at page 7 – City Implementation. Since it mentioned community planning strategies he felt a study of this type could be included.

Mr. Swanson commented on a general quality of life issue in terms of the rise of the intensive service sector industry and the industries that have come up in Park City within the last five to ten years. He would include all types of services that have to do with property management,

high intensity gasoline powered equipment, anything to do with construction, and equipment supplies. Vehicle travel through neighborhoods is an issue that goes to speed and safety. Mr. Swanson noted that a night-sky ordinance was discussed as a strategy and he felt strongly that it should be enacted. He did not believe the City currently has a night sky ordinance. He was told by someone at the City that Park City has a lighting ordinance. Mr. Swanson referenced a specific industry called Bright Nights. He stated that this issue seriously needed to be looked at in the context of neighborhoods and it deserves to have a place in the Plan.

Chair Worel closed the public hearing.

Director Eddington noted that the Introduction was the only section left to discuss. The Planning Commission had reviewed the other sections extensively and made changes. Director Eddington reviewed the outline and structure of the Introduction.

Commissioner Gross asked about the Triple Bottom Line. Director Eddington stated that in 2007 the United Nations adopted a Triple Bottom Line philosophy and recommended that communities use it as a concept. Currently 1200 communities in 84 countries are using it as a concept. Director Eddington stated that Park City used the concept as a basis for visioning and the four core values were built off of the Triple Bottom Line. It was mentioned in the Introduction so people would know where it came from and what it was about. The idea behind it is that instead of just balancing the budget with revenue and expense, you are supposed to take into account social and environmental equity and the types of projects that focus on those.

Commissioner Thomas asked how you would measure the impacts to people and the environment in terms of dollars. Director Eddington replied that it would be measured through the core values because that was the fundamental basis. It is a hard measure that has started to go more qualitative than quantitative, but that was the challenge moving forward. It is much more difficult than working with straight up revenues.

Commissioner Thomas felt the Introduction was an important piece of the General Plan and it needed further discussion. Commissioner Wintzer agreed. He thought they should have started the General Plan review with the Introduction rather than end with it. Chair Worel suggested that they start with the Introduction at the next meeting. Commissioner Thomas thought it should be noticed to make sure that the public is involved in this part of the process. He thought the philosophy of the Triple Bottom Line needed to be discussed in detail, and the discussion should include who supported it and what were the strengths and weaknesses. Director Eddington stated that it was only included as background information because it helped create the four core values.

Commissioner Thomas stated that the core value came from the community, but the Triple Bottom Line did not. Director Eddington replied that the core values had a basis in Triple Bottom Line. There is some correlation but it is more of a planning philosophy and they should definitely talk about it.

The Park City Planning Commission meeting adjourned at 10:00 p.m.

Approved by Planning Commission: _____

DRAFT

REGULAR AGENDA

Planning Commission Staff Report



Author: Anya Grahn
Subject: Park City Library and Education Center (Carl Winter's School)
Project #: PL-13-02085
Date: November 20, 2013
Type of Item: Administrative – Master Planned Development

Summary Recommendations:

Staff recommends the Planning Commission open a public hearing and discuss the proposal for the Park City Library and Education Center Master Planned Development and Conditional Use Permit based on the findings of fact, conclusions of law, and conditions of approval included in this report for the Commission's consideration.

Topic:

Applicant: Park City Municipal Corporation (represented by Matt Twombly)
Location: 1255 Park Avenue
Zoning: Recreation Commercial (RC)
Adjacent Land Uses: Recreation Open Space (ROS) and Single Family (SF)
Reason for Review: Master Planned Developments require Planning Commission review and approval

Background:

On October 23, 2013, the City received a complete application for a Master Planned Development (MPD) for a 2,400 square foot addition to the Carl Winters School Building. This application is to modify and amend the existing 1992 Master Planned Development (MPD) for the Carl Winters Building. The MPD is located at 1255 Park Avenue in the Lower Park Avenue (LoPA) neighborhood. The structure is zoned Recreation Commercial (RC), but the adjacent park to the north is zoned Recreation Open Space (ROS).

Previous MPDs were approved for this site in 1989 and 1992. The purpose of the 1989 MPD was to rehabilitate the dilapidated 1926-27 Carl Winters School as a cultural center that would be enhanced with associated lodging facilities. Partnered with Northwest Investment, the City planned to develop a school featuring classrooms, auditorium, ballroom, and support commercial as well as an adjacent hotel. By 1992, the partnership with the developer had dissolved and the City elected to move the Park City Library into the Carl Winters Building. In addition to outlining the necessary restoration needed to accommodate the new use, Conditions of Approval also included:

- The restoration of the school building in compliance with the Secretary of the Interior's Standards for Rehabilitation and nomination of the historic building for listing on the National Register of Historic Places.

- The uses shall include the Park City Library, leasable space, and a theatre with a maximum seating capacity of 520 seats.
- 92 permanent parking spaces shall be provided on site.
- City council shall consider at least the temporary improvement of the South End of City Park, consistent with the Parks Master Plan to accommodate 51 parking spaces.
- A final site and landscape plan shall be submitted and approved by the Community Development Staff which shall emphasize screening of the proposed parking with special attention to buffering the parking and uses from the adjacent residential uses.
- The permitted uses for the “leasable space” shall include public, quasi-public, and educational uses.
- Provisions shall be made on site for truck access and loading facilities.
- Pedestrian circulation plan shall be improved and installed which includes pedestrian connections through the Site from Norfolk to Park Avenue.
- Existing overhead utilities on and adjacent to the site shall be placed underground.
- A sign plan shall be reviewed and approved.
- Other conditions of approval are outlined in Exhibit B.

Changes to an MPD, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire Master Plan and Development Agreement by the Planning Commission. When the modifications are determined to be substantive, the project will be required to go through the MPD-Application public hearing and determination of compliance.

Due to the need to accommodate the expanding needs of the library and community, the applicant is proposing renovating the existing building and putting on a new addition to the historic Carl Winters School. A new addition with a footprint 2,400 square foot to the north elevation of the library is proposed, as well as significant changes to the existing 1992 addition in order to create a comprehensive design. The new addition will provide additional space for the expanding Park City Library. Within the existing structure, the third floor will be remodeled as a temporary home for the Senior Center while still accommodating the Pre-School and Park City Film Series. In an effort to meet the growing demands for a twenty-first century library, the architects propose to also create a café within the new addition as well as a vehicular book drop adjacent to the loading area off of Norfolk Avenue. In addition, the rehabilitation of the library will guarantee its continued use for master festivals, most importantly the annual Sundance Film Festival.

A requirement for any Master Planned Development (MPD) is a pre-application public meeting and determination of initial compliance with the General Plan (LMC 15-6-4(B)). On September 25, 2013, the Planning Commission held a pre-application public hearing for the Park City Library and Education Center and found the conceptual plans in initial compliance with the General Plan (Exhibit B).

The applicant provided an introduction to the building design at the September 25, 2013 Planning Commission Work Session Minutes from the September 25, 2013, are attached, and a summary of the Commissioner's comments are as follows:

- The Planning Commission requested a parking study that addresses:
- Number of parking spaces required for each use and discussion of how complementary uses can reduce the need for parking spaces
- Identify staff parking demands at overflow parking lot at Mawhinney Parking, directly east of the Library parking lot
- Parking demands/requirements at different busy times of the day
- Number of parking spaces that could be provided if book drop was not constructed
- Transportation linkages between the residences of library patrons and the library
- Number of reserved spaces existing at the Library for neighboring residences
- Identify the number of spaces to be lost
- Show an aerial map that clearly shows the parking immediate adjacent to the Library as well as crosswalks, etc.
- Commissioners requested that the applicants (the City) consider street improvements that would enhance and make accessibility to the Mawhinney safer.
- Commissioners also asked that the submitted parking study/aerial map be amended to show the distance of existing parking lots from the Park City Library and Education Center.
- The Planning Commission also required hourly restrictions for the outdoor patio/rooftop spaces to prevent negative impacts on the residential neighborhood along Norfolk Avenue.
- Commissioners also requested a landscape plan that included additional plantings along Norfolk Avenue.
- Lastly, the Planning Commission asked that a study was conducted and shared outlining the possible locations of the book drop and why the proposed location was selected. The study should also include the amount of traffic generated on Norfolk Avenue by the book drop.

In response to above, the applicants have worked to address the concerns and issues raised by the Planning Commission during the September 25, 2013, meeting. The applicant has commissioned a parking study by InterPlan to gain a better understanding of parking and transportation demands in the Library neighborhood. They have also worked with tenants to create acceptable hours of usage for the rooftop decks adjacent to Norfolk Avenue, in order to mitigate adverse effects on the residential neighborhood. A study on the proposed location of the book drop has also been submitted. These topics are addressed more specifically in Staff's analysis below.

Analysis

The library structure is located in the Recreation Commercial (RC) district. The purpose of this district is to:

- (A) Allow for the development of hotel and convention accommodations in close proximity to major recreation facilities,
- (B) Allow for resort-related transient housing with appropriate supporting commercial and service activities,
- (C) Encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- (D) Limit new Development on visible hillsides and sensitive view Areas,
- (E) Provide opportunities for variation in architectural design and housing types,
- (F) Promote pedestrian connections within Developments and to adjacent Areas,
- (G) Minimize architectural impacts of the automobile,
- (H) Promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,
- (I) Promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and
- (J) Promote the preservation and rehabilitation of Historic Buildings.

Adjacent to the library, the dog park and open space has been zoned Recreation Open Space. The purpose of this district is to:

- (A) establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets, and parking lots,
- (B) permit recreational Uses and preserve recreational Open Space land,
- (C) encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- (D) preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests,
- (E) encourage sustainability, conservation, and renewable energy.

Together, these two (2) districts encourage the preservation of historic structures and traditional architectural design, encourage open space conservation, and support the resort-related functions of the Lower Park Avenue neighborhood.

The current Carl Winters School building is 48,721 square feet and is located on a 3.56 acre property consisting of several Old Town lots and parcels. The applicant proposes to construct an addition with a footprint of 2,400 square foot in order to provide additional space for the Park City Library as well as meet the demands of a Twenty-first Century library.

The new addition will be located along the north elevation of the historic structure. In order to create a comprehensive design, the height of the 1992 addition will be reduced to two (2) stories in order to reveal the cornice of the landmark structure. Along the north elevation, the structure will be one (1) story in height. The total square footage of the building upon completion will be 19,519 square feet.

The minimum setbacks around the exterior boundary of an MPD shall be twenty-five feet (25') for parcels greater than one (1) acre in size. Though it is legal noncomplying,

the 1992 addition encroaches into the Norfolk Avenue right-of-way and has a zero lot line along 12th Street—both of these exceptions were granted by the 1992 MPD. The proposed project requests a Planning Commission approval for a reduced setback of ten feet (10') for the new addition, which extends along Norfolk Avenue.

Staff finds that there is good reason for this setback reduction as the RC District requires only a fifteen foot (15') rear yard setback. Similarly, the Historic Residential (HR-1) District directly south of the Library also requires a minimum fifteen foot (15') front and rear setbacks for lots with a depth over 100 feet, with a total setback of thirty feet (30'). The Library currently has a zero foot (0') setback along Norfolk Avenue, but a front yard setback of 138 feet. Though typically the portion of the property along Norfolk Avenue would be considered a front yard, the lack of entrances and character-defining features of the structure's architecture do not provide a second façade along Norfolk, but rather a rear building elevation. The Planning Director has found that Norfolk Avenue should be a rear yard in order to emphasize Park Avenue as the façade. Moreover, ten feet (10') is an acceptable offset for a new addition to a historic structure, providing greater differentiation between the old and the new.

Does the Planning Commission agree that Norfolk Avenue should be identified as a rear yard?

The following conditions exist or are proposed for this site:

	Code Requirement	Existing	Proposed
Setbacks:	MPDs require 25 ft. around the perimeter of the site. May be reduced to zone or adjacent zone setbacks.		
Front (Park Ave.)	15 ft.	225 ft.	225 ft.
North (13 th St.)	10 ft.	397 ft.	360 ft.
South (12 th St.)	10 ft.	0 ft. valid non-complying (historic)	0 ft valid non-complying (historic).
Rear (Norfolk Ave.)	15 ft.	< 0 ft. (1992 MPD approved). The building encroaches over the property lines and into the Norfolk Avenue right-of-way.	<0 feet (1992 MPD approved existing addition and historic structure) 10 ft. (new addition only)
Height	35 ft. (3 stories)	35 ft. (3 stories)	35 ft. (3 stories on existing historic building) Less than 35 ft. (2 stories)

Open Space	60% Open Space	149,080 SF (89%)	146,732 SF (88.2%)
Parking	MPD as determined by Planning Commission based on proposed uses.	98	86

In addition, a plat amendment will be necessary. Currently, the library property contains:

- the north half of lot 5, all of Lots 6 through 12, inclusive,
- the south half of Lot 13, and all of Lots 23 through 44, inclusive, of Block 6 of the Snyders Addition to the Park City survey.
- All of Lots 1 through 44 of Block 7 of the Snyders Addition to the Park City Survey.
- The area of land that is the Vacated Woodside Avenue

A street vacation of the vacated Woodside Avenue will be heard by City Council in early December. This street vacation is necessary in order for that parcel to be incorporated into the larger plat amendment. The Planning Commission shall review the plat amendment for the 1255 Park Avenue Carl Winters Subdivision at the December 11 meeting.

Master Plan Development Review

In accordance with Section 15-6-5 of the Land Management Code, all Master Planned Developments shall contain the following minimum requirements:

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

Complies. The maximum Floor Area Ratio is one (1.0), not including underground Parking Structures for the RC District. The existing structure has a floor area ratio of .29. Once complete, the building will have a FAR of .31.

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

Not applicable.

(C) SETBACKS. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum

Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

Planning Commission reduction to setbacks requested. As previously outlined, the applicants are requesting the Planning Commission to grant a setback reduction along the east property line, Norfolk Avenue, from twenty-five feet (25') to ten feet (10'). Staff finds that there is good reason for this setback reduction as the RC District requires only a fifteen foot (15') rear yard setback and the proposed setback provides architectural interest and variation.

(D) OPEN SPACE. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

(1) **MINIMUM REQUIREMENT.** All MPDs shall contain a minimum of sixty percent (60%) open space. The Planning Commission shall designate the preferable type and mix of open space for each MPD.

Complies. As existing, the Carl Winters School property has approximately eighty-nine percent (89%) open space. With the new addition and site improvements, the total open space will be approximately eighty-eight percent (88%).

(2) **TYPE OF OPEN SPACE.** The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit.

Complies. In order to improve the entry sequence between the Park Avenue bus stop and the entrance of the Library, the applicants are proposing to develop a landscaped walkway and increased green space that will reduce the number of parking stalls available by nineteen (19). In addition, a 1,890 square foot terrace will be constructed along the north elevation of the new addition for additional library usage as well as a community gathering place. As previously noted, these changes will decrease the open space by 0.08%.

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

Discussion Requested. The changes to the Library site are expected to increase demand for parking; however, InterPlan also noted that Park City is exceptional in its

use of non-automobile travel (see Exhibit D). During the study conducted on Wednesday, October 9, 2013, InterPlan found that twenty-five percent (25%) of library patrons traveled to the library by foot, bicycle, or bus. Sixty-seven percent (67%) of dog park users traveled to the site using non-automobile travel; those that did drive their personal vehicles parked along 13th Street.

The study analyzed complementary parking uses, and found that the greatest parking demands occurred on weekdays and evenings. The maximum peak daily parking volume was found to be 43 vehicles, or 43.8% of the parking lot. InterPlan concluded that a similar parking period when it wasn't "low season" could generate as many 63 vehicles, or 64.2% of the parking lot. The Santy Auditorium was largest single parking demand generator. Though the demand at the Auditorium generally exceeds capacity during film showings, the overflow parking can be accommodated at Mawhinney and other nearby lots.

Staff parking is currently located in the parking area and loading zone on Norfolk Avenue. This parking area is primarily used by full-time Library staff. Staff have agreed to park off-site at the Mawhinney lot in order to accommodate the book drop. Off-site parking, as noted by the study, is necessary in order to ensure daytime peak parking demands remain below capacity at the Library lot.

The study also considered the impacts of the book drop. The analysis found that the highest number of vehicle book drops at the proposed book drop on Norfolk Avenue would be 192 per week based on the open hours (56 hours/week). This equates to 3 trips per hour. Field observations also found that the existing book drop was utilized six (6) times over a four (4) hour period. During the Pre-MPD hearing, the applicants discussed that the book drop area would also be used for deliveries. Due to the dimensions of the book drop area, vehicles using the book drop would likely have to complete a three-point turn in order to drive to the book drop and back onto Norfolk Avenue. InterPlan found that the book drop alone would not noticeably impact traffic on Norfolk Avenue, 12th Street, or 13th Street. The shared uses of this area and the demand for the book drop could cause congestion at the Norfolk Avenue entrance.

At this time, the City Engineer does not support a book drop located off of Norfolk Avenue in its current configuration. The mouth of the driveway is proposed to measure approximately thirty-five feet (35'), which exceeds the Land Management Code requirement that driveway widths not exceed thirty feet (30') for commercial driveways requiring four (4) or fewer parking spaces. This location is used for additional snow storage in the winter, reducing the size of the delivery and book drop space further. The City Engineer finds that as proposed the three-point turn necessary to access the book drop is a safety issue that should be resolved by extending the driveway to create a circular turnaround. This would improve safety and the functionality of the book drop.

The InterPlan study also recognized the importance of the Park Avenue pedestrian crosswalk. If overflow parking demands increase at the Mawhinney Lot, there may be greater numbers of pedestrians crossing Park Avenue in order to access the Library

Site. The study found that the peak time for pedestrian crossing, however, did not correlate to the peak time for traffic congestion on Park Avenue.

Currently, staff finds that the improvements to the site, including if a café is put in (and receives a conditional use permit), shall not generate a substantial increase in pedestrian traffic that warrants pedestrian improvements along Park Avenue. As outlined by the InterPlan study, the greatest peak in pedestrian traffic occurs during Sundance and the Park City Film Series. The City Engineer further supports staffs' findings and does not find that improvements are necessary. If safety should become a concern in the future due to increased pedestrian traffic, this issue can be readdressed at that time.

Overall, InterPlan found that parking at the library is derived from a variety of sources that range from Library and tenant uses to Park City Mountain Resort patrons and employees. InterPlan found that in the unlikely event that all of the building's uses peak at the same time, 87 spaces will be required. A reduction of ten (10) parking spaces, leaving 88 spaces, is the only scenario capable of accommodating peak parking demand.

Staff, supports the study finding that the proposed 88 parking spots is reasonable given the shared uses of the Carl Winters School. The limited availability of parking and accessibility of public transportation will encourage greater use of the Park City transit system. Furthermore, overflow parking is available directly east of the library at the Mawhinney Parking Lot. Staff does not find that introduction of the proposed café will have a significant impact on parking. At approximately 315 square feet, the café will more likely be used for those on the go than those who spend significant time at the café. As outlined by InterPlan, the Sundance Film Series and the Park City Film Series screenings will always dwarf supply and these events need to be addressed on a citywide basis. Further consideration of time limited parking and reserved parking for building users may be necessary to ensure that the parking is reserved for its visitors and the demand is not increased due to Park City Mountain Resort employee and visitor parking. Furthermore, Condition of Approval #18 states that An internal parking review will occur one year after Certificate of Occupancy (or the facility is fully operational) to analyze parking load and demand.

Does the Planning Commission find that the removal of ten (10) parking spaces in order to create an improved pedestrian entry sequence is justified? Does the Planning Commission find that 88 parking spaces is an acceptable number?

(F) BUILDING HEIGHT. The Building Height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts.

Not applicable. Height exception not requested.

(G) SITE PLANNING. An MPD shall be designed to take into consideration the

characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be - addressed in the Site planning for an MPD:

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

Complies. The 1926-27 structure was constructed on the corner of Norfolk Avenue and 12th Avenue. The 1992 and 2014 additions wrap the building, preserving a greater amount of open space. The new addition will result in the loss of several trees; however, landscape plans propose to develop a more comprehensive pedestrian entrance from Park Avenue while enhancing the existing landscaping.

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

Complies. Grading will be minimized and no new retaining structures will be constructed. The existing retaining wall along Norfolk Avenue will be retained.

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

Complies. Existing utilities will be expanded, as necessary, to service the site.

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

Not applicable. No trails currently exist and no new trails are proposed.

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

Discussion Requested. The new entry sequence will improve circulation from the Mawhinney Parking Lot and Park Avenue bus stop into the Library. The entry sequence will enhance pedestrian safety, providing a clear route across the parking lot to the entrance.

At the same time, however, the relocation of the book drop from the pedestrian-oriented sidewalk to the rear of the building along Norfolk Avenue may cause additional traffic at the Norfolk entrance. As previously described, vehicular access to the book drop will require a three (3)-point turn that could lead to congestion as book drop users wait to enter the Norfolk driveway. Further circulation issues could arise as this area is also shared with deliveries and trash

collection. Though InterPlan does not predict the book drop alone will significantly increase traffic on Norfolk Avenue, 12th Street, and 13th Street, the accessibility of the book drop could lead to ingress and egress issues at the Norfolk entrance. As previously noted, the City Engineer does not support the proposed configuration of this book drop. An improved turnaround area would provide greater safety and improve the functionality of the book drop.

Does the Planning Commission support the location and functionality of the book drop?

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

Complies. The additional landscaped area and substantial amount of open space allows for snow storage near the parking lot and proposed book drop drive-up area. Traditionally, the storage of snow near the proposed book drop area will be a safety issue because of the reduced visibility caused by the snow being stored in the drive's site triangles.

(7) It is important to plan for trash storage and collection and recycling facilities. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

No final site plan for a commercial development or multi-family residential development shall be approved unless there is a mandatory recycling program put into effect which may include Recycling Facilities for the project.

Single family residential development shall include a mandatory recycling program put into effect including curb side recycling but may also provide Recycling Facilities.

The recycling facilities shall be identified on the final site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such project. Such recycling facilities shall include, but are not necessarily limited to glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials.

Locations for proposed centralized trash and recycling collection facilities shall be shown on the site plan drawings. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.

Centralized garbage and recycling collection containers shall be located in a completely enclosed structure, designed with materials that are compatible with the principal building(s) in the development, including a pedestrian door on the structure and a truck door/gate. The structure's design, construction, and

materials shall be substantial e.g. of masonry, steel, or other materials approved by the Planning Department capable of sustaining active use by residents and trash/recycle haulers.

The structures shall be large enough to accommodate a garbage container and at least two recycling containers to provide for the option of dual-stream recycling. A conceptual design of the structure shall be submitted with the site plan drawings.

Discussion Requested. As noted in the site plan, trash and recycling will be located at the southwest corner of the service/loading dock along Norfolk Avenue, a residential neighborhood. These facilities shall be enclosed and accessible to library users and guests. In addition, a mandatory recycling program shall be put into effect that includes curbside recycling. These are outlined in Condition of Approvals 7. Currently, trash is stored at the end of the service drive on Norfolk Avenue.

Does the Planning Commission agree with the proposed trash and recycling area? Does the Planning Commission find that it will have an adverse impact on the adjacent residential neighbor along Norfolk Avenue?

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable. **Complies.** A number of ADA parking stalls and crosswalks provide drop-off areas for van and shuttle services. Moreover, the Park Avenue bus stop provides an additional drop-off area for public transit.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

Discussion Requested. Service and delivery Access will continue to be provided at the rear of the site along Norfolk Avenue. Though this area is proposed to house the drive-up book drop, it will continue to function for this purpose. The Library and other tenants receive minimal deliveries and can share this area with the book drop.

Does the Planning Commission find that the proposed location of the service and delivery access is acceptable? Does the Planning Commission find that it will negatively impact the Norfolk neighborhood? Does the Commission believe this area can be successfully shared with the proposed book drop?

(H) LANDSCAPE AND STREETScape. A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5(M) LANDSCAPING.

All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

Complies. A preliminary landscape plan includes native and drought tolerant plant materials. The existing dog park to the north of the Library will remain; however, 1,891 square feet of the area will be converted to a paved terrace. Additional green space will be created surrounding the Park Avenue bus stop. Additionally, a landscaped entry sequence from the Park Avenue bus stop to the Library entrance is proposed. Any necessary exterior lighting will be required to meet the City lighting standards.

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

Not Applicable. The site is not within the Sensitive Areas Overlay Zone.

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

Complies. The MPD, as submitted, is exempt from the requirements of Housing Resolution 20-07 as outlined in Section E Redevelopment: Additions and Conversions of Use in that the remodeling does not create additional employment generation. The applicant has submitted a letter confirming that there is no net increase in employees.

(K) CHILD CARE. A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care. **Not Applicable.** The remodel will not create additional demands for Child Care as this is not a new single or multi-family housing project.

(L) MINE HAZARDS. All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.

Not applicable. This is not a mine property.

(M) HISTORIC MINE WASTE MITIGATION. For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven.

Not applicable. The property is not in the Soils District and soil remediation will not be necessary.

Conditional Use Permit Review

Per the Recreation Commercial (RC) District, a Café or Deli is a Conditional Use with sub-note #8: As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development. A MPD can only contain Uses, which are Permitted or Conditioned, in the zone in which it is located.

As part of the new addition, the applicant is proposing a new 315 square foot café at the rear of the library building. The square footage of this café will include counter space as

well as a back of house area reserved for cafe use. The café will be adjacent to the library and gallery entry space, and 185 square feet of this lobby area will house small tables and chairs that support the café but will also be used by library patrons. Additional seating will be provided for building users and café patrons on the outdoor patio area. This outdoor seating area will be approximately 1,891 square feet in area, and the applicants propose that twenty-five percent (25%) of the area will be used by café patrons. An Administrative Conditional Use Permit (Admin-CUP) will be necessary for any outdoor dining use.

The analysis below details the proposed café:

How will the proposed use “fit-in” with surrounding uses?

Complies. The café will allow the library to compete as a Twenty-first Century Library. The 315 square foot café will be located within the library and serve to building users. Though it will take advantage of the new entrance by providing additional seating along the north elevation and adjacent patio space, the café will not have a competing presence with the library and other tenants. The applicant does not propose for the café to compete with other existing coffee businesses in Park City, but rather serve library patrons, filmgoers, special events attendees, and other building users.

What type of service will it provide to Park City?

Complies. The café will provide a much demanded amenity to the Lower Park Avenue (LoPA) neighborhood, by serving refreshments to library users, Park City Film Series attendees, Santy auditorium users, and neighborhood residents, Currently, only 7-Eleven provides concessions in this area.

Is the proposed use consistent with the current zoning district and with the General Plan?

Complies. The current zoning district permits the use of a café as a conditional use. This café will provide an additional pedestrian destination between the resort center and the surrounding neighborhood. More importantly, however, the café use will create a Twenty-first Century Library that supports to the goals of the General Plan by maintaining the high quality of public support and services, It also encourages the rehabilitation and use of the City’s historic structures.

Is the proposed use similar or compatible with other uses in the same area?

Discussion requested. While the café will complement the existing uses of the Library, there are not similar businesses in this neighborhood. Currently only 7-Eleven exists to provide concessions outside of the resort center and Main Street district. Does the Planning Commission find that the café use is compatible with other uses in the same area?

Is the proposed use suitable for the proposed site?

Complies. As previously described the applicant is proposing the café in order to meet the demands of a Twenty-first century library. An amenity such as this contributes to the library as a community center, encourages café patrons to explore the library, and provides respite to moviegoers.

Will the proposed use emit noise, glare dust, pollutants, and odor?

Discussion Requested. The proposed use will generate greater trash and recyclables than the previous uses. Does the Planning Commission find that the proposed trash storage and collection and recycling facilities are adequate to accommodate this increased demand?

What will be the hour of operation and how many people will be employed?

Discussion requested. The applicant anticipates that the hours of operation will be reflect the hours that the building is currently open. For the library, these hours are approximately from 10am to 9pm Monday through Thursday, 10am to 6pm on Friday and Saturday, and 1pm to 5pm on Sunday. The café would also be open when the building is open or in use.

At this time, management and ownership have yet to be determined. This is an issue that will be further discussed with City Council during the construction of the facility. The number of employees would be expected to be at least one (1) at any given time. Nevertheless, additional employees may be needed during special events. During such times, parking mitigation for both patrons and employees will be mitigated for.

The cafe is not expected to create greater parking demands. As noted in the InterPlan report, the LMC requires the café to have a minimum of one (1) parking space due to its size of approximately 315 square feet. The InterPlan analysis predicted that during peak demand, the café would only require three (3) parking spaces. Staff finds that there will not be competing parking demands as the café peak hours, likely mornings and evenings, will not be the same peak hours for the library, preschool, and Park City Film Series.

Are other special issues that need to be mitigated?

Discussion Requested. Has the Planning Commission identified any other special issues that need to be mitigated?

Department Review:

The project has been reviewed by the Planning, Building, Engineering and Legal departments as well as the utility providers. Issues raised during the review process have been adequately mitigated in the proposed plans or by conditions of approval.

Public Notice:

The property has not been posted and notice has not been mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

Alternatives:

The Planning Commission may approve the MPD for the Park City Library and Education Center as conditioned and/or amended; orThe Planning Commission may deny the MPD and direct staff to make findings of fact to support this decision; orThe Planning Commission may continue the discussion and request additional information on specific items.

Future Process:

Following this hearing, the applicant will be addressing and resolving any issues brought up by the Planning Commission at the December 11, 2013 Planning Commission meeting. At that time, staff will recommend that the Planning Commission open a public hearing, discuss the proposal, and approve the amendments to the Park City Library and Education Center Master Planned Development.

Approval of the Master Planned Development is required for the project to move forward. Approval of this application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Recommendation:

Staff recommends the Planning Commission open a public hearing and discuss the proposal of the Park City Library and Education Center Master Planned Development based on the findings of fact, conclusions of law, and conditions of approval included in this report for the Commission's consideration.

Findings of Fact:

1. The application for the MPD was received on October 3, 2013. The application was deemed complete on October 22, 2013.
2. The Carl Winters building is a historic building designated as a "Landmark" on the Historic Sites Inventory (HSI).
3. The Park City Library and Education Center (Carl Winter's School Building) is located at 1255 Park Avenue. The property consists of the north half of Lot 5, all of Lots 6 through 12, the south half of Lot 13 and all of Lots 23 through 44 of Block 6 of the Snyders Addition as well as Lots 1 through 44 of Block 7 and the vacated Woodside Avenue. Upon recordation of the plat application submitted on June 14, 2013, the property will be known as the Carl Winters School Subdivision and is 3.56 acres in size.
4. City Council will vacate the portion of Woodside contained on the Library property. The Planning Commission will hear the plat amendment for 1255 Park Avenue Carl Winters Subdivision on December 11, 2013.
5. There is a Master Planned Development from 1992 for the property; however, the changes purposed to the concept and density justify review of the entire master plan and development agreement by the Planning Commission. The library footprint will be expanded by approximately 2,400 square feet.. A new terrace will also be created on the north elevation of the structure, adjacent to the park. In addition to these community gathering spaces, the library will temporarily house the Park City Senior Center.
6. The Park City Library contains approximately 48,721 square feet and was originally approved through two (2) MPDs in 1990 and 1992, as well as a Conditional Use Permit in 1992 to permit a Public and Quasi-Public Institution, the library.
7. Access is from Park Avenue, with a secondary entrance along 12th Street.
8. The proposed facility open space is 70% and includes a landscaped entry sequence from the Park Avenue bus stop to the Library entrance.

9. The total proposed building footprint is 19,519 square feet and gross square footage is 52,151.
10. The property is in the Recreation Commercial (RC) and Recreation Open Space (ROS) Districts—the structure is located in the RC District, whereas the open space to the north of the structure is in the ROS District.
11. This property is subject to the Carl Winters School Subdivision plat and any conditions of approval of that plat.
12. The existing Park City Library and Education Center contains 92 parking spaces.
13. A reduction in parking is requested at 88 parking spaces.
14. Setbacks within the Recreation Commercial (RC) District are fifteen feet (15') in the front, fifteen feet (15') in the rear, and ten feet (10') on the sides. The MPD requires twenty-five (25') foot setbacks from all sides. The applicants have requested a setback reduction to ten feet (10') along the rear (west) yard.
15. The *Analysis* section of this staff report is incorporated herein.
16. A315 s.f. interior Café is proposed. A Café is a Conditional Use in the RC District and is a support Use to the primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development. The café will meet the goals of the General Plan as well as provide a much needed amenity to the site's users and neighborhood residents. Moreover, the café is not expected to create additional parking demands on the site. The hours of operation will be Xam to Xpm, and it will employ X employees.

Conclusions of Law:

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD is not subject to the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and lease visually obtrusive portions of the Site.
10. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections by the location on a proposed bus route. Bicycle parking racks will be provided.
11. The MPD has been noticed and public hearing held in accordance with this Code.
12. Do we need to add items for the CUP for Café here?

Conditions of Approval:

1. All standard conditions of approval apply to this MPD.
2. All applicable conditions of approval of the Carl Winters School Subdivision shall apply to this MPD.
3. The Carl Winters School will be restored according to the Secretary of the Interior's Standards for Rehabilitation and the structure will be listed on the National Register of Historic Places. A Historic District Design review and approval will be required prior to building permit submittal.
4. A final water efficient landscape and irrigation plan that indicates snow storage areas and native drought tolerant plant materials appropriate to this area, is required prior to building permit issuance.
5. All exterior lights must conform to the City lighting ordinance and included in the Historic District Design review.. Parking lot and security lighting shall be minimal and approved by Planning Staff prior to issuance of a certificate of occupancy.
6. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
7. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. Recycling facilities will accommodate materials generated by the tenants, users, operators, or owners of the project and shall include, but are not limited to glass, plastic, paper, cans, cardboard, or other household or commercially generated recyclable and scrap materials. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.
8. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details exhibits and photos reviewed by the Planning Commission on November 20, 2013, and shall be approved by staff at Historic District Design Review application. Materials shall not be reflective and colors shall be warm, earth tones that blend with the natural colors of the area.
9. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on November 20, 2013. The Historic District Design Review application will also be reflective of the drawings reviewed by this Planning Commission on November 20, 2013.
10. The City Engineer prior to Building Permit issuance must approve utility, storm water systems and grading plans, including all public improvements.
11. Staff must approve the Construction Mitigation Plan to issuance of any building permits and shall include appropriate contact information as required. Signs posted on site will indicate emergency contacts.
12. Lay down and staging will be restricted to existing parking lots and disturbed construction area. Applicant will minimize placement adjacent to housing units as much as possible.

13. Transportation of labor to and from the job site from an offsite parking location shall be a condition of the construction contract. Onsite parking shall be restricted to those authorized and controlled by the project superintendent in coordination with Recreation Center officials.
14. The applicant will notify all affected property owners within 300 feet prior to construction commencing of conditioned work hours, contact information and general project description.
15. A limit of disturbance area will be identified during the building permit review.
16. The applicant shall submit a total employee count at time of building permit. Prior to Certificate of Occupancy the applicant shall provide verification that the employee count has not increased. Should there be an increase in the total employee count the applicant shall be subject to the terms and conditions of Housing Resolution 20-07; Section E Redevelopment.
17. An internal parking review will occur one year after Certificate of Occupancy (or the facility is fully operational) to analyze parking load and demand.
18. The Mawhinney Parking Lot shall be used as overflow parking. At no time in the future shall this parking area be converted to affordable housing use or any other use without modifying this MPD.
19. The Café Conditional Use shall only operate in conjunction with standard Library hours of Operation, Film Series operation or as approved under a Master Festival License or Special Event. The width of the mouth of the driveway on Norfolk Avenue shall not exceed thirty feet (30').

Exhibits:

Exhibit A- Planning Commission Work Session minutes, 9.26.13

Exhibit B- Planning Commission Regular Session minutes (Pre-MPD), 9.26.13

Exhibit C- Updated MPD Design Drawings

Exhibit D- InterPlan Transportation Study

Exhibit E- Parking Area Analysis

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
SEPTEMBER 25, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Thomas Eddington, Kayla Sintz, Anya Grahn, Francisco Astorga, Polly Samuels McLean.

WORK SESSION ITEMS

**1255 Park Avenue – Park City Library Discussion of Possible Amendment to MPD.
(Application PL-13-01992)**

Commissioner Wintzer disclosed that in 2004 he worked on the building at 1255 Park Avenue as the contractor. He did not believe that would affect his decision on this MPD.

Planner Anya Grahn reported that Park City Municipal is the applicant, represented by Matt Twombly. The Architect, Kevin Blaylock and Steve Brown, a consultant to the City on the Lower Park Avenue Master Plan, was also in attendance.

Planner Grahn provided a brief background on the Library. She noted that this application was the second MPD on the site. The first MPD was in 1989, at which time the goal was to create a cultural center with lodging and a convention center at the Carl Winters School. By 1992 the City's relationship with the developer had dissolved and the City abandoned the idea of a cultural center and decided to move the Library into the Carl Winters building. The building was rehabilitated to create space for the Library, as well as leasable space, and to be used as a theatre.

Planner Grahn stated that in 1992 the conditions of approval for the Library also addressed creating 92 permanent parking spaces on site, improving the Mawhinney parking lot at the south side of City Park to accommodate overflow parking, and setback exceptions along 12th Street where the historic building has a zero foot setback, as well as on Norfolk to accommodate the new 1992 addition.

Planner Grahn remarked that in the RC or ROS District all new public or quasi-public projects greater than 10,000 square feet in gross floor area are subject to an MPD process. She clarified that in this case the request is for an amendment to the MPD. During the regular meeting this evening, the Planning Commission would be reviewing the Pre-MPD application for compliance with the General Plan. The purpose of this work session was to hear feedback from the Commissioners on the proposal in general.

Planner Grahn noted that the applicants had prepared a power point presentation and they were requesting input on items that were outlined in the Staff report. They were asking for a setback reduction along Norfolk Avenue from 25' to 10'. Planner Grahn pointed out that the Staff report indicates 15' back from Norfolk; however the second story would be 10' and there would be an overhang. Planner Grahn stated that Norfolk Avenue is the rear of the building. The front façade is more on Park Avenue. An entrance is not proposed along Norfolk Avenue and it was treated as a rear elevation. She stated that the Planning Commission had the opportunity allow a reduced

setback if they find it acceptable.

Planner Grahn reported that the applicant was also requesting an open space reduction. The new addition would reduce the current 114,100 square feet of open space to approximately 111,700 square feet, which equates to a 1% reduction. They were also looking for feedback regarding an improved entry sequence that would lead from the Park Avenue bus stop to the Library entrance.

Planner Grahn stated that as reflected in the Staff report, the Staff believed that 11 parking spaces would be eliminated; however, that number was closer to 18 parking spaces or 18% of the parking on the library parking lot. The applicant was also looking for feedback on installing a gravity fed book drop system in the loading zone along Norfolk Avenue. Currently there is a book drop that the staff manually empties. The new book drop would be gravity fed into the building and it could be a future sorting system.

Matt Twombly, the project manager for the Sustainability Department, stated that since the 1992 remodel, there have been several tenants in the building besides the Library. The Library was the main tenant to move in after they ran out of room at the Miners Hospital. Mr. Twombly named all the tenants who had leased space in the building since 1992 and again when the building was remodeled to expand the Library in 2004. He noted that most of the tenants had left and currently the second and third floors were vacant except for the Co-op on the second floor and the Film Series on the third floor. Mr. Twombly remarked that in 2004 the City was looking at a seven to ten year Library remodel. Since the tenants were moving out, this was a good time to expand the Library.

Kevin Blaylock with Blaylock and Partners, the project architect, had prepared a number of slides and an electronic model. He explained that his firm met on a regular basis with the steering committee group, individuals from the Planning Department, and with the Sustainability Group for Park City. Throughout the process they included the Friends of the Library and the Library Board. This same presentation he would give this evening was already given to the Library Board and the City Council.

Mr. Blaylock noted that the primary objectives were identified in three different categories; 1) the Library, 2) the third floor, and 3) City-wide goals. Mr. Blaylock remarked that there were several layers to the Library objectives and what defined a 21st Century Library. It speaks to everything from greater community involvement, more flexibility and adaptable space, improvements in technology, and acknowledging that while books are not going away, there is more of a demand for social gathering space. Along with that is developing a strong entry sequence and a stronger identity. Libraries are civic buildings in the community; however, the current Library does not present itself to the community.

Mr. Blaylock stated that the third floor would accommodate the temporary location for the seniors and create a multi-purpose space, as well as improvements for the Film Series and Sundance, relocation of the Co-op and coordinate improvements.

Mr. Blaylock remarked that to address the City-wide goals they would promote the City's

commitment to historic preservation and recognize the importance of sustainable design goals, provide flexible space and work within the allocated budget.

Mr. Blaylock stated that the plans for the Library consists of expanding the Children's area, creating dedicated pre-teen and teen areas, media, restrooms, flexible space, and other things that could be accomplished. Building-wide the goal is to promote opportunities for greater community meeting space, outdoor gathering space and the possibility of a small coffee shop. Along with the utility and infrastructure improvements they would also be creating a new elevator and new restrooms. Mr. Blaylock noted that the building would also be brought up to Code in terms of life safety and seismic.

Mr. Blaylock remarked that developing both the site and the building architecture and interior was a four step process; which included 1) analyzing or assessing the existing conditions; 2) exploring the studies; 3) developing a conceptual approach, and 4) providing options for evaluation.

Mr. Blaylock presented a slide showing the site opportunities. Purple identified the original historic footprint. The blue-ish tone represented the addition to the building in 1992. The piece that bracketed the back side on Norfolk Avenue was the three-story portion. He indicated a piece that was put in as a single story addition. Mr. Blaylock stated that in terms of site development they were looking at ways to improve or enhance the entry sequence. The view on the left was immediately outside what is now the front door looking towards Park Avenue. The view on the right was the view from the bus shuttle stop on Park Avenue looking back at the same entry sequence. The conceptual approach was to create a pedestrian access through the parking lot that collected pedestrians and brought them to the front door. They need to acknowledge with the site the facility use year-round, as well as the fact that the facility is used 10-12 hours per day at various times of the year.

Mr. Blaylock reviewed a number of proposed options that would promote connectivity, develop a stronger civic presence, maintain service and delivery access points, safe staff entry sequence, allowing for a book drop either now or in the future, and recognizing the importance of the after hour experience relative to the Library use. His firm generated a few sketches and provided a document to Planner Grahn that was included in the Staff report. They were looking at losing 11 to 12 parking stalls in the existing parking lot.

Mr. Blaylock had met with the Park City Sustainable Design Group and obtained information about the importance of what sustainable design means to Park City.

Mr. Blaylock noted that one idea was to put on a larger footprint that what the building currently occupies to promote the idea of an outdoor terrace at grade. They were maintaining the service entry drive but sliding it 10' to the north. He pointed out that all those things begin to encroach on the existing green space. In an effort to be sustainable, they looked for an opportunity to offset the lost green space with hardscape and supplant it in the front entry sequence. This would allow the creation of a more passive green space as a civic element and introduction to the library as opposed to a parking lot.

Mr. Blaylock stated that the current architectural solution proposes to remove the 1992 addition and

to look for an opportunity to reuse the material on the site. Mr. Blaylock remarked that as they develop a more walkable community and connect the civic components, there was a concern about the amount of traffic activity occurring across Park Avenue and through a parking lot. Previous studies had two access points where patrons were crossing or conflicting with vehicular traffic. Mr. Blaylock presented a conceptual diagram that creates the connection with the access across Park Avenue and re-directs people to a front door experience.

Mr. Blaylock stated that the first two studies, S.1 and S.2 looked at potentially losing 11 or 12 parking stalls. His recommendation with S.4 results in a loss of 18 parking stalls and a net increase of 4,000 square feet of green space.

Chair Worel referred to page 10 of the Staff report and the reference to the number of people getting on and off the buses. She liked the high numbers but she was unclear as to how that would translate into parking spaces. She asked if the increased bus traffic would decrease the demand for parking spaces and if it was based on a formula.

Mr. Blaylock replied that there was no way to know exactly, but they could try to interpolate some of the numbers. He believed it speaks to the larger issue of promoting public transportation and a walkable community. If that is the goal, the question is how important are the actual parking stalls.

Planner Grahn noted that a map on page 39 of the Staff report showed where the adjacent parking lots were located and their relationship to the Library. As part of the discussion and reflected on page 11, the Staff recommended that the Planning Commission require a parking analysis to understand the demands and usage of this site.

Commissioner Wintzer believed Mr. Blaylock was right in trying to promote public transportation. However, he thought it was important to know where the people who come to the Library live and if they have access to a transportation link. Commissioner Wintzer referred to one picture presented and noted that there were two or three houses to the left of the green area. He recalled that when the previous project was done, those houses had parking spaces assigned to them in the rear. If those spaces are still assigned it would reduce the parking for the project. He suggested that the Staff or the applicant research those spaces. Mr. Blaylock understood that there was a parking agreement in place. He noted that they were providing two additional parking stalls at this location, essentially creating two parking stalls closer to the front door and taking away the 12 spaces that were more remote from the front door of the Library.

Commissioner Gross was concerned about losing any parking spaces. When he attends the movies at the Library on the weekends there is never enough parking. If people have to park across the street there is no connection to get to the Library. He was unsure how the 13 stalls behind the bus stop would be accessed. Commissioner Gross had concerns regarding the Mawhinney lot. At the last meeting they looked at proposed rezoning of the HRM zone and the Mawhinney lot was shown as future housing. Therefore, those 48 spaces would eventually go away and he was concerned about creating an under parked situation.

Director Eddington clarified that there was not a housing proposal on that particular lot.

Commissioner Gross replied that it was part of the overlay which means it would occur at some point in time. Director Eddington agreed that it could be in play, but the intent of the overlay was to show development for zoning purposes. Commissioner Gross emphasized that if it could potentially occur they would have to consider how they would replace the 48 spaces that would be gone. Director Eddington reiterated that the City was not proposing affordable housing on the Mawhinney lot.

Commissioner Gross referred to the 26 public spaces along 13th Street and asked if that parking was for the Library facility or general public parking. Mr. Twombly replied that those spaces were not specified for the Library, which is why it was included as overflow parking. Commissioner Gross thought of that parking as unaccessible, particularly during the snow season. He was not comfortable with the overflow parking as proposed. Mr. Twombly noted that part of the original MPD required the 13th Street parking and parking across the street in City Park as additional parking. It was included as overflow parking for this proposal to be consistent with the original MPD. Commissioner Gross felt they were burdening this property by not providing enough parking to take care of the citizens for the next ten years. If they want people to use the Library building on a regular basis they need to resolve the parking issue.

Commissioner Thomas liked the scheme, the angle and the connection of pedestrians to the Park. He thought that having some accent to delineate the crossing across Park Avenue was important for increasing life-safety and drawing more attention to the crossing. Commissioner Thomas did not object to the parking spaces across the street. He believed there were 72 total parking spaces for overflow and he wanted clarity on whether the Mawhinney lot was designated as permanent overflow parking for the Library facility in the future. Mr. Twombly stated that there were 48 parking spaces on Mawhinney and 25 spaces on 13th Street. Planner Grahn apologized for including the wrong number of parking spaces on page 9 in the Staff report. She believed the correct number was closer to 72 when the 13th Street spaces are included. Commissioner Thomas agreed with Commissioner Gross on the importance of making sure the overflow parking is permanent.

Mr. Blaylock believed there was some confusion on the diagram. He noted that there was currently a striped crosswalk Park Avenue. That was an existing physical attribute that they were trying to connect with on the Library side. Commissioner Gross was aware of the crosswalk. His concern was with the 12 month accessibility around it and the potential for losing the spaces to development.

Mr. Blaylock presented the architectural elements of the proposal and reviewed the proposed design and materials.

Mr. Blaylock presented an electronic model of the proposal and an aerial view of the model looking at the proposed entry sequence.

Commissioner Thomas asked how they contemplated dealing with the walls that step up to Norfolk. Mr. Blaylock proposed to leave the existing concrete retaining wall in place and work around it and build on top of it.

Planner Grahn asked for input from the Planning Commission on the requested setback reduction. Commissioner Wintzer stated that his only concern was that having the upper outside door so close to the residential area could lead into noise and after-hour problems. He understood the need and how it works, but they need to be careful about encroaching a high-intensity use next to the existing houses. He suggested some type of restrictions to address the issues. Commissioner Wintzer noted that the existing wall is a vertical straight structure and he believed the proposal was a better approach to what exists. He felt it was important to keep some landscaping to protect the residential neighbors and to keep that area from becoming auxiliary parking and create traffic impacts for Norfolk.

Commissioner Thomas remarked that the wall is large and he was interested in seeing the material treatment of the wall and how they break it up aesthetically. He was comfortable with the reduced setback. Commissioner Thomas thought it was important to distinguish the difference between the old and the new. The more they mimic the historic building the more it undermines the historic character. Mr. Blaylock agreed.

Commissioner Wintzer did not want to lose the historic entrance to the building, even though it was not the primary access.

Commissioner Thomas understood that the terraces to the north would not be usable but he felt it was important to have the stepback to aesthetically address the building façade and preserve it.

Chair Worel liked the proposal and found it exciting. It brings the community together and adds gathering spaces. She asked if a lot of work needed to be done to bring the building up to Code. Mr. Blaylock replied that they were currently going through a tremendous amount of design and financial effort to improve the seismic components of the building. They were also addressing relatively minor life-safety issues, egress issues and non-compliant issues such as restrooms and stairs. Mr. Blaylock stated that because of the historic nature of the building it would fall under the grandfather clause. However, the total re-gutting of the building automatically triggers the upgrades.

Mr. Blaylock stated that after their discussion with the Sustainable Design Team from Park City, it was important to understand that they were creating a more sustainable design solution with the building, but they would still have much higher energy consumption primarily due to the air conditioning they were asked to put in. On the other hand, the current boiler system is 65% efficient and that would be increased to 90-95% efficient. The objective is to achieve some balance.

Mr. Blaylock stated that in keeping with a 21st Century Library model they were trying to promote a higher engagement level between the Staff and the patrons. A drive-up or walk-up book drop goes a long way in making the Staff more available and reducing the wear and tear on the books and materials. Mr. Blaylock reviewed the proposed location for the gravity book drop and explained how the circulation would work. He noted that the location was prompted by the desire to get automated materials and handling equipment in the library. Mr. Blaylock stated that a number of studies were reviewed with Transportation and Engineering and they concluded that the location shown would be the better supported approach.

The Commissioners discussed vehicle access to and from the book drop and expressed their concerns. Mr. Blaylock commented on the cueing and he believed they would have to rely on signage and striping. Commissioner Gross expected it to be an issue within the first month. Mr. Blaylock pointed out that there were trade-offs with every scenario, including keeping the book drop in its current location. Commissioner Wintzer thought the book drop was an issue for the Library and not the Planning Commission. His concern was the amount of traffic it would generate on Norfolk.

Commissioner Thomas believed the proposal was going in the right direction. Commissioner Wintzer requested a blow up of the area and the adjacent parking for the next meeting. He would like to see how it all goes together with the street crossing and pedestrian linkage.

Chair Worel called for public input. There were no comments.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 25, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Stewart Gross, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Kayla Sintz, Planning Manager; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Mark Harrington, City Attorney

=====

The Planning Commission met in Work Session prior to the regular meeting. That discussion can be found in the Work Session Minutes dated September 25, 2013.

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Hontz, Strachan and Savage who were excused.

ADOPTION OF MINUTES

September 11, 2013

Commissioner Wintzer referred to page 72 of the Staff report, page 6 of the minutes, 5th paragraph, 5th line, and the sentence "... the number of people who drive to the junction to buy sheets and towels to take to Deer Valley". He clarified that he was talking about a commercial laundromat and corrected the sentence to read, "...the number of people who drive to the junction **to launder sheets and towels** to take to Deer Valley", to accurately reflect the intent of his comment regarding light industrial uses.

Commissioner Thomas referred to page 73, page 7 of the minutes, 6th paragraph, and corrected "...south into Wasatch County looking down hear the Brighton Estates..." to read, "...**near** the Brighton Estates..."

Commissioner Gross referred to page 76 of the Staff report, page 10 of the minutes and noted that his name was written as Steward Gross and should be corrected to read **Stewart Gross**.

MOTION: Commissioner Wintzer moved to APPROVE the minutes of September 11, 2013 as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed. Chair Worel abstained since she was absent from the September 11th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Gross referred to the 2519 Lucky John Drive replat item on the agenda and disclosed that he is a neighbor and a stakeholder in the area. He had not received public notice on this plat amendment and it would not affect his ability to hear the item this evening.

Commissioner Wintzer remarked that in talking about the Carl Winters School and the High School during work session, he felt it was important to note that the community had lost David Chaplin, who spent much of his career teaching there.

Director Thomas Eddington reported that the Planning Commission typically holds one meeting in November due to the Thanksgiving holiday. However, due to the lengthy agendas and the General Plan schedule, he asked if the Planning Commission would be available to meet on the First and Third Wednesdays in November, which would be November 6th and 20th. The Commissioners in attendance were comfortable changing the schedule. The Staff would follow up with the three absent Commissioners.

CONTINUATIONS(S) – Public hearing and continue to date specified.

1. Park City Heights – Pre-Master Planned Development and Amendment to Master Planned Development. (Application PL-13-01992 and PL-13-03010)

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

MOTION: Commissioner Thomas moved to CONTINUE the Park City Heights Pre-MPD and Amendment to Master Planned Development to October 9, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, public hearing, action.

1. 1255 Park Avenue, Park City Library – Pre-Master Planned Development
(Application PL-13-01992)

Planner Anya Grahn requested that the Planning Commission review the Park City Library Pre-Master Plan Development located at 1255 Park Avenue and determine whether the concept plan and proposed use comply with the General Plan and the goals.

During Work Session the applicant provided an overview of how a 21st Century library creates community spaces, conference rooms. It is about expanding the library and improving accommodations and improving the entry sequence and encouraging greater use of public transportation.

Planner Grahn noted that pages 84 through 85 of the Staff report outlined the goals of the current General Plan and how this application had met those goals. The Staff also analyzed the application based on the goals set forth in the new General Plan.

Commissioner Thomas remarked that since the new General Plan was still in the process of evolving and being modified, and it was not yet adopted, it was not pertinent to review the application under the new General Plan. He recommended that they remove that section. Commissioner Gross concurred.

Assistant City Attorney McLean stated that from a legal perspective, even though the Commissioners were relying on the existing General Plan, it would be changing. Therefore, if the Planning Commission has an issue regarding compliance with the new General Plan, it would be appropriate to raise the issue, particularly at this point in the process. Commissioner Thomas understood the legal perspective; however, the General Plan process was not completed and he was uncomfortable making that comparative analysis because it would add confusion.

Planner Grahn stated that if there was consensus to remove reference to the new General Plan, they suggested that they remove Finding of Fact 13, which talks about compliance with the drafted General Plan.

Commissioner Wintzer commented on uses and requested a note on the plat about exterior uses not sprawling into neighborhoods. They need to somehow acknowledge the need for a connection between the neighborhoods. Assistant City Attorney McLean stated that unless it was linked to the General Plan goals, it would be addressed with the MPD. Ms. McLean clarified that the main concept of the pre-MPD is compliance with the General Plan. However, it is appropriate to give initial feedback to make sure the concept is one the applicant should pursue.

Steve Brown representing the applicant, stated that time barriers would be placed as opposed to architectural barriers. Commissioner Wintzer clarified that he was talking about issues such as live music after 10:00 p.m. Mr. Brown stated that the applicant would respond in that vein.

Commissioner Gross referred to page 84 of the Staff report and the sentence stating that the applicant intends to continue to utilize the additional 72 parking spaces at the Mawhinney parking directly east of the Library as overflow parking. He wanted to make sure that would be a reality and

that there would not be conflicts. Planner Grahn stated that the Staff report incorrectly stated 72 parking spaces. She believed the actual number was closer to 48 spaces, and she would confirm that number. She apologized for the mistake in her calculation. Commissioner Gross stated that regardless of the actual number, his concern was making sure that the parking spaces would remain as parking over the duration of the Library and its associated uses in the future.

Matt Twombly, representing the applicant, explained that building those spaces was a condition of the original MPD. He assumed it could be conditioned again to retain the spaces for the Library overflow. Director Eddington stated that it would be part of the MPD amendment. Commissioner Gross reiterated that his concern was to make sure it remained as parking as opposed to being developed.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to ratify the Findings for the pre-MPD application at 1255 Park Avenue, the Park City Library that it initially complies with the General Plan for a Master Planned Development, consistent with the Findings of Fact and Conclusions of Law as modified to remove Finding of Fact #13. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1255 Park Avenue

1. The property is located at 1255 Park Avenue in the Recreation Commercial (RC) District.
2. The Planning Department received a plat amendment application on June 14, 2013, in order to combine the north half of Lot 5, all of Lots 6 through 12, the south half of Lot 13 and all of Lots 23 through 44 of Block 6 of the Snyders Addition as well as Lots 1 through 44 of Block 7 and the vacated Woodside Avenue. Upon recordation of the plat, this property will be known as the Carl Winters School Subdivision, and is 3.56 acres in size.
3. There is a Master Planned Development from 1992 for the property; however, the changes purposed to the concept and density justify review of the entire master plan and development agreement by the Planning Commission. The library will be expanded by approximately 2,400 square feet in order to meet the demands of a twenty-first century library. These demands include a café as well as other meeting and conference rooms. A new terrace will also be created on the north elevation of the structure, adjacent to the park. In addition to these community gathering spaces,

the library will temporarily house the Park City Senior Center.

4. The applicant submitted a pre-MPD application on July 19, 2013; the application was deemed complete on August 16, 2013.

5. The Park City Library contains approximately 48,721 square feet and was originally approved through two (2) MPDs in 1990 and 1992, as well as a Conditional Use Permit in 1992 to permit a Public and Quasi-Public Institution, the library. An amendment to the Conditional Use Permit will be processed concurrently with the Master Planned Development.

6. Access is from Park Avenue, with a secondary entrance along 12th Street.

7. A finding of compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use Permit. Compliance with applicable criteria outlined in the Land Management Code, including the RC District and the Master Planned Development requirement (LMC-Chapter 6) is necessary prior to approval of the Master Planned Development.

8. Planning Commission action for General Plan compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. Final site plan and building design are part of the Conditional Use Permit and Master Planned Development review. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.

9. Staff finds that the proposal complies with Goal 1 of the General Plan in that it preserves the mountain resort and historic character of Park City. The proposal to expand the Library will be modest in scale and ensure the continued use of the historic Landmark Carl Winters School. The new structure will complement the existing historic building, complying with the Design Guidelines for Historic Sites.

10. Staff finds that the proposal complies with Goal 3 of the General Plan in that it maintains the high quality of public services and facilities. The City will continue to provide excellence in public services and community facilities by providing additional space for the transformation of the Park City Library into a twenty-first century library and community center.

11. Staff finds that the proposal complies with Goal 5 of the General Plan in that it maintains the unique identity and character of an historic community. The rehabilitation of the structure and the new addition will maintain the health and use of the site as a community center and library. Moreover, the new addition must comply with the Design Guidelines and be simple in design, modest in scale and height, and have simple features reflective of our Mining Era architecture and complementary to the formality of the existing historic structure.

12. Staff finds that the proposal complies with Goal 10 of the General Plan in that it supports the existing integrated transportation system to meet the needs of our visitors and residents. The improved entry sequence will encourage greater use of public transit, walkability, and biking to the library. The project is on the bus line and within walking distance of Main Street.

13. The discussion in the Analysis section is incorporated herein.

Conclusions of Law – 1255 Park Avenue

1. The pre-application submittal complies with the Land Management Code, Section 15-6-4(B) Pre-Application Public Meeting and Determination of Compliance.
2. The proposed Master Planned Development concept initially complies with the Park City General Plan.

2. Second Amended Stag Lodge Phase IV, 8200 Royal Street Unit 52 – Amendment to Record of Survey (Application PL-13-02025)

Planner Christy Alexander reviewed the application amended plat the existing Stag Lodge record of survey plat for Unit 52, which is a detached single-family unit. The request is to identify additional basement and sub-basement area beneath the home. The area is currently listed as common area because it is not listed as private or limited common on the plat. The owner would like to make the area private and create a basement, which would increase the square footage of the unit by 1,718 sf. Planner Alexander noted that the plat was previously amended for Units 44, 45, 45, 50, 51 and 52 in 2002 and recorded in 2003. At that time 3,180 square feet was added to each of those units in the vacant area.

Planner Alexander noted that the plat amendment would not increase the footprint of the unit and additional parking would not be required. The height and setbacks would remain the same.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the amendment to the record of survey.

Bruce Baird, representing the applicant and the HOA, noted that this same request was approved last year for two other units. It is a strange function of having space below the unit that is somehow considered common area in the deep dirt. The area does not count as an extra unit and it does not require additional parking. Mr. Baird thanked the Staff for processing this application quickly, which could allow his client the opportunity to get some work done before Deer Valley shuts down construction for the year. Mr. Baird reiterated that this was a routine application and he was prepared to answer questions.

The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project

1255 Park Avenue, Park City, Utah

Conceptual
Site Plan (Aerial)
AS101





- KEYED NOTES:**
- 1 NEW CONCRETE WALK
 - 2 NEW CURB AND GUTTER
 - 3 NEW TREES/SHRUBS/GROUNDCOVER
 - 4 NEW TRANSFORMER LOCATION
 - 5 TRASH/RECYCLE BIN LOCATION
 - 6 SNOW REMOVAL STORAGE AREA
 - 7 NEW SITE WALL (HEIGHT RANGE 24" - 30")
 - 8 NEW ZINC SITE WALL (HEIGHT RANGE: 30" - 48")
 - 9 NEW BIKE RACKS
 - 10 NEW LIGHT BOLLARD
 - 11 NEW BOOK DROP
 - 12 NEW TEXTURED CONCRETE WALK
 - 13 EXISTING BUS STOP
 - 14 EXISTING LIGHT POLE
 - 15 EXISTING BENCH
 - 16 PROPOSED LIBRARY SIGNAGE

The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blacklock & Partners, LLC.

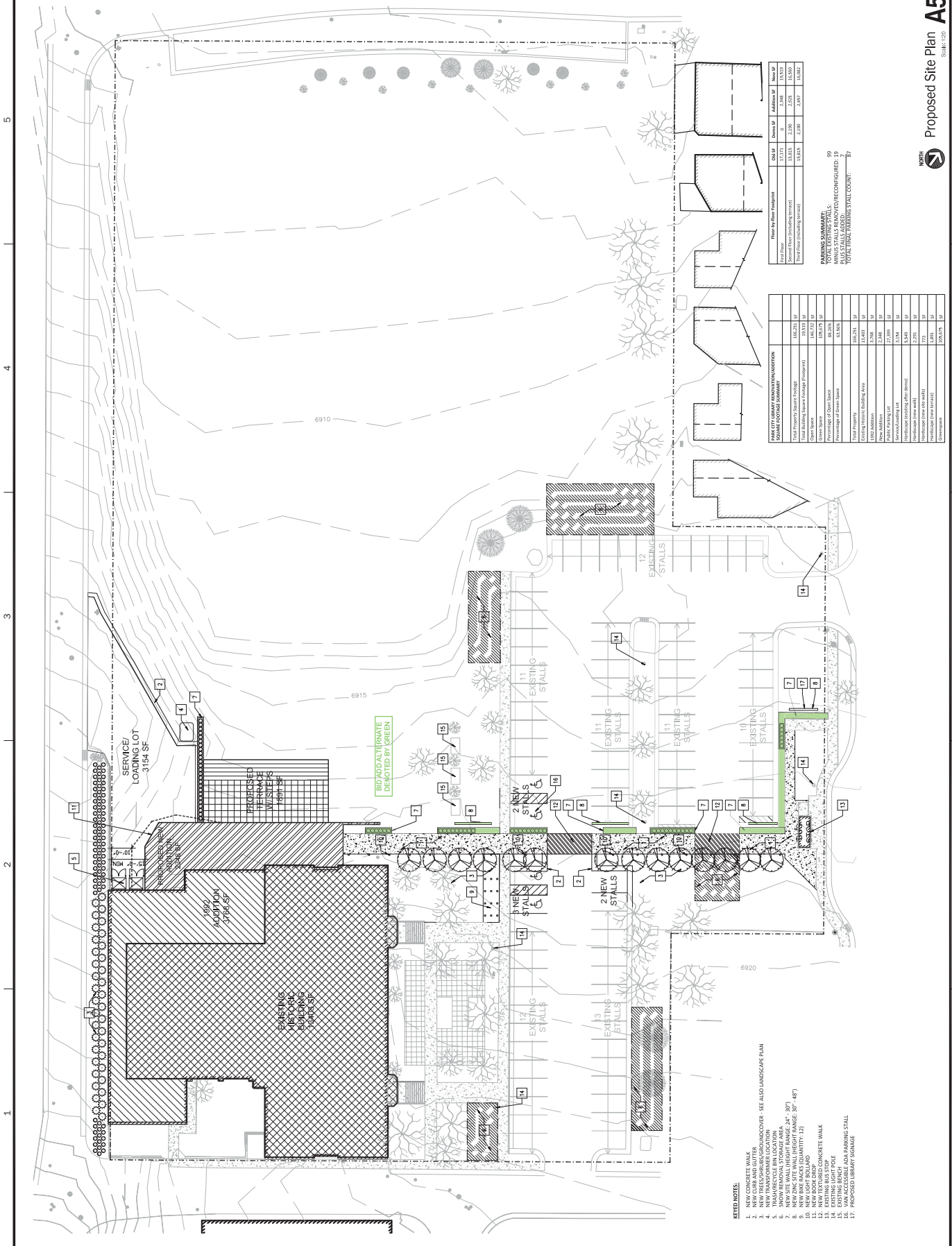
revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library Remodel Project
1255 Park Avenue, Park City, Utah

Proposed Site Plan AS103

Proposed Site Plan A5
Scale: 1/8" = 1'-0"



Area	Area (SF)	Count
First Floor (including ramp)	15,845	2,208
Second Floor (including ramp)	2,508	2,492
Total Floor (including ramp)	18,353	4,700

PARKING SUMMARY:
TOTAL VEHICLE SPACES (RECONFIGURED): 99
TOTAL VEHICLE SPACES (EXISTING): 7
TOTAL VEHICLE SPACES (TOTAL): 106
TOTAL TRAILER PARKING SPACES (TOTAL): 0

Category	Area (SF)	Count
Green Space	100,075	14
Percentage of Open Space	48.50%	
Percentage of Green Space	48.50%	
Total Properties	116,251	14
Existing Existing Building Area	11,403	14
New Addition	2,508	14
Public Parking Lot	27,209	14
Service/Loading Lot	3,154	14
Percentage of Existing (2008)	1,500	14
Percentage of Existing (2013)	1,500	14
Percentage of New (2013)	1,771	14
Percentage of New (2008)	1,801	14
Percentage of New (2013)	1,000	14

- KEYED NOTES:**
1. NEW CONCRETE WALK
 2. NEW CURB AND GUTTER
 3. NEW TRANSPIRANT CANOPY - SEE ALSO LANDSCAPE PLAN
 4. NEW TRANSPIRANT LOCATION
 5. TRASH RECYCLE BIN LOCATION
 6. NEW BIKE RACKS (QUANTITY: 12)
 7. NEW BIKE RACKS (QUANTITY: 12)
 8. NEW BIKE RACKS (QUANTITY: 12)
 9. NEW BIKE RACKS (QUANTITY: 12)
 10. NEW LIGHT BOLLARD
 11. NEW TEXTURED CONCRETE WALK
 12. NEW TEXTURED CONCRETE WALK
 13. EXISTING LIGHT POLE
 14. EXISTING LIGHT POLE
 15. VAN ACCESSIBLE ADA PARKING STALL
 16. VAN ACCESSIBLE ADA PARKING STALL
 17. PROPOSED LIBRARY SIGNAGE

The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

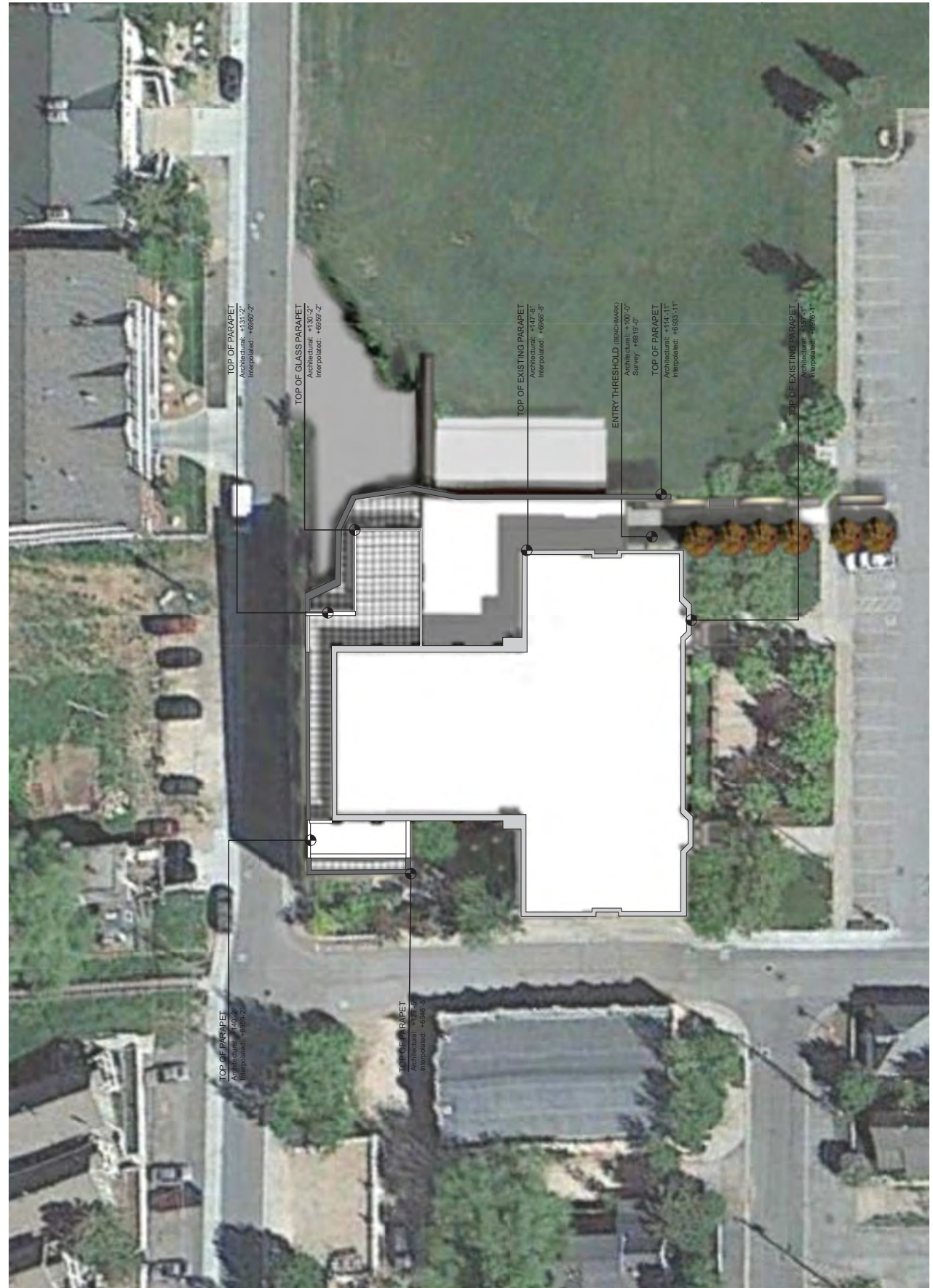
date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project

1255 Park Avenue, Park City, Utah

Roof Plan
AS104

Roof Plan **A5**
Scale: 1/8" = 1'-0"



The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

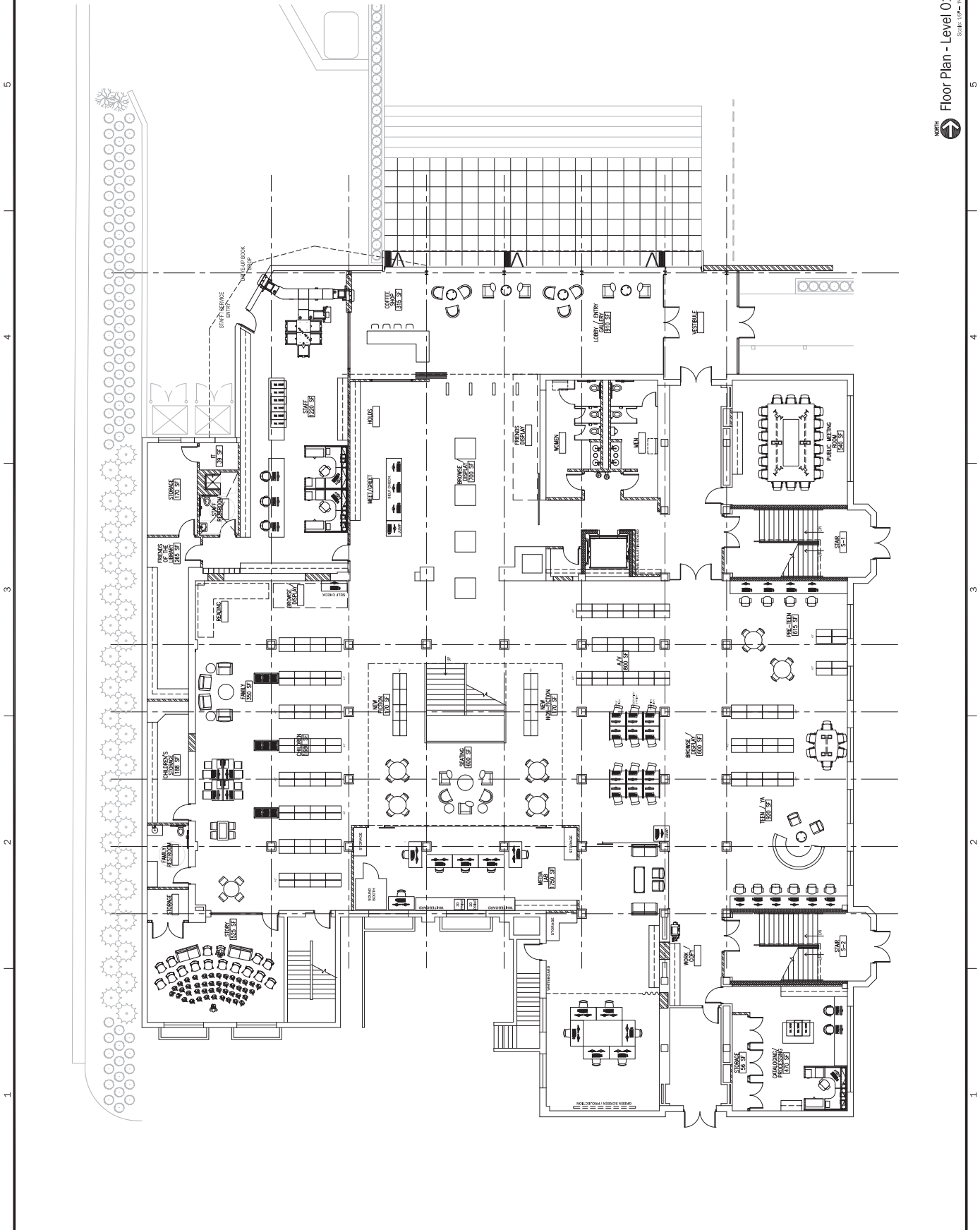
Park City Library and Carl Winters
School Building Remodel Project

1255 Park Avenue, Park City, Utah

Floor Plan
Level 01

AE101

Floor Plan - Level 01 **A5**
Scale: 1/8" = 1'-0"



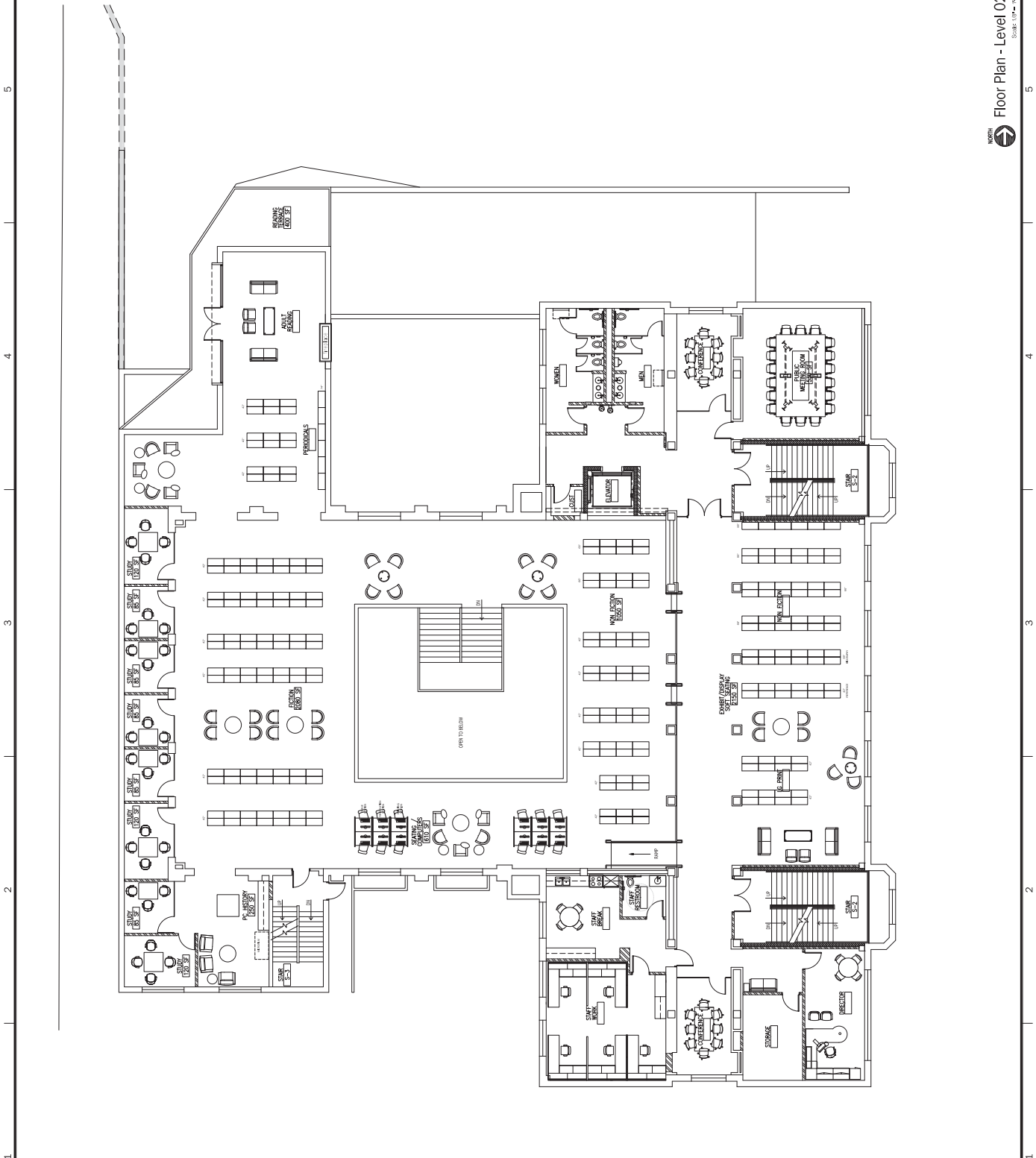
The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters School Building Remodel Project
1255 Park Avenue, Park City, Utah

Floor Plan
Level 02
AE102



The designs shown and described herein, including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project
1255 Park Avenue, Park City, Utah

Exterior Elevations
AE201



Exterior Elevation - North **C5**
Scale 1/8" = 1'-0"



Exterior Elevation - East **A5**
Scale 1/8" = 1'-0"

The designs shown and described herein, including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project
1255 Park Avenue, Park City, Utah

Exterior Elevations
AE202



Exterior Elevation - South A5
Scale 1/8" = 1'-0"



Exterior Elevation - West A5
Scale 1/8" = 1'-0"

The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project
1255 Park Avenue, Park City, Utah

Exterior Views
AR301

5 4 3 2 1

Future View C5
Scale: N.T.S.



Existing View A5
Scale: N.T.S.



SELECTIVE DEMOLITION OF EXISTING
NON-HISTORIC STRUCTURE

EXISTING HISTORIC STRUCTURE
TO REMAIN

1 2 3 4 5

The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library Remodel Project
School Building Remodel and Carl Winters
1255 Park Avenue, Park City, Utah

Exterior Views
AR302

1 2 3 4 5



Future View C5
Scale: N.T.S.



Existing View A5
Scale: N.T.S.

1 2 3 4 5

The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project
1255 Park Avenue, Park City, Utah

Exterior Views
AR303

1 2 3 4 5



Future View C5
Scale: N.T.S.



EXISTING HISTORIC STRUCTURE TO REMAIN

EXISTING REMOVAL OF EXISTING NON-HISTORIC STRUCTURE

Existing View A5
Scale: N.T.S.

1 2 3 4 5

The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project

1255 Park Avenue, Park City, Utah

Exterior Views
AR304



Future View C5
Scale: N.T.S.

Existing View A5
Scale: N.T.S.

The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project
1255 Park Avenue, Park City, Utah

Exterior Views
AR305

1 2 3 4 5



Future View C5
Scale: N.T.S.



Future View C3
Scale: N.T.S.



FUTURE VIEW A5
Scale: N.T.S.



FUTURE VIEW A3
Scale: N.T.S.

The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library and Carl Winters
School Building Remodel Project
1255 Park Avenue, Park City, Utah

Exterior Views
AR306

1 2 3 4 5



Future View C5
Scale: N.T.S.



FUTURE VIEW A5
Scale: N.T.S.



FUTURE VIEW A3
Scale: N.T.S.

The designs shown and described herein including all technical drawings, graphic representations & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the express written permission from Blalock & Partners, LLC.

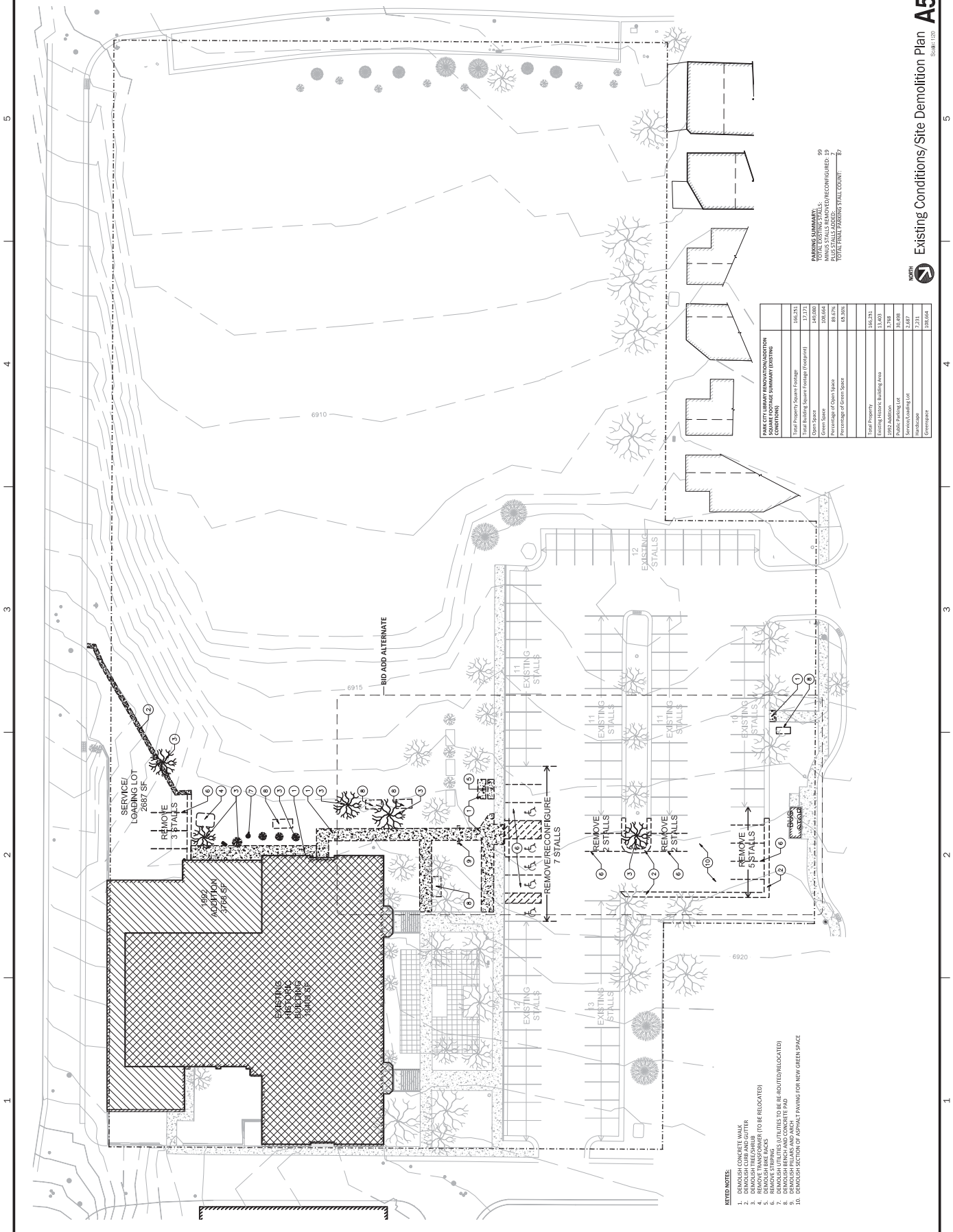
revisions

date: 22 October 2013
project no.: 130122
MPD Application

Park City Library Remodel Project
School Building and Carl Winters

1255 Park Avenue, Park City, Utah

Existing Conditions/Site Demolition Plan
DS101



PARKING SUMMARY:
TOTAL STALLS TO BE RECONFIGURED: 99
TOTAL STALLS TO BE REMOVED: 7
TOTAL PAVED PARKING STALL COUNT: 82

SITE DATA	
Total Property Square Footage	150,761
Total Building Square Footage (Footprint)	12,000
Open Space	140,000
Green Space	106,004
Percentage of Open Space	80.67%
Percentage of Green Space	84.30%
Total Property	140,283
Existing Historic Building Area	13,000
2002 Addition	3,748
Public Parking Lot	80,888
Service/Loading Lot	2,687
Interlocks	7,033
Uncovered	1,054

- KEYED NOTES:**
- DEMOLISH CONCRETE WALK
 - DEMOLISH CURB AND GUTTER
 - DEMOLISH BIKE RACKS
 - REMOVE TRANSFORMER (TO BE RELOCATED)
 - DEMOLISH BIKE RACKS
 - DEMOLISH UTILITIES (UTILITIES TO BE RE-ROUTED/RELOCATED)
 - DEMOLISH UTILITIES (UTILITIES TO BE RE-ROUTED/RELOCATED)
 - DEMOLISH RILANS AND ANCH
 - DEMOLISH RILANS AND ANCH
 - DEMOLISH SECTION OF ASPHALT PAVING FOR NEW GREEN SPACE

The models shown are not intended to be used for construction drawings. All representations are preliminary and subject to change. All plant materials are to be selected by the contractor and approved by the landscape architect. All plant materials are to be installed by the contractor and approved by the landscape architect. All plant materials are to be installed by the contractor and approved by the landscape architect.

revisions

PLANT SCHEDULE

NO.	PLANT NAME	QUANTITY	NOTES
1	DOGWOOD	1	SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION
2	DOGWOOD	1	SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION
3	DOGWOOD	1	SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION
4	DOGWOOD	1	SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION
5	DOGWOOD	1	SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION
6	DOGWOOD	1	SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION
7	DOGWOOD	1	SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION
8	DOGWOOD	1	SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION
9	DOGWOOD	1	SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION
10	DOGWOOD	1	SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION

SPECIAL NOTES:

1. LANDSCAPE SHOWN IS CONCEPTUAL ONLY AND IS STILL IN DEVELOPMENT.
2. SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION.

REFERENCE NOTES SCHEDULE

1. SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION.
2. SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION.
3. SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION.
4. SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION.
5. SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION.
6. SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION.
7. SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION.
8. SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION.
9. SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION.
10. SEE ARCHITECTURAL SHEET AS 103 FOR EXACT LOCATION.

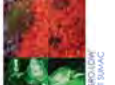


1 2 3 4 5

TREES



SHRUBS AND GROUNDCOVERS



ORNAMENTAL GRASSES



InterPlan



7719 South Main Street
Midvale, Utah 84047

DRAFT MEMORANDUM

To: Matt Twombly, Park City Municipal Corporation

From: Michael Baker, Andrea Olson, and Matt Riffkin, InterPlan Co.

Date: October 15, 2013

Subject: *Park City Library Parking Lot Peak Demand Analysis*

InterPlan was asked by Park City Municipal Corporation (PCMC) to analyze the impacts of lost parking spaces resulting from a proposed upgrade at the city library. In addition to the library, the building hosts a diversity of uses including: staff offices, weekly film screenings in the Santy Auditorium, and the Park City Cooperative preschool. Changes to the library and uses of the building are expected to increase demand for parking while a new walkway to the bus stop on Park Avenue will eliminate between 10-18 stalls. Currently the library parking lot contains 98 spaces. Build Option 1 of would eliminate 10 spaces, leaving 88 parking spaces intact. Build Option 2 would eliminate 18 spaces, leaving 80 intact. There are several adjacent parking areas that can serve as overflow parking. To the east, across Park Avenue, the MaWhinney parking lot has a capacity of 48 spaces. Another 25 spaces are available to the north of the library, across the open space.

Parking Demand

The proposed changes include expanding the library, adding a café, as well as a temporary senior center. Each of these uses has a different demand for parking. In Table 1, parking needs for each use are stated in terms of the “peak” demand for parking spaces. The Institute of Traffic Engineers (ITE) Parking Generation Manual is the industry standard used to estimate the parking demand by providing rates for various land uses. These rates are then applied to the number of units for each use yielding a peak parking demand for each type of land use. Table 1 contains the units of each use and the estimated peak parking demand.

Table 1 – ITE Manual Peak Parking Demand and Units

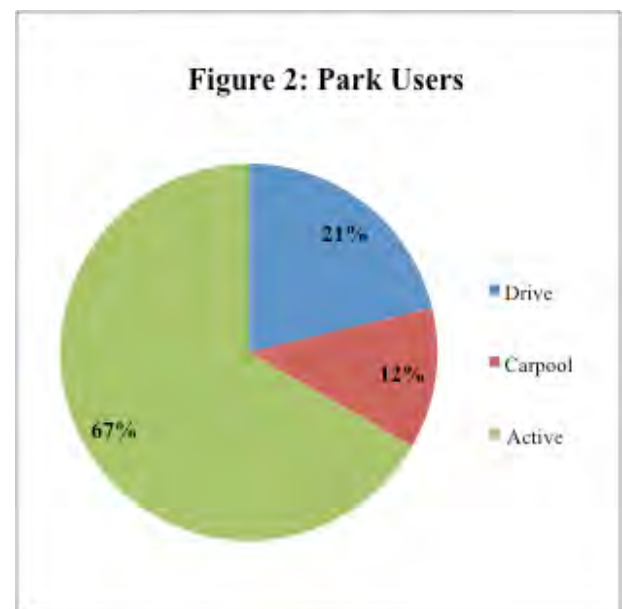
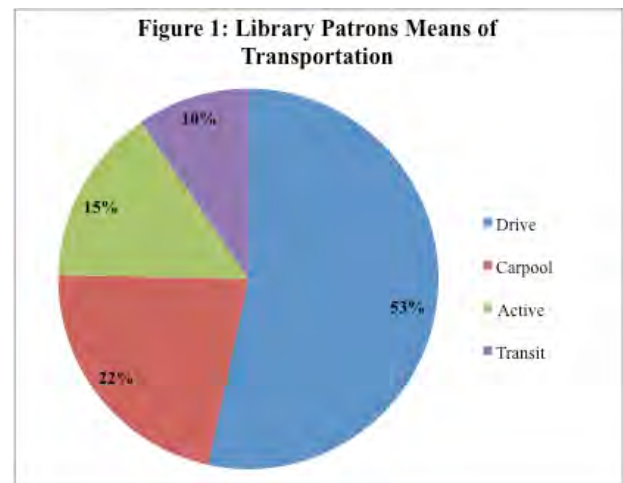
Use	Current Units	Current Peak Parking Demand (ITE Rates)	Build Units	Build Peak Parking Demand (ITE Rates)
Library	26,600 feet ²	66	47,400 feet ²	97
Library & Film Series Offices	3,000 feet ²	7	3,000 feet ²	7
Open Space/Park	2 acres	5	2 acres	5
Cooperative Preschool	1,000 feet ²	3	1,000 feet ²	3
Santy Auditorium	448 seats	116	448 seats	116
Café	n/a	n/a	315 feet ²	4
Temporary Senior Center	n/a	n/a	1,900 feet ²	2
Total		197		234

Park City Travel Behavior

ITE rates are rooted in studies performed at locations that may not reflect the unique context of Park City as a whole and the Park City Library, specifically. In order to better understand how patrons access the library building and adjacent uses and to develop parking demand estimates that more accurately reflect the context of Park City, InterPlan performed parking counts and patron interviews on Wednesday, October 9, 2013. Overall, 25 percent of people coming to the library used non-automobile means to travel to the library and arrived on foot, bicycle or by bus (Figure 1). While this “mode split” would be unusual in other cities, Park City has a strong history of biking, walking, and transit as significant elements of their transportation system.

The open space to the north of the building is a popular area for dog walkers. Similar to library patrons, a significant portion of park users either walked or biked to the park. Park users were observed parking in the area to the north of the open space (“13th Street”) and were not included in our survey. As shown in Figure 2, 67 percent of park users did not use an automobile.

InterPlan’s institutional knowledge of transportation modes in Park City was fully supported by our observations on October 9th: people traveling around Park City are more likely to use bus, bike and walking than residents of other cities. While parking demand outlined in the ITE Manual is a good starting point for



considering parking needs, we believe that these rates overstate the demand for parking in Park City and can be calibrated based on locally collected data. Information collected at the library was used to calibrate the peak parking demand to better reflect conditions in Park City. These revised rates are contained in Table 2. To be conservative in our estimates as well as account for sampling error, we have increased the automobile mode share from 75 and 33 percent to 80 and 40 percent, respectively. The required number of parking spaces, as dictated by Park City Land Management Code (Title 15-3-6 B), has also been included for context.

Table 2 – Calibrated Peak Parking Demand and Required Spaces

Use	Car Mode Share*	Current Peak Parking Demand	Build Peak Parking Demand	Land Management Code Requirements
Library	80%	53	78	48
Library & Film Series				
Offices	80%	6	6	10
Open Space/Park	40%	2	2	-
Cooperative Pre-School	80%	2	2	1
Santy Auditorium**	80%	93	93	112
Café	80%	n/a	3	1
Temporary Senior Center	80%	n/a	2	10
Total		156	185	182

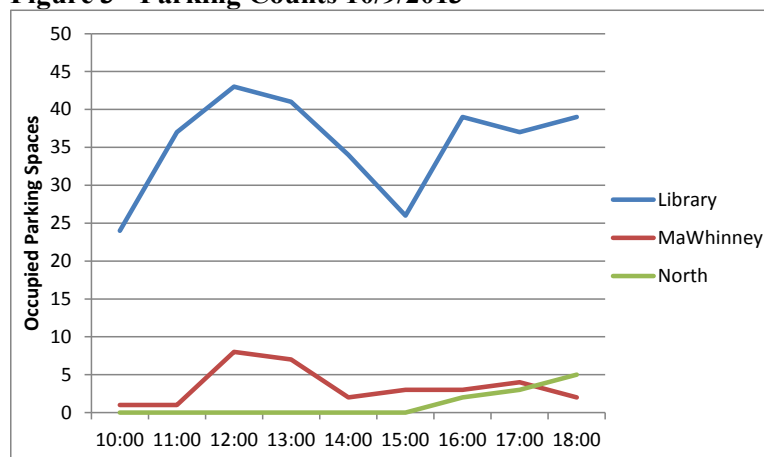
*Based on mode share observations made at the library. Increased to account for sampling error.

**Parking conditions during a Park City Film Series screening were not observed.

Parking Supply

As previously mentioned, the current library parking lot contains 98 spaces. Build scenarios for the library expansion will reduce parking to a maximum of 88 spaces. Hourly parking counts indicate that the peak in daily parking volume at the Library lot was 43 vehicles. Based on the calibrated current peak parking demand estimates—seen in Table 2—a similar time period would experience a demand for 63 spaces. Such discrepancy reflects the conservative nature of our parking estimates. This sample was taken in the “low” season for tourism. Hence, it is a good sample of how locals use the library. Figure 3 displays the number of occupied parking spaces at the library lot as well as the adjacent northern and MaWhinney parking areas.

Figure 3 - Parking Counts 10/9/2013



Complementary Uses

Complementary uses refers to parking spaces that can serve two different land uses based on the time of day when parking demand for that use is at its greatest. For example, peak use of the library is weekdays and early evening. Peak parking for the Santy Auditorium is weekend nights when films are shown. The same parking spot can serve these two uses with little overlap in demand.

Many of the building’s uses are complementary in that they occur at different times and on different days. Table 3 displays the parking demand for Mondays – Thursdays from 10:00 a.m. to 9:00 p.m assuming the planned uses after reconstruction. In the unlikely event that all five uses peak at the same time, 87 spaces will be required. As previously mentioned, the reductions in parking in the build scenario will leave a maximum of 88 spaces.

Table 3 – Monday-Thursday Library Operating Hours Peak Parking Demand

Use	Build Peak Parking Demand
Library	78
Library & Film Series Offices	*
Open Space/Park	2
Cooperative Pre-School	2
Café	3
Temporary Senior Center	2
Total	87

*Staff have committed to parking off-site.

Santy Auditorium is the largest single parking demand generator. In the reconstruction, the capacity of the auditorium will not change from its current 448-seat capacity. Parking demand likely currently exceeds capacity during film showings on weekend nights, but overflow parking is accommodated at the MaWhinney parking lot and other nearby parking lots.

Staff Parking

Currently, there is a small staff parking area and loading dock: accessible by Norfolk Avenue. Conversations with library staff revealed that parking at this location is primarily used by full-time library staff. The parking capacity in the loading area was not factored into any of our figures for the library lot. In the forthcoming upgrades, parking in this area might be converted into a potential drive-through “book drop.” If the book drop is not constructed, the existing 4 spaces will remain and reduce staff parking demand elsewhere. Library staff has agreed to park off-site at the adjacent MaWhinney parking area: across Park Avenue. Signage reserving parking for library staff in the off-site lot might further promote the agreement. Off-site staff parking is essential to ensure the daytime peak parking demand remains below capacity at the library lot.

InterPlan also conducted an analysis of changing traffic conditions if the book drop were to be relocated to back of the building. Library staff provided detailed information related to use of the book drop area. Assuming the highest number of auto drop-off trips (192) during open hours (56/week), vehicle trips using the book drop off average three trips/hour. This would not be considered significant or unreasonable at all and will not noticeably impact traffic on Norfolk, 12th Street or 13th Street.

Additionally, during field observations over a four-hour period, the book drop was utilized approximately six times.

Other Considerations

A conversation with library staff revealed that in the wintertime the library parking lot is a popular parking location for patrons and employees of Park City Mountain Resort. Applying a time limit to the parking lot might discourage this practice and preserve parking for the building’s users. Other times when demand will exceed supply are during the Sundance Film Festival and, as previously discussed, the Park City Film Series screenings. Demand for parking during the film festival will always dwarf supply and needs to continue to be addressed on a citywide basis.

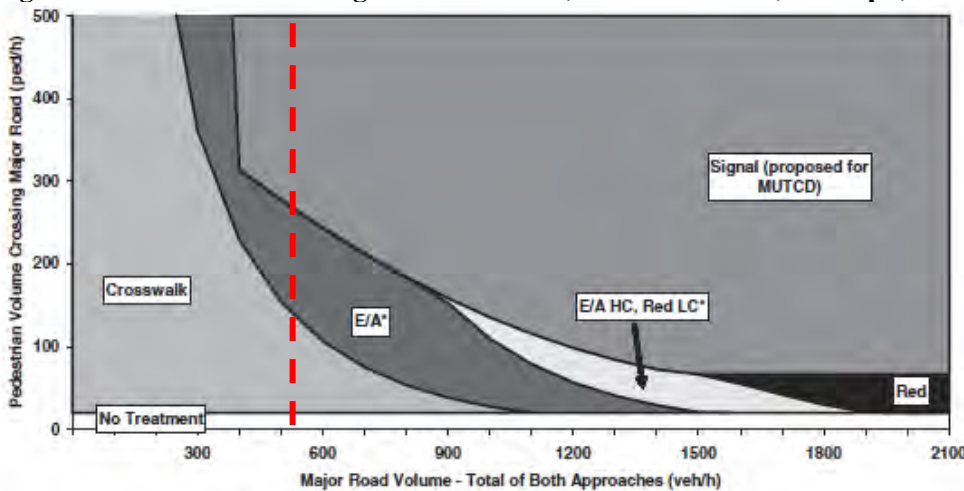
Pedestrian Crossings on Park Avenue

The MaWhinney parking lot is located to the east of the Library lot, across Park Avenue. It is the primary recipient of overflow parking when capacity is exceeded at the library. Naturally, this increases the number of pedestrian crossings on Park Avenue. Currently, there is a Manual on Uniform Traffic Control Devices (MUTCD) type W11-2 pedestrian crossing sign indicating the crosswalks for vehicles traveling on Park Avenue. Figure 4 displays an example of this sign type.

Figure 4- W11-2 Sign

The National Cooperative Highway Research Program (NCHRP) periodically undertakes research on specific transportation-related topics and then offers updated or supplemental information to standards such as those offered in the MUTCD. NCHRP’s Report #562 looks at improving pedestrian safety at unsignalized crossings. Figure 5 contains a plot of pedestrian crossing guidelines for enhanced crossing treatments from this research. For reference, the red line reflects the daily peak hour traffic volume on Park Avenue. The peak time of pedestrian crossings at this location is likely during the Park City Film Series screenings and not during the peak travel time of the day.

Figure 5- Pedestrian Crossing Guidelines Plot, 34 ft. Pavement, ≤35 mph, 3.0 ft/s Walking Speed



*E/A = Enhanced/Active, HC = High Compliance, LC = Low Compliance

Source: National Cooperative Highway Research Program, “Improving Pedestrian Safety at Unsignalized Crossings.”

The report offers recommendations on a range of improvement types for differing crossing conditions such as traffic volumes, pedestrian volumes, pavement width, speed limits, and crossing speeds. For this crossing, recommended treatments fall under the Crosswalk, Enhanced and Active categories. Specific treatments included in these groups are:

Crosswalk:

- Any treatment/paint that raises awareness to drivers of pedestrians being in the roadway
- Any vertical treatment that raises the level of the crosswalk above the roadway
- Advanced pavement markers that warn drivers of an upcoming pedestrian crossing

Enhanced:

- In-street Pedestrian Crossing Signs
- Signs and High Visibility Markings

Active:

- In-roadway Warning Lights
- Pedestrian Crossing Flags
- Overhead Flashing Amber Beacons

In addition, the NCHRP report offers a range of geometric treatments such as raised crosswalks, curb extensions (or “bulb outs”), and other roadway narrowing techniques. To make a more detailed recommendation related to the best treatment at this location, pedestrian counts should be done during peak use times such as the Park City Film Series.

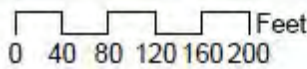
Conclusion

In conclusion, demand for parking at the library comes from a diversity of sources. Changes to the library will increase parking demand to a small degree while planned changes to the parking lot will decrease parking supply. The peak daytime demand for parking at the library is 87 spaces; a conservative estimate. Option 1, with 88 parking spaces, is the only scenario capable of accommodating this peak parking demand. It is important to understand that this assumes that all library uses “peak” at the same time. Enacting the staff agreement to park off-site is an essential step in matching the new parking demand with the reduced supply.



Carl Winters Area Parking

Planning Commission - November 20, 2013



1 in = 96 ft

Distance to Parking:

- 270' - Far End of Lot 330/380' - Bus Stops
- 370' - MaWhinney Lot
- 380' - 13th St via Lawn
- 520' - 13th via Norfolk
- 650' - S end City Park
- 860' - Miners Hospital

Miner's Hospital Parking
14 Spaces

South End - Gazebo
26 Spaces

MaWhinney Lot
48 Spaces

13th Street
25 Spaces

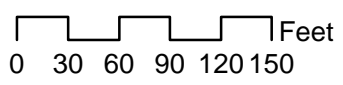
Bus Stop

Library Lot
98 Spaces:
inc.: 12 short term
3 high efficiency

13th Street Stairs

12th Street Stairs

Carl Winters Area Parking



1 in = 113 ft
Page 233 of 299

Planning Commission Staff Report



Subject: Courchevel Condominiums at Deer Valley Fifth Amended
Authors: Christy J. Alexander, Planner II
Date: November 20, 2013
Type of Item: Administrative – Condominium Record of Survey Amendment
Project Number: PL-13-02098

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the Fifth Amendment to Courchevel Condominiums at Deer Valley record of survey plat amending Unit C301 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Description

Applicant: Evergreen Engineering, Greg Wolbach, representative of owner and HOA
Location: 2700 Deer Valley Drive East, Unit C301
Zoning: Residential Development (RD-MPD) as part of the Deer Valley MPD
Adjacent Land Uses: Condominium units, Deer Valley resort parking, open space
Reason for Review: Condominium Record of Survey Amendments require Planning Commission review and City Council approval.

Proposal

The applicant is requesting to amend the existing Courchevel Condominiums at Deer Valley record of survey plat for Unit C301 (Exhibit A). The amendment is a request to convert the existing common area loft space into private area for Unit C301.

Background

The Courchevel Condominiums are located at 2700 Deer Valley Drive East within the Deer Valley community portion of the Deer Valley Resort Master Planned Development (MPD). The Courchevel Condominiums at Deer Valley record of survey plat was initially approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984 (see Exhibit B).

The Courchevel Condominiums at Deer Valley record of survey plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage. There are two (2) access driveways from the garage to Deer Valley Drive East. In November of 1989, an amended record of survey plat was approved and recorded increasing the number of residential condominium units to forty-one (41) (see Exhibit B).

In February of 2012, a second amendment record of survey plat was recorded. This second amendment converted 608 square feet of common attic area above each of Units B301 and B303, 1,216 square feet total, to private area. The only exterior changes during this second amendment were the addition of windows on the south side of Building B (see Exhibit B).

Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed. The second amendment mentioned in the paragraph above also reflected that Building A was not built and removed it from the record of survey. Currently there are 27 condominium units and 29 parking spaces. Each existing condominium unit contains 759 square feet, except for Units B301 and B303, which contain a total of 1,367 square feet for a grand total of 21,709 square feet and a developed unit equivalent (UE) of 10.86.

In December of 2012, a third amendment record of survey plat was recorded. This third amendment converted 470 square feet of common attic area above Unit B202 to private area for an additional bedroom and bathroom (see Exhibit B).

On January 14, 2013, a fourth amendment record of survey plat was recorded. This fourth amendment converted 608 square feet of common attic area above Unit B304 to private area for an additional bedroom and bathroom. The only exterior change during the fourth amendment was the addition of a matching window on the south side of Building B (see Exhibit B).

In October 2013, Courchevel Homeowners association voted unanimously (with more than 2/3rds of members voting) to approve construction of the loft space and the transfer of 139 square feet of common space to private space for Unit C301.

On October 10, 2013, the City received a complete application for a fifth amendment to the Courchevel Condominiums at Deer Valley record of survey plat (Exhibit A). This current application requests conversion of 139 sf of common loft space in Unit C301 to private area for private loft space. There are no exterior changes proposed.

The property is subject to requirements and restrictions of the Deer Valley Resort 11th Amended and Restated Large Scale MPD. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel, UEs under the master plan were 2,000 per UE. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet. The existing residential square footage for the 27 condominium units is 22,787 sf plus 139 sf, as requested by this application, would result in a total of 22,926 sf (11.46 UE) for the project.

Analysis

The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged, the additional floor area is proposed within the existing structure minimizing site disturbance, preserving the

existing natural open space, and minimizing impacts of development. The additional floor area exists as loft space and there are no exterior changes.

Unit C301 would increase by 139 square feet from 759 square feet to 898 square feet. The total proposed Unit Equivalents for the project would be 11.46. As the current Deer Valley MPD allows 13.5 UE for Courchevel, this increase is allowed under the existing MPD (Exhibit C). The property is subject to the following criteria:

	Permitted through MPD	Proposed
Height	Height allowed in the Deer Valley Master Plan for the Courchevel parcel is 35' from existing grade.	No additional building height is proposed. All proposed construction is within the existing building envelope and roof. Building complies with the 35' height allowance.
Front setback	Twenty feet (20')	No construction is proposed into the existing 20' front setbacks.
Rear setback	Fifteen feet (15')	No construction is proposed into the existing 15' rear setbacks.
Side setbacks	Twelve (12')	No construction is proposed into the existing 12' side setbacks.
Residential Unit Equivalents	Allowed: 13.5 UEs Existing: 11.39 UEs 23 units at 759 square feet, 3 units at 1,367 square feet and 1 unit at 1,229 square feet, for an existing total of 22,787 sf	Proposed increase of 139 square feet totaling 22,926 square feet. (11.46 UE). Unit C301 will be 898 square feet in area with approval of this plat amendment.
Commercial and Office uses Support uses	No commercial or office uses exist	No commercial or office uses are proposed.
Parking	Existing: 31 spaces underground for 27 units, 1 space per unit plus 4 spaces for the 4 enlarged units.	No additional parking is required for the additional 139 square feet added to C301 since the unit will remain under 1,000 square feet total.

In reviewing the density and unit equivalent calculations, staff finds that there are currently 11.39 UEs, 11.46 UE if the Fifth Amendment is approved. The proposed plat amendment would increase the total residential floor area by 139 square feet to 22,926 square feet (11.46 UEs); therefore the request would not exceed the allowed 13.5 UEs (27,000 square feet) for the property.

There are 4,074 square feet (2.04 UE) remaining allocated to this project. An additional parking space would be required for each unit that exceeds 1,000 sf unless a parking reduction is approved by the Planning Commission per LMC Section 15-3-7 (see explanation of Parking below).

The building does not exceed the allowable 35' building height and there are no non-conforming setback issues. All construction is proposed within the existing building envelope.

Parking

Thirty-one (31) parking spaces exist in the underground parking structure beneath the existing buildings. The current number of units and the size of units pending approval with the recent plat amendment, the Fifth Amendment, requires a total of 31 spaces.

Prior to the 1984 LMC one (1) parking space was required for each one bedroom unit. In 1984 the LMC required two (2) spaces per one (1) bedroom apartment not exceeding 1,000 square feet. The current LMC requires two (2) spaces for any units greater than 1,000 square feet and less than 2,500 square feet and allows the existing units to conform to the 1984 Code. Since the proposed change won't increase the unit to greater than 1,000 square feet then less than thirty-one (31) parking spaces will be required and thirty-one (31) spaces will exist within the parking garage.

An additional parking space would be required for any future addition to any unit if the addition created more than 1,000 square feet of floor area, unless a parking exception is approved by the Planning Commission per LMC Section 15-3- 7.

There is undeveloped land on the property available for construction of additional off-street surface parking should it be necessary; however lack of parking for this property has not been an issue in the past and sufficient parking for the proposed addition to Unit C301 can be provided within the existing parking structure. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route. Given the relatively small unit size, it appears that the single parking space per unit is adequate.

Good Cause

Planning Staff finds that there is good cause for this record of survey amendment to reflect the as-built conditions and allow the owner to utilize the existing common area in Unit C301 as private area without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

Department Review

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

Notice

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

Public Input

Staff has not received public input on this application at the time of this report.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may recommend for approval the Fifth Amendment to Courchevel Condominiums at Deer Valley record of survey plat amending Unit C301 as conditioned or amended; or
- The Planning Commission may recommend denial of the Fifth Amendment to Courchevel Condominiums at Deer Valley record of survey plat amending Unit C301 and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Fifth Amendment to Courchevel Condominiums at Deer Valley record of survey plat amending Unit C301 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 unit and loft would remain as is and no construction could take place across the existing lot lines or into the common area.

Recommendation

Staff recommends the Planning Commission hold a public hearing, consider input and consider forwarding a positive recommendation to City Council for the Fifth Amendment to Courchevel Condominiums at Deer Valley record of survey plat amending Unit C301, based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Proposed 5th amended plat

Exhibit B – Existing plats

Exhibit C – Aerial photographs

Exhibit D – Applicant letter

Ordinance No. 13-

AN ORDINANCE APPROVING THE COURCHEVEL CONDOMINIUMS AT DEER VALLEY FIFTH AMENDED, LOCATED AT 2700 DEER VALLEY DRIVE EAST, PARK CITY, UTAH.

WHEREAS, the owner of the property known as the Courchevel Condominiums, located within the Deer Valley Community of the Deer Valley Resort Eleventh Amended and Restated Large Scale Master Planned Development (MPD) has petitioned the City Council for approval of a request for an amendment to the record of survey plat to convert the common loft space in Unit C301 to private area; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on November 20, 2013, to receive input on the amended record of survey plat;

WHEREAS, the Planning Commission, on November 20, 2013, forwarded a recommendation to the City Council; and,

WHEREAS, on ____, 2013, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Courchevel Condominiums at Deer Valley Fifth Amended record of survey plat to reflect as-built conditions and allow the owner to utilize the loft space in Unit C301 as private area without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD, as amended (11th Amended MPD).

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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 Fifth Amended Courchevel Condominiums record of survey 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 2700 Deer Valley Drive East.
2. The Courchevel Condominium at Deer Valley record of survey was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.

3. The Courchevel Condominiums at Deer Valley record of survey plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage.
4. There are two (2) access driveways from the garage to Deer Valley Drive East.
5. In November of 1989, an amended record of survey plat was approved and recorded increasing the number of residential condominium units to forty-one (41).
6. In February of 2012, a second amendment record of survey plat was recorded. This second amendment converted 608 square feet of common attic area above each of Units B301 and B303, 1,216 square feet total, to private area.
7. Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed.
8. The second amendment reflected that Building A was not built and removed it from the record of survey.
9. In December of 2012, a third amendment record of survey plat was recorded. This third amendment converted 470 square feet of common attic area above Units B304 to private area.
10. In January of 2013, a fourth amendment record of survey plat was recorded. This fourth amendment converted 608 square feet of common attic area above Unit B202 to private area.
11. Currently there are 27 condominium units and 31 underground parking spaces.
12. Each existing condominium unit contains 759 square feet, except for Units B301, B303, and B304, which contain a total of 1,367 square feet and Unit B202 contains 1,229 square feet. Unit C301 if approved will contain 898 square feet.
13. The property is subject to requirements and restrictions of the Deer Valley Resort 11th Amended and Restated Large Scale MPD.
14. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel.
15. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property.
16. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet. The existing residential square footage for the 27 condominium units is 22,926 square feet, including the pending 139 for Unit C301 subject to approval of the Fifth Amendment.
17. On October 10, 2013 the City received a completed application for a Fifth Amendment to the Courchevel Condominiums at Deer Valley record of survey requesting conversion of 139 square feet of common loft space in Unit C301 to private area.
18. Unit C301 is located on the second floor of Building C.
19. In October 2013, Courchevel Condominium owner's association voted unanimously (with more than 2/3rds of members voting) to approve construction of the loft space and the transfer of 139 square feet of common space to private space for Unit C301.
20. There are no exterior changes proposed.
21. The proposed amendment is consistent with the purpose statements of the district.
22. Unit C301 would increase by 139 square feet from 759 square feet to 898 square feet and the total floor area would be 22,926 square feet.
23. The total proposed UE for the project, including the pending Fifth Amendment, would be 11.46 UE.

24. The current Deer Valley MPD allows 13.5 UE for Courchevel Condominiums. If this amendment is approved and recorded there will be 4,074 square feet (2.04 UE) of floor area remaining for future conversion of common area to private area. An additional parking space would be required for each unit that exceeds 1,000 square feet, unless a parking exception is approved by the Planning Commission per LMC Section 15-3-7.
25. The building does not exceed the allowable 35' building height and there are no non-conforming setback issues.
26. All construction is proposed within the existing building envelope.
27. The current LMC requires two (2) spaces for each of the amended units greater than 1,000 square feet and less than 2,500 square feet. The proposed Fifth Amendment complies with this requirement.
28. The current LMC would require one and half (1.5) spaces for each unit greater than 650 square feet and less than 1,000 square feet. The existing development would be short 13 parking spaces if developed under the current Land Management Code (LMC).
29. Thirty-one (31) parking spaces will be required and thirty-one (31) spaces will exist with approval of the Fifth Amendment.
30. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route.
31. The expanded unit would comply with the current parking code.

Conclusions of Law:

1. There is good cause for this amendment to the record of survey.
2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended record of survey plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
5. Approval of the record of survey amendment, subject to the conditions of approval, will 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 record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the record of survey.
2. The applicant will record the amended record of survey 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 record of survey 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. All conditions of approval of the Deer Valley Resort 11th Amended and Restated Large Scale MPD and the amended Courchevel Condominiums at Deer Valley record of survey plats shall continue to apply.

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

PASSED AND ADOPTED this ___ day of _____, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A

CONDOMINIUM PLAT COURCHEVEL CONDOMINIUMS AT DEER VALLEY FIFTH AMENDED

- A UTAH CONDOMINIUM PROJECT -
A PARCEL OF LAND LOCATED WITHIN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREIN DESCRIBED PROPERTY.
I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8, CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57, REAL ESTATE.



GREGORY R. WOLBACH DATE: _____

LEGAL DESCRIPTION

COURCHEVEL CONDOMINIUMS AT DEER VALLEY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, NO. 229039, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT WHICH IS SOUTH 1747.2 FEET AND EAST 4305.17 FEET FROM THE EAST QUARTER CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 25'00"00" WEST 214.03 FEET; THENCE NORTH 89°20'00" WEST 180.75 FEET TO A POINT ON A 938.18 FOOT RADIUS CURVE TO THE LEFT, THE RADIUS POINT BEARS NORTH 82°30'58" WEST, OF WHICH THE CENTRAL ANGLE IS 09°40'04"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 111.83 FEET; THENCE NORTH 00°40'00" EAST 251.83 FEET; THENCE SOUTH 89°20'00" EAST 239.78 FEET; THENCE SOUTH 00°11'40" EAST 188.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1.8228 ACRES, MORE OR LESS.

NOTES

- THIS PLAT REPRESENTS AN AMENDMENT OF UNIT C301, "COURCHEVEL CONDOMINIUMS AT DEER VALLEY", ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, RECORDATION NUMBER 229039. THIS AMENDMENT CONVERTS EXISTING LOT SPACE, ORIGINALLY SHOWN AND PLATTED AS COMMON AREA, INTO PRIVATE AREA FOR UNIT C301. THE EXISTING LOT SPACE IS ON LEVEL 5, AS NOTED AND SHOWN HEREON. ALSO, EXISTING VAULTED CEILING WITHIN UNIT C301, NOT PREVIOUSLY SHOWN ON ORIGINAL PLAT, ARE HEREBY CONVERTED TO PRIVATE AREA/SPACE FOR SAID UNIT C301.
- ADDITIONAL UNITS ARE SHOWN HEREON FOR REFERENCE ONLY. FOR INFORMATION ON ANY UNIT OTHER THAN UNIT C301, PLEASE SEE "COURCHEVEL CONDOMINIUMS AT DEER VALLEY", RECORDATION NUMBER 229039 AND "COURCHEVEL CONDOMINIUMS AT DEER VALLEY, AMENDED SHEET 2 OF 3", RECORDATION NUMBER 315505 AND "COURCHEVEL CONDOMINIUMS AT DEER VALLEY, SECOND AMENDED", RECORDATION NUMBER 939912 AND "COURCHEVEL CONDOMINIUMS AT DEER VALLEY THIRD AMENDED", RECORDATION NUMBER 958842 AND "COURCHEVEL CONDOMINIUMS AT DEER VALLEY FOURTH AMENDED", RECORDATION NUMBER 981550, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.
- 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.
- THE DEER VALLEY MASTER PLAN CONTINUES TO APPLY AS WELL AS ANY CONDITIONS ON THE COURCHEVEL CONDOMINIUM PLAT.
- THE UNITS OF THIS CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE "COURCHEVEL CONDOMINIUMS AT DEER VALLEY OWNERS ASSOCIATION" SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.
- RESIDENTIAL FIRE SPRINKLERS ARE REQUIRED FOR ANY EXPANSION.
- THIS PLAT AMENDMENT IS SUBJECT TO ORDINANCE _____.

AREA TABULATIONS

UNIT C301:
PRIVATE AREA: 888 SF
LIMITED COMMON AREA: 125 SF

HATCHING LEGEND

	COMMON AREA
	LIMITED COMMON AREA
	PRIVATE AREA

2700 STREET ADDRESS

OWNERS DEDICATION AND CONSENT TO RECORD - HOA

KNOW ALL MEN BY THESE PRESENT THAT COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION (THE "ASSOCIATION"), THE AUTHORIZED REPRESENTATIVE OF ALL OF THE UNIT OWNERS HOLDING AT LEAST A TWO-THIRD 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 COURCHEVEL CONDOMINIUMS AT DEER VALLEY, CERTIFIES THAT IT HAS CAUSED THIS SURVEY TO BE MADE AND THIS RECORD OF SURVEY TO BE PREPARED. THE ASSOCIATION, ON BEHALF OF ALL OF THE UNIT OWNERS, DOES HEREBY CONSENT TO THE RECORDATION OF THE PLAT.

COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION
A UTAH NON-PROFIT CORPORATION

BY: _____
(Name of document signer, Title or Office)

ACKNOWLEDGMENT

STATE OF _____) PRESIDENT
COUNTY OF _____) COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION, A UTAH
NON-PROFIT CORPORATION

ON THE _____ DAY OF _____, 2013, PERSONALLY APPEARED BEFORE ME _____, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (or proven on the basis of satisfactory evidence) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE _____ OF COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION, AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID _____ ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, STATE _____

* Signing in a Representative Capacity: An authorized officer, agent, partner, trustee, member or other representative may sign on behalf of their representative business, be it a corporation, partnership, trust, limited liability company or other entity providing they have been given authority to sign in their representative capacity. The notary must require the signer to present satisfactory documentary evidence and administer an oath or affirmation.

OWNERS DEDICATION AND CONSENT TO RECORD - UNIT C31

KNOW ALL MEN BY THESE PRESENT THAT WE, THE UNDERSIGNED OWNERS OF THE UNITS, COMMON AND LIMITED COMMON AREAS CONTAINED WITHIN THE HEREIN DESCRIBED TRACT OF LAND, TO BE HEREAFTER KNOWN AS "COURCHEVEL CONDOMINIUMS AT DEER VALLEY FIFTH AMENDED", CERTIFY THAT WE HAVE CAUSED THIS SURVEY TO BE MADE AND THIS CONDOMINIUM PLAT TO BE PREPARED. WE DO HEREBY CONSENT TO THE RECORDATION OF THIS CONDOMINIUM AND CERTIFY THAT THE UNITS ARE AS SHOWN ON THIS AMENDED CONDOMINIUM PLAT.

BY: DAVID P. HANNAY

BY: JANE C. JOHANSON

STATE OF _____) DAVID P. HANNAY
COUNTY OF _____)

ON THE _____ DAY OF _____, 2013, PERSONALLY APPEARED BEFORE ME DAVID P. HANNAY, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT HE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, STATE _____

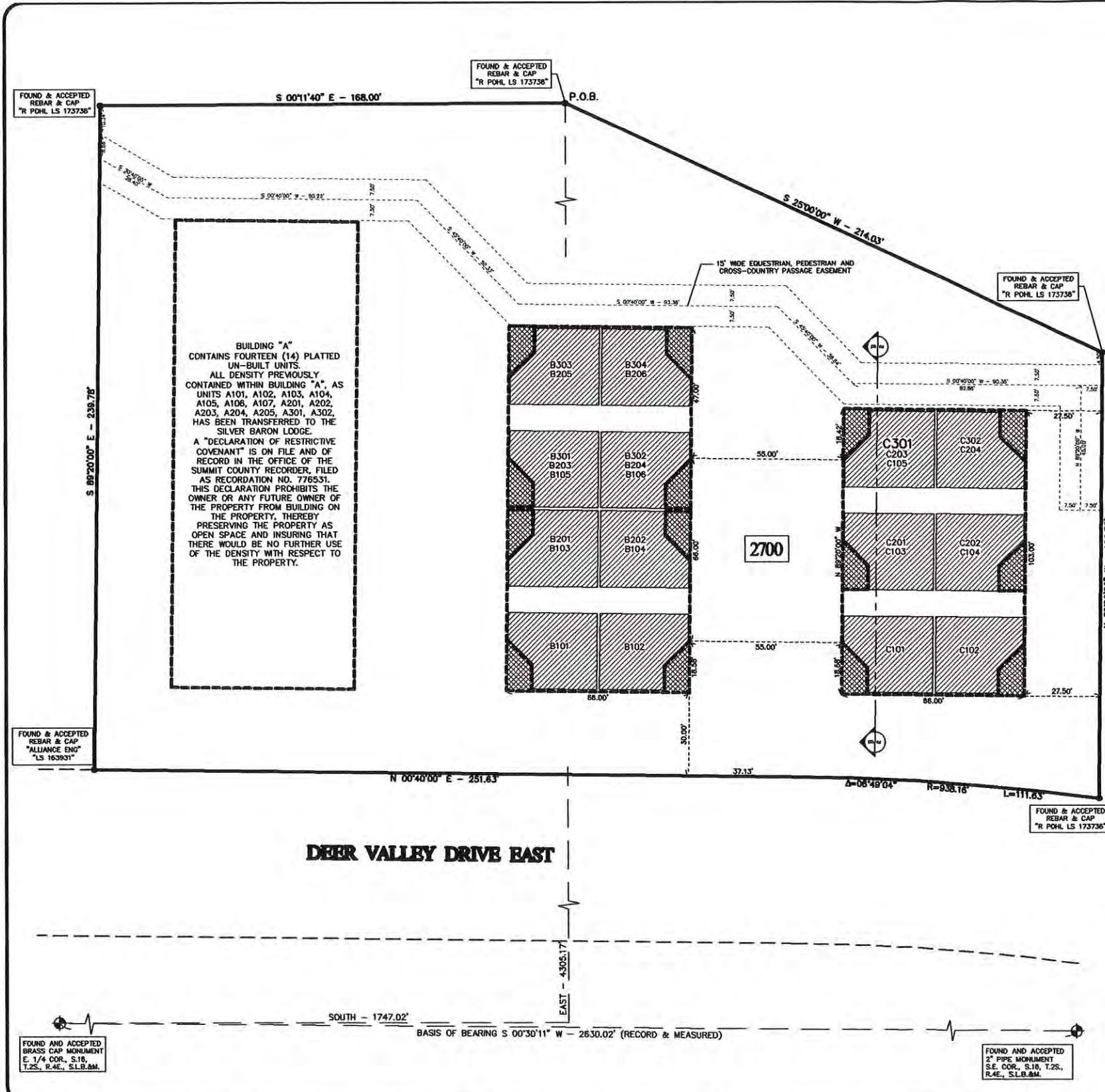
ACKNOWLEDGMENT

STATE OF _____) JANE C. JOHANSON
COUNTY OF _____)

ON THE _____ DAY OF _____, 2013, PERSONALLY APPEARED BEFORE ME JANE C. JOHANSON, WHO BEING BY ME DULY SWORN, DID SAY THAT SHE IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT SHE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, STATE _____

SHEET 1 OF 2
PLAT DATE: AUGUST 1, 2013
DRAWING: CD-2013-00



Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1879 Bismarck Drive • Suite 104
P.O. Box 2881 • Park City • Utah • 84060
Phone: 435.848.4997 • Fax: 435.849.9219
E-mail: office@evergreen-eng.com

CITY ENGINEER
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 2013.
CITY ENGINEER _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ AD 2013.
BY: _____ SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 2013.
CHAIRMAN _____

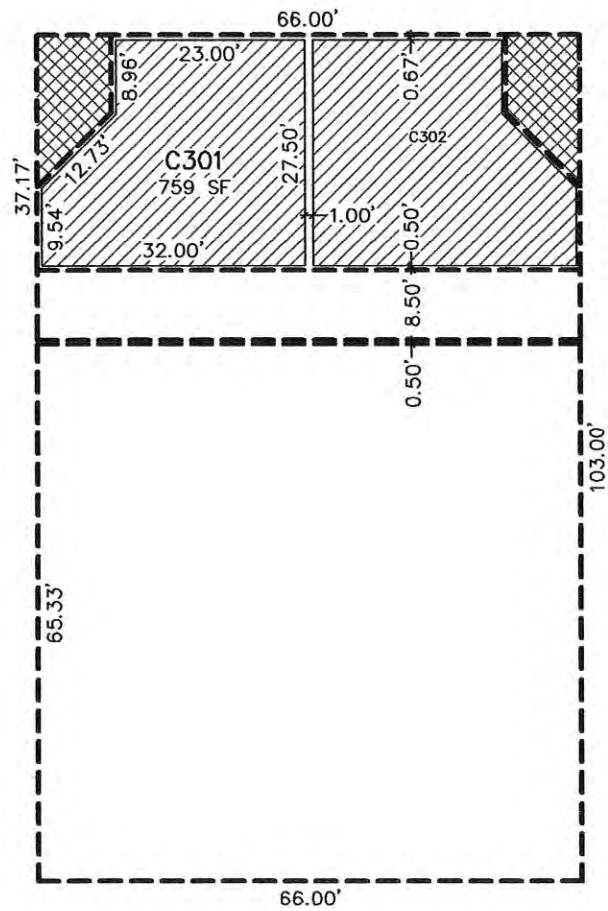
APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 2013.
CITY ATTORNEY _____

COUNCIL APPROVAL & ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2013
MAYOR _____

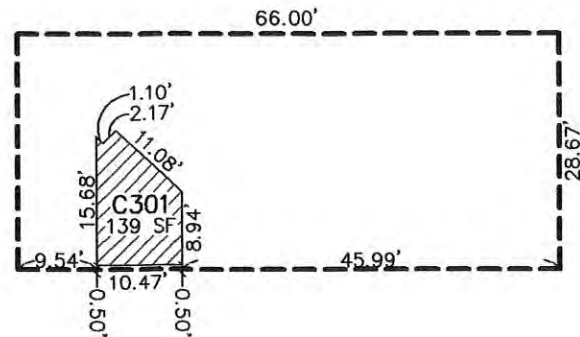
CERTIFICATE OF ATTEST
I CERTIFY THIS WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2013
CITY RECORDER _____

RECORDED
No. _____
STATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF: _____
COUNTY RECORDER _____

OCT 10 2013



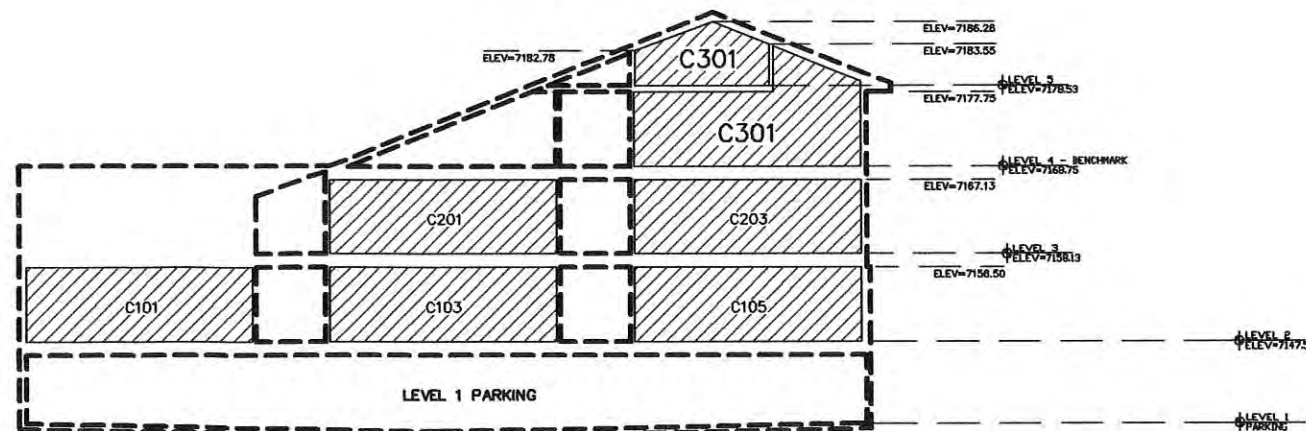
FLOOR PLAN - LEVEL 4
UNIT C301



FLOOR PLAN - LEVEL 5
UNIT C301

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA



B SECTION -
BLDG. B



DATE	BY	COMMENTS



SURVEYED BY: GRW
DRAWN BY: GRW
CHECKED BY: ADM/GRW

COURCHEVEL CONDOMINIUMS
AT DEER VALLEY
FIFTH AMENDED

FOR: GRAVITY CONSTRUCTION

COM-MEND-C318

JOB NO. 1226

NO. _____ RECORDED
DATE _____
STATE OF _____
CITY OF _____
RECORDED AT THE REQUEST OF _____
FEES _____ CITY RECORDER

SHEET 2 OF 2

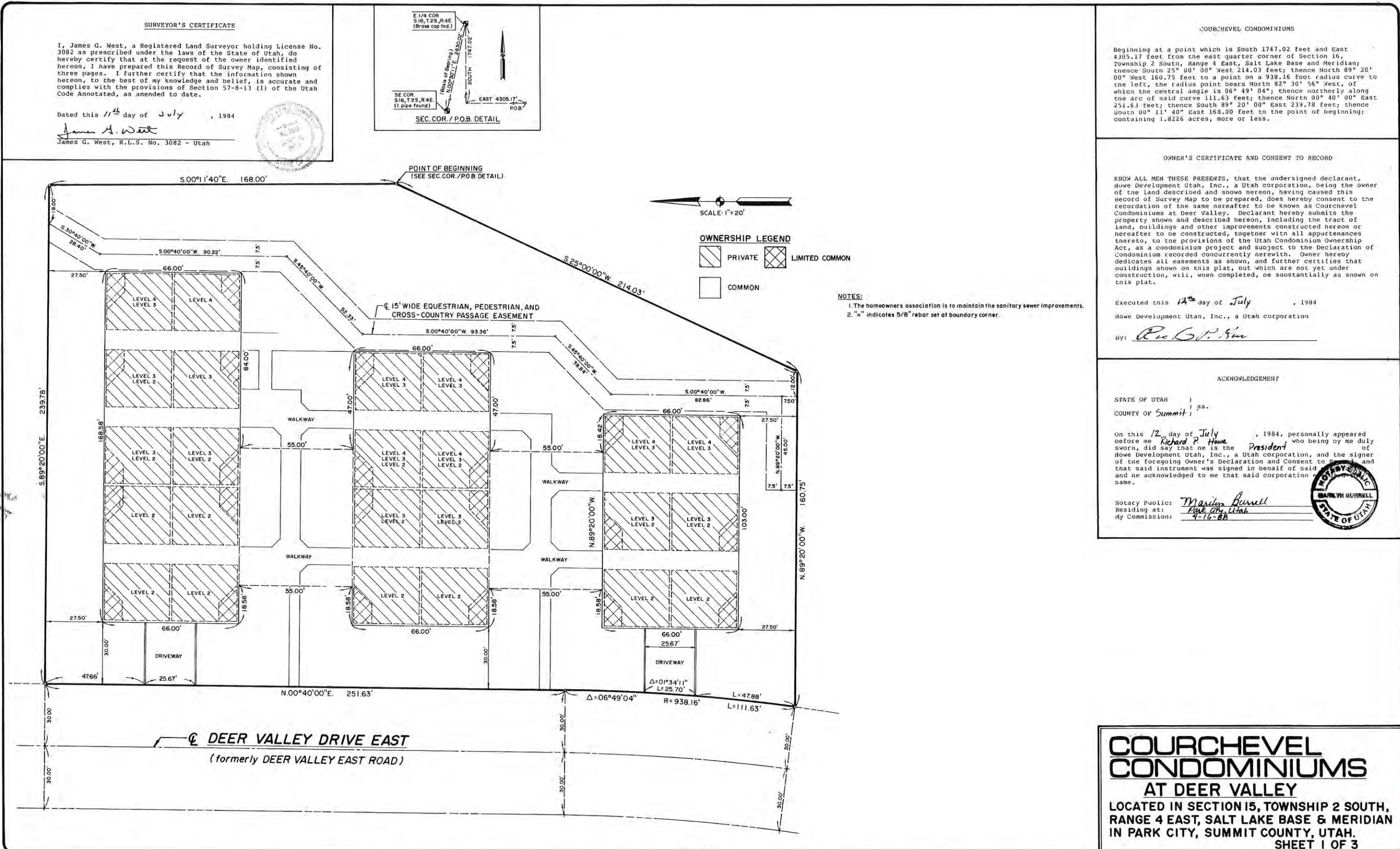
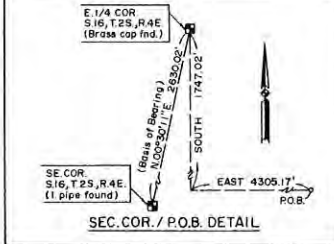
OCT 10 2013

EXHIBIT B

SURVEYOR'S CERTIFICATE

I, James G. West, a Registered Land Surveyor holding License No. 3082 as prescribed under the laws of the State of Utah, do hereby certify that at the request of the owner identified hereon, I have prepared this Record of Survey Map, consisting of three pages. I further certify that the information shown hereon, to the best of my knowledge and belief, is accurate and complies with the provisions of Section 57-8-13 (1) of the Utah Code Annotated, as amended to date.

Dated this 11th day of July, 1984
 James G. West
 James G. West, R.L.S. No. 3082 - Utah



OWNERSHIP LEGEND

PRIVATE
 LIMITED COMMON
 COMMON

- NOTES:**
- The homeowners association is to maintain the sanitary sewer improvements.
 - "a" indicates 5/8" rebar set at boundary corner.

COURCHEVEL CONDOMINIUMS

Beginning at a point which is South 1747.02 feet and East 4305.17 feet from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South 25° 00' 00" West 214.03 feet; thence North 89° 20' 00" West 160.75 feet to a point on a 938.16 foot radius curve to the left, the radius point bears North 82° 30' 56" West, of which the central angle is 06° 49' 04"; thence northerly along the arc of said curve 111.63 feet; thence North 00° 40' 00" East 251.63 feet; thence South 89° 20' 00" East 239.78 feet; thence South 00° 11' 49" East 168.00 feet to the point of beginning; containing 1.8226 acres, more or less.

OWNER'S CERTIFICATE AND CONSENT TO RECORD

KNOW ALL MEN THESE PRESENTS, that the undersigned declarant, Howe Development Utah, Inc., a Utah corporation, being the owner of the land described and shown hereon, having caused this Record of Survey Map to be prepared, does hereby consent to the recordation of the same hereafter to be known as Courchevel Condominiums at Deer Valley. Declarant hereby submits the property shown and described hereon, including the tract of land, buildings and other improvements constructed hereon or hereafter to be constructed, together with all appurtenances thereto, to the provisions of the Utah Condominium Ownership Act, as a condominium project and subject to the Declaration of Condominium recorded concurrently herewith. Owner hereby dedicates all easements as shown, and further certifies that buildings shown on this plat, but which are not yet under construction, will, when completed, be substantially as shown on this plat.

Executed this 12th day of July, 1984
 Howe Development Utah, Inc., a Utah corporation
 By: *Richard P. Howe*

ACKNOWLEDGEMENT

STATE OF UTAH)
) ss.
 COUNTY OF Summit)

On this 12th day of July, 1984, personally appeared before me *Richard P. Howe* who being by me duly sworn, did say that he is the President of Howe Development Utah, Inc., a Utah corporation, and the signer of the foregoing Owner's Declaration and Consent to Record, and that said instrument was signed in behalf of said corporation and he acknowledged to me that said corporation is the same.

Notary Public: *Marilyn Burrell*
 Residing at: *Park City, Utah*
 My Commission: *4-16-88*

COURCHEVEL CONDOMINIUMS AT DEER VALLEY

LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN IN PARK CITY, SUMMIT COUNTY, UTAH.

SHEET 1 OF 3

CITY COUNCIL APPROVAL

PRESENTED TO THE PARK CITY COUNCIL THIS 27th DAY OF December, A.D. 1984, AT WHICH TIME THIS RECORD OF SURVEY MAP WAS APPROVED

William A. Hansen
 MAYOR

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 18th DAY OF DECEMBER, A.D. 1984.

Bric W. Nathan, P.E.
 CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 16th DAY OF December, A.D. 1984.

[Signature]
 CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 31st DAY OF December, A.D. 1984.

[Signature]
 Asst. CITY ATTORNEY

RECORDED

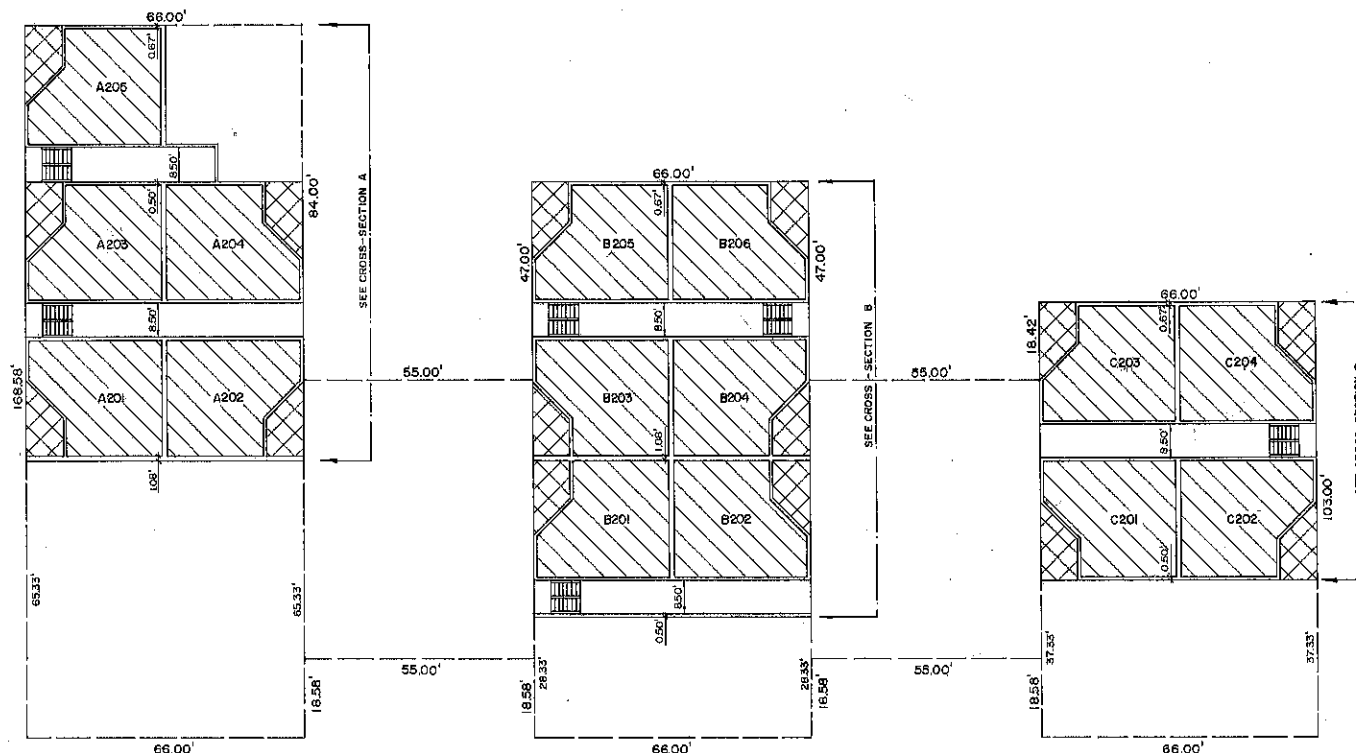
No. 229039
 STATE OF UTAH
 COUNTY OF SUMMIT
 RECORDED AND FILED AT THE REQUEST OF:
Summit County Title
 65.00
 FEES
Arian Johnson
 COUNTY RECORDER

J.J. Johnson & Associates

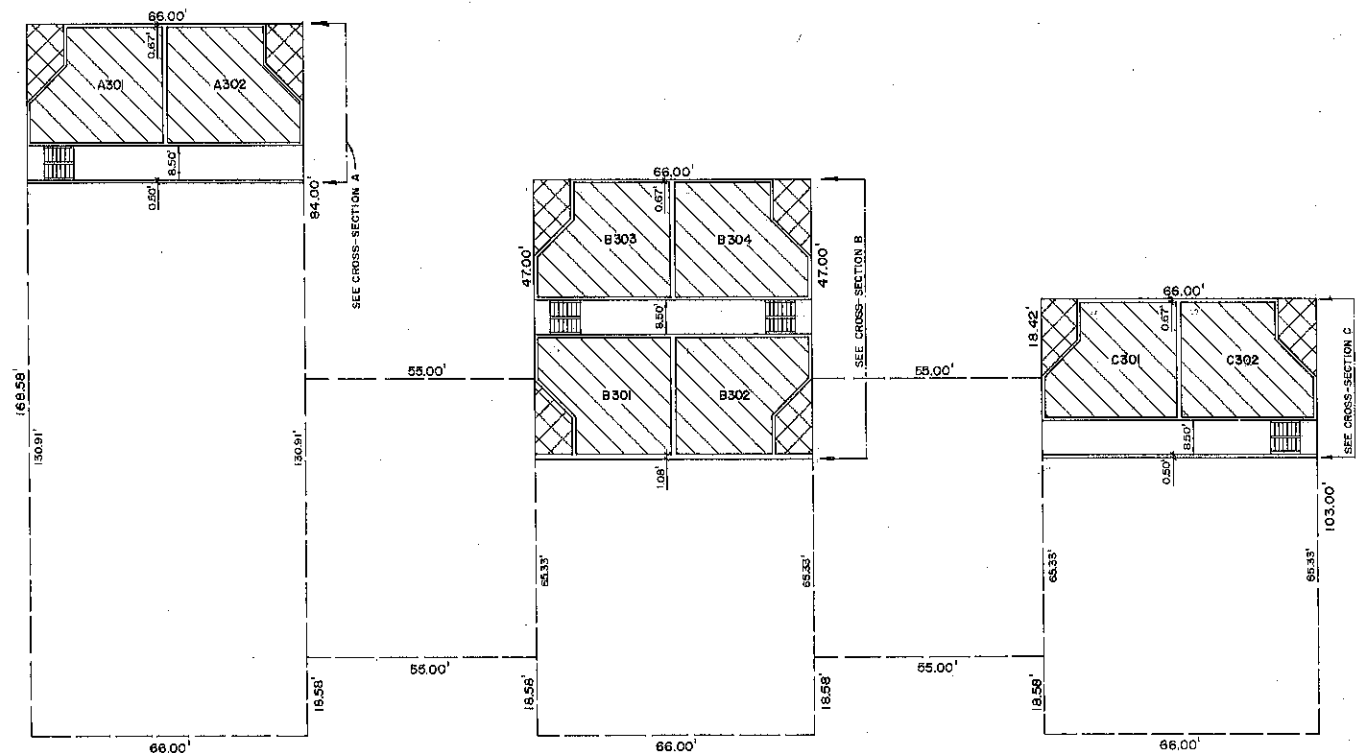
Park Meadows Plaza,
 Highway 248
 Park City, Utah 84060

(801) 649-9811

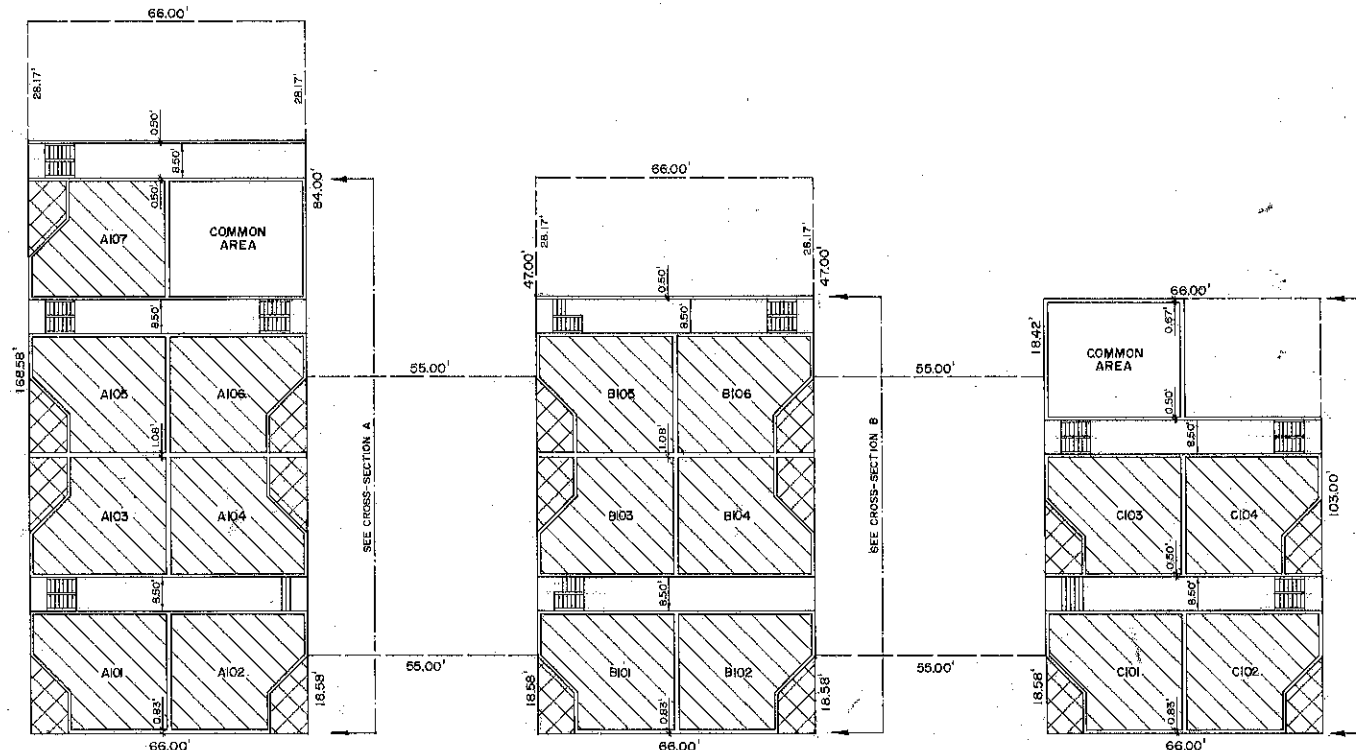
original plat



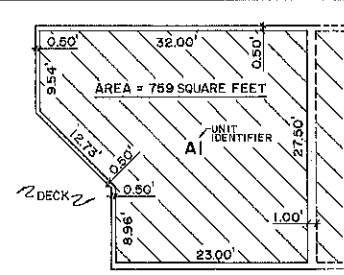
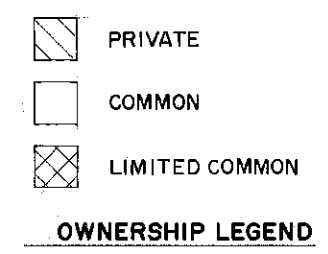
LEVEL 3 FLOOR PLAN SCALE: 1" = 20'



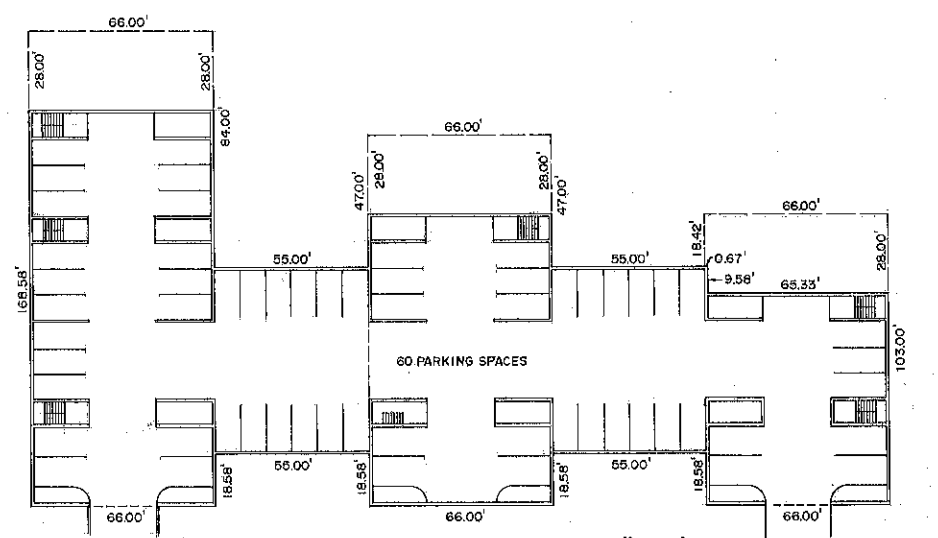
LEVEL 4 FLOOR PLAN SCALE: 1" = 20'



LEVEL 2 FLOOR PLAN SCALE: 1" = 20'



TYPICAL UNIT DETAIL



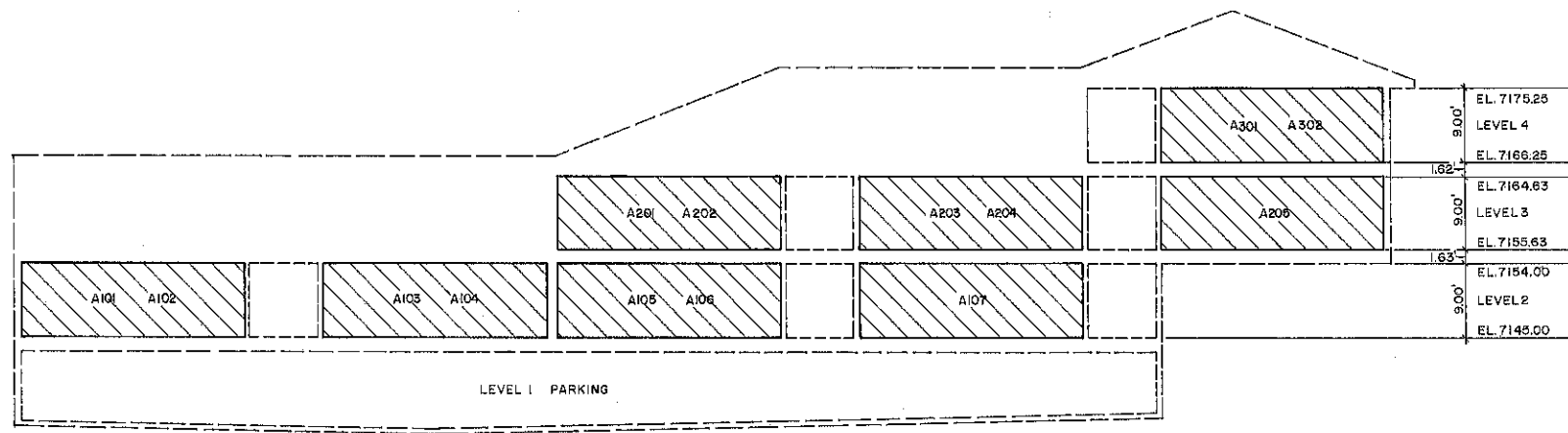
LEVEL I PARKING SCALE: 1" = 30'

COURCHEVEL CONDOMINIUMS SHEET 2 OF 3

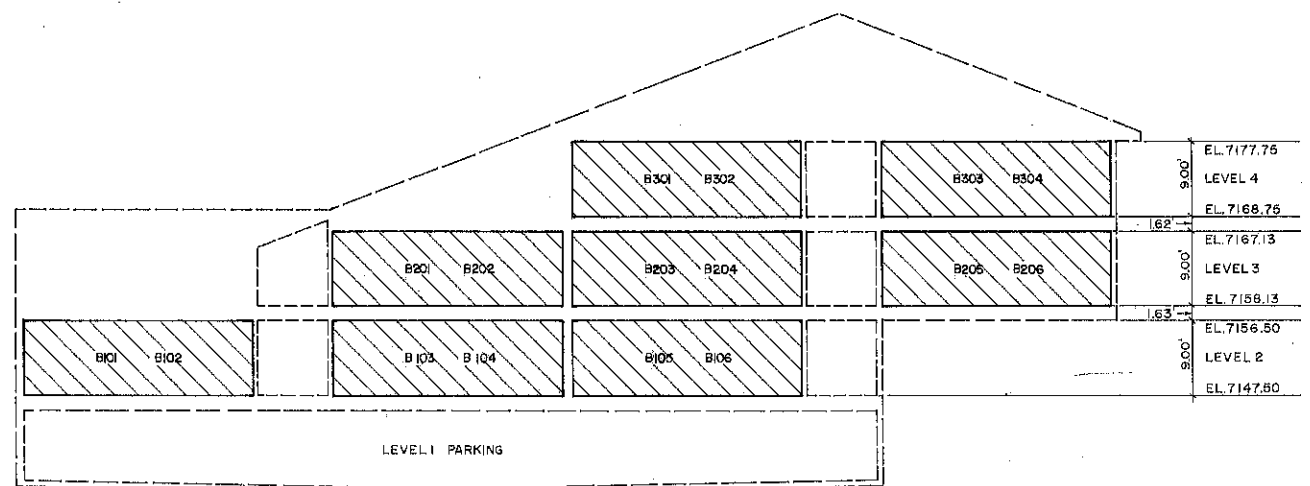
RECORDED
 No. 229039
 STATE OF UTAH
 COUNTY OF SUMMIT
 RECORDED AND FILED AT THE REQUEST OF:
Summit County Clerk
 65.00
 FEES
 COUNTY RECORDER

J.J. Johnson & Associates
 Park Meadows Plaza,
 Highway 24B
 Park City, Utah 84060
 (801) 649-9811
 JOB No. 1-402-84
 Page 249 of 259

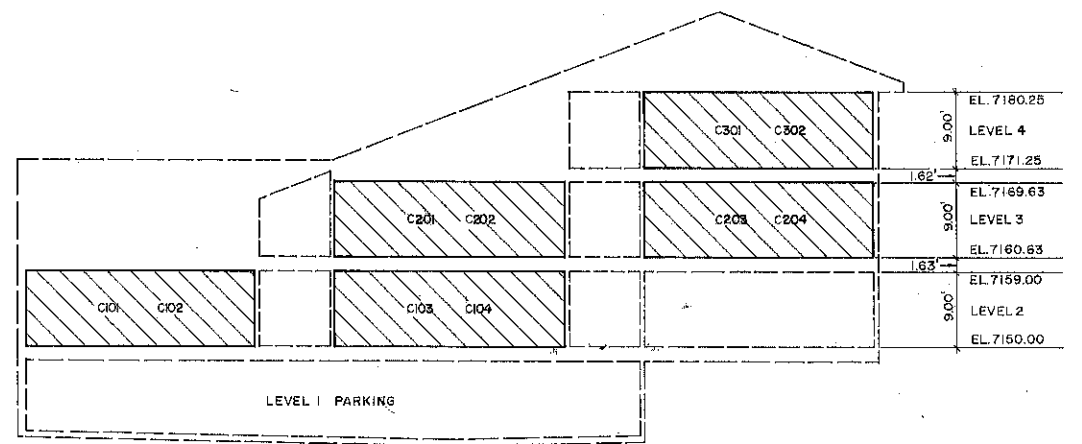




CROSS-SECTION A SCALE 1"=10'





CROSS-SECTION B SCALE 1"=10'



CROSS-SECTION C SCALE 1"=10'

OWNERSHIP LEGEND

-  PRIVATE
-  COMMON

BENCH MARK
 TOP OF BRASS CAP IN MONUMENT BOX LOCATED AT THE INTERSECTION OF DEER VALLEY DRIVE EAST AND DOE PASS ROAD. ELEVATION: 7145.42.


ODD NUMBERED UNITS - NORTH
 EVEN NUMBERED UNITS - SOUTH

COURCHEVEL CONDOMINIUMS SHEET 3 OF 3

RECORDED

NO. 229039 recorded 10-21-84
 STATE OF UTAH at 4:35
 COUNTY OF SUMMIT
 RECORDED AND FILED AT THE REQUEST OF:
Summit County, Utah
65.00 COUNTY RECORDER

J.J. Johnson & Associates
 Park Meadows Plaza,
 Highway 24E
 Park City, Utah 84080
 (801) 649-9811
 JOB No. 1-402-84 Page 250 of 250



COURCHEVEL CONDOMINIUMS

Beginning at a point which is South 1747.02 feet and East 4305.17 feet from the east quarter corner of Section 16, Township 3 South, Range 4 East, Salt Lake Base and Meridian; thence South 25° 00' 00" West 214.03 feet; thence North 89° 20' 00" West 160.75 feet to a point on a 938.16 foot radius curve to the left, the radius point bears North 82° 30' 56" West, of which the central angle is 06° 49' 04"; thence northerly along the arc of said curve 111.63 feet; thence North 00° 40' 00" East 251.63 feet; thence South 89° 20' 00" East 239.78 feet; thence South 00° 11' 40" East 168.00 feet to the point of beginning; containing 1.8226 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Rick S. Dunford, a Registered Land Surveyor holding License No. 5861 as prescribed under the laws of the State of Utah, do hereby certify that at the request of the owner's identified hereon, I have prepared the amended Record of Survey Map, Consisting of this one page amending the existing Courchevel Condominiums at Deer Valley Sheet No. 2 of 3 as recorded in the office of the Summit County Recorder on 12/31/84, instrument No. 229039. I further certify that the information shown hereon, to the best of my knowledge and belief, is accurate and complies with the provisions of section 57-8-13 (1) of the Utah Code Annotated, as amended to date.

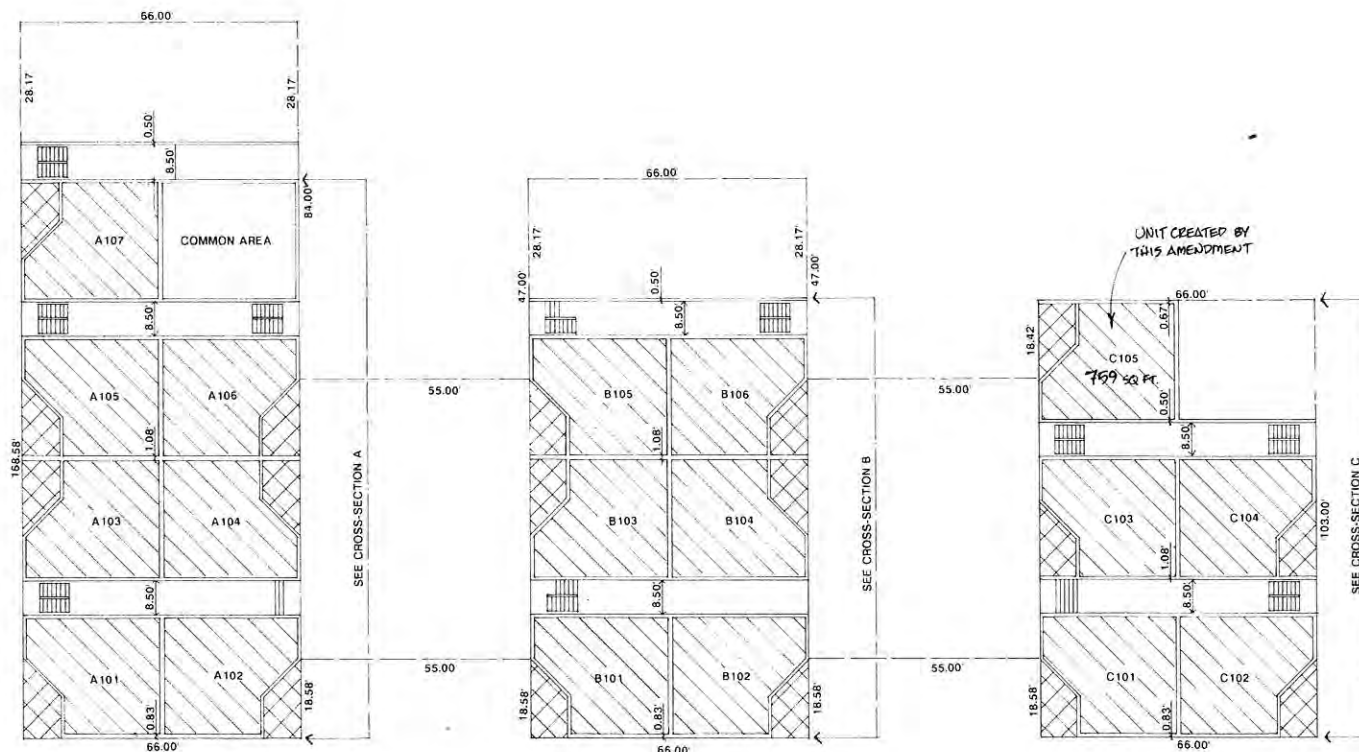
Dated this 12th day of OCTOBER, 1989

Rick S. Dunford

Rick S. Dunford, R.L.S. No. 5861 - Utah



NOTE: THE CERTIFICATIONS FOR THIS PLAT ARE CONTAINED ON SEPERATE PAGES LOCATED IN FILE CABINET # 1 CONDOMINIUMS



LEVEL 2 FLOOR PLAN SCALE: 1" = 20'



OWNERSHIP LEGEND

	PRIVATE		LIMITED COMMON
	COMMON		

We the undersigned do hereby consent to the recordation of the first amendment to record of survey map Courchevel Condominiums.

By *[Signature]*
Deer Valley Resort, Company
By *[Signature]*
Robert M. Wilson
Vice President

COURCHEVEL CONDOMINIUMS
AT DEER VALLEY
AMENDED SHEET 2 OF 3

1st AMENDED

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF *[Signature]* CITY COUNCIL THIS 5th DAY OF OCTOBER A.D. 1989 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

[Signature]
MAYOR
[Signature]
CITY RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PACIFIC CITY ENGINEERING DEPARTMENT ON THIS 11th DAY OF OCTOBER A.D. 1989

[Signature]
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE 6th CITY PLANNING COMMISSION ON THIS DAY OF October A.D. 1989

[Signature]
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 6th DAY OF October A.D. 1989

[Signature]
CITY ATTORNEY

RECORDED

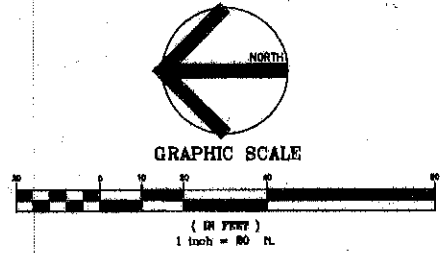
No. 315605
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
Western States Title

[Signature]
COUNTY RECORDER

JACK JOHNSON COMPANY

Land Planning Architecture Civil Engineering
1910 Prospect Ave., Suite 200 Park City, Utah 84060
801-645-9000 FAX 801-649-1620

CONDOMINIUM PLAT
**COURCHEVEL CONDOMINIUMS
 AT DEER VALLEY
 SECOND AMENDED**
 - A UTAH CONDOMINIUM PROJECT -
 A PARCEL OF LAND LOCATED WITHIN SECTION 13, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



FOUND & ACCEPTED
 REBAR & CAP
 "R" POHL LS 173736"

FOUND & ACCEPTED
 REBAR & CAP
 "R" POHL LS 173736"

FOUND & ACCEPTED
 REBAR & CAP
 "R" POHL LS 173736"

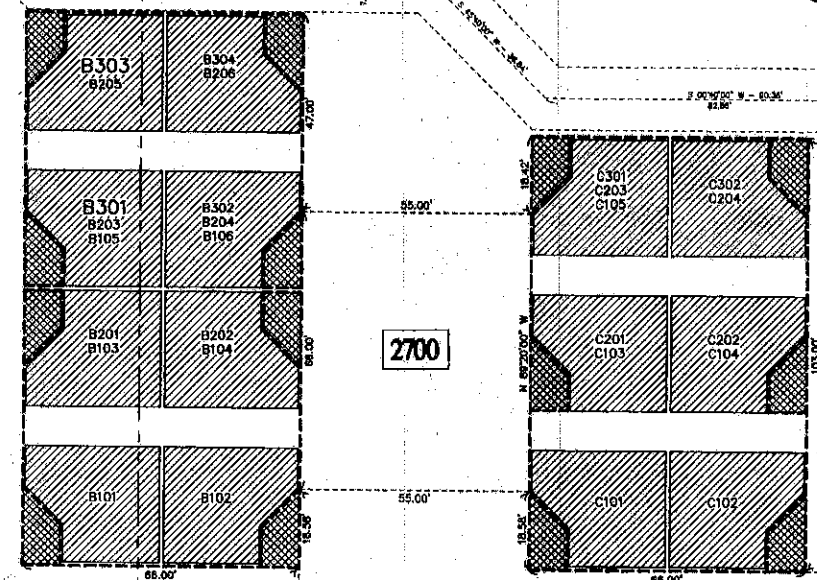
FOUND & ACCEPTED
 REBAR & CAP
 "ALLIANCE ENG"
 "LS 163931"

FOUND & ACCEPTED
 REBAR & CAP
 "R" POHL LS 173736"

FOUND AND ACCEPTED
 BRASS CAP MONUMENT
 E. 1/4 COR. S.18,
 T.2S, R.4E, S.L.B.&M.

FOUND AND ACCEPTED
 2" PIPE MONUMENT
 S.E. COR., S.16, T.2S,
 R.4E, S.L.B.&M.

BUILDING "A"
 CONTAINS FOURTEEN (14) PLATTED
 UN-BUILT UNITS.
 ALL DENSITY PREVIOUSLY
 CONTAINED WITHIN BUILDING "A", AS
 UNITS A101, A102, A103, A104,
 A105, A106, A107, A201, A202,
 A203, A204, A205, A301, A302,
 HAS BEEN TRANSFERRED TO THE
 SILVER BARON LODGE.
 A "DECLARATION OF RESTRICTIVE
 COVENANT" IS ON FILE AND OF
 RECORD IN THE OFFICE OF THE
 SUMMIT COUNTY RECORDER, FILED
 AS RECORDATION NO. 776531.
 THIS DECLARATION PROHIBITS THE
 OWNER OR ANY FUTURE OWNER OF
 THE PROPERTY FROM BUILDING ON
 THE PROPERTY, THEREBY
 PRESERVING THE PROPERTY AS
 OPEN SPACE AND INSURING THAT
 THERE WOULD BE NO FURTHER USE
 OF THE DENSITY WITH RESPECT TO
 THE PROPERTY.



SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL
 LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE
 OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREIN DESCRIBED PROPERTY.
 I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT IS A CORRECT REPRESENTATION OF THE LAND
 SURVEYED AND HAS BEEN PREPARED IN CONFORMANCE WITH THE MINIMUM STANDARDS AND REGULATIONS
 OF THE LAW AND AS SPECIFIED IN SECTIONS 87-8-13 OF CHAPTER 8, CONDOMINIUM OWNERSHIP ACT,
 UTAH CODE TITLE 87, REAL ESTATE.

Gregory R. Wolbach
 GREGORY R. WOLBACH
 STATE OF UTAH
 GREGORY R. WOLBACH
 NO. 187788
 2-8-01
 JULY 21, 2011
 DATE:

LEGAL DESCRIPTION

COURCHEVEL CONDOMINIUMS AT DEER VALLEY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT
 COUNTY RECORDER, NO. 229038, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT WHICH IS SOUTH 1747.2 FEET AND EAST 4305.17 FEET FROM THE EAST QUARTER
 CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE
 SOUTH 25°00'00" WEST 214.03 FEET; THENCE NORTH 89°30'00" WEST 180.78 FEET TO A POINT ON A
 538.18 FOOT RADIUS CURVE TO THE LEFT, THE RADIUS POINT BEARS NORTH 82°30'58" WEST, OF WHICH
 THE CENTRAL ANGLE IS 04°49'04"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 111.63 FEET;
 THENCE NORTH 00°49'00" EAST 251.83 FEET; THENCE SOUTH 89°20'00" EAST 239.78 FEET; THENCE
 SOUTH 00°11'40" EAST 188.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.8228 ACRES, MORE OR LESS.

NOTES

- THIS PLAT REPRESENTS AN AMENDMENT OF UNIT B301 AND UNIT B303, "COURCHEVEL
 CONDOMINIUMS AT DEER VALLEY", ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY
 RECORDER, RECORDATION NUMBER 229038. THIS AMENDMENT CONVERTS EXISTING COMMON AREA
 ATTIC SPACE INTO PRIVATE AREA FOR UNIT B301 AND UNIT B303. THE ATTIC SPACE IS ON LEVEL
 5, AS NOTED AND SHOWN HEREON.
- NOTE REBUILT.
- ADDITIONAL UNITS ARE SHOWN HEREON FOR REFERENCE ONLY. FOR INFORMATION ON ANY UNIT
 OTHER THAN UNIT B301 AND UNIT B303, PLEASE SEE "COURCHEVEL CONDOMINIUMS AT DEER
 VALLEY", RECORDATION NUMBER 229038 AND "COURCHEVEL CONDOMINIUMS AT DEER VALLEY",
 AMENDED SHEET 2 OF 2, RECORDATION NUMBER 318605, ON FILE AND OF RECORD IN THE OFFICE
 OF THE SUMMIT COUNTY RECORDER.
- COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR ITEMS PREVIOUSLY
 ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT. ALL REQUIREMENTS SET
 FORTH IN THIS AMENDMENT ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS.
- THE DEER VALLEY MASTER PLAN CONTINUES TO APPLY AS WELL AS ANY CONDITIONS ON THE
 COURCHEVEL CONDOMINIUM PLAT.
- THE UNITS OF THIS CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE.
 THE "COURCHEVEL CONDOMINIUMS AT DEER VALLEY OWNERS ASSOCIATION" SHALL BE RESPONSIBLE
 FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER
 LINES.

OWNERS DEDICATION AND CONSENT TO RECORD - HOA

KNOW ALL MEN BY THESE PRESENT THAT COURCHEVEL 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 87 OF THE REGULATION OF CONDOMINIUMS OF THE COURCHEVEL
 CONDOMINIUMS AT DEER VALLEY, CERTIFIES THAT IT HAS CAUSED THIS SURVEY TO BE MADE AND THIS
 RECORD OF SURVEY TO BE PREPARED. THE ASSOCIATION, ON BEHALF OF ALL OF THE UNIT OWNERS,
 DOES HEREBY CONSENT TO THE RECORDATION OF THE PLAT.

COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION
 A UTAH NON-PROFIT CORPORATION
 BY: *Scott Powell*
 SCOTT POWELL, PRESIDENT

ACKNOWLEDGMENT

STATE OF California) SCOTT POWELL, PRESIDENT
 COUNTY OF Sacramento) COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION, A UTAH
 NON-PROFIT CORPORATION

ON THE 16th DAY OF August, 2011, PERSONALLY APPEARED
 BEFORE ME SCOTT POWELL, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS PRESIDENT OF
 COURCHEVEL 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 FOREGOING INSTRUMENT IS THE SAME
 AS THAT WHICH IS REFERRED TO IN THE INSTRUMENT.

NOTARY PUBLIC *Sonia M. Moore*
 MY COMMISSION EXPIRES: March 19, 2016
 RESIDING IN Sacramento COUNTY, STATE CA

OWNERS DEDICATION AND CONSENT TO RECORD - UNIT B301

KNOW ALL MEN BY THESE PRESENT THAT WE, THE UNDERSIGNED OWNERS OF THE UNITS, COMMON AND
 LIMITED COMMON AREAS CONTAINED WITHIN THE HEREON DESCRIBED TRACT OF LAND, TO BE HEREAFTER
 KNOWN AS "COURCHEVEL CONDOMINIUMS AT DEER VALLEY SECOND AMENDED", CERTIFY THAT WE HAVE
 CAUSED THIS SURVEY TO BE MADE AND THIS CONDOMINIUM PLAT TO BE PREPARED. WE DO HEREBY
 CONSENT TO THE RECORDATION OF THIS CONDOMINIUM AND CERTIFY THAT THE UNITS ARE AS SHOWN ON
 THIS AMENDED CONDOMINIUM PLAT.

BY: *Richard Allaye Chan, Jr.*
 RICHARD ALLAYE CHAN, JR. as co-trustee of the ALLAYE CHAN TRUST under that certain
 Declaration of Trust dated July 23, 2009
 BY: *Antoinette Elizabeth Allaye-Chan*
 ANTOINETTE ELIZABETH ALLAYE-CHAN as co-trustee of the ALLAYE CHAN TRUST under that
 certain Declaration of Trust dated July 23, 2009

ACKNOWLEDGMENT

STATE OF California) RICHARD ALLAYE CHAN, JR. and ANTOINETTE ELIZABETH ALLAYE-CHAN,
 COUNTY OF Sacramento) as co-trustees of their successor(s) of the ALLAYE CHAN TRUST
 under that certain Declaration of Trust dated July 23, 2009

ON THE 16th DAY OF August, 2011, PERSONALLY APPEARED
 BEFORE ME RICHARD ALLAYE CHAN, JR. and ANTOINETTE ELIZABETH ALLAYE-CHAN, as co-trustees or
 their successor(s) of the ALLAYE CHAN TRUST under that certain Declaration of Trust dated July 23,
 2009, WHO BEING BY ME DULY SWORN, DID SAY THAT THEY, AS CO-TRUSTEES, REPRESENT THE
 "ALLAYE CHAN TRUST", AS OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY
 ACKNOWLEDGED TO ME THAT THEY, AS CO-TRUSTEES, AUTHORIZED THE FOREGOING INSTRUMENT.

NOTARY PUBLIC *Sonia M. Moore*
 MY COMMISSION EXPIRES: March 19, 2016
 RESIDING IN Sacramento COUNTY, STATE CA

OWNERS DEDICATION AND CONSENT TO RECORD - UNIT B303

KNOW ALL MEN BY THESE PRESENT THAT WE, THE UNDERSIGNED OWNERS OF THE UNITS, COMMON AND
 LIMITED COMMON AREAS CONTAINED WITHIN THE HEREON DESCRIBED TRACT OF LAND, TO BE HEREAFTER
 KNOWN AS "COURCHEVEL CONDOMINIUMS AT DEER VALLEY SECOND AMENDED", CERTIFY THAT WE HAVE
 CAUSED THIS SURVEY TO BE MADE AND THIS CONDOMINIUM PLAT TO BE PREPARED. WE DO HEREBY
 CONSENT TO THE RECORDATION OF THIS CONDOMINIUM AND CERTIFY THAT THE UNITS ARE AS SHOWN ON
 THIS AMENDED CONDOMINIUM PLAT.

BY: *Scott Powell*
 SCOTT POWELL, A Married Person

ACKNOWLEDGMENT

STATE OF California) SCOTT POWELL, A Married Person
 COUNTY OF Sacramento)

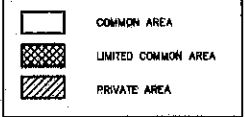
ON THE 16th DAY OF August, 2011, PERSONALLY APPEARED
 BEFORE ME SCOTT POWELL, A MARRIED PERSON, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS
 THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT
 HE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC *Sonia M. Moore*
 MY COMMISSION EXPIRES: March 19, 2016
 RESIDING IN Sacramento COUNTY, STATE CA

AREA TABULATIONS

UNIT B301:	PRIVATE AREA: 1,367 SF
	LIMITED COMMON AREA: 119 SF
UNIT B303:	PRIVATE AREA: 1,367 SF
	LIMITED COMMON AREA: 125 SF

HATCHING LEGEND



2700 STREET ADDRESS

Evergreen Engineering, Inc.
 Civil Engineering • Land Surveying • Road Planning
 1670 Bonanza Drive • Suite 104
 P.O. Box 2861 • Park City • Utah • 84600
 Phone: 435.646.4677 • Fax: 435.646.0215
 E-mail: office@evergreen-eng.com

CITY ENGINEER
 THIS PLAT IS IN CONFORMANCE WITH INFORMATION
 ON FILE IN THE OFFICE OF THE PARK CITY
 ENGINEERING DEPARTMENT ON THIS 10th
 DAY OF October A.D. 2011.
[Signature]
 CITY ENGINEER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE
 BASIN WATER RECLAMATION DISTRICT STANDARDS
 ON THIS 8th DAY OF August
 A.D. 2011.
 BY: *[Signature]*
 SNYDERVILLE BASIN WATER
 RECLAMATION DISTRICT

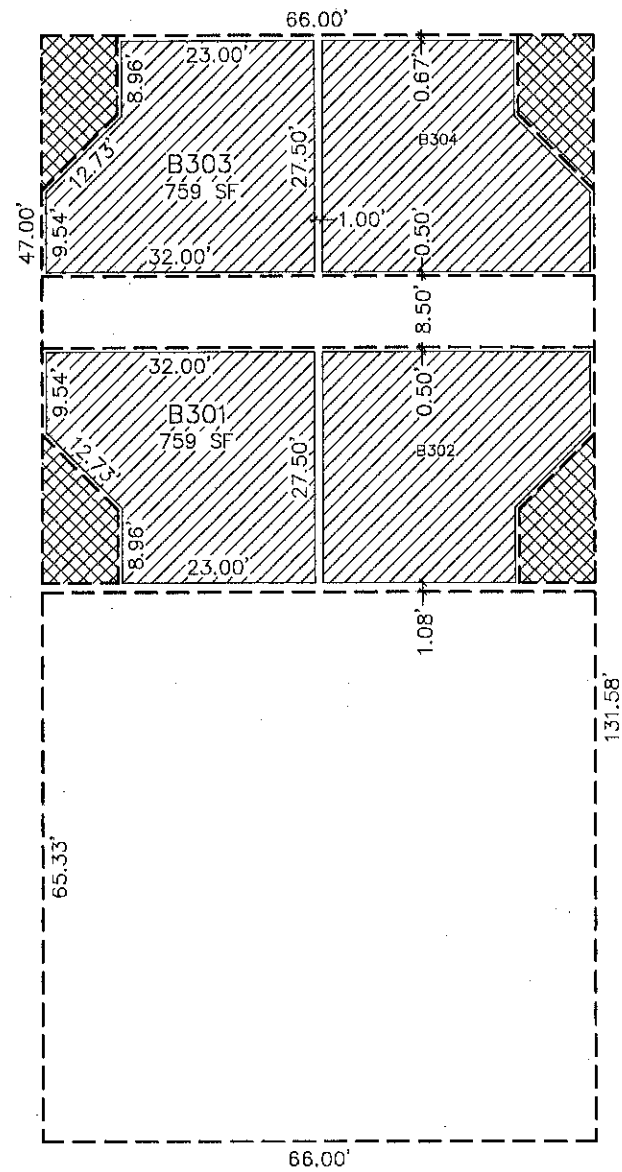
CITY PLANNING COMMISSION
 APPROVED AND ACCEPTED BY THE PARK CITY
 PLANNING COMMISSION ON THIS 13th
 DAY OF OCTOBER A.D. 2010.
[Signature]
 CHAIRMAN

APPROVAL AS TO FORM
 APPROVED AS TO FORM ON THIS 1st
 DAY OF February A.D. 2011.
[Signature]
 CITY ATTORNEY

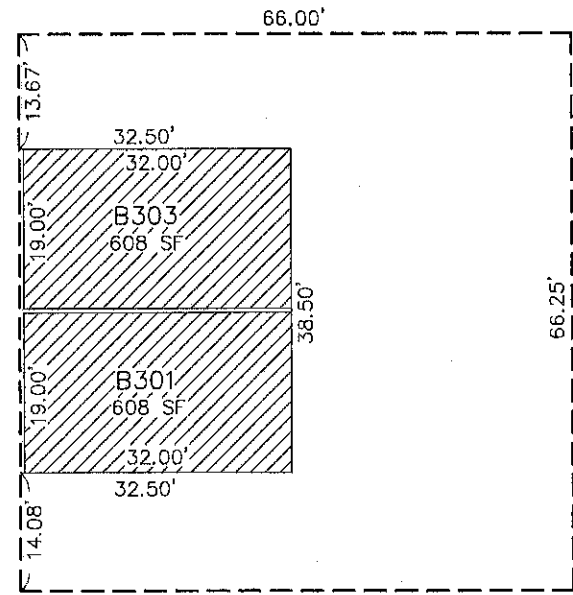
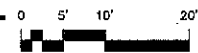
COUNCIL APPROVAL & ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK
 CITY COUNCIL THIS 4th DAY OF
NOVEMBER A.D. 2010
[Signature]
 MAYOR

CERTIFICATE OF ATTEST
 I CERTIFY THIS WAS APPROVED BY PARK
 CITY COUNCIL THIS 4th DAY OF
NOVEMBER A.D. 2010
[Signature]
 CITY RECORDER

RECORDED
 No. 939912 Date 2/28/2012
 STATE OF Utah TIME: 1:48 PM
 COUNTY OF Salt Lake
 RECORDED AND FILED AT THE REQUEST OF:
Park City Title Company
 \$ 62.00
[Signature]
 COUNTY RECORDER



FLOOR PLAN - LEVEL 4
UNIT B301 / UNIT B303

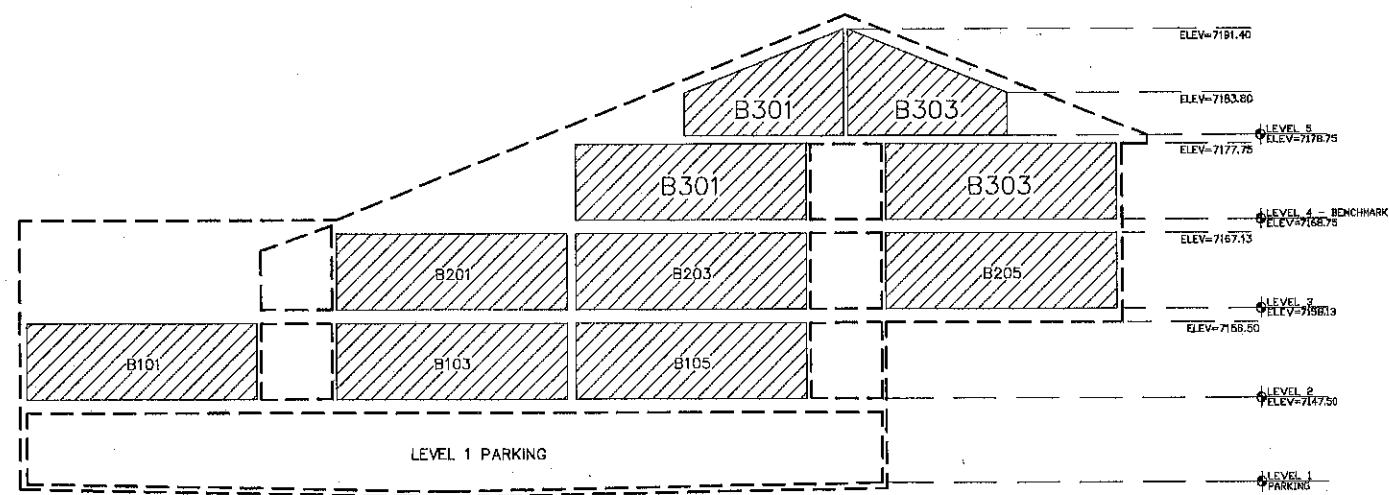


FLOOR PLAN - LEVEL 5
UNIT B301 / UNIT B303

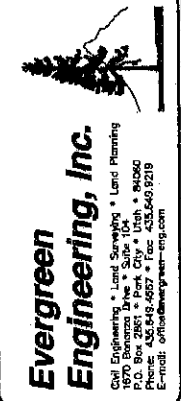
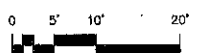


HATCHING LEGEND

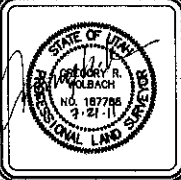
[White box]	COMMON AREA
[Cross-hatched box]	LIMITED COMMON AREA
[Diagonal hatched box]	PRIVATE AREA



SECTION - B
BLDG. B



DATE	BY	REVISIONS / COMMENTS



SURVEYED BY: GRW
 DRAWN BY: GRW
 CHECKED BY: ADM/GRW

COURCHEVEL CONDOMINIUMS
AT DEER VALLEY
SECOND AMENDED

FOR: RICHARD CHAN & SCOTT FOWELL
 FILE: CCAMEND-FOS
 JOB NO. 1111

NO. 939912 RECORDED Date 2/22/2012
 DATE STATE OF Utah Time 1:48 PM
 CITY OF Park City Title Company
 RECORDED AT THE REQUEST OF
 \$102.00 CITY RECORDER
 FEES C. Willoughby - Deputy

CONDOMINIUM PLAT COURCHEVEL CONDOMINIUMS AT DEER VALLEY THIRD AMENDMENT -A UTAH CONDOMINIUM PROJECT-

A PARCEL OF LAND LOCATED
IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION OF COURCHEVEL CONDOMINIUMS AT DEER VALLEY

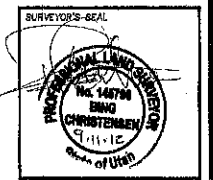
THE COURCHEVEL CONDOMINIUMS AT DEER VALLEY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER AS ENTRY 229039, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS SOUTH 1747.2 FEET AND EAST 4305.17 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 25°00'00" WEST 214.03 FEET; THENCE NORTH 89°20'00" WEST 160.76 FEET TO A POINT ON A 838.16 FOOT RADIUS CURVE TO THE LEFT, THE RADIUS LINE BEARS NORTH 82°30'56" WEST, OF WHICH THE CENTRAL ANGLE IS 08°49'04"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 111.63 FEET; THENCE NORTH 00°40'00" EAST 251.83 FEET; THENCE SOUTH 89°20'00" EAST 239.78 FEET; THENCE SOUTH 00°11'40" EAST 188.00 TO THE POINT OF BEGINNING, CONTAINING 1.8226 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE 145798 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 BELOW, AND HAVE AMENDED SAID CONDO UNIT B202 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 SECTION 67-8-13 OF CHAPTER 6 OF THE CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 67.

[Signature]
BING CHRISTENSEN
PROFESSIONAL LAND SURVEYOR

9.11.12
DATE



OWNER'S CONSENT TO RECORD - H.O.A.

KNOW ALL MEN BY THESE PRESENT THAT COURCHEVEL 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 COURCHEVEL CONDOMINIUMS AT DEER VALLEY, CERTIFIES THAT IT HAS APPROVED THIS PLAT AMENDMENT TO BE PREPARED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DOES HEREBY CONSENT TO THE RECORDATION OF THE PLAT.

COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION
A UTAH NON-PROFIT CORPORATION
BY: *[Signature]*
SCOTT POWELL, PRESIDENT

ACKNOWLEDGEMENT

STATE OF ~~ARIZONA~~ California
COUNTY OF ~~SUMMIT~~ Sacramento

ON THIS 6th DAY OF November, 2012, PERSONALLY APPEARED BEFORE ME SCOTT POWELL, WHO BEING DULY SWORN, DID SAY THAT HE IS PRESIDENT OF COURCHEVEL 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.

[Signature]
NOTARY PUBLIC



OWNER'S CONSENT TO RECORD - UNIT B202

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT B-202 AT COURCHEVEL CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT I CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

BY: *[Signature]*
ROBERTA ANN SLUSAR

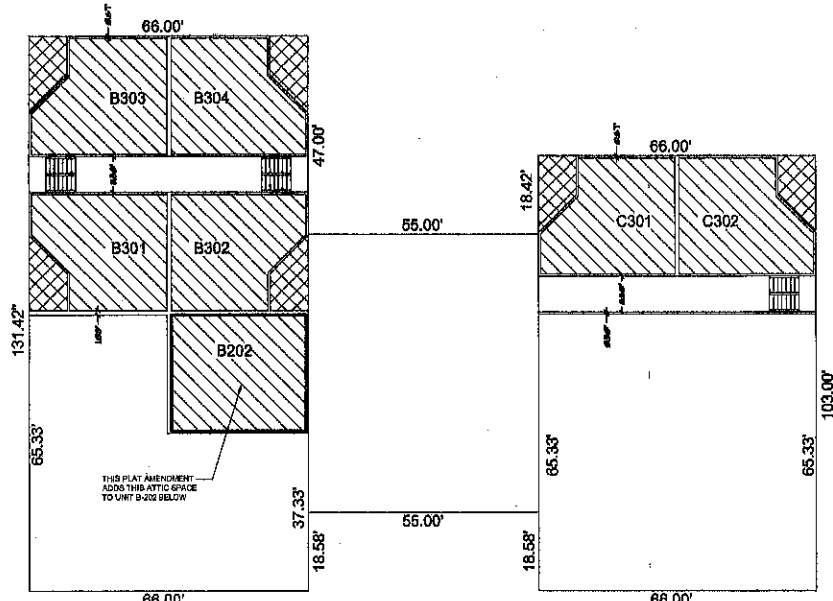
ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SUMMIT Washington

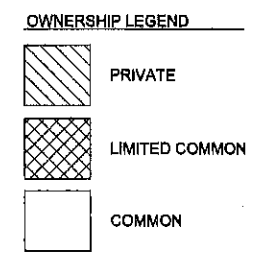
ON THIS 21 DAY OF September, 2012, PERSONALLY APPEARED BEFORE ME ROBERTA ANN SLUSAR, WHO BEING DULY SWORN, DID SAY THAT SHE IS THE OWNER OF UNIT B-202 AT COURCHEVEL CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT SHE SIGNED THE FOREGOING INSTRUMENT.

[Signature]
NOTARY PUBLIC

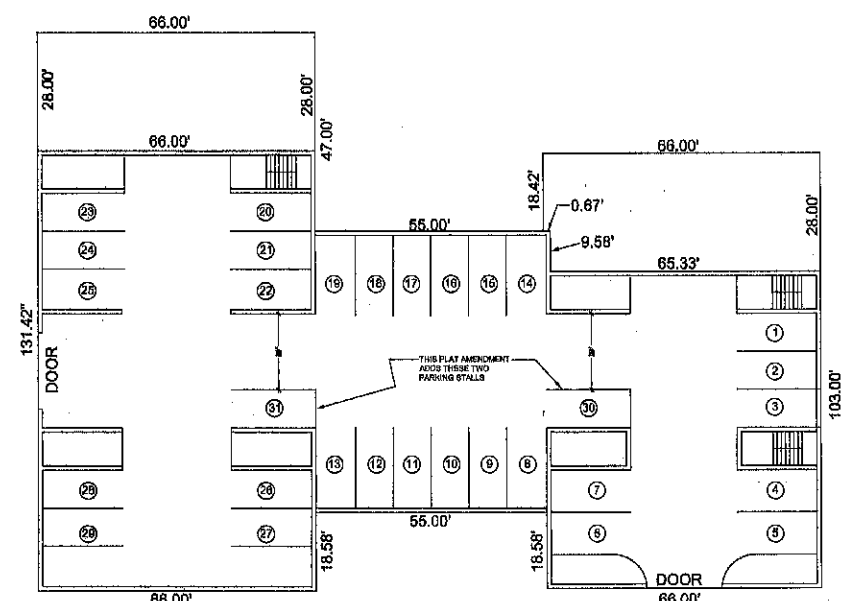
LAMARIE COLLISON, NOTARY PUBLIC COMMISSIONED IN UTAH
COMMISSION # 601094 EXPIRES 09-29-2014



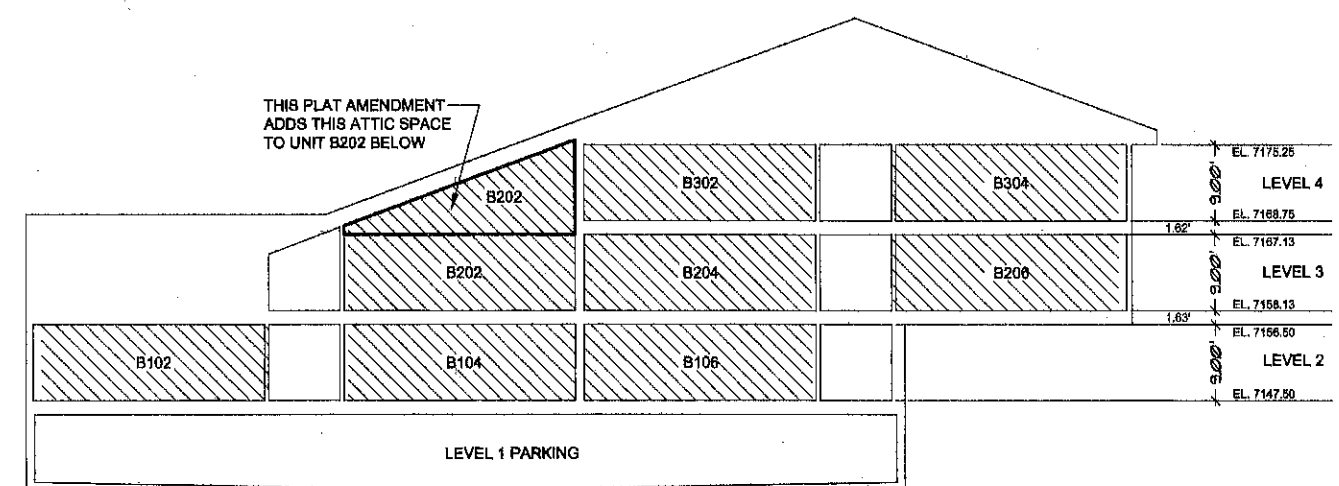
LEVEL 4 FLOOR PLAN
SCALE: 1" = 20'



TABULATIONS
UNIT B-202
PRIVATE AREA = 789 SQ.FT. ON LEVEL 3
PRIVATE AREA = 663 SQ.FT. ON LEVEL 4
LIMITED COMMON AREA = 124 SQ.FT.



LEVEL 1 PARKING
SCALE: 1" = 20'



CROSS-SECTION 'B' - SOUTH
SCALE: 1" = 10'

PLAT NOTES

- THIS PLAT REPRESENTS AN AMENDMENT OF UNIT B-202 AT COURCHEVEL CONDOMINIUMS AT DEER VALLEY ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (RECORDATION NUMBER 229039.) THIS AMENDMENT CONVERTS EXISTING COMMON AREA ATTIC SPACE INTO PRIVATE AREA FOR UNIT B-202. THE ATTIC SPACE IS LOCATED ON LEVEL 4 AS NOTED AND SHOWN HEREON.
- ADDITIONAL UNITS ARE SHOWN HEREON FOR REFERENCE ONLY, AND ARE NOT CHANGED WITH THIS DOCUMENT. FOR INFORMATION ON ANY UNIT OTHER THAN B-202, REFER TO "COURCHEVEL CONDOMINIUMS AT DEER VALLEY" WITH RECORDATION NO. 826038, AND "COURCHEVEL CONDOMINIUMS AT DEER VALLEY, AMENDED" WITH RECORDATION NO. 319605, AND "COURCHEVEL CONDOMINIUMS AT DEER VALLEY SECOND AMENDED" WITH RECORDATION NO. 98812, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.
- 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.
- ALL CONDITIONS OF APPROVAL OF THE DEER VALLEY RESORT 10TH AMENDED AND RESTATED LARGE SCALE MPD AND THE SECOND AMENDED COURCHEVEL CONDOMINIUMS AT DEER VALLEY SHALL CONTINUE TO APPLY.
- THIS CONDOMINIUM PROJECT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE 12-19.
- THE UNITS OF THIS CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE COURCHEVEL CONDOMINIUMS AT DEER VALLEY OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION, AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.

Summit Engineering Group Inc.
65 WEST CENTER - P.O. BOX 176
HEBER CITY, UTAH 84032
P. 435-554-8229 • F. 435-554-8231

PROJECT NO.: L12-021
DRAWN BY: MPJ
REVIEWED BY: BC
APPROVED BY: BC
DATE: SEPT 10, 2012

PARK CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 19th DAY OF JUNE, 2012.
[Signature]
CHAIR

PARK CITY ENGINEER
THIS PLAT IS IN CONFORMANCE WITH THE INFORMATION IN FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPT. ON THIS 15th DAY OF June, 2012.
[Signature]
CITY ENGINEER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO THE SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 15th DAY OF June, 2012.
[Signature]
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PARK CITY ATTORNEY
APPROVED AS TO FORM ON THIS 18th DAY OF December, 2012.
[Signature]
CITY ATTORNEY

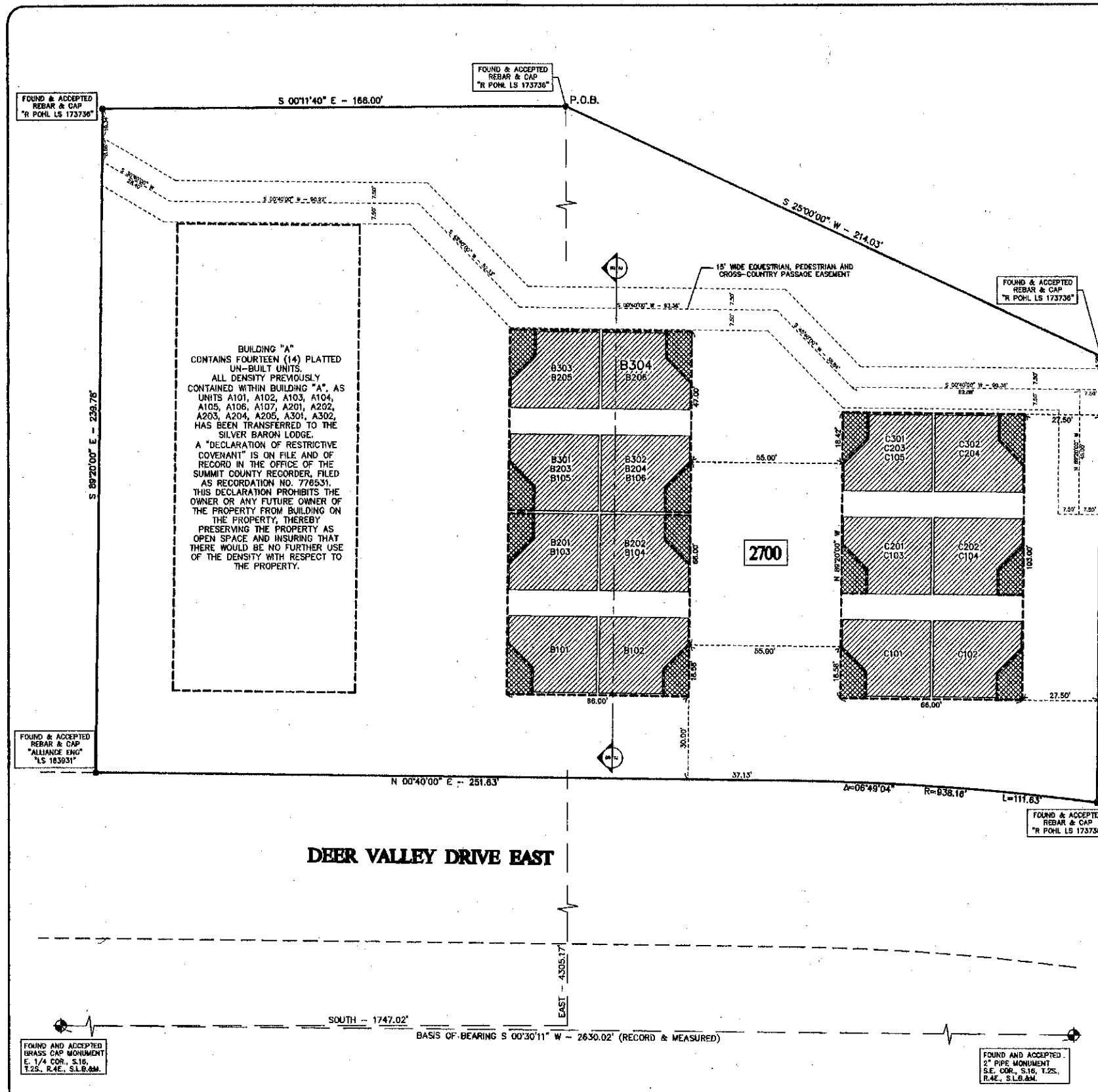
CITY COUNCIL APPROVAL
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS 26th DAY OF JUNE, 2012.
[Signature]
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THAT THIS PLAT AMENDMENT WAS APPROVED BY THE PARK CITY COUNCIL ON THE 26th DAY OF JUNE, 2012.
[Signature]
CITY RECORDER

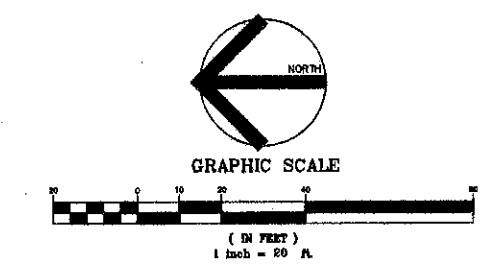
RECORDER
ENTRY NO. 199892, BOOK ---, PAGE ---
STATE OF UTAH, COUNTY OF SUMMIT 3:42 pm
DATE: 12/18/12
RECORDED AT THE REQUEST OF Packcity Title
[Signature]
CITY RECORDER

CONDOMINIUM PLAT COURCHEVEL CONDOMINIUMS AT DEER VALLEY FOURTH AMENDED

- A UTAH CONDOMINIUM PROJECT -
A PARCEL OF LAND LOCATED WITHIN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



BUILDING "A"
CONTAINS FOURTEEN (14) PLATTED UN-BUILT UNITS.
ALL DENSITY PREVIOUSLY CONTAINED WITHIN BUILDING "A", AS UNITS A101, A102, A103, A104, A105, A106, A107, A201, A202, A203, A204, A205, A301, A302, HAS BEEN TRANSFERRED TO THE SILVER BARON LODGE.
A "DECLARATION OF RESTRICTIVE COVENANT" IS ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, FILED AS RECORDATION NO. 778531. THIS DECLARATION PROHIBITS THE OWNER OR ANY FUTURE OWNER OF THE PROPERTY FROM BUILDING ON THE PROPERTY, THEREBY PRESERVING THE PROPERTY AS OPEN SPACE AND INSURING THAT THERE WOULD BE NO FURTHER USE OF THE DENSITY WITH RESPECT TO THE PROPERTY.



SURVEYOR'S CERTIFICATE
I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 18778A, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREOF DESCRIBED PROPERTY.
I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTIONS 57-8-13 OF CHAPTER 8, CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57, REAL ESTATE.

Gregory R. Wolbach
GREGORY R. WOLBACH
NOVEMBER 20, 2012

LEGAL DESCRIPTION
COURCHEVEL CONDOMINIUMS AT DEER VALLEY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, NO. 228039, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT WHICH IS SOUTH 1747.2 FEET AND EAST 4305.17 FEET FROM THE EAST QUARTER CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 25°00'00" WEST 214.03 FEET; THENCE NORTH 89°20'00" WEST 180.75 FEET TO A POINT ON A 938.18 FOOT RADIUS CURVE TO THE LEFT, THE RADIUS POINT BEARS NORTH 82°50'58" WEST, OF WHICH THE CENTRAL ANGLE IS 08°49'04"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 111.63 FEET; THENCE NORTH 00°40'00" EAST 251.63 FEET; THENCE SOUTH 89°20'00" EAST 239.78 FEET; THENCE SOUTH 00°11'40" EAST 168.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.8226 ACRES, MORE OR LESS.

- NOTES**
- THIS PLAT REPRESENTS AN AMENDMENT OF UNIT B304, "COURCHEVEL CONDOMINIUMS AT DEER VALLEY", ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, RECORDATION NUMBER 228039. THIS AMENDMENT CONVERTS EXISTING COMMON AREA ATTIC SPACE INTO PRIVATE AREA FOR UNIT B304. THE ATTIC SPACE IS ON LEVEL 5, AS NOTED AND SHOWN HEREON.
 - ADDITIONAL UNITS ARE SHOWN HEREON FOR REFERENCE ONLY. FOR INFORMATION ON ANY UNIT OTHER THAN UNIT B304, PLEASE SEE "COURCHEVEL CONDOMINIUMS AT DEER VALLEY", RECORDATION NUMBER 228039 AND "COURCHEVEL CONDOMINIUMS AT DEER VALLEY, AMENDED SHEET 2 OF 3", RECORDATION NUMBER 315605, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.
 - 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.
 - THE DEER VALLEY MASTER PLAN CONTINUES TO APPLY AS WELL AS ANY CONDITIONS ON THE COURCHEVEL CONDOMINIUM PLAT.
 - THE UNITS OF THIS CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE "COURCHEVEL CONDOMINIUMS AT DEER VALLEY OWNERS ASSOCIATION" SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.
 - RESIDENTIAL FIRE SPRINKLERS ARE REQUIRED FOR ANY EXPANSION.
 - THIS PLAT AMENDMENT IS SUBJECT TO ORDINANCE 12-20.

AREA TABULATIONS	HATCHING LEGEND
UNIT B304: PRIVATE AREA: 1,387 SF LIMITED COMMON AREA: 123 SF	COMMON AREA
	LIMITED COMMON AREA
	PRIVATE AREA

OWNERS DEDICATION AND CONSENT TO RECORD - HOA.
KNOW ALL MEN BY THESE PRESENT THAT COURCHEVEL 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 57 OF THE DECLARATION OF CONDOMINIUM OF THE COURCHEVEL CONDOMINIUMS AT DEER VALLEY, CERTIFIES THAT IT HAS CAUSED THIS SURVEY TO BE MADE AND THIS RECORD OF SURVEY TO BE PREPARED. THE ASSOCIATION, ON BEHALF OF ALL OF THE UNIT OWNERS, DOES HEREBY CONSENT TO THE RECORDATION OF THE PLAT.

COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION
A UTAH NON-PROFIT CORPORATION

Scott Powell
Scott Powell, President

ACKNOWLEDGMENT
STATE OF California Scott Powell, PRESIDENT
COUNTY OF San Diego COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION, A UTAH
NON-PROFIT CORPORATION

ON THE 17th DAY OF December, 2012, PERSONALLY APPEARED BEFORE ME, Scott Powell, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (or proven on the basis of satisfactory evidence) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE IS THE President OF COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION, AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID Condo Plat ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC
BY COMMISSION EXPIRES 12/07/2015
RESIDING IN California COUNTY, STATE

* Signing in a Representative Capacity: An authorized officer, agent, partner, trustee, member or other representative may sign on behalf of their representative business, be it a corporation, partnership, trust, limited liability company or other entity providing they have been given authority to sign in their representative capacity. The notary must require the signer to present satisfactory documentary evidence and administer an oath or affirmation.

OWNERS DEDICATION AND CONSENT TO RECORD - UNIT B304
KNOW ALL MEN BY THESE PRESENT THAT ME, THE UNDERSIGNED OWNERS OF THE UNITS, COMMON AND LIMITED COMMON AREAS CONTAINED WITHIN THE HEREOF DESCRIBED TRACT OF LAND, TO BE HEREAFTER KNOWN AS "COURCHEVEL CONDOMINIUMS AT DEER VALLEY FOURTH AMENDED", CERTIFY THAT WE HAVE CAUSED THIS SURVEY TO BE MADE AND THIS CONDOMINIUM PLAT TO BE PREPARED. WE DO HEREBY CONSENT TO THE RECORDATION OF THIS CONDOMINIUM PLAT AND CERTIFY THAT THE UNITS ARE AS SHOWN ON THIS AMENDED CONDOMINIUM PLAT.

BY: *Tanya Elizabeth Felton*
Tanya Elizabeth Felton (Name or Title)
ARGO SUPERFUND

STATE OF Utah Tanya Elizabeth Felton, ARGOSUPERFUND
COUNTY OF Summit (Name or Title)

ON THE 14th DAY OF November, 2012, PERSONALLY APPEARED BEFORE ME, Tanya Elizabeth Felton, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (or proven on the basis of satisfactory evidence) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE Director OF ARGO SUPERFUND, AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID ARGO SUPERFUND, BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID Tanya Elizabeth Felton ACKNOWLEDGED TO ME THAT SAID ARGO SUPERFUND EXECUTED THE SAME.

NOTARY PUBLIC
BY COMMISSION EXPIRES 09/09/2015
RESIDING IN Utah COUNTY, STATE

* Signing in a Representative Capacity: An authorized officer, agent, partner, trustee, member or other representative may sign on behalf of their representative business, be it a corporation, partnership, trust, limited liability company or other entity providing they have been given authority to sign in their representative capacity. The notary must require the signer to present satisfactory documentary evidence and administer an oath or affirmation.

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1670 Becktona Drive • Suite 104
P.O. Box 2091 • Park City • Utah • 84060
Phone: 435.840.4937 • Fax: 435.840.9218
E-mail: Office@evergreen-eng.com

CITY ENGINEER
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS 4th DAY OF January, A.D. 2012.
[Signature]
CITY ENGINEER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 21st DAY OF December, AD 2012.
BY: *[Signature]*
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

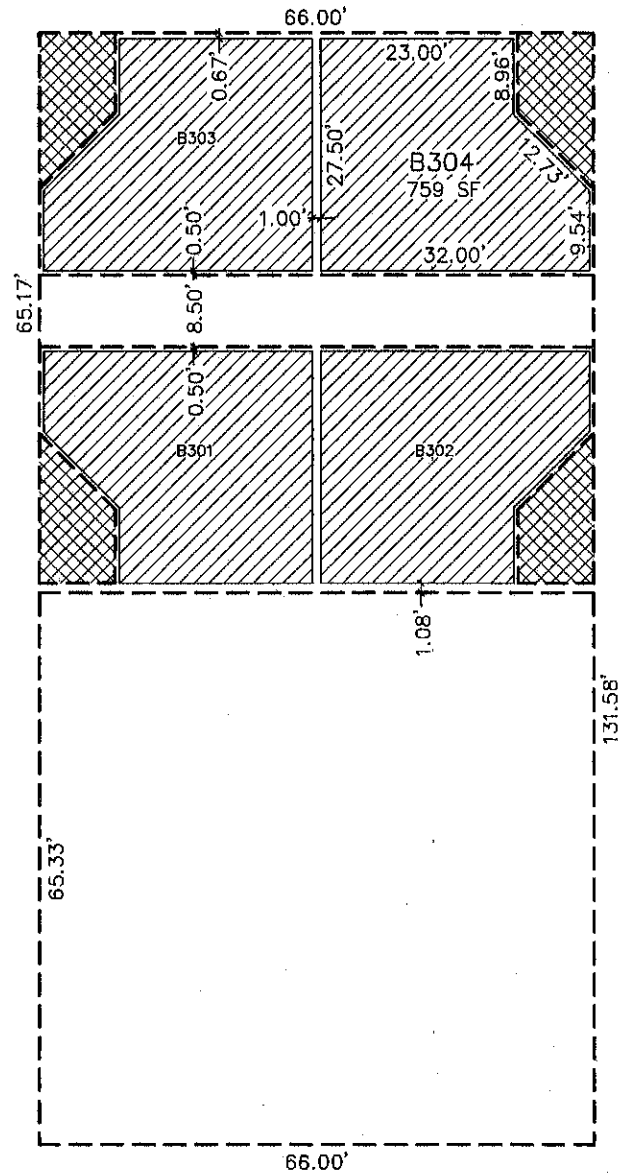
CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 21st DAY OF January, A.D. 2012.
[Signature]
CHAIRMAN

APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS 9th DAY OF January, A.D. 2012.
[Signature]
CITY ATTORNEY

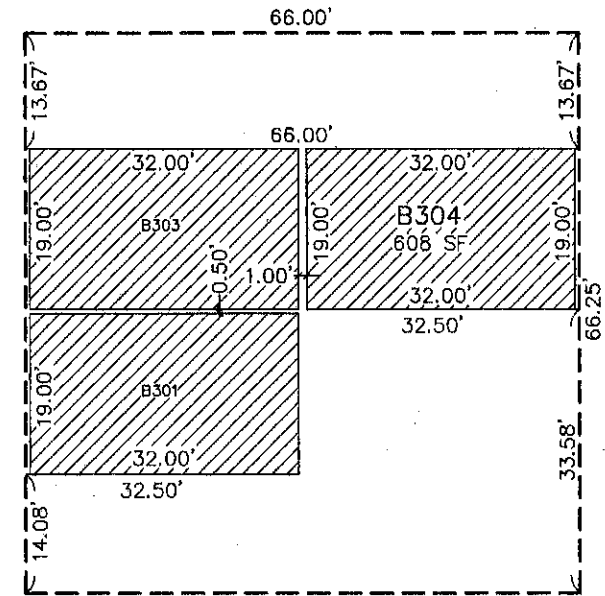
COUNCIL APPROVAL & ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 12th DAY OF July, A.D. 2012.
[Signature]
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS WAS APPROVED BY PARK CITY COUNCIL THIS 12 DAY OF July, A.D. 2012.
[Signature]
CITY RECORDER

RECORDED
No. 941550 01/14/13
STATE OF Utah 11:27 a.m.
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
Park City Title Company
\$61.00 *[Signature]*
COUNTY RECORDER



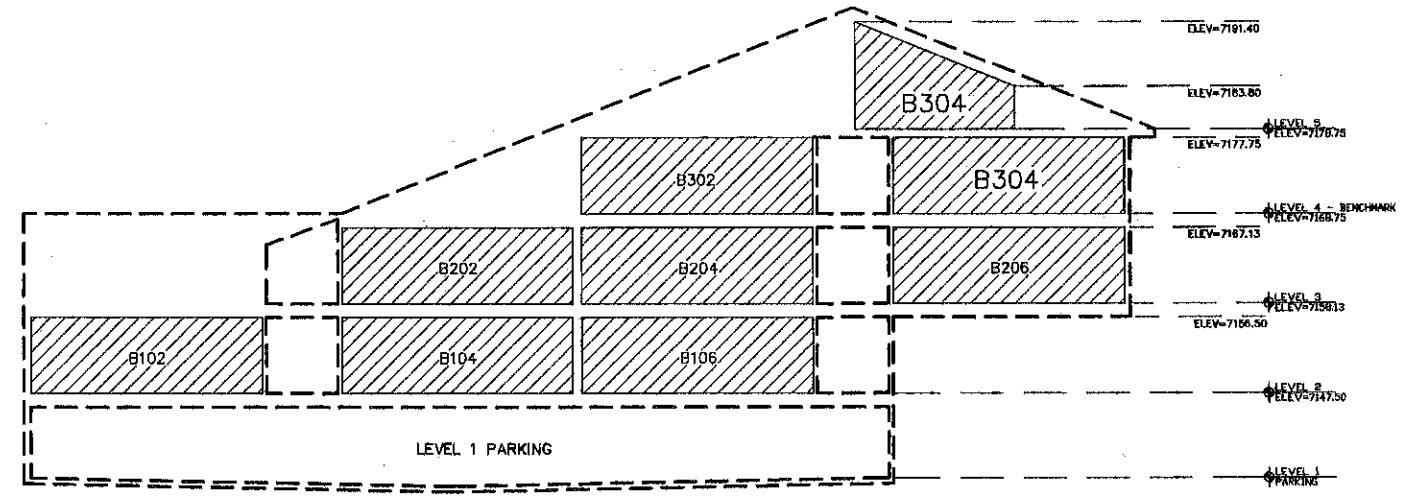
FLOOR PLAN - LEVEL 4
UNIT B304



FLOOR PLAN - LEVEL 5
UNIT B304

HATCHING LEGEND

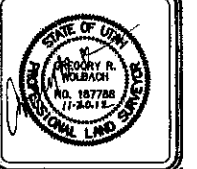
- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA



SECTION -
B
BLDG. B

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
P.O. Box 2881 • Park City, Utah • 84060
Phone: 435.640.8877 • Fax: 435.646.9219
E-mail: office@evergreen-eng.com

DATE	BY	REVISIONS	COMMENTS



SURVEYED BY: GRW
DRAWN BY: GRW
CHECKED BY: ADM/GRW

COURCHEVEL CONDOMINIUMS
AT DEER VALLEY
FOURTH AMENDED

FOR GRAVITY CONSTRUCTION

FILE NO. CCAMEND-8804

DEE NO. 1127

NO. 961550 RECORDED
DATE 01/14/13 11:21am
STATE OF Utah
CITY OF _____
RECORDED AT THE REQUEST OF Park City Title Company
\$ 61.00 Frank Howard deputy
FEES CITY RECORDER

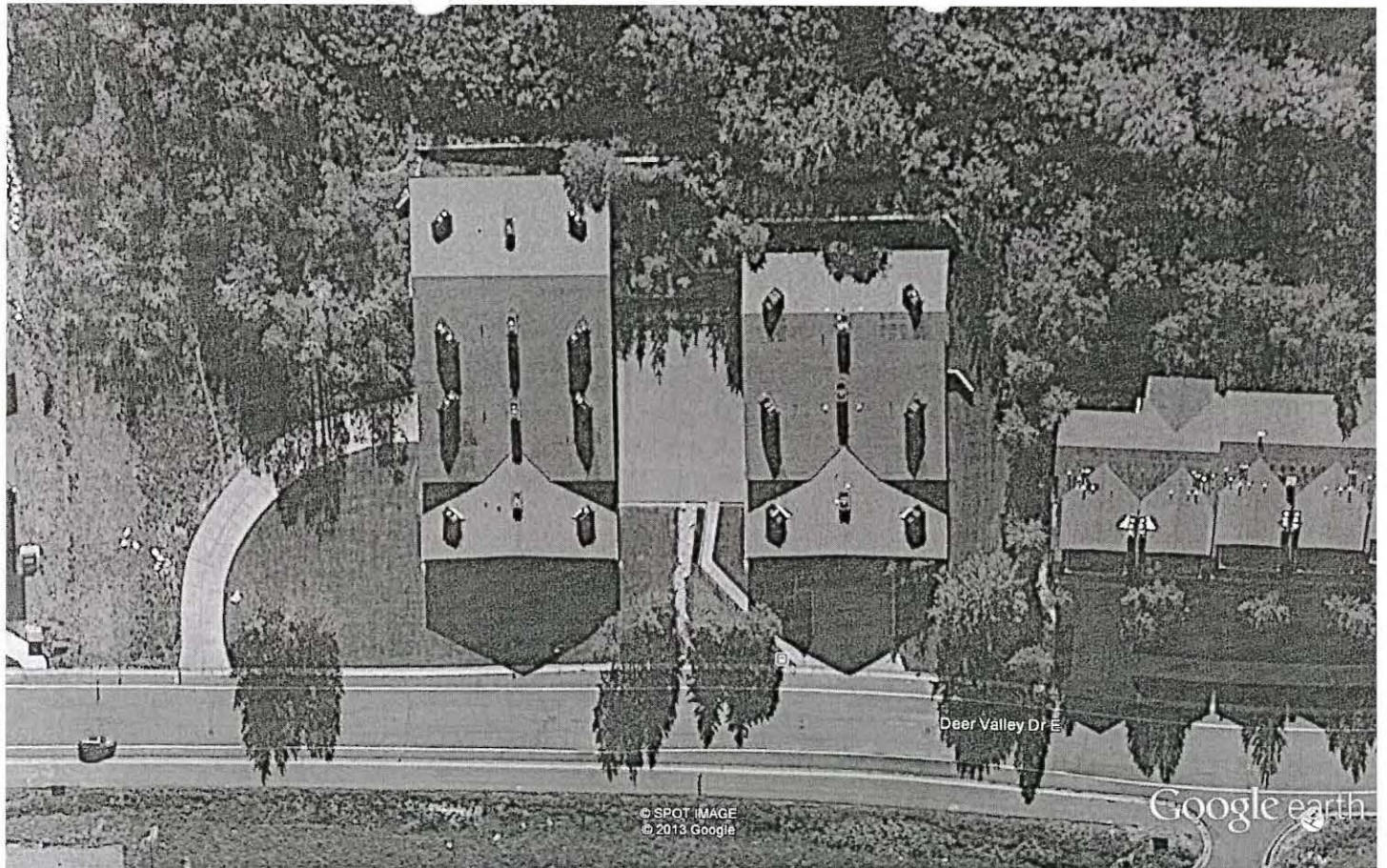
EXHIBIT C

Courchevel Condominiums Vicinity Map

located in Lower Deer Valley



© Copyright 2010 Park City Municipal Printed on Wed Oct 30 2013 10:29:04 AM.



© SPOT IMAGE
© 2013 Google



EXHIBIT D

Evergreen Engineering, Inc.

Civil Engineering - Land Surveying - Land Planning
 1670 Bonanza Drive, Suite 104
 P.O. Box 2861
 Park City * Utah * 84060
 Phone: 435.649.4667 * Fax: 435.649.9219 * Email: office@evergreen-eng.com



August 12, 2013

Park City Municipal Corporation
 Planning & Zoning Department
 445 Marsac Avenue – PO Box 1480
 Park City, Utah 84060
 435-615-5060

RE: Proposed “Courchevel Condominiums at Deer Valley Fifth Amended”

The purpose of this Amended Condominium plat is to convert an existing loft space in Unit C301, currently defined as Common Area to Private Area loft space for the unit. The existing loft space in this Unit appears to have been part of the original construction. Previously, the 2nd, 3rd & 4th Amendments have converted Common Area attic space above four Units into Private Area space for those four Units. The associated Limited Common Area for this unit remains unchanged by this amendment. Unit C301 is located on Level 4 as shown on the existing “Courchevel Condominiums at Deer Valley” Plats of Record. The converted or additional Private Area is located on Level 5 as shown on the on the proposed “Courchevel Condominiums at Deer Valley Fifth Amended”.

Existing Development Information:

- Courchevel Condominiums at Deer Valley; Record No. 229039 (12-31-1984)
- Courchevel Condominiums at Deer Valley Amended Sheet 2 of 3; Record No. 315605 (11-9-1989)
- Courchevel Condominiums at Deer Valley Second Amended; Record No. 939912 (2-22-2012)
- Courchevel Condominiums at Deer Valley Third Amendment; Record No. 959842 (12-21-2012)
- Courchevel Condominiums at Deer Valley Fourth Amended; Record No. 961550 (1-14-2013)

* 27 Existing Residential Condominium Units

* 1.8226 acre parcel of land

* 32 parking spaces (31 Common Area Garage and 1 Surface Driveway Space)

August 12, 2009 “Deer Valley Resort Tenth Amended and Restated Large Scale Master Planned Development Permit, Exhibit 1 – Development Parcels” Includes Courchevel Multi-Family

- Maximum Permitted Density (Units) = 13.5 (2,000sf/UE) = 27,000sf

- Maximum Developed Density (Units) = 27 (1,000sf/UE) = 27,000sf

* Existing Developed (23 Units x 759sf) + (4 Units x 1,367sf) = 22,925sf total

- Available Remaining Permitted square feet for project = 4,075sf (27,000sf – 21,709sf)

- Amended Unit C301 at 898sf : added 139sf

* Post Plat Amendment: Remaining Permitted square feet for project = 3,936sf

Private Area (Unit) Comparison (Existing – Proposed):

Unit C301	*	Existing	*	Proposed	*		
		Private Area	*	Private Area	*		Change/ Difference
		759 SF	*	898 SF	*		+ 139 SF

Planning Commission Staff Report



Subject: 264 Ontario Avenue
Project #: PL-13-02055
Author: Kirsten Whetstone, MS, AICP
Date: November 20, 2013
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 264 Ontario Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant/Owner: Patricia and David Constable, Owner
Owner Representative: David White, Architect
Location: 264 Ontario Avenue
Zoning: Historic Residential (HRL)
Adjacent Land Uses: Residential
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for an addition to an historic house located on a 5,662 sf lot. The existing house is a single story house containing approximately 868 sf. The proposed addition is approximately 2,502 square feet, including a basement under the new portion. Two new attached single car garages are proposed on the top level providing access to McHenry Avenue. The total area of construction, including the garages, exceeds 1,000 sf and the construction is proposed on a slope of 30% or greater.

Background

On September 3, 2013, the City received an application for a Steep Slope Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 264 Ontario Avenue. The application was deemed complete on September 20, 2013. The property is located in the Historic Residential Low Density (HRL) District.

The applicant is requesting a Steep Slope Conditional Use Permit for construction of a 2,502 square foot addition of living area (including the basement, not including the garages) to an historic single family house on a platted lot of record. Two single car garages (690 square feet total area) and an entry area (125 square feet) are proposed on the top level. The property is described as Lot 1 of the 264 Ontario Avenue Subdivision. The Subdivision plat was approved by City Council on October 25, 2013, and was recorded at Summit County on March 22, 2013 (Exhibit A). Lot 1 contains 0.13

acres (5,662 sf) of lot area. Minimum front and rear setbacks for a lot of this depth are ten (10') feet. Minimum side yard setbacks for a lot of this width are five (5') feet with a combined total minimum of eighteen feet (18'). The north side setback is required to be a minimum of five (5') due to the adjacent platted, un-built Third Street ROW. There is no street within this steep ROW; however there is a recently constructed City staircase. The addition contemplates a pathway connection to the City staircase.

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

The lot contains an historic single family house listed as a landmark house on the Historic Sites Inventory. The house straddles the front lot line onto platted Ontario Avenue ROW. Paved Ontario Avenue is located approximately 46' further to the west. Prior to plat recordation the applicants signed and recorded an encroachment agreement with the City for the portion of house located in the Ontario Avenue ROW.

Utility services exist at the lot, due to the existing home. The existing utilities may be used or new utilities maybe extended to the site from Ontario Avenue or McHenry Avenue.

A Historic District Design Review (HDDR) application was submitted prior to this application and after several design iterations and with guidance from the Design Review Team, the design was found to be in compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The final design is included as Exhibit C.

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

The proposal includes construction of a new foundation and restoration of the historic house, construction of a single story connecting element onto the rear of the historic

house, and construction a three story addition behind the house. The addition is approximately 2,300 square feet. The total building square footage, including the two single car garages proposed off of McHenry, and the historic structure, is 3,168 square feet. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 sf	5,662 sf, <u>complies.</u>
Building Footprint	2,046 square feet (based on lot area) <u>maximum (lot size is equivalent to 3.01 old town lots which would each allow 844 sf footprint or a total of 2,540 sf)</u>	2,012 square feet (less than maximum allowed for the combined lots), <u>complies.</u>
Front and Rear Yard	10 feet minimum	0 feet (Ontario front) - existing historic house legal noncomplying. 10' and greater (McHenry front), <u>complies.</u>
Side Yard	5 feet minimum (14 feet combined total)	15' to 29' on south side for new construction, 7' to 10' on north side for new construction which is greater than 5' minimum required, <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u>	Various heights at or less than 27 feet, <u>complies.</u>
Number of stories	A structure may have a maximum of three (3) stories.	3 stories, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference is 48" (4 feet) with much of it at 36" or less, <u>complies.</u>
Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for the third story	Both upper floors step horizontally by more than twenty feet (20') from the one story front (downhill) façade. The third floor is more than 30' back from the front façade of the lowest level, <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for primary roofs <u>complies.</u>
Parking	Historic structure therefore no parking is required.	Two (2) single car garages (perpendicular to each other) on McHenry Avenue, compliant with required maximum dimensions - <u>complies.</u>

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

Criteria 1: Location of Development.

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

The proposed single family house is located on a platted lot of record in a manner that reduces the visual and environmental impacts of the Structure and in compliance with the plat notes. The foundation is stepped with the grade and the amount of excavation is reduced. The proposed footprint is less than that allowed for the lot area, setbacks are increased, horizontal stepping is increased to further separate the historic front façade from the new addition, and height is decreased for portions of the new addition.

Criteria 2: Visual Analysis.

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

The applicant submitted a photographic visual analysis, including a “cross canyon view”, to show the proposed streetscape and how the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation (Exhibit B). In this neighborhood (the uphill portion of Ontario Avenue and along McHenry Avenue) houses are situated on larger lots with more separation between them than is typical for Park City. Along McHenry Avenue it is typical that small garages are located near the street edge. The proposed addition is consistent with the pattern of development in the neighborhood.

The proposed structure cannot be seen from any of the key vantage points indicated in the LMC Section 15-15-1.283, with the exception of a limited cross canyon view. The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood and impacts are mitigated. Potential impacts of the design are mitigated with architectural stepping, minimal retaining walls, and minimizing excavation. A basement is not proposed under the historic house.

The design takes advantage of a natural bench in the middle portion of the lot to provide walk out outdoor patio space with low retaining walls and vegetation used for screening. Minimal retaining walls are necessary for slope stabilization. Existing vegetation consists of shrubs and grasses as well as a clump of trees that are preserved in the plan. Areas of natural vegetation can be maintained in the rear yard (behind the historic

house) to provide screening of the patio area. The area of significant vegetation (the clump of trees) located on the southern portion of the lot will remain. Increasing the amount of third story step back further minimizes the visual impact of the addition as it relates to the historic house as viewed from the public streets.

Criteria 3: Access.

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

The proposed design incorporates a relatively level driveway from McHenry Avenue to the two single car garages. Grading is minimized for both the driveways and the stepped foundation. Due to the 30% slope of the lot towards the center of the lot a side access garage would not minimize grading and would require a massive retaining wall. The proposed driveway has a slope of less than 5%. The driveway is designed to minimize Grading of the natural topography and to reduce overall Building scale. Grade around the historic structure will be maintained as it was historically, with the exception of changes necessary to accommodate the new foundation. The garage meets the required 10' setback from the property line.

Criteria 4: Terracing.

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

The site has a steeper grade along Ontario Avenue and McHenry Avenue and is more gradual in the central portion of the lot. The foundation is terraced to regain Natural Grade without exceeding the allowed four (4') foot of difference between final and existing grade. New retaining walls will not exceed six feet (6') in height, with the majority of the walls less than four feet (4'). Grade around the historic structure will be maintained as it was historically, with the exception of changes necessary to accommodate the new foundation.

Criteria 5: Building Location.

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

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The site design and building footprint provide increased front, rear and side setback areas providing for greater separation between adjacent houses, from the historic house, and providing variation in the front yard setbacks. The driveway area is minimized (12' wide at the property line) to the greatest extent possible to provide access to two separate garages proposed perpendicular to each other.

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 addition steps with the grade and is broken into a series of smaller components that are compatible with the District, historic house, and surrounding structures. The garages on McHenry are simple and subordinate in design to the rest of the house. Increased horizontal stepping, above that required by the LMC, decreases the perceived bulk as viewed from public streets. The existing house retains a one-story look as viewed from Ontario with the horizontal articulation exceeding that required by the Code.

Criteria 7: Setbacks.

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

Front setbacks along McHenry Avenue are increased as the garage portion of the house is setback 20' to accommodate the code required parking space. Side setbacks are increased from total of 14' to total of 18'8". The front setbacks are staggered. No wall effect along the public streets is created with the proposed design.

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 lot combination (from three plus lots to one lot) reduced the allowable maximum footprint from 2,540 sf to 2,045.6 sf. The proposed footprint is 2,010.75 sf and volume is further reduced with the design. The lowest level will be the restored single family historic house with no basement or additions built on top of it. A small rear connecting element is also a single story. The addition proposed to the rear of the historic house includes a basement at the level of the historic house, a main level and an upper level consisting only of two single car garages (perpendicular to each other) and a 125 square foot entry area.

The proposed addition is both horizontally and vertically articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of existing structures. The design minimizes the visual mass and mitigates the differences in scale

between the proposed addition and existing historic structures in the neighborhood. The building volume allowed by the lot size is not proposed to the maximum allowable volume in terms of footprint or potential floor area and approximately 35% of the building volume is located underground.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). 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 addition does not exceed the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height. No additions are proposed over the top of the existing historic structure. The historic structure will be maintained with a height that is less than the allowable 27'. Overall the proposed height is less than that allowed.

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 and is a condition of building permit issuance.

Department Review

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

Notice

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

Public Input

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

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 264 Ontario Avenue as conditioned or amended, or
- The Planning Commission may deny the Steep Slope Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue discussion on this application to a date certain (December 11, 2013).

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted residential lot with an existing historic house

that encroaches over the front property line onto the Ontario Avenue right-of-way. 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 264 Ontario Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact

1. The property is located at 264 Ontario Avenue.
2. The property is located within the Historic Residential Low Density (HRL) District.
3. The property is Lot 1 of the 264 Ontario Avenue Subdivision recorded on March 22, 2013.
4. The Lot contains (0.13 acres) 5,662 square feet. The minimum lot size in the HRL District is 3,750 sf.
5. There is an 868 sf, one-story landmark historic house located on the property. The site is a "Landmark" site on the Park City Historic Sites Inventory. The house was constructed at the turn of the century during Park City's mining era. The small existing rear addition was constructed post mining era and was determined during the Sites Inventory process to be out of period and does not contribute to the building's association with the past. The applicant proposes to remove the out-of-period shed addition and construct a new single story connector element in its place to connect to the rear addition. No basement is proposed under the historic house and no construction is proposed over the top of the historic house.
6. The proposal includes construction of a new foundation and restoration of the historic house, construction of a single story connecting element onto the rear of the historic house, and construction a three story addition behind the house. The proposed additional living area is approximately 2,502 square feet, including a basement. Two garages (total of 690 sf) are also proposed on the top level providing access to McHenry Avenue.
7. Two single car garages are proposed at the top level with access to McHenry Avenue. There is no vehicular access or parking on Ontario. The Third Street stairs provide access between Ontario Avenue and McHenry.
8. The existing lot is 75' in width and 69.8' in depth.
9. Minimum front and rear setbacks for a lot of this depth are ten (10') feet. Minimum side yard setbacks for a lot of this width are five (5') feet with a combined total minimum of eighteen feet (18'). Setbacks for new construction exceed the minimums, with the front on McHenry at 12' and the sides ranging from 15' to 30' on the south and 6' to 12' on the north.

10. The existing historic structure encroaches over the front lot line onto platted Ontario Avenue. An encroachment agreement with the City was recorded at Summit County prior to recordation of the plat. New construction meets and/or exceeds minimum setback requirements.
11. The proposed building footprint is 2,010.75 square feet, and includes removal of non-significant additions and construction of a new rear addition and one-story connector element. The LMC allows a building footprint of 2,045.6 sf for a lot of this size. LMC allowed footprint for the underlying three lots, if not combined, would be 2,540 sf a 530 sf reduction in footprint. Proposed footprint is approximately 35 sf reduction from the LMC allowable for the combined lot.
12. The proposed plans indicate a building height of 27' or less from existing grade for all roof ridges. The plans indicate no change in final grade around the perimeter of the house exceeds four (4') feet. Both upper floors step back more than the required twenty feet (20') from the front façade, with the third story stepping approximately thirty feet (30') from the front façade of the historic structure (downhill façade), that exceeds the minimum requirements.
13. All final heights will be verified at the time of the Building Permit application.
14. Historic door and window openings will be maintained, and/or taken back to the historic openings/locations. The proposed garage doors do not exceed 9' wide by 9' in height. The proposed driveways do not exceed 12' in width at the property line, widening to accommodate the two garages set perpendicular to each other.
15. A portion of the lot where construction is proposed exceeds 30% slope for the required 15' of distance. Therefore a Steep Slope CUP is required prior to issuance of a building permit.
16. Changes to the existing grading and landscaping are documented on the preliminary landscape plan. The change in grade from existing to final does not exceed the 48" allowed change. A final grading and landscape plan, consistent with the preliminary plat, will be submitted with the building permit application.
17. The significant vegetation on the property behind the historic house to the south will remain.
18. The proposed addition complements the historic structure and follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, alignment, and simplicity of architectural detailing. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites.
19. On May 31, 2013, a HDDR application was submitted to the Planning Department. The application was deemed complete on June 5, 2013 and the design was approved on August 16, 2013.
20. The proposed addition includes three (3) stories. The third story steps back from the lower stories by a minimum of ten feet (10') and steps back more than thirty feet (30') from the front façade of the historic house. The upper level is a single story above McHenry and there are no additions under or on the top of the one story historic structure which is located facing Ontario Avenue. Garages are not proposed beneath the historic structure.

21. The proposed structure will not be viewed from the key advantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view.
22. The applicant submitted a visual analysis/ perspective, cross canyon view from the west and the east, and a street. The design, articulation, increased setbacks, and increased horizontal stepping mitigate visual impacts of the cross canyon view. Building height of the single story garages is compatible with the streetscape along McHenry.
23. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at 4' (four) feet 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. Grade around the historic structure will be maintained as it was historically, with the exception of changes necessary to accommodate the new foundation.
24. The site design, stepping of the building mass, increased horizontal articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% slope areas.
25. The design includes setback variations, increased setbacks, increased horizontal stepping, decreased maximum building footprint, and lower building heights for portions of the structure that maximize the opportunity for open area and natural vegetation to remain.
26. The proposed massing and architectural design components are compatible with the massing and volume 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.
27. The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty-seven feet (27') in height.
28. The findings in the Analysis section of this report are incorporated herein.
29. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The Steep Slope CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B), criteria for Steep Slope CUP.
2. The Steep Slope 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.
5. The proposal complies with the Non-complying Structure standards listed in Section 15-9-6(A), in that the existing structure is historic and extends into the front yard setbacks and an encroachment agreement was recorded at Summit County.
6. The proposed construction will not create any new non-compliance with the HRL requirements.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the

issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house on the property and a preservation guarantee is required with the amount of the guarantee to be determined by the Chief Building Official upon review of the approved preservation plan.

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 and approval by the City Planning Department, prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation of trees and shrubs. Lawn area shall be limited in area per the LMC Section 15-5-5 (M).
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Steep Slope Conditional Use Permit, the August 16, 2013 Historic District Design Review, and the 2009 Design Guidelines for Historic Districts and Historic Sites.
7. All conditions of approval of the 264 Ontario Avenue Subdivision continue to apply.
8. 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. The shoring plan shall take into consideration protection of the historic structure on the lot.
9. Soil shall be tested and if required, a soil remediation plan shall be approved by the City prior to issuance of a building permit for the house.
10. This approval will expire on November 20, 2014, if a building permit application has not been submitted to 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.
11. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
12. Modified 13-D residential fire sprinklers are required for all new construction on this lot, unless otherwise stipulated by the Chief Building Official.
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.
14. Construction of a connecting walkway to the City's Third Street staircase requires an encroachment agreement with the City and a work in the right-of-way permit from the City Engineer.
15. All conditions of approval of the HDDR apply. A preservation guarantee shall be calculated by the Chief Building Official and all paper work and documentation regarding the preservation guarantee shall be executed and recorded at Summit County recorder's office prior to issuance of any building permits for construction on this property.

16. Construction waste shall be diverted from the landfill and recycled when possible.
17. 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 in with the surrounding natural terrain.
18. There is no private parking for 264 Ontario Avenue off of Ontario Avenue.
19. The house shall be addressed as 264 Ontario Avenue or 287 McHenry Avenue.

Exhibits

Exhibit A- Subdivision plat

Exhibit B- Existing Conditions survey

Exhibit C- Plans (site plan, elevations, floor plans, sections)

Exhibit D- Visual Analysis/Streetscape

Exhibit E- Photographs

EXHIBIT A

264 Ontario Avenue Subdivision a replat of Block 60, Lots 13, 14, 15 and a portion of Lot 16



Legend

- ⊕ Found rebar & cap-LS 359005
- ⊙ Found rebar & cap-LS 154491
- Found 5/8" rebar-no cap
- ⊕ Set 5/8" rebar & plastic cap
- ⊕ Set nail & washer in asphalt
- 287 Address on McHenry Avenue

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that David E. and Patricia J. Constable, husband and wife as joint tenants, the undersigned owners of the heron described 264 Ontario Avenue Subdivision, Block 60, Park City Survey, having caused this Plat Amendment to be made, do hereby consent to the recordation of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah in accordance with Utah Law. Also, the owners hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication. In witness whereof, the undersigned have set their hand this 30th day of January, 2013.

By: *David E. Constable* *Patricia J. Constable*
David E. Constable Patricia J. Constable

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:
On this 30th day of January, 2013, David E. and Patricia J. Constable personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that they are the owners of 264 Ontario Avenue Subdivision, that they have signed the above Owner's Dedication and Consent to Record freely and voluntarily for the purpose set forth herein.

My commission expires: 03/14/2015
David J. P. [Signature]
NOTARY PUBLIC
RESIDING IN SUMMIT COUNTY, UTAH

- ### Notes:
- 1) Modified 13-0 sprinklers will be required for all new construction.
 - 2) This Subdivision is subject to the conditions of approval in Ordinance 12-32.

NARRATIVE

1. Survey requested by: David E. & Patricia J. Constable.
2. Basis of survey: found property monuments as shown.
3. Date of survey: June 28, 2012 and January 10, 2013.
4. Property monuments set or found as shown.
5. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
7. Based on the previous boundary survey recorded as Survey File No. S-5617 in the office of the Summit County Recorder.

DEED DESCRIPTION

All of Lots 13, 14, 15, and that part of Lot 16, situated Westerly of existing roadway, Block 60, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

LEGAL DESCRIPTION

264 ONTARIO AVENUE SUBDIVISION

Beginning at the northwest corner of Lot 15, Block 60, Park City Survey, according to the official plat thereof, on file and of record in the office of the Recorder, Summit County, Utah; and running thence along the northerly line of Lots 15 and 16 and the southerly right of way line of 3rd Street, North 66°22'00" East, 83.11 feet to a point on the westerly edge of existing McHenry Avenue; thence along said westerly edge of existing McHenry Avenue, the following three courses: 1) South 10°15'00" East, 24.28 feet; thence 2) South 12°47'00" East, 13.22 feet to a point on the easterly line of Lot 14, Block 60; thence 3) South 16°00'00" East, 38.73 feet to a point on the southerly line of Lot 13, Block 60; thence along said southerly line of Lot 13, South 66°22'00" West, 69.85 feet to the southwest corner of said Lot 13; thence along the westerly line of said Lots 13, 14 and 15 and the easterly right of way line of Ontario Avenue, North 23°38'00" West, 75.00 feet to the Point of Beginning; containing 0.13 acres, more or less.

LEGAL DESCRIPTION

McHenry Avenue R.O.W. Dedication

Beginning at the Southeastery corner of Lot 13, and the Southwestery corner of Lot 16, Block 60, Park City Survey, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, Summit County, Utah, and running thence North 23°38' West, along the Easterly line of said Lot 13 and the Westerly line of said Lot 16, 38.39 feet to the Westerly edge of existing McHenry Avenue; thence South 16°00' East, along said Westerly edge of McHenry Avenue, 38.73 feet, more or less, to the intersection with the Southerly line of said Lot 13; thence North 66°22' East, along said Southerly line of Lot 13, 5.15 feet, more or less, to the Point of Beginning; containing 98.8 square feet, more or less.

SURVEYOR'S CERTIFICATE

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

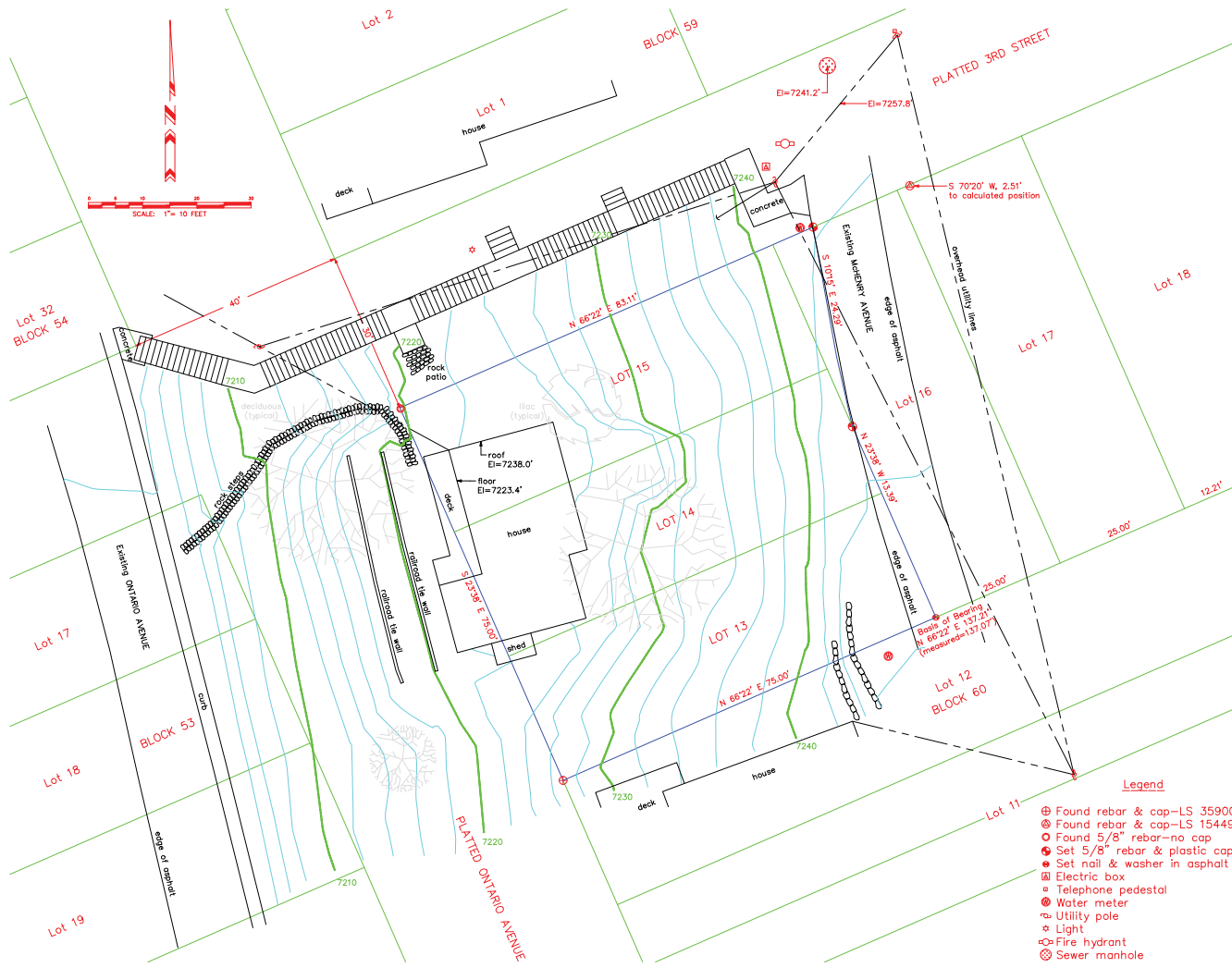
Jan 23, 2013
Date
J.D. Galle, License 359005



 Alpine Survey, Inc. 19 Prospector Drive Park City, Utah 84060 (435) 850-8016	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 22nd DAY OF JANUARY 2013. <i>R. D. [Signature]</i> BY: SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 10th DAY OF October, 2012 BY: <i>Anna [Signature]</i> CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 20th DAY OF January, 2013 BY: <i>[Signature]</i> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 6th DAY OF March, 2013 BY: <i>[Signature]</i> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 25th DAY OF October, 2012 BY: <i>[Signature]</i> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 25th DAY OF October, 2012 BY: <i>Dana Williams</i> MAYOR	# 966131 RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>COALITION TITLE</u> DATE 1/23/13 TIME 2:22 PM BOOK --- PAGE --- #31.00 FEE <u>C. Williams deputy</u> RECORDER
-------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

EXHIBIT B

Park City Survey Block 60, Lots 13, 14, 15 and a portion of Lot 16



NARRATIVE

1. Survey requested by: David Constable.
2. Purpose of survey: locate the deed description, the improvements and the topographic relief.
3. Basis of survey: found property monuments as shown.
4. Date of survey: June 28, 2012.
5. Properly monuments set or found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plats of The Park City Survey for other possible easements, restrictions or setbacks.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. The elevation of 7161.75 feet at the Street Monument at the intersection of 4th Street and Ontario Avenue, according to the Park City Monument Control Map, is the basis of the elevations for this survey.
10. See the previous survey of the property recorded as Survey File No.S-5617 in the office of the Summit County Recorder.

DEED DESCRIPTION

All of Lots 13, 14, 15 and that part of Lot 16 situated westerly of existing roadway, Block 60, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

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

Date _____ J.D. Gailey RLS#359005



Park City Survey
Block 60, Lots 13, 14, 15
and a portion of Lot 16

NARRATIVE

1. Survey requested by David Cassibile.
2. Purpose of survey locate the deed description, the improvements and the topographic relief.
3. Basis of survey found property monuments as shown.
4. Date of survey June 28, 2012.
5. Property monuments set or found as shown.
6. Located in the Southwest Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plats of The Fork City Survey for other possible monuments, restrictions or setbacks.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. The elevation of 7161.75 feet of the Street Monument at the intersection of 4th Street and Ontario Avenue, according to the Park City Monument Control Map, is the basis of the elevations for this survey.
10. See the previous survey of the property recorded as Survey File No.S-5617 in the office of the Summit County Recorder.

DEED DESCRIPTION

All of Lots 13, 14, 15 and that part of Lot 16 situated westerly of existing roadway, Block 60, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359805, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

July 17, 12
Date



J.D. GALLEY 359805



Alpine Survey
18 Riverside Drive
Park City, Utah 84002
(435) 637-0222

EXISTING CONDITIONS SURVEY

5-1



HISTORIC HOME RESTORATION & ADDITION FOR 264 ONTARIO AVE. PARK CITY, UTAH 84060

DRAWING LIST

- S-1 EXISTING CONDITIONS SURVEY AND TOPO
- S-2 264 ONTARIO PLATT AMENDMENT
- S-3 EXISTING CONDITIONS- BUILDING ELEVATIONS
- A-1 NEW SITE PLAN - LANDSCAPE PLAN
- A-2 LOWER LEVEL FLOOR PLAN
- A-3 MAIN LEVEL PLAN
- A-4 GARAGE LEVEL PLAN
- A-5 EAST ELEVATION
- A-6 NORTH ELEVATION
- A-7 SOUTH ELEVATION
- A-8 WEST ELVATION
- A-9 BUILDING SECTION and ARCH. DETAILS
- A-10 BUILDING SECTION and ARCH. DETAILS
- A-11 SCHEDULES
- A-12 SPECIFICATIONS
- E-1 ELECTRICAL- LOWER LEVEL
- E-2 ELECTRICAL- MAIN LEVEL
- E-3 ELECTRICAL- GARAGE LEVEL
- SO.0 GENERAL STRUCTURAL NOTES & SCHEDULES
- SO.01 FOOTING & FOUNDATION PLAN
MAIN FLOOR FRAMING PLAN
- SO.02 GARAGE LEVEL FRAMING & LOWER ROOF
FRAMING PLAN
- 20.03 HIGH ROOF FRAMING PLAN
- S5.00 STUCTURAL DETAILS
- S5.01 STRUCTURAL DETAILS

OCCUPANCY GROUP R-3

HRL ZONING

HISTORIC DESIGNATION- LANDMARK

ALLOWABLE FOOTPRINT= 2045.6 SQ. FT.

ACTUAL FOOTPRINT= 2010.75 SQ. FT.

DEFERRED SUBMITTALS

1. FIREPLACES
2. RADIANT HEAT TUBE LAYOUT, BOILER SPECS.,
HEAT LOSS CALCS.
3. GAS PIPING SCHEMATIC
4. FIRE SPRINKLING SYSTEM LAYOUT AND SPECS. TO
BE APPROVED BY THE PARK CITY BUILDING DEPT.
5. CONTRACTOR SHALL PROVIDE PROPER NUMBER OF
BACKFLOW PREVENTORS TO BE INSTALLED IN THIS
STRUCTURE. INCLUDE THE LAWN SPRINKLING SYSTEM,
FIRE SPRINKLING SYSTEM AND NUMBER OF BOILERS
ETC.

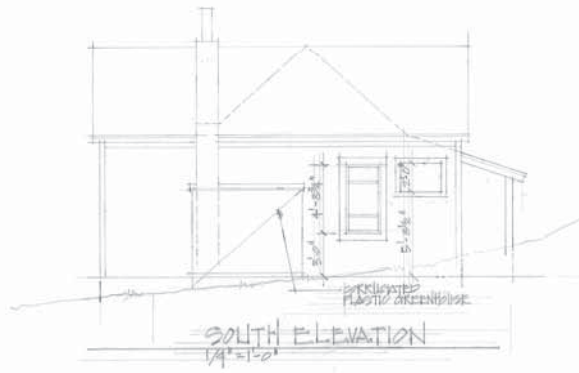
GOVERNING BUILDING CODE- IRC 2009

REVISIONS	BY

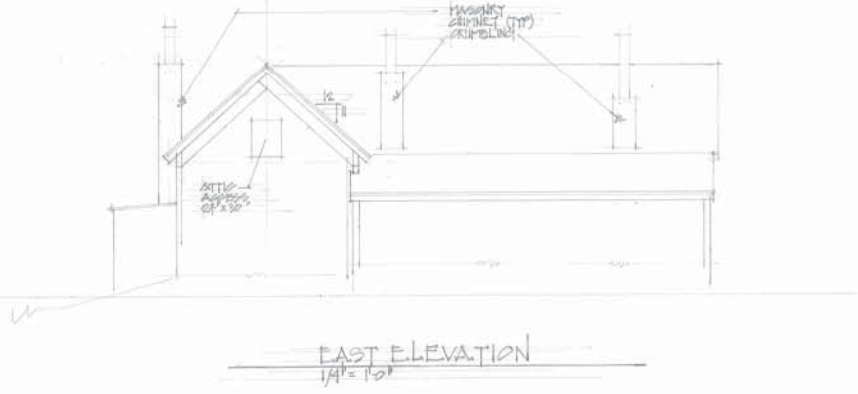
DAVID G. WHITE ARCHITECT
P.O. BOX 1313 - 2703 ESTATES DRIVE
PARK CITY, UTAH 84060
(801) 649 - 0579

COVER SHEET
HISTORIC HOME RESTORATION & ADDITION FOR
264 ONTARIO AVE. DAVID & PATRICIA CONSTABLE
PARK CITY, UTAH 84060

DATE: 5/15/2013
SCALE: N/A
DRAWN BY: SAM
JOB: 264 ONTARIO
SHEET: A-O of SHEETS



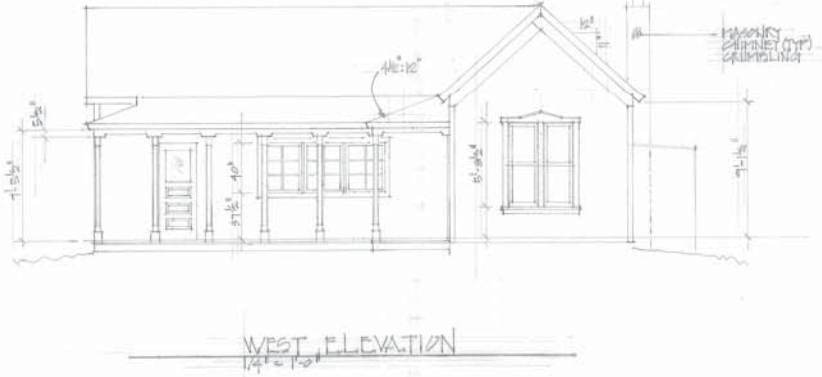
SOUTH ELEVATION
1/4" = 1'-0"



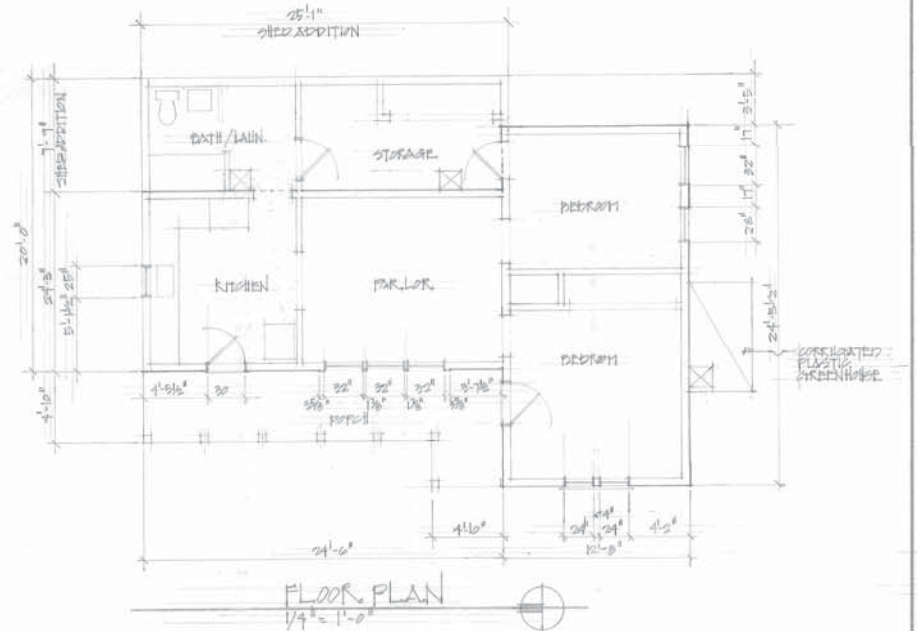
EAST ELEVATION
1/4" = 1'-0"



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



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



FLOOR PLAN
1/4" = 1'-0"

REVISIONS	BY
DAVID G. WHITE, ARCHITECT P.O. BOX 1113, 6703 EASTATE DRIVE PARK CITY, UTAH 84040 (435) 649-8379 FAX: (435) 625-8845 DWG: dwhite@emerson.com	
EXISTING CONDITIONS - HISTORIC BUILDING	
Date	5-21-13
Scale	
Drawn	
Joe Zupnik	
Sheet	
03	
Of	Sheets



REVISIONS	BY

DAVID G. WHITE, ARCHITECT
 P.O. BOX 1813 - 2700 ESTATES DRIVE
 PARK CITY, UTAH 84402
 PHONE: (435) 635-0845
 FAX: (435) 635-0845
 EMAIL: dwhite@msa.com

Historic Hill Addition - David G. White, Architect 204 Ontario Ave. Park City, Utah 84402
NEW SITE PLAN
Date: 5-5-13
Scale:
Drawn:
Job Number:
Sheet:
Of: 1
Sheets:



TOTAL LIVING 2270.2 SQ. FT.
 TOTAL GARAGE 6925 SQ. FT.

1995 SQ. FT.
LOWER LEVEL
PLAN
 1/4" = 1'-0"



REVISIONS	BY

DAVID G. WHITE, ARCHITECT
 P.O. BOX 1513 - 2703 ESTATES DRIVE
 PARK CITY, UTAH 84002
 (435) 648-0379 FAX: (435) 655-6655
 EMAIL: dgwhite@msdco.com

Date 5-21-13
 Scale
 Drawn
 Job 279 ANT.
 Sheet
 A:2
 Of Sheets



REVISIONS	BY

DAVID G. WHITE, ARCHITECT
 P.O. BOX 1313 • 2703 ESTATES DRIVE
 PARK CITY, UTAH 84050
 (435) 649-5379 FAX: (435) 655-5645
 EMAIL: dwhite@mgm.com

MAIN LEVEL PLAN

Date	8-31-12
Scale	
Drawn	
Job	2012-01-01
Sheet	A-3
Of	Sheets



REVISIONS	BY

DAVID G. WHITE, ARCHITECT
 P.O. BOX 1318 • 2703 PEATED DRIVE
 PARK CITY, UTAH 84502
 (435) 639-8373 FAX: (435) 635-8645
 Email: davidgwhite@msn.com

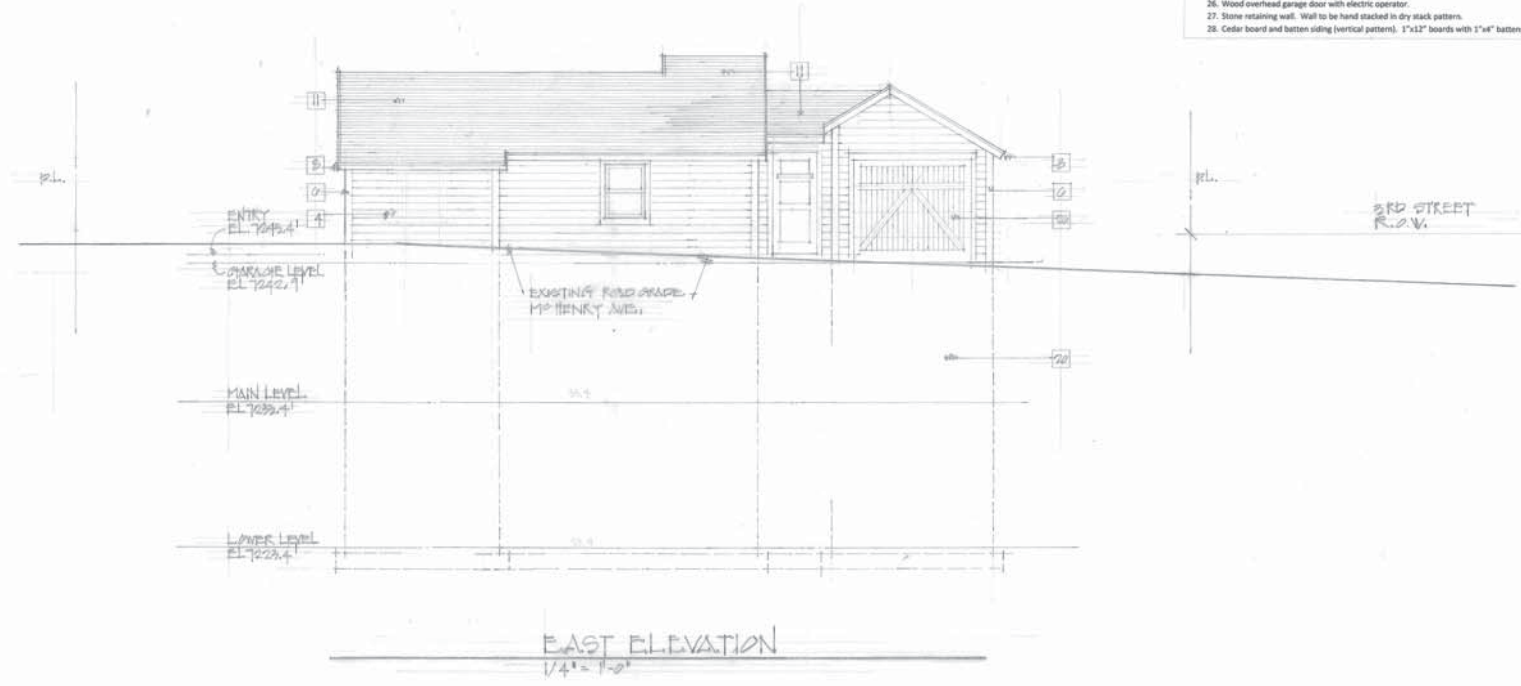
GARAGE LEVEL PLAN

GARAGE 1 692.5 SQ. FT.
 LIVING 125.5 SQ. FT.

PROF. LINE
 GARAGE LEVEL
 PLAN
 1/4" = 1'-0"

Date	5-21-12
Scale	
Drawn	
Job	CHATHAM
Sheet	A-4
Of	Sheets

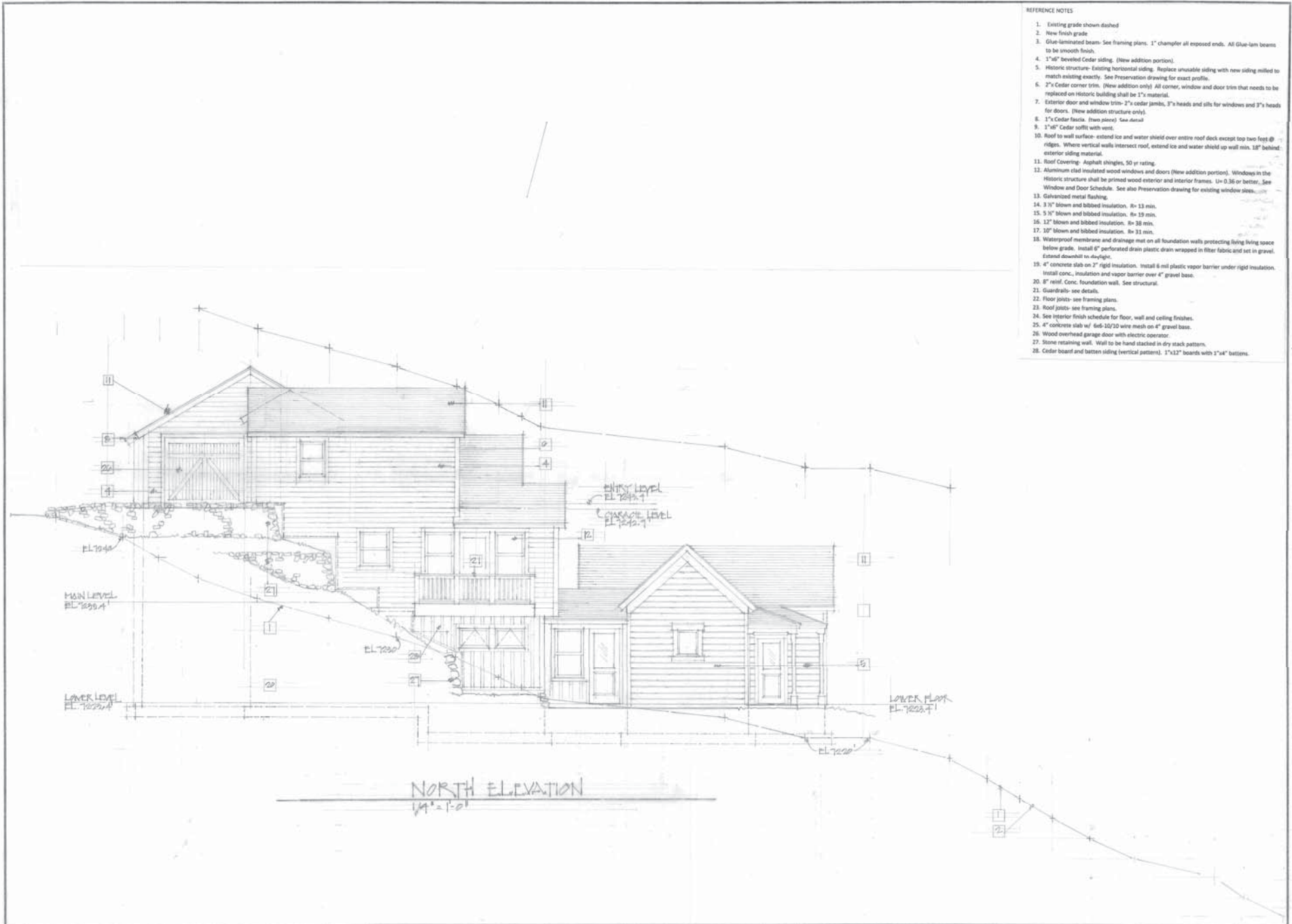
- REFERENCE NOTES
- Existing grade shown dashed
 - New finish grade
 - Glue-laminated beam- See framing plans. 1" chamfer all exposed ends. All Glue-lam beams to be smooth finish.
 - 1"x6" beveled Cedar siding. (New addition portion).
 - Historic structure- Existing horizontal siding. Replace unusable siding with new siding milled to match existing exactly. See Preservation drawing for exact profile.
 - 2"x Cedar corner trim. (New addition only) All corner, window and door trim that needs to be replaced on Historic building shall be 1"x material.
 - Exterior door and window trim- 2"x cedar jambi, 3"x heads and sills for windows and 3"x heads for doors. (New addition structure only).
 - 1"x Cedar fascia. (two pieces) See detail
 - 1"x6" Cedar soffit with vent.
 - Roof to wall surface- extend ice and water shield over entire roof deck except top two feet @ ridges. Where vertical walls intersect roof, extend ice and water shield up wall min. 18" behind exterior siding material.
 - Roof Covering- Asphalt shingles. 50 yr rating.
 - Aluminum clad insulated wood windows and doors (New addition portion). Windows in the Historic structure shall be primed wood exterior and interior frames. Uv 0.36 or better. See Window and Door Schedule. See also Preservation drawing for existing window sizes.
 - Galvanized metal flashing.
 - 3"x" blown and bitted insulation. R= 13 min.
 - 5"x" blown and bitted insulation. R= 19 min.
 - 12" blown and bitted insulation. R= 38 min.
 - 10" blown and bitted insulation. R= 31 min.
 - Waterproof membrane and drainage mat on all foundation walls protecting living space below grade. Install 6" perforated drain plastic drain wrapped in filter fabric and set in gravel. Extend downhill to daylight.
 - 4" concrete slab on 2" rigid insulation. Install 6 mil plastic vapor barrier under rigid insulation. Install conc., insulation and vapor barrier over 4" gravel base.
 - 8" reinf. Conc. foundation wall. See structural.
 - Guardrails- see details.
 - Floor joists- see framing plans.
 - Roof joists- see framing plans.
 - See interior finish schedule for floor, wall and ceiling finishes.
 - 4" concrete slab w/ 6#-10/10 wire mesh on 4" gravel base.
 - Wood overhead garage door with electric operator.
 - Stone retaining wall. Wall to be hand stacked in dry stack pattern.
 - Cedar board and batten siding (vertical pattern). 1"x12" boards with 1"x4" battens.



REVISIONS	BY

DAVID G. WHITE, ARCHITECT
 P.O. BOX 1315 - P.O. BOX 1315
 PARK CITY, UTAH 84302
 (435) 649-6379 FAX: (435) 659-0645
 EMAIL: dwhite@mgm.com

Date 5-21-12
 Scale
 Drawn
 Job 20120010
 Sheet A-5
 Of Sheets



- REFERENCE NOTES
- Existing grade shown dashed
 - New finish grade
 - Glue-laminated beam- See framing plans. 1" chamfer all exposed ends. All Glue-lam beams to be smooth finish.
 - 1"x6" beveled Cedar siding. (New addition portion)
 - Historic structure- Existing horizontal siding. Replace unusable siding with new siding milled to match existing exactly. See Preservation drawing for exact profile.
 - 2"x Cedar corner trim. (New addition only) All corner, window and door trim that needs to be replaced on historic building shall be 2"x material.
 - Exterior door and window trim- 2"x cedar jambs, 3"x heads and sills for windows and 3"x heads for doors. (New addition structure only)
 - 1"x Cedar fascia. (New piece) See detail
 - 1"x6" Cedar soffit with vent.
 - Roof to wall surface- extend ice and water shield over entire roof deck except top two feet @ ridges. Where vertical walls intersect roof, extend ice and water shield up wall min. 18" behind exterior siding material.
 - Roof Covering- Asphalt shingles, 50 yr rating.
 - Maximum clad insulated wood windows and doors (New addition portion). Windows in the Historic structure shall be primed wood exterior and interior frames. U= 0.38 or better. See Window and Door Schedule. See also Preservation drawing for existing window schedule.
 - Galvanized metal flashing.
 - 3" blown and bibbed insulation. R= 13 min.
 - 5" blown and bibbed insulation. R= 19 min.
 - 12" blown and bibbed insulation. R= 38 min.
 - 10" blown and bibbed insulation. R= 31 min.
 - Waterproof membrane and drainage mat on all foundation walls protecting living space below grade. Install 6" perforated drain plastic drain wrapped in filter fabric and set in gravel. Extend downhill to daylight.
 - 4" concrete slab on 2" rigid insulation. Install 6 mil plastic vapor barrier under rigid insulation. Install conc., insulation and vapor barrier over 4" gravel base.
 - 8" reinf. Conc. foundation wall. See structural.
 - Quadrails- see details.
 - Floor joists- see framing plans.
 - Floor joists- see framing plans.
 - Roof joists- see framing plans.
 - See interior finish schedule for floor, wall and ceiling finishes.
 - 4" concrete slab w/ 66-10/30 wire mesh on 4" gravel base.
 - Wood overhead garage door with electric opener.
 - Stone retaining wall. Wall to be hand stacked in dry stack pattern.
 - Cedar board and batten siding (vertical pattern). 1"x12" boards with 1"x4" battens.

REVISIONS	BY

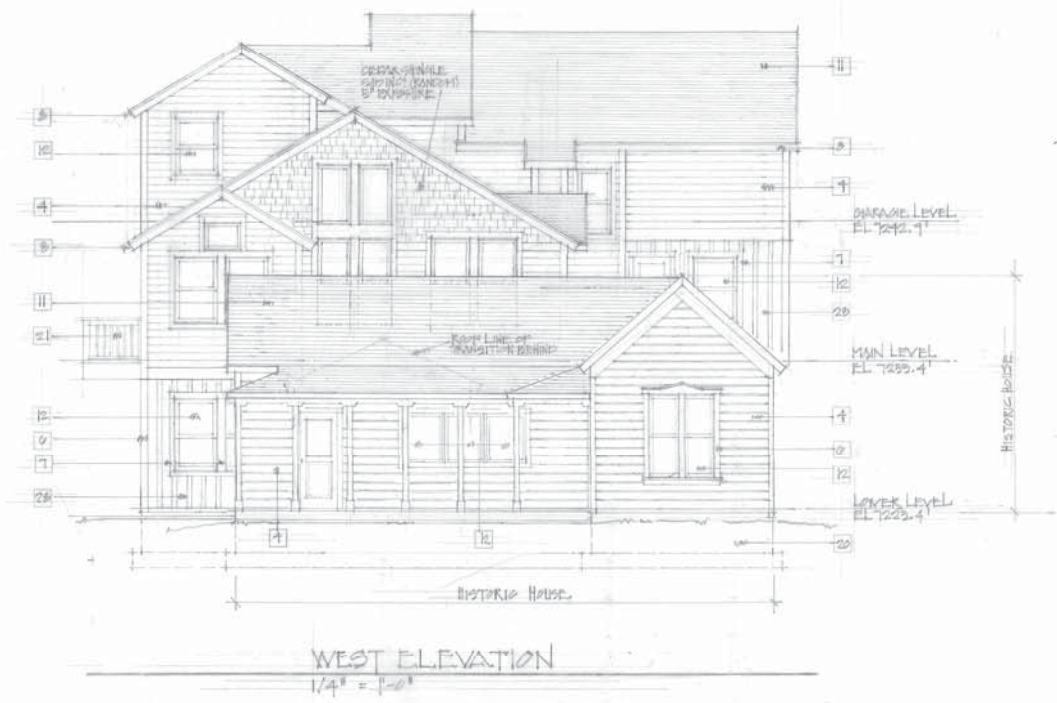
DAVID G. WHITE, ARCHITECT
 P.O. BOX 1313, 27503 STATES DRIVE
 FARM CITY, TN 37041
 (435) 649-8379 FAX: (435) 655-8045
 EMAIL: dwhite@dmw.com

Date 11-21-13
 Scale
 Drawn
 Job 204 073530
 Sheet A-G
 Of 6 Sheets

- REFERENCE NOTES
- Existing grade shown dashed
 - New finish grade
 - Glue-laminated beam- See framing plans. 1" chamfer all exposed ends. All Glue-lam beams to be smooth finish.
 - 1"x6" beveled Cedar siding. (New addition portion).
 - Historic structure- Existing horizontal siding. Replace unusable siding with new siding milled to match existing exactly. See Preservation drawing for exact profile.
 - 2"x Cedar corner trim. (New addition only) All corner, window and door trim that needs to be replaced on Historic building shall be 1" material.
 - Exterior door and window trim: 2"x cedar jambs, 2"x heads and sills for windows and 2"x heads for doors. (New addition structure only).
 - 1"x Cedar fascia. (New piece) See detail.
 - 1"x6" Cedar soffit with vent.
 - Roof to wall surface- extend ice and water shield over entire roof deck except top two feet @ ridges. Where vertical walls intersect roof, extend ice and water shield up wall min. 18" behind exterior siding material.
 - Roof Covering- Asphalt shingles, 50 yr rating.
 - Aluminum clad insulated wood windows and doors (New addition portion). Windows in the Historic structure shall be primed wood exterior and interior frames. U=0.35 or better. See Window and Door Schedule. See also Preservation drawing for existing window details.
 - Galvanized metal flashing.
 - 3"R blown and batted insulation. R= 13 min.
 - 5"R blown and batted insulation. R= 19 min.
 - 12" blown and batted insulation. R= 38 min.
 - 10" blown and batted insulation. R= 31 min.
 - Waterproof membrane and drainage mat on all foundation walls protecting living living space below grade. Install 6" perforated drain plastic drain wrapped in filter fabric and set in gravel. Extend downhill to daylight.
 - 4" concrete slab on 2" rigid insulation. Install 6 mil plastic vapor barrier under rigid insulation. Install conc., insulation and vapor barrier over 4" gravel base.
 - 8" reinf. Conc. foundation wall. See structural.
 - Guardrail- see details.
 - Floor joists- see framing plans.
 - Roof joists- see framing plans.
 - See interior finish schedule for floor, wall and ceiling finishes.
 - 4" concrete slab w/ 6#-10/10 wire mesh on 4" gravel base.
 - Wood overhead garage door with electric operator.
 - Stone retaining wall. Wall to be hand stacked in dry stack pattern.
 - Cedar board and batten siding (vertical pattern). 1"x12" boards with 1"x6" battens.

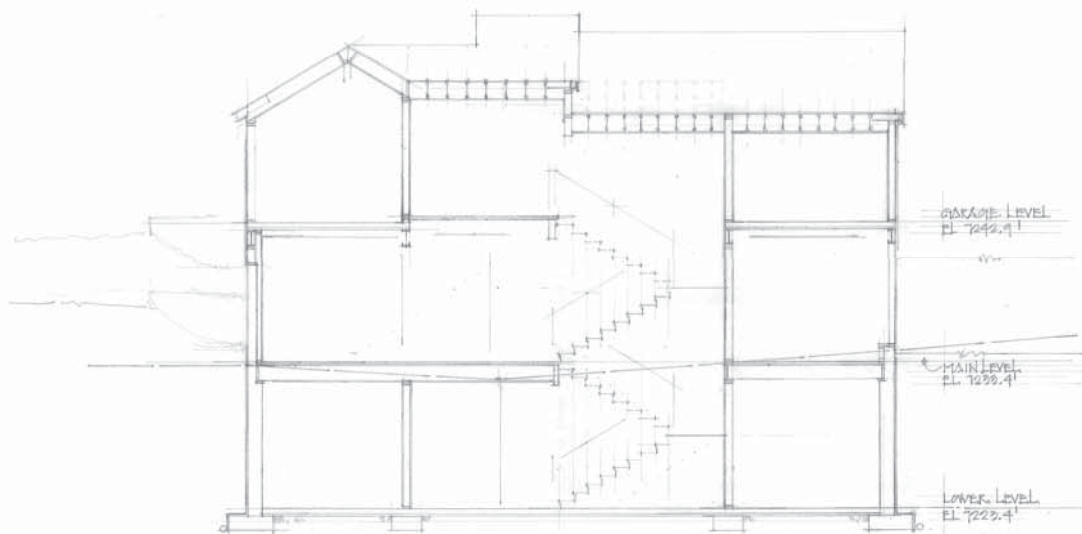
REVISIONS	BY

DAVID G. WHITE, ARCHITECT
 P.O. BOX 1313 - 2703 EASTATES DRIVE
 PARK CITY, UTAH 84002
 (435) 648-0879 FAX: (435) 655-0845
 EMAIL: dwhite@dmason.com



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

Date 5-31-13
 Scale
 Drawn
 Job 2013-01-01
 Sheet A-B
 Of Sheets



BUILDING SECTION

1/4" = 1'-0"



REFERENCE NOTES

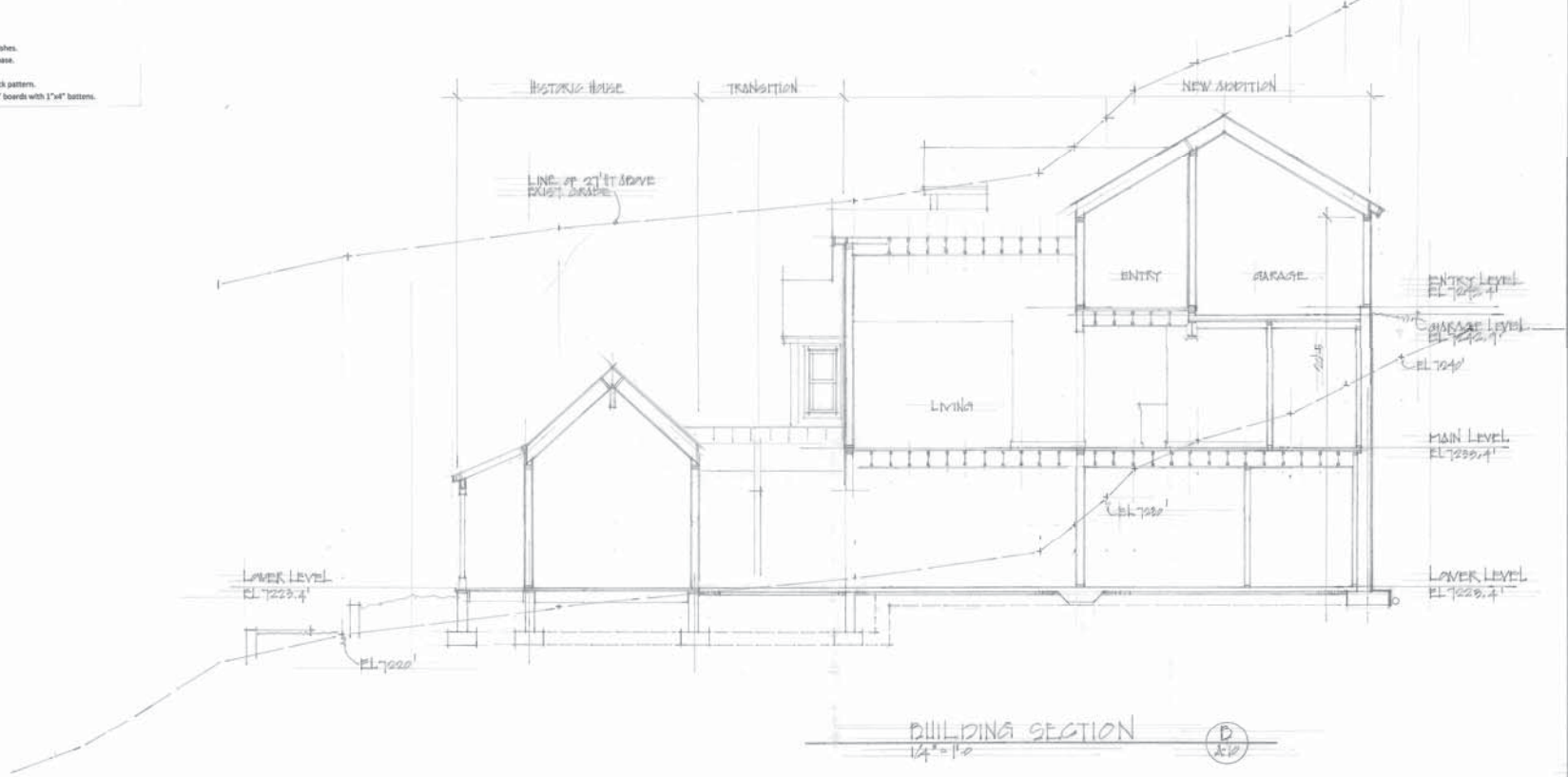
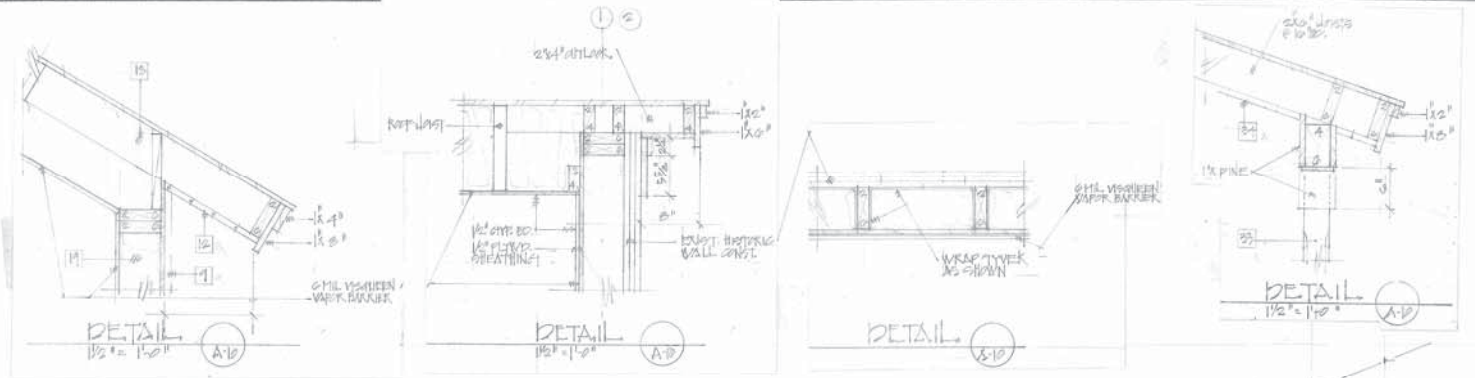
1. Existing grade shown dashed
2. New finish grade
3. Glue-laminated beam- See framing plans. 1" chamfer all exposed ends. All Glue-lam beams to be smooth finish.
4. 1"x6" beveled Cedar siding. (New addition portion).
5. Historic structure- Existing horizontal siding. Replace unusable siding with new siding milled to match existing exactly. See Preservation drawing for exact profile.
6. 2"x Cedar corner trim. (New addition only) All corner, window and door trim that needs to be replaced on historic building shall be 2"x material.
7. Exterior door and window trim- 2"x cedar jambs, 3"x heads and sills for windows and 3"x heads for doors. (New addition structure only).
8. 1"x Cedar fascia. (New addition)
9. 1"x6" Cedar soffits with vent.
10. Roof to wall surface- extend ice and water shield over entire roof deck except top two feet @ ridges. Where vertical walls intersect roof, extend ice and water shield up wall min. 18" behind exterior siding material.
11. Roof Covering- Asphalt shingles, 50 yr rating.
12. Aluminum clad insulated wood windows and doors (New addition portion). Windows in the Historic structure shall be primed wood exterior and interior frames. U= 0.36 or better. See Window and Door Schedule. See also Preservation drawing for existing window sizes.
13. Galvanized metal Flashing.
14. 3" R blown and bibbed insulation. R= 13 min.
15. 5" R blown and bibbed insulation. R= 20 min.
16. 12" Blown and bibbed insulation. R= 38 min.
17. 10" Blown and bibbed insulation. R= 31 min.
18. Waterproof membrane and drainage mat on all foundation walls protecting living space below grade. Install 6" perforated drain plastic drain wrapped in filter fabric and set in gravel. Extend downhill to daylight.
19. 4" concrete slab on 2" rigid insulation. Install 6 mil plastic vapor barrier under rigid insulation. Install conc., insulation and vapor barrier over 4" gravel base.
20. 8" reinf. Conc. foundation wall. See structural.
21. Squeals- see details.
22. Floor joists- see framing plans.
23. Roof joists- see framing plans.
24. See interior finish schedule for floor, wall and ceiling finishes.
25. 4" concrete slab w/ 6#-10/10 wire mesh on 4" gravel base.
26. Wood overhead garage door with electric operator.
27. Stone retaining wall. Wall to be hand stacked in dry stack pattern.
28. Cedar board and batten siding (vertical pattern). 1"x12" boards with 1"x4" battens.

REVISIONS	BY

Date	5-21-13
Scale	
Drawn	
Job	204 ANTWERP
Sheet	A-9
Of	Sheets

REFERENCE NOTES

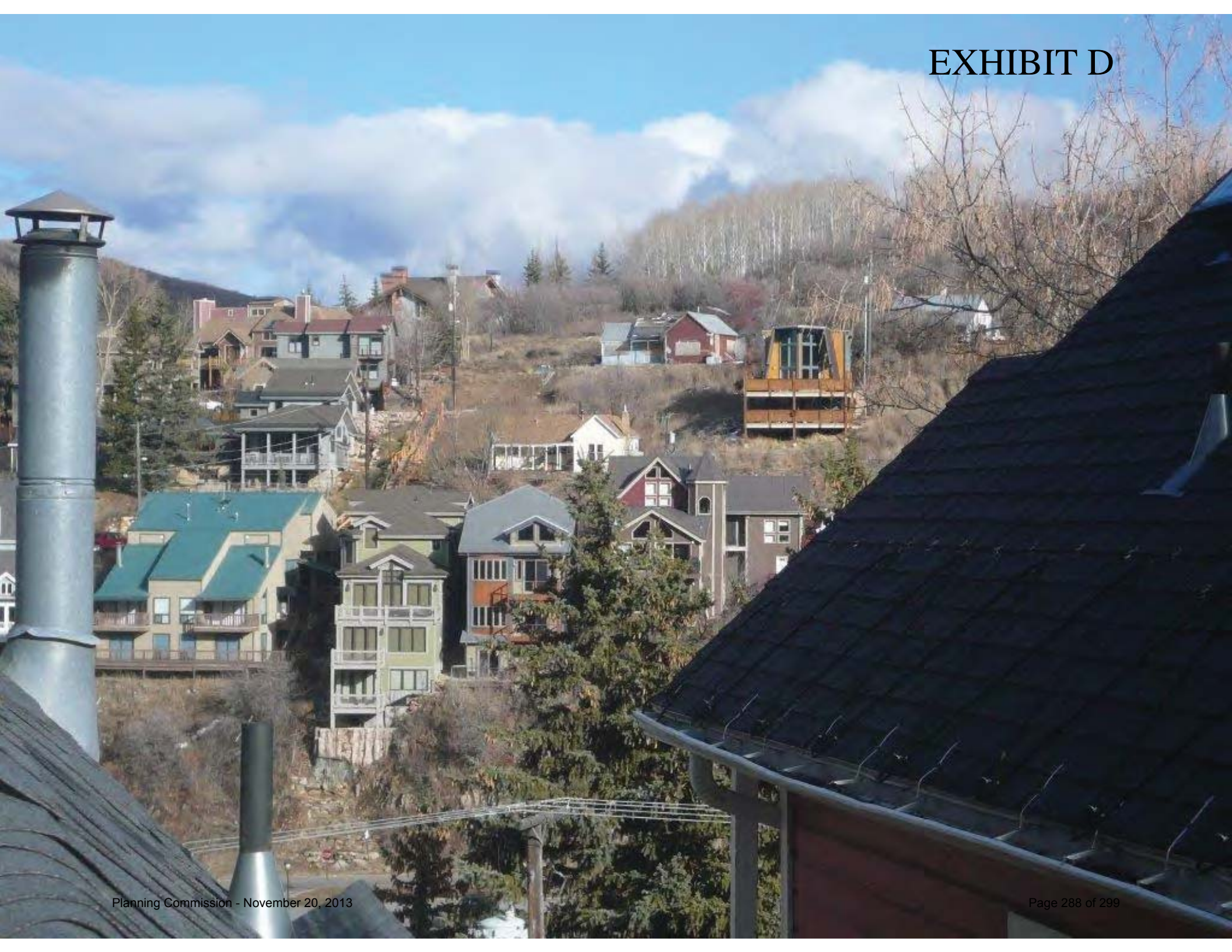
1. Existing grade shown dashed.
2. New finish grade
3. Glue-laminated beam- See framing plans. 1" chamfer at exposed ends. All Glue-lam beams to be smooth finish.
4. 1"x6" beveled Cedar siding. (New addition portion).
5. Historic structure- Existing horizontal siding. Replace unusable siding with new siding milled to match existing exactly. See Preservation drawing for exact profile.
6. 2"x Cedar corner trim. (New addition only) All corner, window and door trim that needs to be replaced on Historic building shall be 1"x material.
7. Exterior door and window trim- 2"x cedar jamb, 3"x heads and sills for windows and 3"x heads for doors. (New addition structure only).
8. 1"x Cedar fascia. (New addition) See detail.
9. 1"x6" Cedar sills with vent.
10. Roof to wall surface- extend ice and water shield over entire roof deck except top two feet @ ridges. Where vertical walls intersect roof, extend ice and water shield up wall min. 18" behind exterior siding material.
11. Roof Covering- Asphalt shingles, 50 yr rating.
12. Aluminum clad insulated wood windows and doors (New addition portion). Windows in the Historic structure shall be primed wood exterior and interior frames. U= 0.36 or better. See Window and Door Schedule. See also Preservation drawing for existing window sizes.
13. Galvanized metal flashing.
14. 3/8" blown and bibbed insulation. R= 13 min.
15. 5/8" blown and bibbed insulation. R= 19 min.
16. 12" blown and bibbed insulation. R= 38 min.
17. 18" blown and bibbed insulation. R= 51 min.
18. Waterproof membrane and drainage mat on all foundation walls protecting living living space below grade. Install 6" perforated drain plastic drain wrapped in filter fabric and set in gravel. Extend downhill to daylight.
19. 4" concrete slab on 2" rigid insulation. Install 6 mil plastic vapor barrier under rigid insulation. Install conc. insulation and vapor barrier over 4" gravel base.
20. 8" reinf. Conc. foundation wall. See structural.
21. Guardrails- see details.
22. Floor joists- see framing plans.
23. Roof joists- see framing plans.
24. See interior finish schedule for floor, wall and ceiling finishes.
25. 4" concrete slab w/ 6#-10/10 wire mesh on 4" gravel base.
26. Wood overhead garage door with electric operator.
27. Stone retaining wall. Wall to be hand stacked in dry stack pattern.
28. Cedar board and batten siding (vertical pattern). 1"x12" boards with 1"x4" battens.



REVISIONS	BY

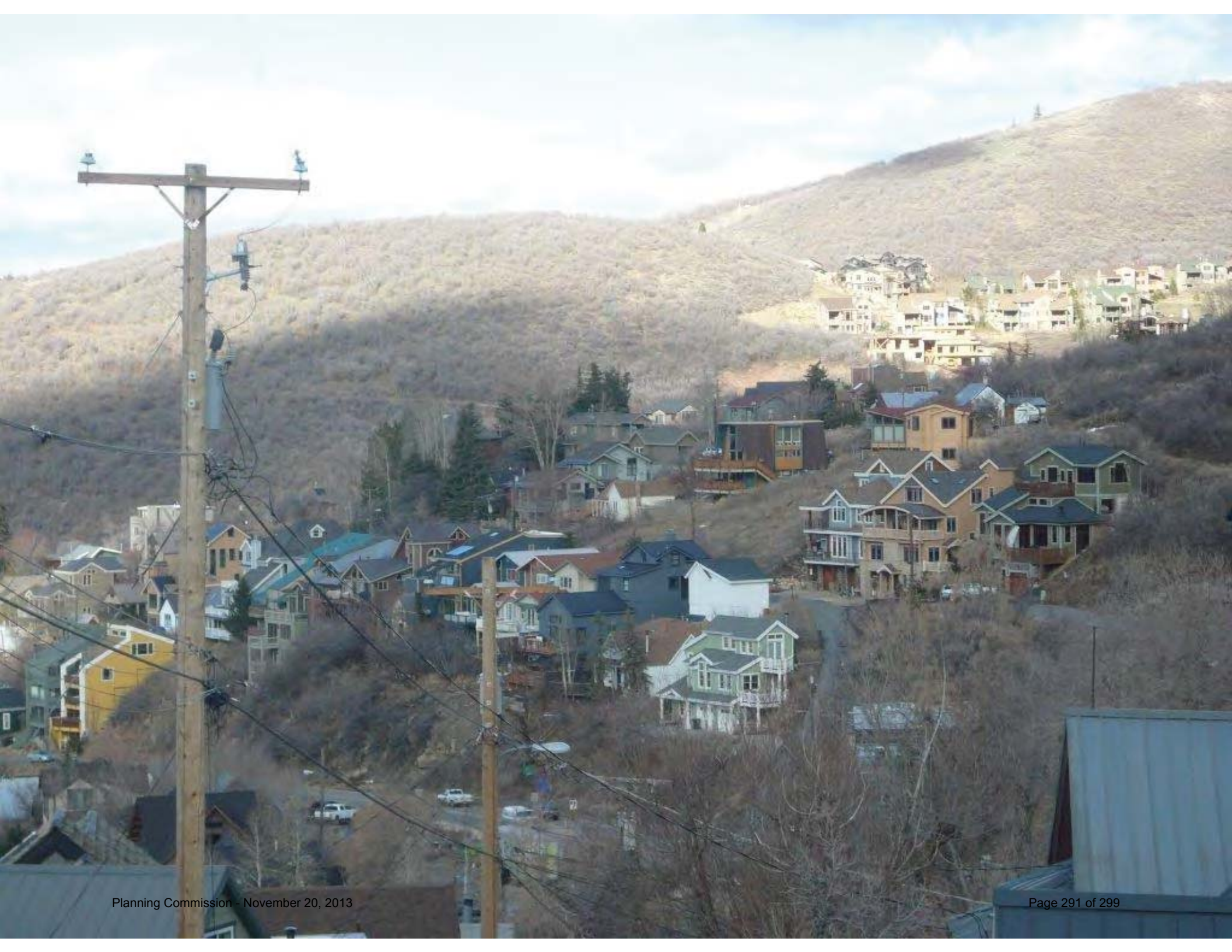
Date	5-21-12
Scale	
Drawn	
Job	
Sheet	A-10
Of	Sheets

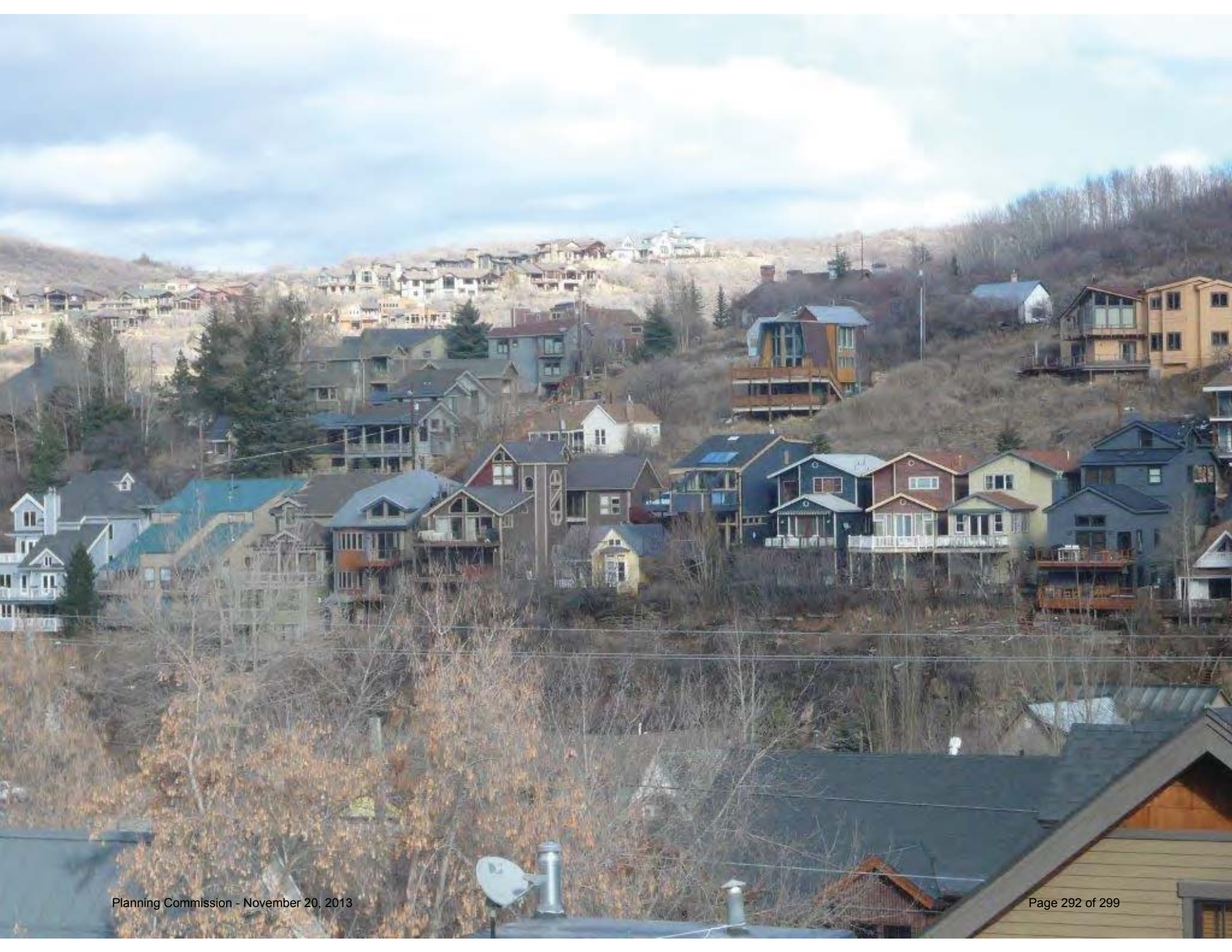
EXHIBIT D









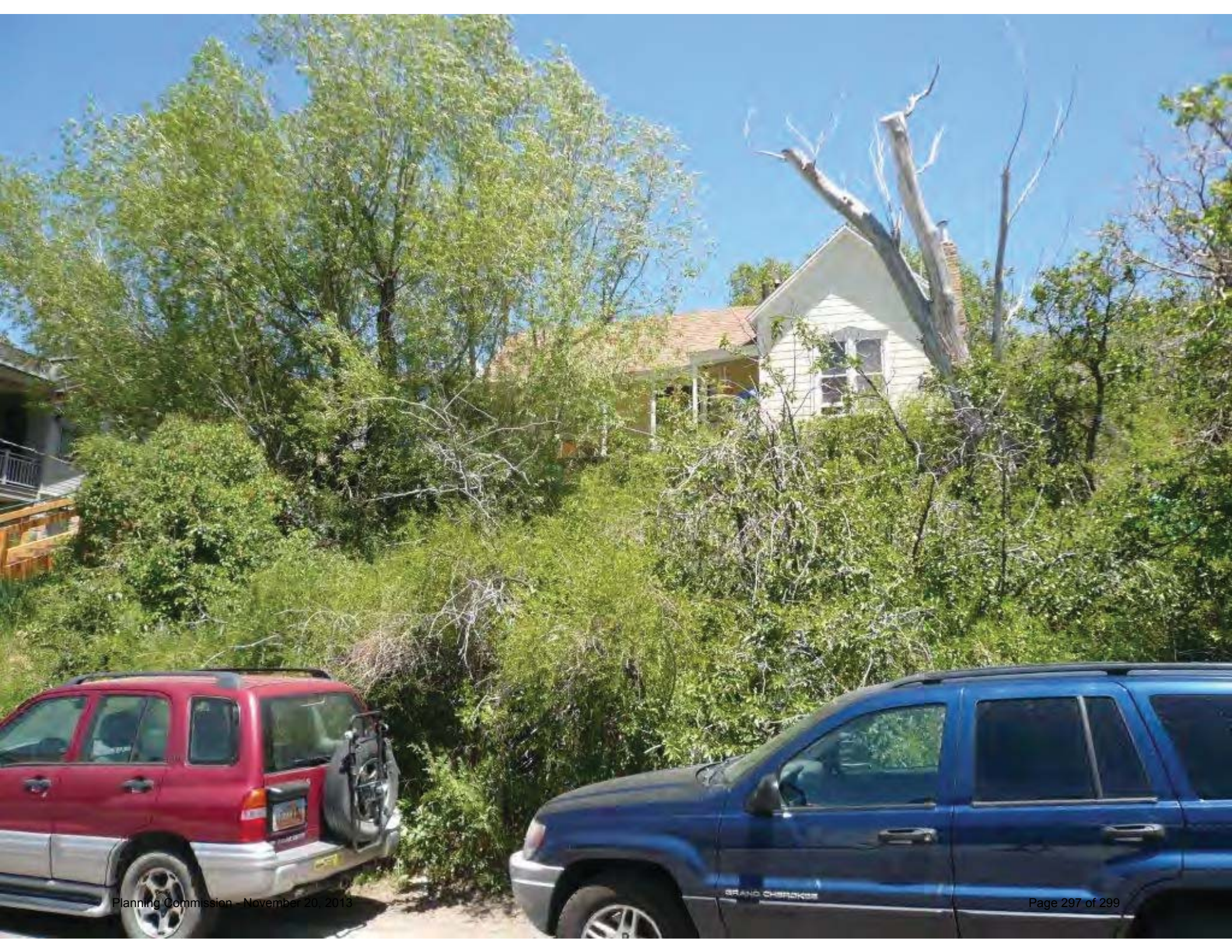














264

