



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF July 23, 2014

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

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

317 Ontario Avenue – Steep Slope Conditional Use Permit <i>Public hearing and possible action</i>	PL-14-02258 <i>Planner Astorga</i>	<i>Pg. 51</i>
333 Main Street – The Parkite Condominiums Condominium Record of Survey Plat for Commercial Units <i>Public hearing and recommendation to City Council on September 18th, 2014</i>	PL-14-02302 <i>Planner Whetstone</i>	<i>Pg. 79</i>
7379 Silver Bird Drive, Silver Bird Condominiums at Deer Valley First Amendment – Condominium Plat Amendment <i>Public hearing and recommendation to City Council on September 4th, 2014</i>	PL-14-02322 <i>Planner Alexander</i>	<i>Pg. 105</i>
692 Main Street, 692 Main Street Condominiums – Condominium Plat <i>Public hearing and recommendation to City Council on September 4th, 2014</i>	PL-14-02320 <i>Planner Alexander</i>	<i>Pg. 119</i>

ADJOURN

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

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 23, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Stewart Gross, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander, Planner; Ryan Wassum, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

July 9, 2014

MOTION: Commissioner Gross moved to APPROVE the minutes of July 9, 2014 as written. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioners Worel and Strachan abstained since they were absent from the July 9th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington announced that the Planning Department was hosting a Webinar entitled The Economics of Urbanism on August 7th, from noon to 1:30 p.m. He would send the Planning Commission an email with all the details. If more than three Commissioners were interested in attending it would present a quorum and the Webinar would have to be

noticed to the public. A show of hands indicated that a majority of the Commissioners would attend and the event would be publicly noticed.

Director Eddington reported that a special Planning Commission meeting was scheduled on August 6th at 5:30 p.m. for discussion and public hearing regarding Form Based Code. The consultants would be in attendance. The Planning Department would provide the Commissioners with a copy of the Draft Form Based Code.

Commissioner Stuard understood that the Utah Chapter of the American Planning Association was conducting a daylong seminar on Form Based Code in either late August or September. He asked if the Staff had an exact date. Planner Alexander stated that the date was Friday, September 19th. Commissioner Stuard recalled that the cost was \$250 per person and he asked if there was a less expensive way for public officials to learn the same information. Planner Alexander offered to look into other seminars and conferences. She stated that the Planning Commission was also invited to the Western Planners Conference at the end of September. She would email the details on both the daylong seminar and the Western Planners Conference.

Commissioner Strachan commented on past joint meetings with the Snyderville Basin Planning Commission. He understood that the County was on the brink of some major projects and he suggested that it might be time to have another joint meeting. Director Eddington stated that the County was working on transportation planning initiatives and other projects. He agreed that it might be a good time to schedule another joint meeting. He suggested that they wait until October rather than trying to schedule a meeting during the summer. Commissioner Strachan recalled scheduling issues for previous meetings because it was difficult to find a time when everyone could meet. He thought they should schedule a date far enough in advance so both Planning Commissions could plan around it. Chair Worel concurred. Director Eddington offered to coordinate with the County Planning Staff to schedule a time and location.

Commissioner Stuard requested that extra or special meetings be scheduled in the same week as the regularly scheduled meetings because it works better for those who schedule travel or other events around the Planning Commission meetings. The Commissioners agreed.

Commissioner Strachan recalled that from one of the Legal Training sessions they were going to see if the Property Rights Ombudsman could speak to the Planning Commission. Assistant City Attorney stated that she had mentioned it to City Attorney Harrington after their meeting and he favored the idea. She would follow up to see if a time could be scheduled. Commissioner Strachan found it helpful the last time the Ombudsman spoke to

the Planning Commission and he thought it would be beneficial for the new Commissioners.

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

1. PCMR Base Area MPD & Woodward Park City and Conditional Use Permit
(Application PL-13-0215 & PL-13-02136)

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

MOTION: Commissioner Stuard moved to CONTINUE the public hearing for the PCMR Base Area MPD and Woodward Park City and CUP to a date uncertain. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 7379 Silver Bird Drive, Silver Bird Condominiums at Deer Valley First Amendment Condominium Plat Amendment (Application PL-14-02322)

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

MOTION: Commissioner Stuard moved to CONTINUE the public hearing and application for 7379 Silver Bird Drive, Silver Bird Condominiums at Deer Valley First Amendment Condominium Plat Amendment to August 13th. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

3. 692 Main Street, 693 Main Street Condominiums – Condominium Plat.
(Application PL-14-02320)

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

MOTION: Commissioner Stuard moved to CONTINUE the Condominium Plat for 692 Main Street Condominiums to August 13, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, public hearing, action.

**1. 1102 Norfolk Avenue Subdivision – Plat Amendment
(Application PL-14-02367)**

Planner Ryan Wassum reviewed the application for a plat amendment for the purpose of removing a lot line between Lot 31 and 32 to create one legal lot of record called the 1102 Norfolk Avenue subdivision. The existing historic structure is located across the lot line separating Lots 31 and 32. Removing the lot line would bring the structure into compliance. The applicant was proposing to preserve the historic structure and add an addition. It would further bring the home into compliance and meet the front and side yard setback, which it currently does not meet.

The Planning Staff finds good cause for this plat amendment as it meets the Land Management Code and creates a legal-conforming structure that is compatible with the HR-1 District. The plat amendment will also utilize Best Planning and Design Practices while preserving the character of the neighborhood and of Park City and furthering the health, safety and welfare of the Park City community.

Planner Wassum reported that the applicant could not move forward with the proposed preservation and addition to the home until the plat amendment has been recorded.

The Staff recommended that the Planning Commission conduct a public hearing for the 1104 Norfolk Avenue Subdivision plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for 1102 Norfolk Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1102 Norfolk Avenue Subdivision

1. The property is located at 1102 Norfolk Avenue and consists of two (2) "Old Town" lots, namely Lots 31 and 32 of Block 8 Snyder's addition to the Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. The property has frontage on Norfolk Avenue and the lot contains 3,750 square feet of area.
4. There is an existing noncomplying historic structure located on the property that straddles the Lot Line between Lots 31 and 32.
5. The existing historic structure does not meet the front yard setback at 2' (west elevation) and the side yard setback at 3.42' (south elevation) but is a valid Complying structure pursuant to LMC 15-2.2-4.
6. The side yard (south elevation) retaining wall, concrete walkway, and wood deck encroach into the 11th Street public right-of-way.
7. The maximum building footprint allowed for 1102 Norfolk Avenue on Lot 31 and 32 is 1,518.75 square feet per the HR-1 LMC requirements and based on the lot size. The proposed maximum building footprint is 1,480 square feet.
8. The existing home has a building footprint of approximately 1,024 square feet.
9. 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.
10. The maximum height for a home in the HR-1 zone is 27 feet; the existing home is 15.75 feet.
11. Single family homes are an allowed use in the HR-1 zone.
12. On May 21, 2014, the owner submitted an application for a plat amendment to remove the lot line between Lot 31 and Lot 32, to create one legal lot of record and further making the historic structure legally complying. The application was deemed complete on June 3, 2014.
13. The applicant proposes to renovate the home and add an addition.
14. The home is currently on the Historic Sites Inventory (HSI) listed as a significant

structure.

15. The Lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.

16. The proposed subdivision plat amendment does not create any new non-complying or nonconforming situations; removing the lot line makes the historic structure legally complying.

17. The plat amendment secures public snow storage easements across the frontage of the lots.

18. There is good cause to remove the lot line to create one lot and make the historic structure legally complying; the lot size is compatible with lots in the surrounding neighborhood within the HR-1 District.

Conclusions of Law – 1102 Norfolk Avenue Subdivision

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 – 1102 Norfolk Avenue Subdivision

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 lots. Also recordation of the plat is a condition of building permit issuance.

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/substantial renovation 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 lots with Norfolk Avenue and shall be shown on the plat.

7. Any encroachments on the 11th Street right-of-way will either need an encroachment agreement with the City Engineer or be removed.

8. All prior snow storage and snow shedding easements associated with this property shall be reflected on this plat.

2. 166 Ridge Avenue – Conditional Use Permit, Construction in City Right-of-Way King Ridge Estates/Ridge Avenue (Application PL-14-02288)

Planner Christy Alexander stated that the applicant, Thaynes Capital, was represented by Jonathan DeGray, the project architect. The applicant owns the vacant lots located at 158, 162 and 166 Ridge Avenue, and they were requesting a conditional use permit for construction of a platted unbuilt City right-of-way to access their driveways and lots.

Planner Alexander noted that the project has significant history and background as outlined in the Staff report, beginning in October 2006 when the City received an application for the Subdivision Number One Millsite Reservation Plat Amendment, which was the plat for the three lots. It was approved by the City Council on the condition that the applicant would seek a variance or a special exception for the driveway grade and a platted unbuilt City right-of-way prior to proceeding with the conditional use permits for driveway use of the right-of-way. The applicant went before the Board of Adjustment in December 2007 and the special exception was granted to the LMC allowing them to increase the driveway slope to 14%.

Planner Alexander reported that in April 2007 the applicant submitted another conditional use permit to construct the driveway within the unbuilt City right-of-way and it was approved

by the Planning Commission. Construction was delayed and the applicant requested a one-year extension of the CUP approval. The extension was granted. In June 2008 the applicant submitted an application for a Steep Slope CUP for construction on the three vacant lots; however, the Steep Slope CUPs were denied based on the findings to mitigate the criteria. The applicant appealed the Planning Commission's decision to the City Council and the City Council ultimately approved the Steep Slope CUPs.

Planner Alexander pointed out that the applicant did not construct the road or develop the lots and the CUP approvals expired. The applicant was ready to develop the lots, beginning with Lot 1, 166 Ridge Avenue. However, before that was possible the Planning Commission needed to approve a conditional use permit for construction in the platted un-built City right-of-way. Planner Alexander noted that the next item on the agenda was the request for a Steep Slope CUP on Lot 1. Whether or not that application is reviewed by the Planning Commission would depend on the action taken on the CUP for construction in the City right-of-way.

Planner Alexander remarked that the Analysis Section in the Staff report outlined the different standards of review related to this request. The Staff found compliance with the criteria and that there were no unmitigated impacts. The Staff recommended that the Planning Commission conduct a public hearing and consider approving the requested conditional use permit.

Commissioner Strachan understood that this discussion related only to the driveway CUP and that the applicant had submitted a separate Steep Slope CUP application for construction on the lot. Planner Alexander replied that this was correct. She clarified that if the CUP for the road is denied, the applicant could not move forward with the Steep Slope CUP because there would not be access to the lots. Planner Alexander explained that the CUP was not for a private driveway to the home, but rather to construct the platted right-of-way for access to the lots. Commissioner Strachan questioned why the applications could not be combined. Planner Alexander replied that separate applications are required.

Commissioner Campbell asked if the City would have to vacate the right-of-way. Planner Alexander replied that the right-of-way already existed and nothing would need to be vacated. It was platted but never built. Commissioner Campbell wanted to know who would own it once it is built. Assistant City Attorney McLean stated that it would not be a City road. It would be considered a private driveway. Commissioner Campbell clarified that the City would be allowing the applicant to build a private driveway on City property, but the applicant would not own it. Ms. McLean replied that this was correct, but that the applicant would not own the right-of-way. It would also not be dedicated to the City.

City Engineer, Matt Cassel, stated that it would be a private driveway, not a public road. There is already an encroachment agreement allowing the applicant to construct the driveway and it will be theirs to maintain to City standards.

Commissioner Joyce asked if there could ever be a situation where the City might come back and want to build the road. Mr. Cassel replied that the existing agreement indicates that the City might want to put in a road at some point in the future; and that would trump the rights to the private drive. Mr. Cassel did not foresee that occurring because it dead-ends and there is no place to take a road.

Commissioner Stuard asked if the maintenance of the private road was addressed in the CC&Rs or any other document. City Engineer Cassel stated that the encroachment agreement states that the owners of the three lots would be responsible for maintenance. Commissioner Stuard wanted to know how future property owners would be made aware of that requirement and how the maintenance expense would be divided. He asked if the drive would need to be maintained to a certain standard. Mr. Cassel replied that the City would only impose a standard if it becomes a life/safety issue. Otherwise, it would not have to meet City standards in terms of quality of materials, width, curb and gutter, etc. If the drive ends up being substandard, it would never be dedicated to the City in the future. Regarding the question of how the owners would be informed, Mr. Cassel was unsure how that would be done. He assumed the owners could create an HOA to share the maintenance costs.

Commissioner Stuard asked about fire access for the subdivision, particularly Lot 3. City Engineer Cassel stated that a requirement of constructing the road is to make sure it meets fire code requirements. Commissioner Stuard indicated a fire hydrant assembly in front of Lot 3 and asked if the hydrant would be maintained by the City or the lot owners. Mr. Cassel explained that the extension of the water line reaches a point where it is City owned and maintained. The owners take maintenance of the water line at the meters. Commissioner Stuard understood that would occur for the individual water services for each lot, but his question related to the fire hydrant itself. Mr. Cassel believed it would be maintained by the City.

Mr. Cassel pointed out that this request was not uncommon. There are a lot of private drives in the City with public water lines underneath them. Commissioner Stuard asked if that was addressed in the encroachment agreement. Mr. Cassel stated that the existing encroachment agreement addresses the drive and who owns and maintains the driveway. It does not address the water line which is still in the public right-of-way and maintained by the City.

Commissioner Campbell asked if the City would be open to any liability issues, particularly if it is a substandard driveway on City-owned land. He thought measures should be taken to protect the City. Mr. Cassel stated that it was a good question but difficult to answer because the City requires a 10% slope maximum on drives in the right-of-way. A variance was obtained to allow the applicant to go 14%. He was unsure about liability to the City.

Assistant City Attorney McLean stated that the owners are responsible for the maintenance of the driveway. Commissioner Joyce asked if it was actually City-owned land. He was told that it was. Assistant City Attorney McLean stated that this was addressed in a specific section of the Code because constructing driveways in City right-of-ways is not a unique situation. Commissioner Campbell clarified that there were already several private drives in the right-of-ways throughout the City and there would be no liability issues if they approved this application. Ms. McLean answered yes.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Jonathan DeGray representing the applicant noted that the scheme included in the packet showed that the applicant had acquired easement rights to bring all the utilities up from King Road, which eliminates overhead lines or other facilities other than water coming down from Ridge. Using King Road is a much cleaner installation that coming down from Ridge Avenue.

Commissioner Phillips read from Condition of Approval #4 on page 41 of the Staff report, "The City Engineer will review the transition slope to the 15% grade." He understood that the variance was granted for 14% grade. He noted that it also read as 15% in some of the previous Staff reports. Commissioner Gross noted that Finding of Fact #5 said 14% grade. Assistant City Attorney McLean believed it was a typo error from the previous application because the reason for allowing 14% was to transition from the houses to the drive. City Attorney Cassel agreed that it was a typo because 14% is the maximum on any driveway. It is usually 10% grade in the right-of-way and the applicant obtained a variance to 14%. Condition #4 was corrected to reflect 14%.

Commissioner Phillips thought there appeared to be some activity on the site. Mr. DeGray stated that the lower lot off King was being used as staging for construction across the street. There was no activity related to this project.

Assistant City Attorney McLean noted that Condition of Approval #5 states that the maximum height of the retaining wall was not to exceed 6.87' above existing grade. She suggested that it be revised to say "...shall not exceed..." to make it affirmative. She recalled that it was based on older plans but she did believe it had changed.

Condition of Approval #5 was revised to read, "Planning Director and City Engineer will review the final design and materials for the proposed road and any necessary retaining walls. No retaining wall shall exceed four (4) feet unless approved by the Planning Director and City Engineer. The maximum height of the retaining wall **shall not exceed** 6.87 feet above existing grade." The wording, "Per the June 9, 2009 CUP extension request before the Planning Commission..." was removed.

Commissioner Strachan commented on the emergency vehicle access. He read Item 4 from page 37 of the Staff report, "The Fire District has indicated that Ridge Avenue below this development needs to be widened to meet Fire District standards for access. The City Engineer will require the Ridge Avenue Frontage for this subdivision to meet minimum fire district standards." He believed that should be done first. Commissioner Strachan felt it was important to make sure there was adequate fire access before commencing construction.

Mr. DeGray noted that the driveway is less than 150 feet from a fire hydrant, which meets the Fire District requirement. Planner Alexander reported that that future development would be coming forward on 200 Ridge Avenue, and they have proposed to widen Ridge Avenue along that section. She noted that the top area meets the requirements at this point.

City Engineer Cassel stated that Ridge Avenue is substandard and for that reason the Fire District checks periodically to make sure they can access. The Fire District wants 20-feet of hard surface and they can make it up Ridge Avenue. As development occurs on Ridge, the City will obtain whatever is necessary to gain more space to ensure that emergency vehicle can reach the homes that are built. For these three lots and the home being built on Lot 1, the traffic on Ridge is not substantially more than what currently exists and emergency vehicles can access.

Commissioner Strachan asked why the City did not vacate the right-of-way. City Attorney McLean replied that there was never a petition to vacate so it was never considered. Director Eddington explained that the City Council has recently recommended keeping the public rights-of way rather than vacating them because the City may have plans in the future that are unknown at this time. The applicants were investing private money for the road to meet City standards, but it would remain a public right-of-way. Commissioner Strachan stated that when a vacation is done a Finding is made that it is for the public

good. It can be given away because the public no longer needs or uses it. He was concerned about giving it away without that finding. Commissioner Strachan believed the vacation process ensures that the City does not give up public land to private entities and that was not present in this case. The City was privatizing the drive without public gain.

Assistant City Attorney McLean remarked that the rights-of-way are intended for vehicles and this would allow access. The City still maintains the right to install public utilities in the road. However, vacation means that the City abandons square footage of public land that reverts to the landowners and that requires a different process. City Engineer Cassel stated that in his opinion the City technically does not own the right-of-way. The City manages the right-of-ways but the purpose is for access to utilities and homes and emergency access to each individual house. Even though this proposal would construct the driveway in the right-of-way, the right-of-way would still perform its purpose and allow access to the houses.

Commissioner Campbell thought the applicant would be doing the City a favor by paying to construct the road. The City still owns it and they would have the ability to widen it to City standards in the future. If the road is platted he believed they City owed it to the property owners to provide access.

City Engineer Cassel believed that in the late 1980's and 1990's when the City was strapped for cash, a lot of private roads were built so the City would not have to increase the public works operation and costs. They no longer go in that direction and one of the core functions of the City is to maintain the roads within the City. However, this particular situation on Ridge Avenue dates back to 2007 and 2008 and having the applicant construct the road would be a financial benefit to the City.

Commissioner Campbell asked if anything in the driveway design would preclude the City from being able to build a road in the future. Mr. Cassel stated that the City currently has a number of requests for converting private driveways into public rights of way. The downfall is that the private drives that were constructed 20 years ago are reaching their end of life and the neighbors want the driveways to be converted to public. Mr. Cassel clarified that if the road was built substandard, the City would not take it unless it was improved to City standards. Commissioner Campbell understood that the City would not be giving up any rights by allowing the applicant to put a driveway across the right-of way.

Commissioner Strachan felt the City was giving up public access to the hiking and biking trails behind the road. Commissioner Strachan pointed out that if the requested CUP is allowed under 15-3-5 of the LMC the Planning Commission could not stop it. However, he personally thought the vacation process was a better option to get the City what it needs as opposed to a conditional use permit for a driveway that is actually a road.

MOTION: Commissioner Joyce moved to APPROVE the conditional use permit for 166 Ridge Avenue for construction in the City right-of-way, King Ridge Estates/Ridge Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report and as amended with the changes to Conditions of Approval #4 and #5 previously stated in the discussion this evening. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 166 Ridge Avenue – Construction in ROW

1. The property is located at 158, 162, and 166 Ridge Avenue.
2. The zoning is Historic Residential Low Density (HRL).
3. The approved plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A Special Exception was granted by the Board of Adjustment to permit a driveway slope up to 14%.
6. A two-tiered retaining wall along the west and north sides will be a maximum of eight feet high (total). The Special Exception granted on December 18, 2007 lowered the wall another 4 feet over the 100 foot length to a maximum height of 4 feet. Retaining walls exceeding 4 feet will need to be approved by the Planning Director and City Engineer.
7. The driveway is 19 feet wide with a two-foot shoulder on the west side. The right of way is 35 feet wide with 15 feet from the edge of curb to the west edge of the right-of-way. With a 14% grade slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended.)
8. There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway. A snow shed easement was recorded at Summit County as Entry # 906401 on September 9, 2010.

9. The driveway will be paved in concrete.

10. The staff findings in the Analysis section are incorporated herein.

Conclusions of Law – 166 Ridge Avenue – Construction in ROW

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.

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

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

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

Conditions of Approval – 166 Ridge Avenue – Construction in ROW

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.

3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City and Fire District standards, is a condition precedent to building permit issuance.

4. The City Engineer will review the transition slopes to the 14% grade.

5. Planning Director and City Engineer will review the final design and materials for the proposed road and any necessary retaining walls. No retaining wall shall exceed four (4) feet unless approved by the Planning Director and City Engineer. The maximum height of the retaining wall shall not exceed 6.87 feet above existing grade.

6. Snyderville Basin Water Reclamation District review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance.

7. A final utility plan is required to be approved by the City Engineer prior to issuance of a building permit.

8. A Historic District Design application shall be submitted prior to submittal of a building permit application for Lots 1, 2, & 3.

9. A building permit will be required to build the road and retaining walls.

10. The City Engineer will review the final construction documents and confirm that all existing utilities will not be impacted and anticipated utilities will be located in accordance with the plans as submitted.

11. A final landscape plan shall be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review for approval by the Planning Department prior to issuance of a building permit for the lots and driveway. The landscaping shall be complete prior to issuance of a final certificate of occupancy for the lots. The landscape plan shall provide mitigation of the visual impacts of the driveway and any retaining walls and mitigation for removal of any existing Significant Vegetation. Prior to removal of any trees, an arborist report shall be provided to the Planning Department for review. The arborist report shall include a recommendation regarding any Significant Vegetation proposed to be removed and appropriate mitigation for replacement vegetation.

12. Parking is restricted to on the driveway.

13. All conditions of approval of the Subdivision No. 1 Millsite Reservation Plat (Ordinance No. 07-74) and the findings of the December 18, 2007 Special Exception approval must be adhered to.

14. The Conditional Use Permit will expire on July 23, 2015, if a building permit has not been granted.

15. The Planning Department and City Engineer will review any proposed guardrail and lighting considerations at time of final design.

**3. 166 Ridge Avenue – Steep Slope Conditional Use Permit
King Ridge Estates/Ridge Avenue (Application PL-14-02268)**

Planner Alexander handed out an email she received from a nearby property owner who was unable to attend this evening.

Planner Wassum reviewed the application requesting a Steep Slope CUP for a new single family home with a proposed square footage of 2,823 square feet on a vacant, 5,899 square foot lot located at 166 Ridge Avenue. Since the total floor area exceeds 1,000 square feet and the construction is proposed on a slope 30% or greater, Planning Commission approval is required for a Steep Slope CUP.

Planner Wassum provided a brief history of the property regarding the Steep Slope. On June 11, 2008 the Planning Commission held a public hearing on a Steep Slope for 158, 162, and 166 Ridge Avenue to construct single family homes. The Planning Commission denied the CUP as proposed because it did not mitigate the criteria outlined in the LMC. The applicant appealed that decision to the City Council and the Council overturned the Planning Commission and approved the Steep Slope CUP based on modifying the Findings to mitigate the criteria. The CUP eventually expired because a building permit was never obtained.

Planner Wassum reviewed the Analysis contained in the Staff report and noted that the Staff found no unmitigated impacts. However, the Planning Director was requesting that the Planning Commission discuss Criteria 9 relative to the building height. Planner Wassum noted that for tandem garages, the height is allowed to exceed 27' up to 35' on a downhill lot. The applicant was proposing a 34 feet exception for the garage and the circulation attached to the garage. The Planning Commission was asked to review the circulation area and provide input. Planner Alexander explained that the Planning Director can normally approve the height to 35' for circulation only. The applicant has a large area that was initially designed as a storage area; but because they could not have additional living space, the storage was removed and the area was enclosed completely. The Staff felt it was a large area to have at the 35' height. Typically, access is only allowed from the garage door to the elevator or the stairway to go downstairs.

Planner Wassum reviewed the plans showing the entrance to the house and the circulation area.

Jonathan DeGray, the project architect, stated that the plat restriction is 18' of total height for the garage floor to the ridge. They comply with that requirement. Under the current Code a maximum of 35' is allowed and they were proposing 34'. Mr. DeGray stated that the problem with reducing the area is that it has a roof over it. Looking at the building in its entire context, to reduce the area and reduce the roof would create a truncated form connecting to the garage. As an alternative they created attic space and abandoned it as usable space, but allowed the roof to remain so it blends well into the form of the garage and the elevator element, and then steps down into the staircase. Mr. DeGray thought it

made sense from an elevation standpoint. They were not asking for additional living space but it was a way to resolve the roof form and still keep the flow of the building.

Mr. DeGray noted that 7:12 was a maximum pitch in the zone; however, the plat dictates 8:12. They were dealing with steeper roof forms due to the plat requirement. If they were permitted to go to a 7:12 pitch he could bring the roof down approximately 18" inches.

Commissioner Joyce referred to the drawings on pages 120 and 121 of the Staff report and asked Mr. DeGray for clarification. Mr. DeGray identified the different elements, including the closed off area.

Commissioner Stuard asked why an 8:12 pitch was required on the plat. Mr. DeGray replied that it was a criteria that the Planning Staff wrote in 2008. Commissioner Gross asked if 8:12 was the City standard at the time. Mr. DeGray did not believe it was. Commissioner Stuard could understand if for historic context, but the proposed structure was not historic architecture.

Assistant City Attorney McLean stated that the pitch was a condition of approval from the plat. A condition also says that the garage entry must be at the front setback. She asked if that condition had been met. Mr. DeGray believed it was as far forward as possible and still maintain its single car garage door width. He noted that page 116 of the Staff report showed the width of the building as far forward towards the street as possible before it comes to a triangular point.

The Staff requested that the Planning Commission conduct a public hearing and consider approving the conditional use permit for the Steep Slope, as well as the special exception for the height from 27' to 35'.

Commissioner Campbell thought this was the same type of exception that the Planning Commission recently approved for the Rio Grande regarding the elevator. Director Eddington clarified that the exception for the Rio Grande was for non-habitable space that was above a certain height. He believed this scenario was slightly different. Commissioner Campbell understood that the space at 166 Ridge would also be uninhabitable. Director Eddington replied that it would be habitable. Assistant City Attorney McLean remarked that the Steep Slope CUP was subject to different criteria within the Code and they were talking about two different exceptions.

Mr. DeGray commented on the question of whether the space was excessive. He stated that in looking at the entry area, the door swing of the front door, the door swing of the garage, the door swing of the elevator, and the bench provided as a mud room type space, he would be hard pressed to say that it was excessive. He did not believe the entry could

be any smaller given the door swings and the circulation required to move from the staircase to the garage.

Commissioner Campbell asked if the applicant would prefer an exception to lower the roof pitch or if it was better to leave it at 8:12. He wanted to know which way would achieve the best architecture. Mr. DeGray stated that it was about form and he would be comfortable with a lower pitch if it was what the Planning Commission wanted. Assistant City Attorney McLean clarified that the roof pitch was a condition of approval of the plat and it could not be changed without going through a plat amendment.

Mr. DeGray remarked that it was a minor area, but from an aesthetic standpoint the continuation of the ridge makes it a simpler roof form. Commissioner Campbell stated that in his opinion, they give the Planning Director the ability to consider exceptions to encourage good architecture. He encouraged Director Eddington to use the exceptions whenever he finds it appropriate. Director Eddington stated that he wanted Planning Commission input on this particular application because it is the first of three lots that would be requesting a Steep Slope CUP along Ridge. He noted that the Staff prefers steeper pitches in general, and he believed the steeper pitch works better on this particular site.

Mr. DeGray stated that these were big lots. The lot for 166 Ridge Avenue is 5,800 square feet and the plat allows 3,000 square feet of living. They were proposing 2,800 square feet. The footprint allowed for that lot size is 2,117 square feet. They were proposing 1,625. The project meets all the Code criteria in terms of height and setbacks. The plat as laid out provides 30 feet of open space on all three lots for a total of 4,500 square feet open space. There is significant buffer on the downhill side of these lots between the adjacent properties on Daly Avenue going down the hill. The vegetation looking from Daly on to the hillside is all within the 30' of open space on the lot, plus an additional 15 feet further up the hill into the lots. The vegetation will shield the construction from below.

Mr. DeGray noted that part of the history of the property is that the houses proposed in 2008 were very large structures. The current application proposes much smaller homes at a more appropriate scale with single-car garages.

Chair Worel opened the public hearing.

Karleen Riele, a resident at 84 Daly Avenue stated that she lives below and to the side of the proposed lot. She has fought all these projects for many years primarily because of the land slide that comes down. The house currently lives in was actually destroyed when a tanker came down and disturbed the land. It created enough motion to push dirt down and disturb the house. It was a City tanker and the City had to rebuild the house. Ms. Reile

stated that the land is very loose and she hoped Mr. DeGray had a solution to address the problem. She stated that she was unaware of this project going on until she received her notice last week. She wanted to know what the applicant would do to ensure that loose land does not roll down. The slope is very steep and neither she nor her dog can walk it. It comes up to Anchor, which is wide in one spot and narrow in another spot. There is a lilac bush and many trees right in the area where they propose to build. Ms. Reile also had issues with Ridge Road. It is 12' feet across and two vehicles cannot pass. One vehicle has to back down Ridge Road so the other vehicle can get through, and that is a very dangerous safety hazard. The applicant has said they would widen Ridge Road but she did not see how that could be possible. After this project four other projects will be built along the road. Ms. Reile wanted to make sure that either the City or the applicant had a plan to keep the land from sliding down on those who live below. Daly Avenue has always been a different environment and she urged the Planning Commission to think about the potential problems before they make their decision.

Ms. Reile questioned why she had not been noticed. She understood that the project had already been approved and they were only here tonight for a height exception, and this was the first time she had heard about it.

Planner Alexander informed Ms. Reile that the Steep Slope CUP had not yet been approved and it was the application being discussed this evening. Chair Worel assured Ms. Reile that this was the first time the Planning Commission had seen this project. Mr. Joyce explained that this neighborhood had a prior history that tied to the driveway, but previous approval had expired and this was a new application.

Commissioner Stuard told Ms. Reile that while the actual construction process may be frightening, sometimes constructing homes on a steep slope will actually help stabilize the slope. He noted that this particular home will have a tall retaining wall in the middle of the slope. He believed that once all three homes are built it would stabilize the slope.

Richard Eyor, a resident at 61 Daly Avenue, appreciated the smaller house and thanked Mr. DeGray for his design. He lives across the street from Ms. Reile and his breakfast view would be of this new house. He was unsure whether it would directly impact his view, but he would prefer a lower roofline and would appreciate any consideration to lower the roof. Mr. Eyor stated that his biggest concern is his children. They live on Daly and traffic is already a major problem. They have been working with the City Engineer on mitigation measures. Mr. Eyor was not bothered by one house being constructed on Ridge, but in the end there will be eight houses built in the process. That could be eight or nine years of construction vehicles going up and down his street. Mr. Eyor noted that the previous discussion was about fixing Ridge Road, but that would not occur with this house. He understood it was in the subdivision for the five houses.

Planner Alexander replied that the road would be a future project.

Mr. Eyor echoed Ms. Reile in that the road is only 12' wide. The road will not be fixed with the first three homes, but these homes will add to the traffic on the road.

Chair Worel closed the public hearing.

Commissioner Stuard commented on the access area between the garage and the house. He did not find it to be oversized for Park City and he was not bothered by that particular issue.

Commissioner Gross stated that in regards to the roads they run into this problem a lot in Old Town. He thought they either needed to be in agreement on how to improve the roads in the future, or keep the status quo. Commissioner Gross stated that if the City Engineer was comfortable with the issues regarding fire safety and access, he could not see why the Planning Commission would not approve it. Director Eddington stated that the City Engineer has always wanted to improve Ridge Avenue and he hopes that can be accomplished as the City looks at potential changes. Director Eddington acknowledged that currently they were trying to work with what it is until improvements can be made in the future.

Commissioner Campbell thought that building more houses should increase the tax base and generate more money to improve the roads in the future. More homes would give more justification for spending the tax dollars on the roads.

Commissioner Strachan pointed out increased tax revenue was not a criteria under the CUP statute.

Commissioner Joyce was comfortable with the entry area and the height. He believed the area was small enough that the height was a reasonable exception. Commissioner Joyce stated that he would like the ability to comment on construction mitigation issues, but he understood that it was outside of their purview. He agreed that the space would be tight for that many vehicles and he was interested in how the construction mitigation plan would turn out.

Commissioner Strachan thought Commission Joyce made a good point about the construction mitigation plan. He remarked that the Planning Commission has looked at construction mitigation plans in the past on sensitive sites. He believed this site was one where the Planning Commission could be involved with construction mitigation. Commissioner Strachan thought the public comment about mitigating the construction

traffic going up Daly Avenue was valid. He noted that in the past the Planning Commission has limited hours of construction or the hours when trucks can drive up certain streets. They have also limited the size of the trucks. Commissioner Strachan stated that Daly Avenue is a different place. The roads are narrow and the access is substandard. This is a difficult area for construction and when it is difficult, the Planning Commission should step up and delve into the issues a little deeper. Commissioner Strachan remarked that looking at the construction mitigation plan was a start, but he also thought they needed to look at what effects the retaining, the shoring and the excavation might have on the properties below it.

Commissioner Strachan believed this was a situation where a guarantee was necessary due to the steepness of the lot. However, he could not find a guarantee mentioned in the conditions of approval.

Commissioner Strachan stated that the Steep Slope CUP Statute requires all development on steep slopes to be done in an environmentally sensitive way. Usually on lots like 166 Ridge, they see some conditions of approval to address those issues. Again, he could not find conditions of approval stating that the amount of excavation will be minimized, or efforts to save as much existing vegetation as possible. Commissioner Strachan thought this CUP application would be fine for the end result, but the conditions of approval needed to be stricter. The site is very delicate and it will be the test case for the next seven lots to be developed. What the Planning Commission does on this lot will set the precedent. He preferred to be as thorough as possible with this application, and if they miss something on this project they would know what to do differently on the next seven.

Commissioner Strachan recommended that the Planning Commission continue this item and direct the Staff to address the environmentally sensitive issues and what measures are taken to mitigate the environmental impacts; and to state those in the Findings of Fact. He recommended putting in a guarantee and he would have the Planning Commission review the construction mitigation plan.

Chair Worel agreed. This site reminded her of the one on Deer Valley Drive that was so steep. She recalled placing a number of restrictions on that project in terms of construction mitigation. Chair Worel thought they should do the same done for this project.

Commissioner Stuard asked if the Staff had considered any of the issues in Commissioner Strachan's comment. Planner Alexander stated that the Staff was currently in the process of reviewing the Historic District Design Review. The applicant is required to provide a landscape plan showing how they would restore any vegetation that is removed or disturbed. She pointed out that the construction mitigation plan is usually left to the

expertise of the Building Department because they go through the mitigation plan in depth and know what to look for.

Mr. DeGray noted that in the driveway approval there is a storm water pollution preservation plan in the set of drawings showing how the cut slopes and disturbed areas will be treated to prevent erosion and instability.

Commissioner Campbell asked whether Director Eddington was interested in getting involved in construction mitigation. Director Eddington replied that the Planning Department typically works with the Building Department at the time of building permit. He reiterated that this project was going through the HDDR process and they were trying to finalize that design. He noted that this project has a non-disturbed area of 50' in the back and 50' at the bottom. The Staff will also be working with a geo-tech structural engineer, and pursuant to the City Engineer and Building Official, that will be presented as part of the construction mitigation plan. Director Eddington stated that the Staff tried to incorporate as much of that as possible in the Staff report, but most of the issues regarding vehicles, parking, etc. are addressed when an applicant applies for a building permit. Chad Root, the Building Official, has been working closely with the City Council to establish a protocol. Director Eddington stated that the Staff could try to incorporate some of the language in the conditions of approval, but it would be difficult to do until they reach the building permit stage.

Commissioner Campbell liked the idea of requiring a guarantee on these difficult sites to guarantee completion. However, he did not think it was fair to delay this applicant or any other single applicant while the City tries to establish a new policy. He suggested a work session with the City Council or simply forwarding a recommendation for a policy going forward. Since a mechanism is currently not in place to require the guarantee, he did not think it should be passed on to this applicant. Commissioner Campbell asked how they would place a dollar value on the guarantee if they did require it. He was not opposed to a guarantee but he thought they needed time to discuss the policy and how to implement it. Commissioner Campbell was in favor of having that discussion but he did not believe it was fair to ask this applicant to wait for them to do it.

Commissioner Strachan remarked that there was already a mechanism in the Code that addresses guarantees and the Planning Commission already applied that mechanism to the project on Deer Valley Drive. He thought they could at least apply the Code provision to this project. Commissioner Strachan clarified that he was not suggesting that the Planning Commission should approve the construction mitigation plan, but it was not unprecedented for them to place restrictions in the conditions of approval regarding construction vehicles and hours in an effort to mitigate impacts specific to that neighborhood.

Mr. DeGray stated that from a construction standpoint King Road would be a more reasonable approach to the site on Ridge Avenue. Commissioner Strachan replied that if the applicant was willing to agree to only using King Road, he would consider it as a viable alternative. However, he was unsure if the applicant would want that limitation. Mr. DeGray stated that he would not want to limit the applicant, but Daly is a challenging route to reach the lot and he believed most construction workers would prefer to use King Road.

Commissioner Phillips stated that drives up King Road and he is very familiar with Ridge Avenue and Daly Avenue. He could see most construction traffic naturally using King Road because it is the shortest and easiest route. However, there is the possibility that construction vehicles would come in one way and go out the other way. He thought it would be beneficial to add a condition of approval requiring construction vehicles to use King Road.

Commissioner Strachan believed the construction vehicles would have to use both routes because Ridge Avenue is so narrow. If King Road is blocked by the first trucks, the others would have to come up Daly. Commissioner Phillips personally did not want to encourage more trucks using King Road because there is already a significant amount of construction in that neighborhood. Commissioner Strachan believed King Road was a better access point because the density of people was greater on Daly Avenue.

Commissioner Phillips commented on the issue of rocks rolling down the hill. The less trucks that use a substandard road minimizes the chance of rolling rocks.

Chair Worel asked if the Commissioners wanted to send this back to the Staff or whether they wanted to draft language this evening for a vote. Commissioner Strachan asked Assistant Attorney McLean to explain the LMC statute that allows the guarantee.

Assistant City Attorney McLean stated that the statute relates more to construction mitigation as part of the Steep Slope CUP. She agreed that the Planning Commission has added conditions of approval to projects in the past to mitigate the known impacts that would occur due to that construction. She stated that it was permissible, but it is not called out in the Land Management Code. Regarding the guarantee, Ms. McLean stated that most of the guarantees relate to plats and are specific to a specific application. She recalled that the guarantee for the Deer Valley project was discussed in terms of the excavation.

Commissioner Gross recalled that a concern with the Deer Valley project was the potential for damage to adjacent properties and wanting a guarantee in place in the event that occurred. Commissioner Strachan recalled that another reason for the guarantee was to

remediate the site if the excavation was done and the project was stopped for any reason.

Assistant City Attorney McLean stated that if the Planning Commission wanted to include a guarantee they would need to make a Finding regarding the impact and direct the Staff to evaluate what the guarantee should be.

Commissioner Strachan asked about the specifics of the guarantee for Deer Valley Drive. Commissioner Stuard recalled that the guarantee was left to the Building Department and that the Building Official came to a Planning Commission and discussed the issue, but he did not believe the guarantee was every put in place. Commissioner Stuard remarked that the LMC currently requires a vegetation guarantee of 75 cents per square feet, which is insufficient to handle a failed slope. He clarified that his proposal for the Deer Valley Drive project was an amount sufficient to complete the foundation walls with the appropriate retaining walls on the wing walls to stabilize the slope. In his opinion, that amount would be large enough to be an appropriate level of guarantee.

Commissioner Strachan stated that if a guarantee was never put in place for the Deer Valley Drive project, it was a failing on the part of the Planning Commission. However, if the guarantee was put in place, he would like to know what it was because they could use that project as a benchmark to figure out what findings are necessary to determine the amount of the guarantee.

Commissioner Campbell also thought the guarantee for the Deer Valley Drive project was never put in place; but he recalled that the Planning Commissioner was going to recommend that the City Council consider a Code change to put guarantees in place going forward. Commissioner Strachan thought that was the intent in terms of guarantees for all projects and not just steep slopes. Commissioner Campbell did not disagree with the need for that, but he still felt it was unfair to ask an applicant to put their project on hold for an undetermined amount of time while the City considers a new policy.

Chair Worel asked if the Staff could research the guarantee for the Deer Valley Drive project by the next meeting so this application would not be delayed indefinitely. Director Eddington thought they could. He stated that another alternative would be to put a condition of approval on this project noting that a bond guarantee in the amount of the cost of the shoring plan and the foundation walls should be required by the Chief Building Official.

Planner Alexander confirmed that a guarantee was not placed on the Deer Valley Drive project.

Commissioner Strachan suggested that Planning Commissioner could continue this item and direct the Staff to draft findings before the next meeting that support the conditions of approval regarding prohibiting traffic up Daly Avenue and limiting hours. The Staff should do the same for the guarantee. He noted that 15-1-7 addresses internal vehicle and pedestrian circulation, noise vibration, odors, control of delivery and service vehicles. He thought those were enough to give the Planning Commission latitude to condition which streets the construction vehicles could use and the hours.

Commissioner Stuard favored a continuation for the reasons mentioned. He likes the project and the smaller homes, and he thought the architect did a great job fitting the project on a difficult site. However, he would prefer to have the issues addressed before voting on whether or not to approve the Steep Slope CUP.

Mr. DeGray stated that from the standpoint of the applicant, he wanted to make sure that the completion bond was fair across the Board, and that the City has the ability to impose that kind of constraint on a single property owner without an ordinance to support it. He felt it was unreasonable to hold this applicant to a higher standard for a single family home where the impacts were generally confined. He understood their point but he found it somewhat whimsical to set a standard for one applicant that is different from the others. He questioned where they would draw the line.

Commissioner Strachan thought Mr. DeGray had a valid point and he believed the Staff could look into it. If the Staff concludes that it is not appropriate or there is no statutory basis to make it uniform, then he would accept that. However, if there is a statutory basis, the indication from the Planning Commission is to require the bond. If there is no basis, at a minimum the Planning Commission would want to look at the shoring plan and the retaining plan the same as they did on the Deer Valley Drive project.

Commissioner Campbell believed that was the role of the Building Department and not the Planning Commission. Commissioner Strachan thought it was incumbent upon the Planning Commission in the course of the Steep Slope CUP process not to defer to the Staff on everything. When the statute allows the Planning Commission to look at these things, he could not understand why they would not.

Assistant City Attorney McLean thought there was confusion with the terms. She clarified that it would not be a completion bond. It would actually be a remediation bond. If a hole was excavated and the project was never completed, the City would have the funds to fill in the hole and return the site to its original condition. Ms. McLean stated that a remediation bond is less expensive than a completion bond and she recommended that the Staff look at this as a remediation bond. Ms. McLean remarked that it was the same for shoring. Regarding a review of the Geo-Tech and the shoring plan to make sure the construction

does not impact other properties below the site, it is possible that once the review is done by the Building Department the Planning Commission would feel comfortable and not need to see it. Commissioner Campbell noted that review of the shoring plan is standard whenever someone applies for a building permit. Ms. McLean stated that the Planning Commission could request to see that information in association with the impacts of building on a steep slope.

Commissioner Campbell clarified that the Planning Commission could approve the Steep Slope CUP with the condition that the Planning Commission could review the remediation plan approved by the Building Official. Commissioner Strachan pointed out that once the CUP is approved, there would be no reason to review the remediation plan. That was his reason for suggesting a continuance until all the reviews were done. Commissioner Campbell did not believe the Planning Commission was qualified to rule on geo-technical reports. Commissioner Phillips agreed. He recalled going through that on another project and no one on the Planning Commission understood the geo-technical report.

Commissioner Campbell stated that contractors and builders have liability insurance to address the issues of sliding rocks and damage to surrounding properties. The City also has rules and regulations. He believed there were many mechanisms in place for any construction on any type of site to protect the neighbors if their property is damaged. Commissioner Campbell was not opposed to restricting truck access to certain roads and hours. He believed there was agreement among the Commissioners for some type of remediation bond, but it was the purview of the City Council to create that law. Commissioner Joyce pointed out that the law for a remediation bond is already in place at 75 cents per square foot. Commissioner Campbell remarked that Commissioner Stuard was proposing a more suitable amount that would create a fund to return the site to its original condition if necessary. A fund for that amount is not currently in place. Commissioner Campbell agreed with that type of fund, but he did not think they had the right to hold up a specific project until that process occurs with the City Council.

Commissioner Strachan felt the Planning Commission was incumbent under the Code to find a way to mitigate the identified impacts. He personally did not believe adequate mitigation was leaving it up to the liability insurer of the builder. The Planning Commission has the responsibility to make sure the impacts can be mitigated and they should not pass it off to someone else.

Planner Alexander stated that the Analysis in the Staff report outlines the different criteria that the Staff analyzed and determined that there were no unmitigated impacts. She asked Commissioner Strachan which part of the analysis he was concerned with. Commissioner Strachan remarked that all conditional use permits go through Section 15-1-7, which requires the Staff to look at size and location, traffic considerations, internal vehicular,

fencing, screening, usable open space, etc. These are basic CUP requirements that apply to all zones, and he was struggling with mitigating some of those impacts. Planner Alexander asked if the Planning Commission would like the Staff to include the remediation bond for all future steep slope CUPs. Commissioner Strachan thought they should start with this Steep Slope CUP. If they find that there is no way for the Staff to value the guarantee amount, he would accept that and move forward.

Mr. DeGray requested that the Staff also look at whether or not the Planning Commission has the ability to require the guarantee. Commissioner Strachan thought that was also a fair point. Commissioner Campbell emphasized that he agreed that the bond should be in place, but he did not believe the Planning Commission had the right to impose it.

Commissioner Joyce remarked that they had heard the arguments on both sides of the bond issue and he recommended that they let the Staff determine whether or not the Planning Commission has the ability to impose it. Commissioner Campbell noted that if the applicant wanted to build the house this year, delaying it for a full month would be a significant impact to the applicant. Commissioner Stuard suggested that the applicant could continue to work on other aspects of the site while they wait for this decision.

Commissioner Campbell stated one more time for the record that he did not think it was fair to put the entire wishes of what they hoped to accomplish on one project. He thought the Planning Commission as a body should look into it and petition the City Council to add this requirement in a timely manner so it could be applied when the other lots are developed.

Commissioner Gross pointed out that the applicant has been working on this project for seven years and he was not concerned about delaying it further with a continuance. Commissioner Joyce concurred. Mr. DeGray clarified that this was a new applicant and the previous delays were caused by the previous owner. The property was sold and the new owner has been moving through the process. Commissioner Gross noted that the City has spent a lot of time and money reviewing this project over the past seven years and they were trying to do it right as quickly as possible. He suggested that the applicant work with the Staff and recommend what they believe would be a fair and adequate bond amount.

MOTION: Commissioner Strachan moved to CONTINUE the Steep Slope Conditional Use permit for 166 Ridge Avenue to August 27, 2014. Commissioner Stuard seconded the motion.

VOTE: The motion passed 4-2. Commissioners Stuard, Strachan, Joyce and Gross voted in favor of the motion. Commissioners Phillips and Campbell voted against the motion.

**4. 8200 Royal Street Unit #35, The Stag Lodge
(Application PL-14-02394)**

Planner Alexander reviewed the application to amend the existing Stag Lodge Phase 2 record of survey plat for Unit #35, which is a detached single family unit. The amendment was a request to enlarge Unit #35 by expanding the garage level and to encompass the entire existing building footprint. It would not enlarge the building footprint. Planner Alexander reported that the previous owner had excavated an unexcavated portion and when the property was surveyed they found various things that the previous property owner had done. The intent is to rectify the problem and show it on the record of survey plat.

Planner Alexander stated that the proposal is to convert the common area to private ownership Area A on the garage level. A portion of that area that includes the proposed expansion is currently designated as common area and this amendment would convert that space to private ownership Area A. Planner Alexander noted that this has been done on previous records of survey plats so there is precedent. The owner is allowed to increase the square footage as long as it does not increase the building footprint. The proposed changes are internal and would not alter the exterior appearance of Unit 35.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Commissioner Joyce asked if there was any penalty for the work that was previously done without a building permit and converted space from common to private. He was not opposed to approving this record of survey amendment, but felt there was no consequence when people do this type of work without authorization. Planner Alexander clarified that the work is allowed, but an amendment to the record of survey is required.

Assistant City Attorney asked if there was a penalty from the Building Department for doing the work without a building permit. Planner Alexander replied that the Building Department was never aware of the changes. It was discovered by the engineer with this application. The new owner was trying to rectify the issue to clean it up before they proceed forward with their proposal. Ms. McLean stated that sometimes the Building Department will double the permit fee as a penalty for building without a building permit. She asked Planner Alexander to find out whether the Building Department took any action in this matter and report back at the next meeting.

Commissioner Campbell pointed out that this was a new owner and he did not think that owner should be penalized for the actions of the previous owner. Assistant City Attorney McLean replied that the current owner is responsible for the property regardless. She was interested in knowing whether the Building Department took any action and under what

circumstance. She noted that the Building Department has a mechanism to penalize people who ask for forgiveness instead of permission.

Commissioner Joyce was concerned about sending the wrong message about the process if they rubber stamp these types of situations. He was comfortable knowing that there were mechanisms in place to address it.

Commissioner Stuard asked if the conversion from common area to private ownership was approved by the HOA. Planner Alexander explained that the HOA has to hold a vote and get more than two-thirds approval in favor. That had already been done and it was approved by the HOA.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Third Amended Stag Lodge Phase 2 Condominium Plat for Unit 35, located at 8200 Royal Street East, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as stated in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 8200 Royal Street

1. The property is located at 8200 Royal Street East, Unit 35.
2. The property is located within the Residential Development (RD) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).
3. 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.
4. 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 II plat was approved by City Council on January 11, 1989 and recorded at Summit County on January 17, 1989. The First Amended Stag Lodge Phase II plat was approved by City Council on June 6, 2002 and recorded at Summit County on January 17, 2003. The Second Amended Stag Lodge Phase II plat was approved by City Council on July 1, 2004 and recorded at Summit County on May 25, 2005.

6. On June 6, 2014, an application was submitted to the Planning Department for The Third Amended Stag Lodge Phase II record of survey plat for Unit 35. The application was deemed complete on June 16, 2014.

7. The plat amendment identifies additional Garage/Lower Level area for Unit 35 as private area for this unit. The area is currently considered common area.

8. The additional Garage/Lower Level area is located within the existing building footprint and there is no increase in the footprint for this building.

9. Unit 35 is currently platted as 5,017 sf. If approved, Unit 35 increases by 1,789.8 sf. Approval of the Garage/Lower Level as private area and reflecting changes to the Main Level and Entry Level would increase Unit 35 to 6,806.8 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. The findings in the analysis section are incorporated herein.

Conclusions of Law – 8200 Royal Street

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 – 8200 Royal Street

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 other conditions of approval of the Stag Lodge Condominium record of survey plats as amended and the Deer Valley MPD 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.

5. 1851 Little Kate Road, Dority Springs Subdivision – Plat Amendment (Application PL-12-01733)

Planner Francisco Astorga from the Planning Department introduced the applicants, Dr. Michael and Kathleen Baker.

Planner Astorga reported that the Planning Commissioner previously reviewed this application on May 14, 2014 and provided specific direction and input regarding a neighborhood analysis that was done by the Staff. The Planning Commission did not support the analysis and directed the Staff to include additional properties on Little Kate Road from Monitor Drive to Lucky John Drive as part of the neighborhood analysis. The Planning Commission also directed the Staff to look at the properties on both sides of the street.

Planner Astorga stated that four existing structures are part of the Park Meadows #5 Subdivision, as well as nine other items that are part of the Holiday Ranchettes. Planner Astorga reviewed the exhibits contained in the Staff report. The Staff report outlined the specific standards of development related to heights, setbacks, lot size, etc. He noted that

the Staff report identified the lot size as 0.999 acres; however, the most recent survey shows that the lot is 1.0 acres, which is consistent with what the applicant has been saying.

Planner Astorga noted that the analysis section in the Staff report talks about the current proposal to subdivide the 1.0 acre into two lots. One lot would be .4 and the other lot would remain at .6 of an acre. The base density is three units per acre as the overall density within subdivisions. Planner Astorga stated that the CC&Rs have provisions prohibiting further subdivision or splitting of lots. However, two clauses taken directly from the CC&Rs, as shown on page 218 of the Staff report, indicate that Lot 83 is part of the subdivision but it is not subject to the CC&Rs. As stated in the clause, Lot 53 is also exempt from the CC&Rs. Planner Astorga clarified that the City does not enforce CC&Rs, but the purpose of the exhibit is to show that there is a unique condition in that Lot 83 does not have to comply with the CC&Rs.

Planner Astorga remarked that Purpose Statement B of the SF District is to allow for single family development compatible with existing development. He recalled that this was the reason why the Planning Commission agreed with the Staff about not including the Racquet Club Condos in the neighborhood analysis. Planner Astorga presented an exhibit submitted by the owner showing the current house that would remain on Lot 83A. He indicated the area in the middle that would be subdivided.

Planner Astorga did not believe there were any issues regarding the delineation for the wetlands area. He reviewed the neighborhood analysis and the exhibits prepared by Staff and included in the Staff report. He also presented an exhibit prepared by Alliance Engineering on behalf of the applicant, which showed an approximate rendering of a site plan. It was not exact and was only intended to be used as a reference. The applicant had also provided an exhibit showing the distance between residential entries on the south side of Little Kate Road. Planner Astorga stated that in addition to the direction from the Planning Commission to include the four lots on Little Kate across the street, the applicant had also requested including the other two lots because they were extremely close in proximity. Based on the analysis, the average lot size on one side of the street was .33 acres. The average lot size on the other side was 1.49, as indicated in the Staff report. Because of these larger lots and the remaining Holiday Ranchettes lots, the Staff did not believe the requested plat amendment was compatible based on lot size.

Another exhibit showed the separation between structures. Planner Astorga remarked that it was more difficult analyzing the averages because a building pad is associated with each lot. If an owner wanted to demolish all or a portion of his structure or shift it on the site, it would be allowed as long as it meets the minimum side yard setback. Planner Astorga noted that the information he provided could change in ten to 20 years depending on what people do with their structures. If the Planning Commission makes a finding that this study

is appropriate in terms of compatibility, he did not believe there would be an issue with the current request.

Planner Astorga presented an exhibit showing the width of each lot at the front property line. He had calculated the numbers for each lot and found that compatibility would not be an issue because this applicant has the widest lot in the neighborhood. Planner Astorga reviewed the front yard setbacks, which is the distance between the front property line and the front of each main building. The Staff found it to be the same scenario as the separation. In looking at the building pad the house could either be in the middle or 25' away from the front property line, which is the minimum standard in the LMC. However, the CC&Rs indicate that it can be 30' from the property line. Planner Astorga did not believe this was an appropriate study because the Staff would not be able to find incompatibility because it would be consistent with the other structures in the neighborhood; and it would meet the CC&Rs and the LMC.

Planner Astorga presented an exhibit showing the lot depth. He pointed out that on a standard block lot the size is determined by the width and the depth of the lot. Planner Astorga remarked that most of the lots are over 500 feet directly adjacent to the structure. Some of the lots are smaller, particularly the lots across the street, because Park Meadows #5 was designed for 1/3 acre lots. The Staff did not find compatibility in terms of the depth of the lot. Planner Astorga stated that the only components they could control from a compatibility standpoint was the width and the depth.

Planner Astorga pointed out that the hill that is located behind the structures is privately owned. It is not a separate lot or deed restricted, and per the CC&Rs it is to remain open area.

Planner Astorga clarified that the issues where the Staff found discrepancies in terms of compatibility was the actual lot. It was platted smaller and it is not as deep as the other lots. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a negative recommendation to the City Council for the requested Dority Springs Subdivisions plat based on the findings of fact and conclusions of law outlined in the Staff report.

Commissioner Campbell recalled that the Staff was more in favor of this plat amendment at the last meeting. He asked if they had discovered new information since the last meeting that changed their mind. Planner Astorga did not believe the Staff had taken a specific position at the last meeting. He stated that the last meeting was set up as a work session with the intent to present the application and hear feedback from the Planning Commission on certain issues, as well as to clear up confusion on the 300, 600, 900 foot

radius for compatibility. Planner Astorga remarked that based on the research provided, the Staff's professional recommendation was to forward a negative recommendation.

Commissioner Campbell thought Planner Astorga said it was compatible in some of the exhibits and incompatible in others. He remarked that if half of the houses along Little Kate were to be demolished and built closer to the road as the CC&R document shows they could do, the two proposed houses would fit in more rather than less. Planner Astorga agreed with that scenario; however, at the same time all the houses could be pushed back further from the street. Whether or not the houses move forward is uncertain and it is not up to the City through the subdivision process to control those types of parameters. Planner Astorga clarified that the negative recommendation was only based on the facts of lot depth and the size of each lot. The Staff determined that they should not use the compatibility analysis in terms of front yard setback and separation between structures because it could change at any given point and there is no way for the City to control it. Commissioner Campbell asked if width should take precedence over depth if depth could not be used. Planner Astorga replied that the incompatibility was a combination of all three; width, depth and size. Even though the width may be compatible, it is only one of three.

Commissioner Campbell believed people judge compatibility by what they see walking or driving by. The depth would only be an issue from an aerial view. He thought the width should take precedence over depth. Commissioner Gross remarked that the houses sitting up on the upper ledge do not create a visibility impact regardless of whether the setbacks are 25' or 30' because they sit higher. The house at 1851 is proposed to be up on the street, which changes the visibility.

Dr. Baker, the applicant, stated that in his opinion, the home would not look out of place visually or aesthetically. He recalled the long discussion at the last meeting about how to define a neighborhood. In addition to the data provided by the Staff, he consulted with the University of Utah Urban Planning Department to get their professional opinions on how to define a neighborhood. The Urban Planning Department concluded that it was front door to front door. Based on their recommendations, he had Alliance Engineering draw up a potentially large home and do a measurement from front door to front door for the neighborhood. Using plat maps and Google maps the Urban Planning Department defined his neighborhood to the west as the three-way stop in front of the MARC, which is the corner of Monitor and Little Kate Road. To the east it goes to the three-way stop at Lucky John and Little Kate. To the north they said it would be the intersection of Evening Star and where Venus Court cuts off. To the south was the steep hill behind the property.

Dr. Baker stated that according to the parameters defined by the Urban Planning Department, the MARC Building and the Racquet Club condos are all component of the

neighborhood. He noted that when the Planning Commission visited the site they met in the parking lot of the MARC. Due to the close proximity to the site he hoped they would all agree that the MARC and the condos are part of the neighborhood.

Mr. Baker stated that the Urban Planning Department provided their information with the statement that the applicant's request was consistent with current planning practices of taking advantage of existing infrastructure and amenities. Mr. Baker remarked that they are at the fringe of their subdivision where Holiday Ranchettes ends. Three subdivisions meet at that point and there is diversity on the fringes and changes in compatibility. He commented on the different housing types and sizes in that area of the neighborhood. Dr. Baker remarked that when subdivisions merge at the fringes, it is very difficult to define compatibility.

Dr. Baker recalled that Commissioner Strachan was concerned about setting a precedent for subdividing lots. He has lived in his house for 18 years and ten years ago he came to the Planning Department for preliminary information on what would be involved in subdividing the lot. At that time the person he spoke with told him that the CC&Rs did not allow a subdivision. When he later read the CC&Rs he found that his lot was exempt from complying with the CC&Rs. He spoke with City Attorney Mark Harrington and Mr. Harrington confirmed that he was exempt and he had the legal right to apply for a subdivision. Mr. Baker consulted Brenda Lake, whose profession is managing HOAs and enforcing CC&Rs. She wrote a letter for Mr. Baker stating that the CC&Rs would be enforced, including the exemption for Lot 83. Holiday Ranchettes also wrote a letter disagreeing with the subdivision. He understood that the HOA had to disagree, because if it is approved, others might try to subdivide which would not be allowed by the CC&Rs.

Mr. Baker stated that because he has an acre lot, he would be allowed to have two horses and to erect an outbuilding. He had no interest in horses, but he would sell his home someday and he full expected that someone would eventually build a barn. Mr. Baker believed the City would realize more tax revenue from a new home on the lot as opposed to his 2500 square foot home with an outbuilding.

Mr. Baker stated that the Planning Department gave a negative recommendation due to the depth. However, he believed that common sense and the aesthetics of the area shows that people walking or driving down the street look at what is directly in front of them. He agreed with Commissioner Campbell that the depth of the lot was less important.

Chair Worel opened the public hearing.

Brady Rasmussen spoke on behalf of the Holiday Ranch Homeowners Association. He noted that their written objection was included in the Staff report and he wanted to address

some of the key points. Mr. Rasmussen stated that the criteria is compatibility with existing development. The HOA maintains that the requested subdivision was not compatible. He asked the Planning Commission to give this careful consideration. This is within the Holiday Ranch subdivision, which is very different from other subdivisions. As Commissioner Campbell had pointed out, the two sides of the street are very different, and as Dr. Baker pointed out, it is a T of subdivisions. Depending on which way you look you will find different compatibility. Mr. Rasmussen stated that because this is on the north side of the street of Little Kate and part of the Holiday Ranch HOA, he believe the most weighted influence should actually be the structures on the same side of the street that are contiguous and part of the Association. The HOA disagreed with giving any weight to another subdivision on the other side of the street. Mr. Rasmussen believed that compatibility includes how it is viewed from the street. Depending on which way you look, you will have a different view of the compatibility. He also believed that the aerial view was another absolute criteria for compatibility. Mr. Rasmussen was unable to say why this lot was excluded from the CC&Rs; however, his best guess was that the lot was never contemplated to be developed because of the spring.

Hap Seliga, stated that he lives at 1871 Little Kate, which is adjacent to 1851 Little Kate. He has lived there for three years. Mr. Seliga remarked that the Bakers are very good neighbors; but he opposed their request to approve this plat amendment. He stated that the reasons are three-fold. The first is that idea of "shoe horning" something that is inconsistent with the look and feel of the neighborhood. The second is the privacy he enjoys with his lot. However, because of where his house sits, they can hear normal conversations from people sitting on their porches or from the athletic club across the street. He was concerned that squeezing in another house would make the situation more prevalent. In addition, the house would look out of place and invade the privacy to his lot. Mr. Seliga had consulted a number of real estate professionals and their answers were consistent. They all felt that the presence of a house at the base of his lot would materially impact the value and appeal of his home if he ever chose to sell it.

Chair Worel closed the public hearing.

Commissioner Joyce commented on the fundamental question of what is a neighborhood and what should be used for compatibility. He was broke on the 300, 600, 900 feet, and he was equally split on what was showing on the screen this evening. If the logic is that the neighborhood consists of all this space, he questioned why they would exclude anything. Commissioner Joyce had driven the street again and it was easy for him visually to distinguish one neighborhood from another. Closer to the subject property the houses are different and the lots are different sizes and closer together. In his opinion, encompassing everything and calling it a neighborhood is wrong because it is easy to visually identify the separate neighborhoods.

Commissioner Joyce pointed out that the plat map is the neighborhood that all the owners bought into. He remarked that the fact that Lot 83 is exempt from the CC&Rs is irrelevant because the City does not enforce CC&Rs. Commissioner Joyce stated that in looking at the neighborhood and the idea of subdividing one of the smallest lots in the neighborhood into what would become the two smallest, he would need an overwhelming and positive reason to convince him that it should be done. Economic gain for the applicant was not a convincing reason. Commissioner Joyce stated that he could not find good cause for allowing the subdivision.

Commissioner Campbell thought everything to the right felt like it belongs to the smaller houses on the other side. He did not like the idea of saying there was one neighborhood on the left and a different neighborhood on the right because they are 20 feet apart. In his opinion it was all one neighborhood. He used to live in that area and he always assumed it was an empty lot. When the two larger homes were built within the last few years, he expected the next new home to be built on what appeared to be an empty lot. That reason alone gets him from “no” to “why not” in terms of considering the subdivision.

Commissioner Gross disclosed that he is a Holiday Ranchettes homeowner and he was on the Board of Trustees in past years. He lives on Lucky John and during the General Plan discussion the Planning Department wanted to subdivide his backyard and he fought it. Commissioner Gross stated that since the City no longer uses the previous water delivery system through the Holiday Ranchettes to deliver water to the golf course, he believed it left the Baker’s with the ability to do whatever they want with their property. Commissioner Gross agreed with the comments about making a small lot smaller and increasing the density within a subdivision that was set up for 100 homes and 300 acres for ranch style living. He could not support the request to subdivide the lot.

Commissioner Stuard stated that he has known Dr. and Mrs. Baker for a long time and they are outstanding citizens in the community. However, he agreed with Commissioners Joyce and Gross regarding the plat amendment request. Commissioner Stuard pointed out that this topic was vetted through the General Plan update process and there was a resounding “no” from the community for re-subdividing existing subdivisions; and it was taken out of the General Plan update. Commissioner Stuard thought the lot was unique because of its limited depth and the presence of the Dority Spring. To make two lots out of what is already a uniquely shaped and smaller lot does not fit with the neighborhood.

Commissioner Phillips stated that he has been on the fence in making this decision. He began by walking down the neighborhood, and like Commissioner Campbell, he thought it appeared to be an empty lot. However, through the process and looking at the different exhibits and hearing all the comments, he struggled with finding good cause. He agreed

with Commissioner Stuard about having a lot that is already unique from the rest of the neighborhood and dividing it into two even more differentiated lots. Commissioner Phillips thought it was important to take into consideration the neighbor who could be negatively impacted; however, that concern was offset by the fact that the neighbor would be equally impacted if someone were to build a barn on the lot.

Commissioner Strachan concurred with his fellow Commissioners except Commission Campbell. He bikes by this lot nearly every day and he has looked at it really hard. Like Commissioner Phillips, he was borderline, but he could not meet the statutory definition for good cause. Commissioner Strachan offered some direction for defining compatibility in the future. He noted that if the house was being sold they would look at the comps, and the comps would not include the Racquet Club condos. He suggested that as a barometer for defining compatibility in a neighborhood.

Dr. Baker stated that only two lots in Park Meadows are eligible to do this. A fundamental American right is property rights and he has a legal right to apply for this subdivision. He reiterated that his property is on the fringe and there is no compatibility in that area. Dr. Baker stated that like Commissioner Campbell, most people always assume it's an empty lot.

MOTION: Commissioner Joyce moved to forward a NEGATIVE recommendation to the City Council for 1851 Little Kate Road, Dority Springs Subdivision Plat Amendment based on the Findings of Fact and Conclusions of Law found in the Staff report. Commissioner Gross seconded the motion.

VOTE: The motion passed 5-1. Commissioner Campbell voted against the motion.

Findings of Fact – 1851 Little Kate Road

1. The property is located at 1851 Little Kate Road within the SF District.
2. The subject property consists of lot 83 of the Holiday Ranchettes Subdivision.
3. According to the plat the lot is 0.999 acres or approx. 43,516.44 square feet.
4. The site contains Dority Springs.
5. The proposed plat amendment creates two (2) lots of record from one platted lot.
6. A SFD is an allowed use.

7. A duplex dwelling is permitted only on lots designated for duplexes on the official subdivision plat. This lot has not been designated as a duplex lot.
8. The maximum density for Subdivisions in the SF District is three (3) units per acre. In terms of density alone, the minimum lot area is 14,520 square feet or 1/3 acre.
9. The minimum front yard setback is twenty feet (20').
10. New front facing garages for SFD must be at least twenty-five feet (25').
11. The minimum rear yard setback is fifteen feet (15').
12. The minimum side yard setback is twelve feet (12').
13. No structure shall be erected to a height greater than twenty-eight feet (28') from existing grade. A gable, hip, or similar pitched roof may extend up to five feet (5') above the zone height, if the roof pitch is 4:12 or greater.
14. A SFD requires a minimum of two (2) parking spaces.
15. Lot 83a would still have the existing family dwelling.
16. Proposed lot 83a would be 0.605 acres or approx. 26,353.8 square feet.
17. Proposed lot 83b would be 0.395 acres or approx. 17,206.2 square feet.
18. Both proposed lots have the ability to meet code requirements under Land Management Code.
19. The City does not enforce any Subdivision Covenants, Conditions, & Restrictions (CC&Rs).
20. Section 2.4 of the Holiday Ranchettes Declarations indicates that the subject site, is not subject to the Subdivision Declaration.
21. Section 6.7 of the Holiday Ranchettes Declarations indicates that the prior owners, Lot 53 and 83, are not subject to the declaration, restrictions, or limitations.
22. The subject site is labeled on the Subdivision Plat as Lot 83 Dority Springs and

as indicated by the applicant the Fire Department used to pump water from the pond.

23. Holiday Ranchettes (HR) was platted in 1974.

24. Holiday Ranchettes contains a total of 102 lots and is 107.98 acres.

25. Holiday Ranchettes is 0.597 units per acre (102 units divided by 170.98 acres), which equates to an average lot size of 1.676 acres per unit.

26. The subject site is located on the outer rim of the subdivision adjacent to the T-intersection of Little Kate Road and Evening Star Drive.

27. The SFD lots across the street belong to the Park Meadows Subdivision No. 5

28. The Park Meadows Subdivision No. 5 which is located directly northeast of the subject site contains lots much smaller than Holiday Ranchettes as they range in size from 0.249 to 0.801 acres.

29. Purpose statement B: indicates that the a purpose of the SF District is to allow for Single Family Development Compatible with existing Developments.

30. Compatibility should not be limited to its own subdivision but to single family dwellings with a specific proximity.

31. Given the direction that the Planning Commission provided on May 14, 2014 Staff concluded several maps/studies which included all of the SFDs on Little Kate Road from Monitor Drive to Lucky John Drive. Staff excluded the multi-unit dwellings, the PC MARC, and the golf course. See Exhibit J-L.

32. The four (4) lots across the street consist of a much smaller lot areas as they are approximately 1/3 of an acre. The average size of these four (4) lots is 0.33 acres.

33. The Holiday Ranchettes Lots, on the same side of the street of the subject site, consist of nine (9) lots, and the average lot size is 1.47 acres.

34. The applicant proposes Lot 83a to be 0.605 acres and lot 83b to be 0.395 acres

35. The Holiday Ranchettes lots are much bigger, almost 3-4 times bigger than the lots in the proposed plat amendment.

36. In terms of compatibility the lots on the same side of the street from Monitor Drive to Lucky John Drive be included in the compatibility comparison as Little Kate Road separates the character of each subdivision ranging from Racquet Club Condos to Park Meadows V to Holiday Ranchettes subdivisions.

37. Across the street the separation from each house ranges between 40 and 28 feet.

38. On the same side of the street, the south side, the separation from each house ranges between 184 and 25 feet.

39. The average separation is 73 feet.

40. The applicant proposes to add a new structure to be separated by approximately 123 feet to the structure on the west and 57 feet from the structure to the east (existing Baker residence).

41. In terms of structure separation there is a wide range in the neighborhood. Staff does not find the proposed separation incompatible.

42. The average lot width on the same side of the street is 143 feet.

43. The average lot width of the lots across the street is 118 feet.

44. The average lot width in both areas is 131 feet.

45. The width of the subject lot is much more than the ones in the neighborhood as the subject site is approximately 233 feet, which is the widest lot.

46. The applicant requests lot 83a to be 133 feet and lot 83b to be 101 feet.

47. In terms of lot width alone staff does not find the width parameter inconsistent with the neighborhood.

48. Staff does not find that this parameter needs to be utilized in determining a plat amendment due to the flexibility that each property owner has to determine the placement of each home which could range from 30 to 190 feet.

49. The average lot depth on the same side of the street is 414 feet.

50.The average lot width of the four (4) lots across the street is 131.75.

51.The existing lot's depth is 141 feet.

52.The average lot depth on both sides of the street is 327 feet.

53.The existing lot is not compatible with the surrounding lots on the same side of the street, or even on its own subdivision in terms of lot depth. The proposed plat amendment splits the existing lots into two (2), it does not increase the lot depth.

54.The property owner hired a wetland consultant to work with the U.S. Army Corps of Engineers as they submitted preliminary jurisdictional wetland delineation.

55.The prepared delineation was accepted by the Corps.

56.The applicant does not request to disturb any of the identified wetland as they request to subdivide the property to build a new SFD. The wetland would not be disturbed by the applicant.

57.Should the owner request to disturb the wetland they would have to file a permit with the U.S. Army Corps of Engineers as well as the state. The applicant would also have to file appropriate permit with the City.

58.The applicant does not request to alter the delineated wetland and does not plan of contesting any water rights associated with Dority Springs as they plan to not disturb any of the delineated wetland.

59.The LMC does not indicate a specific standard of setback protection for wetlands outside the Sensitive Lands Overlay (SLO). The site is not within the SLO.

60.The Water Department brought issues regarding the Dority Spring that have been addressed in the Staff Report. The Water Department also indicated that should the City approve the plat amendment the property owner would be responsible of paying Impact Fees.

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

Conclusions of Law – 1851 Little Kate Road

1. The proposed plat amendment is not consistent with the Park City Land

Management Code and applicable State Law regarding lot combinations.

2. The public will be materially injured by the proposed plat amendment as the proposed plat amendment is not compatible with the direct neighborhood in terms of lot size and depth.

3. Approval of the plat amendment does adversely affect health, safety, and welfare of the citizens of Park City.

4. There is Good Cause to deny the proposed plat amendment as the plat does cause undo harm on adjacent property owners because the proposal is not compatible with existing Single Family development (lots) in the near proximity.

6. 632 Main Street, Silver Queen Condominiums – First Amended Record of Survey (Application PL-14-02301)

Planner Kirsten Whetstone reviewed the request for an amendment to an existing condominium plat for the Silver Queen Condominiums located at 632 Main Street, at the corner of Heber and Main. The building was constructed in 1982 and a condominium plat was recorded with Summit County in 1995 for 15 residential units and commercial on the ground floor.

Planner Whetstone reported that a Historic District Design Review was approved in 2011 for remodeling the exterior of the building, as well as gutting the interior and reducing the units from 15 residential condominium units to seven units. The commercial on the ground floor was reconfigured. There are existing elevators and stairways within the building and hallways. The building is located in the HCB zones and multi-family is an allowed use. The seven units do not require a master planned development. The commercial is also an allowed use. Planner Whetstone stated that there was no increase in the building footprint and the requested plat would not create any non-complying situations.

Planner Whetstone commented on a change to the table on page 261 of the Staff report. When she calculated the Floor Area Ratio, she inadvertently excluded the hallways, elevators and staircases. Those were added in, which changed the lot size to 5,047 square feet from 5,045, and changed the FAR to 20,188. Adding in the hallways, elevators and staircases also changed the actual gross floor area to 16,332, which is a FAR of 3.24. Planner Whetstone recommended memorializing the changes by adding Finding 16 to say, "The plat reflects an FAR of 3.24 which is less than the maximum allowable FAR of 4.0 in the HCB Zone."

Planner Whetstone stated that an active building permit to create the seven units was approved by the Chief Building Official. Therefore, because it was such a large project, the condominium plat needs to come in after the units are built so they can be surveyed and become an actual record of survey. The Chief Building Official allowed the permit to go forward, but because of the reduction in units from the original plan, a condominium plat is required. Planner Whetstone noted that another difference is that the entire building is owned by one entity, except for Unit 4B, which has a different owner. A vote was taken by the 15 unit owners and only the owner of Unit 4B was opposed.

The Staff recommended that the Planning Commission conduct a public hearing for the First Amended Silver Queen Condominiums Record of Survey Plat for seven residential condominium units and one commercial condominium unit located on the lower floor, and consider forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance with the addition of Finding #16.

Steve Bremmer with Elliott Work Group, stated that he had the privilege of representing both the owner of the building and the owners of Unit 4B. Mr. Bremmer explained that the owners of Unit 4B originally opposed the plat as proposed, which showed limited common area on the roof terrace as identified in the exhibit on page 269 of the Staff report. It was later determined by the Building Department that commercial area on the roof would not be allowed. The plan was revised and re-submitted to the Planning Department. The area is now common area on the mezzanine level, which is the rooftop area above Unit 4B. Mr. Bremmer noted that the owners of Unit 4B also modified their unit and made it slightly larger. Based on the revision to the rooftop area, the owners of Lot 4B now fully support the plat as currently proposed.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation for the First Amended Silver Queen Condominiums record of survey based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance and as amended with the addition of Finding of Fact #16 stating that the plat reflects an FAR of 3.24 which is less than the maximum allowable FAR of 4.0 in the HCB Zone. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 632 Main Street

1. The property is located at 632 Main Street at the intersection of Main Street and Heber Avenue. There is an existing four story mixed use building on the property.
2. The existing building, known as the Silver Queen Condominiums, was constructed in 1982.
3. On May 12, 1994, the City Council approved the Silver Queen Condominiums record of survey plat for twelve residential units and one commercial unit. On May 5, 1995, the condominium plat was recorded at Summit County.
4. Seven residential units are platted with this record of survey plat for a total of 11,074 sf of floor area. Units range in size from 1,006 sf to 2,178 sf. Average unit size is 1,582 sf. Unit 4A is a two story unit with a roof top penthouse. Residential units are located on the second, third, and fourth floors. See Exhibit A, proposed plat for all unit numbers and square footages.
5. One 2,973 sf commercial unit is platted on the main floor.
6. Common area for halls, stairs, elevators, outdoor patios and decks are being platted with this record of survey.
7. The building currently is currently being remodeled with an active building permit.
8. The condominium plat is required in order for the units to be sold individually.
9. The building is located in the Historic Commercial Business District (HCB) with access to Main Street and Heber Avenue.
10. Residential and commercial uses are allowed uses within the HCB zoning district.
11. With the exception of one residential unit, existing unit #9, the building is currently owned by one entity.
12. On April 21, 2014, the City received an application for an amended condominium plat. The application was deemed complete on July 2, 2014 when proof of a vote of the HOA was provided indicating that 92.83% of the Silver Queen Condominium HOA ownership approved of the amended plat. The application includes signatures from all owners.

13. The condominium plat is consistent with the Historic District Design Review plans approved by the Planning Staff on September 29, 2011.

14. The property was assessed and paid into the Main Street Parking Improvement District for the twelve units and ground level commercial. Parking requirements for the existing configuration (original plat) are 16.5 (17) for the twelve residential units 6 units less than 650 sf (6 spaces), 3 units at 1,035 sf (6 spaces), and 3 units at 876 sf (4.5 (5) spaces) and 18 for the commercial space for a total of 35 spaces. The proposed unit configuration requires 12 spaces for the seven residential (3 units greater than 2,000 sf (6 spaces), 4 units greater than 1,000 sf (6 spaces) and 18 spaces for the commercial for a total of 30 spaces. Therefore the proposed plat requires fewer spaces than were assessed and paid and no additional parking is required. No parking is provided on site.

15. Commercial space is located at the street along the Main Street frontage and residential units are located on the upper floors. All of the storefront properties are subject to the vertical zoning ordinance.

16. The plat reflects an FAR of 3.24 which is less than the maximum allowable FAR of 4.0 in the HCB Zone.

Conclusions of Law – 632 Main Street

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

Conditions of Approval – 632 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.

2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.

3. All conditions of approval of the 632 Main Street Historic District Design Review shall continue to apply.

4. A note shall be added to the plat prior to recordation stating that the units of the Silver Queen Condominiums are served by Common Private Lateral Wastewater lines. The Silver Queen Condominium Association shall be responsible for the ownership, operation and maintenance of all Common Private Lateral Wastewater lines.

5. All required ADA access, required restaurant grease traps, and other specific Building and Fire Code requirements for the units shall be addressed with tenant improvement building permits as the spaces are finished.

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

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: 317 Ontario Avenue
Project #: PL-14-02258
Author: Francisco Astorga, Planner
Date: August 13, 2014
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and review a request for a Steep Slope Conditional Use Permit at 317 Ontario Avenue based on the findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

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

Description

Applicant/Owner: Paige & Brad Brainard
represented by Bruce Taylor, architect
Location: 317 Ontario Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Construction of structures greater than 1,000 square feet on a steep slope requires a Conditional Use Permit

Proposal

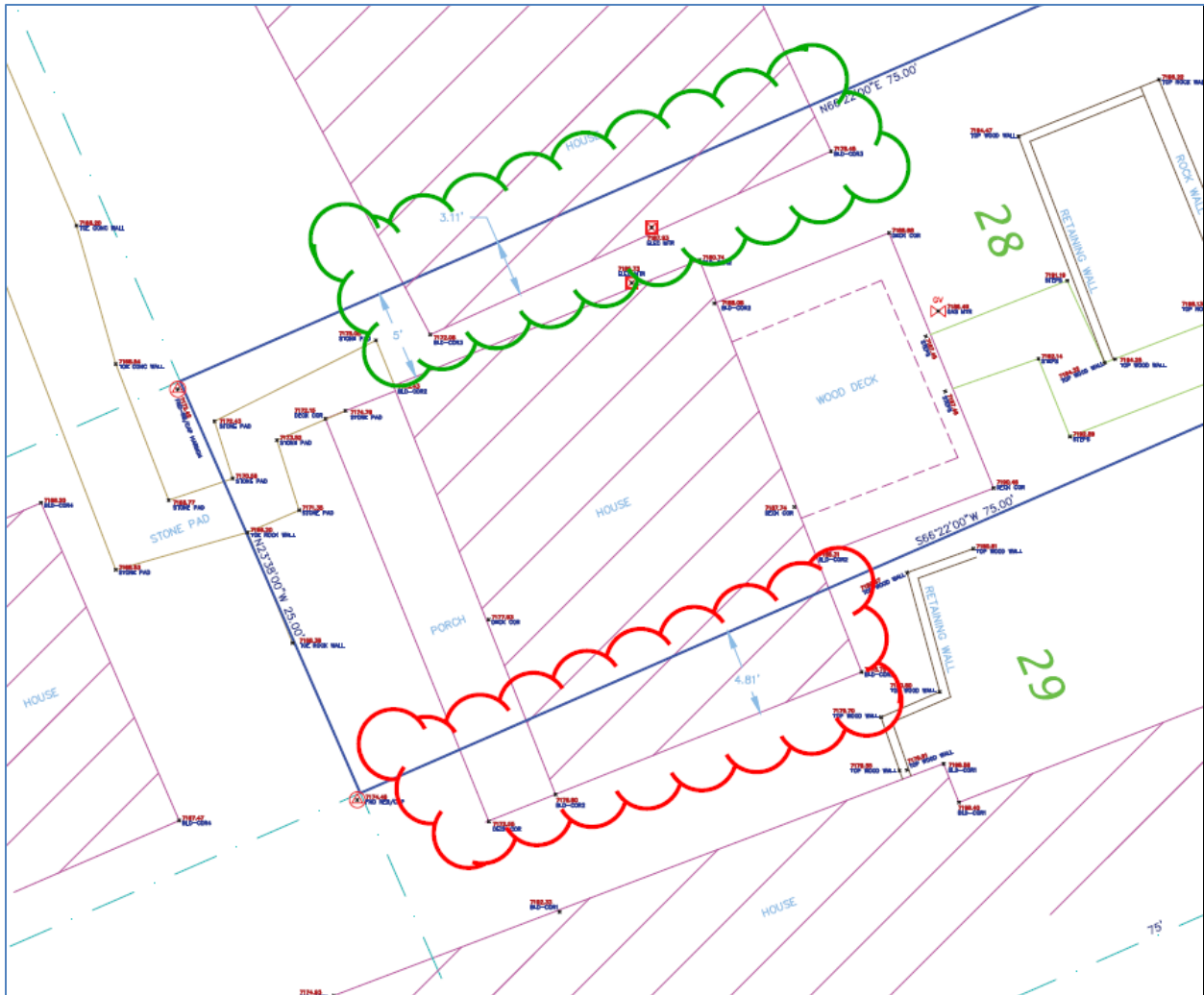
This application is a request for a Steep Slope Conditional Use Permit (CUP) for an addition to a historic structure. The property owner requests to build an addition towards the rear of the historic structure, towards Ontario Avenue. The applicant proposes to remove a non-historic attached storage area and deck behind the structure and construct an addition consisting of three (3) floors and a parking platform towards Ontario Avenue.

Background

On July 15, 2013 the City received updated plans for 317 Ontario Avenue. The property is located in the Historic Residential (HR-1) District. The property, tax identification no. PC-455, is a standard Old Town lot measuring 25 feet in width and 75 feet in depth.

The site is listed on Park City's Historic Site Inventory (HSI) as a Significant Site. The property is known as the *A.W. Webster House* and was built circa 1885. The site is ineligible to be listed as a Landmark site on the HSI and the National Register of Historic Places due to the extent of the building alterations which have diminished its associations with the past.

Approximately 86.3 square feet of the historic structure encroaches onto the neighboring property to the south. See survey below with red-outline of the encroachment:



A portion of the adjacent historic structure to the north, 823 Ontario Avenue, also encroaches on the subject property, show with green-outline above. This neighboring property is listed on the HSI as a Landmark Site. This encroachment is approximate 73.8 square feet.

This application is a request for a Steep Slope CUP for construction of an addition to the historic single-family dwelling. Because the total proposed addition square footage is greater than 1,000 square feet and would be constructed on slopes thirty percent (30%) or greater, the applicant is required to file this Steep Slope CUP application for review and approval by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6. A Historic District Design Review (HDDR) application is concurrently being reviewed by Staff for compliance with the Design Guidelines for Historic Districts and Historic Sites.

Purpose

The purpose of the HR-1 District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

A single-family dwelling is an allowed use in the HR-1 District. The existing structure is approximately 892 square feet. The ground level of the existing structure is 550 square feet and the second level is 342 square feet. The house has a bedroom, kitchen, bathroom, and mechanical/storage space on the lower level (main level). The second level has a living room, half bathroom, and a deck. See Exhibits E & F Existing Conditions Plans and Elevations.

The historic house is a Hall-Parlor with a Victorian-vernacular style. The house has had significant alterations. It appears as though the exterior siding is new material milled to match what was there originally. The porch posts have been altered from the simple square posts and the balustrade has been added. The rear shed extension appears to have been removed/altered and the rear plane is now obscured by a large nearly full-width flat dormer. These changes significantly diminish the historic character.

From east to west, the site is flat where the historic house is located which covers approximately half the site. The slope dramatically changes to over 100% for the next fifteen feet (15'), it then decreases in slope to approx. 20% for the next ten feet (10'), it then increases in slope to approx. 50% for the next 17 feet, which then flattens out to Ontario Avenue.

The applicant requests to remove the non-historic storage area and deck. The proposal includes adding 404.8 square feet to the lower level and remodeling it to contain the kitchen, dining area, sitting area, powder room, as well as storage and mechanical areas. The second level (identified as the mid-level) would also have a 404.8 square foot addition and would be remodeled to have the master bedroom including a master bath, and a bedroom with a bathroom. The new upper level would have a great room, entry area, and a powder room. The new parking level would have a hot tub patio and a covered parking platform. See Exhibit H Lower, Mid, Upper, & Parking Level floor Plans. Staff made the following LMC related findings:

LMC Requirements	Proposed										
<p>Building Footprint: 844 square feet maximum, (based on lot area)</p>	<p>843.4 square feet, <u>complies, see below:</u></p> <table border="1" data-bbox="695 289 1360 478"> <thead> <tr> <th>Area</th> <th>Footprint</th> </tr> </thead> <tbody> <tr> <td>Historic house</td> <td>364.8 sf</td> </tr> <tr> <td>Addition</td> <td>404.8 sf</td> </tr> <tr> <td>823 Ontario encroachment</td> <td>73.8 sf</td> </tr> <tr> <td>Total</td> <td>843.4 sf</td> </tr> </tbody> </table> <p>See Exhibit K – Footprint Analysis.</p>	Area	Footprint	Historic house	364.8 sf	Addition	404.8 sf	823 Ontario encroachment	73.8 sf	Total	843.4 sf
Area	Footprint										
Historic house	364.8 sf										
Addition	404.8 sf										
823 Ontario encroachment	73.8 sf										
Total	843.4 sf										
<p>Front/Rear Yard Setbacks: 10 feet minimum, 20 feet total</p>	<p>Front (Ontario Avenue): 10 feet, <u>addition complies.</u></p> <p>Rear: 10 feet, <u>addition complies.</u> The proposed addition is opposite to the rear setback area as the addition is located towards the front of the lot, Ontario Avenue.</p> <p><u>Historic house has a 6 foot front yard setback and is considered a valid complying structure.</u>¹</p>										
<p>Side Yard Setbacks: 3 feet minimum, 6 feet total</p>	<p>Addition: 7'-9" on the north and 3'-0" on the south, <u>complies.</u></p> <p>The historic house <u>does not comply with the south side yard setback and is considered a valid complying structure.</u>²</p>										
<p>Building (Zone) Height: No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.</p>	<p>Various heights all under 27 feet, with the exception of the covered parking area. Staff recommends adding a condition of approval to redesign the gable roof opposite to the street to place a shed roof instead to comply with the 27 foot height, <u>complies as conditioned.</u></p>										
<p>Final Grade: Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].</p>	<p>4 feet or less, <u>complies.</u></p>										
<p>Lowest Finish Floor Plane to Highest Wall Top Plate: A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the</p>	<p>35 feet, <u>complies.</u></p>										

¹ LMC 15-2.2-4. Existing Historic Structures:

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

² ibid

highest wall top plate [...].	
Vertical Articulation: A ten foot (10') minimum horizontal step in the downhill façade is required [...].	Horizontal step is 15 feet, <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.	Addition: 7:12 roof pitch, <u>complies.</u> ³
Parking: 2 parking spaces, minimum	1 parking space, <u>complies.</u> ⁴

LMC § 15-2.2-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HR-1 District, subject to the following criteria:

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

As viewed on the south elevation, the site is flat where the historic sits towards the front of the lot which covers approximately half the site. The slope dramatically changes to approx. 116% for the next fifteen feet (15'), it then decreases in slope to approx. 20% for the next ten feet (10'), it then increases in slope to approx. 52% for the next 17 feet, which then flattens out to Ontario Avenue.

The north elevation reveals similar slopes, again flat at the front where the historic house sits, half the site, it dramatically picks up a positive slope of approx. 118% for the next 14 feet, it then again decreases in slope to approx. 21% for the next 9.5 feet before pick up to 62% slope for the next 16.5 feet, as it flattens out to Ontario Avenue.

The proposed addition is limited by several development parameters which include building setbacks, footprint, height, etc. The site also has north property building encroachment which requires a greater separation which makes the design stretch towards Ontario Avenue instead of getting closer to the north property line where the setback is more than what is required; i.e. 7'-9" instead of the minimum of 3'. Even though most of the addition takes place over the steeper slopes, the site as viewed from Ontario Avenue will simply look like the small 14 foot wide covered parking platform and will not be detrimental in terms of size and scale mainly due to the dramatic change in slope which affects the maximum building height.

³ ibid

⁴ ibid

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 proposed Access, and Building mass and design; and to identified the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities. **No unmitigated impacts.**

The applicant submitted building elevations showing impacts. As viewed from Ontario Avenue the addition will simply look like the small 14 foot wide covered parking platform and will not be detrimental in terms of size and scale mainly due to the dramatic change in slope which affects the maximum building height.

The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. As viewed on the photograph below, Exhibit C, the site is engulfed by surrounding development; also the addition takes place fifteen feet (15') behind the roof ridge of the historic structure.



The cross canyon view contains a back drop of four (4) plus story buildings. The building is located in a neighborhood of similar structures and is completely surrounded by residential development. The project will be accessed by a concrete slab on grade accessed off Ontario Avenue directly into the covered

parking platform. The pedestrian access to the house has been incorporated as an exterior staircase leading down to the upper level.

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

The design does not require any terracing as the site will be retained by the foundation of the addition.

4. **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 proposed addition is located towards the rear of the historic house towards Ontario Avenue. The addition respects a greater setback than the minimum from the north side yard property line due to the location of a neighboring historic house that encroaches on this lot. Pedestrian access is unchanged from the front of the house accessible from Shorty's Stairs. Another pedestrian access is proposed to the upper level floor from an exterior staircase accessed off Ontario Avenue.

5. **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 main ridge of the addition is perpendicular to Ontario Avenue located on the covered parking platform. The reason the applicant chooses to open this parking area instead of making it a full garage and more like a carport is because enclosing it would make it over footprint. The covered parking platform has openings on each side and does not have a garage door.

Again, the development parameters such as building setbacks, footprint, height, etc., highly limit the amount of development due to their combined restrictions, making the size of what can be viewed from Ontario Avenue small in terms of building form and scale.

LMC § 1-2.2-3(J) Snow Release, indicates that site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official. It is very likely that a snow shedding agreement will be required on the south of the lot.

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

The proposed addition is setback ten feet (10) from front property line. The addition is setback three feet (3') from the south property line and 7'-9" from the north property line. The width of the covered parking platform is just over fourteen feet (14).

7. **Dwelling Volume.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in [LMC Chapter 2.2 – HR-1]. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed structure is vertically articulated and broken into compatible massing components due to the topography of the site which limit the maximum height. The design includes setback variations and lower building heights for the historic structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area.

8. **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 structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade, as conditioned. The covered parking area has a small area which does not meet this provision. Staff recommends adding a condition of approval to redesign the gable roof opposite to the street to place a shed roof instead to comply with the 27 foot height. Portions of the addition are less than 27' in height.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in LMC § 15-1-18. Approval of a Historic District Design Review for compliance with the Design Guidelines for Historic Districts is also required prior to 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 would have to be addressed during building permit review.

Public Input

No public input has been provided at the time of this report.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for 317 Ontario Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur. The applicant would have to revise their proposal.

Recommendation

Staff recommends the Planning Commission hold a public hearing and review a request for a Steep Slope Conditional Use Permit at 317 Ontario Avenue based on the findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The site is located at 317 Ontario Avenue.
2. The site is located in the Historic Residential (HR-1) District.
3. The property, tax identification no. PC-455, is a standard Old Town lot measuring 25 feet in width and 75 feet in depth.
4. The site is listed on Park City's Historic Site Inventory (HSI) as a Significant Site.
5. The property is known as the A.W. Webster House and was built circa 1885.
6. The site is ineligible to be listed as a Landmark site on the HSI and the National Register of Historic Places due to the extent of the building alterations which have diminished its associations with the past.
7. Approximately 86.3 square feet of the historic structure encroaches onto the neighboring property to the south.
8. A portion of the adjacent historic structure to the north, 823 Ontario Avenue encroaches on the subject property. This neighboring property is listed on the HSI as a Landmark Site. This encroachment is approximate 73.8 square feet.
9. A Historic District Design Review (HDDR) application is concurrently being reviewed by Staff for compliance with the Design Guidelines for Historic Districts and Historic Sites.
10. This application is a request for a Steep Slope Conditional Use Permit (CUP) for an addition to a historic Structure.

11. The property owner requests to build an addition towards the rear of the historic structure, towards Ontario Avenue.
12. The applicant proposes to remove the non-historic attached storage area and deck behind the structure and construct an addition consisting of three (3) floors and a parking platform.
13. A single family dwelling is an allowed use in the HR-1 District.
14. The existing structure is 892 square feet. The ground level of the existing structure is 550 square feet and the second level is 342 square feet.
15. The applicant requests to remove the storage area and deck.
16. The proposed addition includes adding 404.8 square feet to the lower level.
17. The proposed addition includes adding 404.8 square feet to the mid-level.
18. The new upper addition includes adding 381 square feet.
19. The new parking level floor plan would have a hot tub patio and a covered parking platform.
20. The maximum building footprint is 844 square feet.
21. The proposed building footprint is 843.4 square feet.
22. The minimum front and rear yard setbacks are ten feet (10').
23. The proposed front yard setback is ten feet, (Ontario Avenue).
24. The proposed addition is located opposite to the rear setback area, towards Ontario Avenue and meets the rear yard setbacks.
25. The historic house has a 6 foot front yard setback and is considered a valid complying structure per LMC § 15-2.2-4.
26. The minimum side yard setbacks are three feet (3') minimum, 6 feet total.
27. The addition has a 7'-9" side yard setback on the north and a 3'-0" side yard setback on the south property line.
28. The historic house does not comply with the south side yard setback and is considered a valid complying structure per LMC § 15-2.2-4.
29. LMC § 15-2.2-4 indicates that Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.
30. No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
31. The addition and existing structure contains various heights all under 27 feet, with the exception of the covered parking area. Staff recommends adding a condition of approval to redesign the gable roof opposite to the street to place a shed roof instead to comply with the 27 foot height restrictions.
32. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
33. The addition complies with the four foot final grade restriction.
34. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
35. The maximum height from the lowest finish floor plane to highest wall top plate is 35 feet.
36. Vertical articulation is required in the form of a ten foot (10') minimum horizontal step in the downhill façade.
37. The proposed additions meet the vertical articulation.
38. Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

39. The roof pitch of the addition is 7:12.
40. The roof pitch of the existing historic house is 12:12.
41. Even though most of the addition takes place over the steeper slopes, the site as viewed from Ontario Avenue will simply look like the small 14 foot wide covered parking platform and will not be detrimental in terms of size and scale mainly due to the dramatic change in slope which affects the maximum building height.
42. The applicant submitted building elevations showing impacts.
43. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view.
44. The site is engulfed by surrounding development; also the addition takes place fifteen feet (15') behind the roof ridge of the historic structure.
45. The cross canyon view contains a back drop of four (4) plus story buildings. The building is located in a neighborhood of similar structures and is completely surrounded by residential development.
46. The project will be accessed by a concrete slab on grade accessed off Ontario Avenue directly into the covered parking platform.
47. The pedestrian access to the house has been incorporated as an exterior staircase leading down to the upper level.
48. The design does not require any terracing as the site will be retained by the foundation of the addition.
49. The proposed addition is located towards the rear of the historic house towards the Ontario Avenue.
50. Pedestrian access is unchanged from the front of the house accessible from Shorty's Stairs. Another pedestrian access is proposed to the upper level floor from an exterior staircase accessed off Ontario Avenue.
51. The main ridge of the addition is perpendicular to Ontario Avenue located on the covered parking platform.
52. The covered parking platform has openings on each side and does not have a garage door.
53. The proposed structure is vertically articulated and broken into compatible massing components due to the topography of the site which limit the maximum height.
54. The design includes setback variations and lower building heights for the historic structure.
55. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area.
56. Portions of the addition are less than 27' in height.
57. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. 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 Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
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.
9. This approval will expire on August 13, 2015, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.
11. The applicant shall redesign the gable roof opposite to the street to place a shed roof instead to comply with the 27 foot height restriction.

Exhibits

Exhibit A – Vicinity Map

Exhibit B – Boundary Survey

Exhibit C – Site Photograph from Sandridge Parking Lot (Marsac Avenue)

Exhibit D – Site Photograph from Ontario Avenue

Exhibit E – Existing Conditions Foundation, 1st Level, 2nd Level, & Roof Plans (A-1.06)

Exhibit F – Existing Conditions Exterior Elevations (A-2.01 existing)

Exhibit G – Photographic Streetscape

Exhibit H – Lower, Mid, Upper, & Parking Level Floor Plans (A-1.01 – A-1.04)

Exhibit I – Roof Plan (A-1.05)

Exhibit J – Exterior Elevations (A-2.01 – A-2.02)

Exhibit K – Footprint Analysis

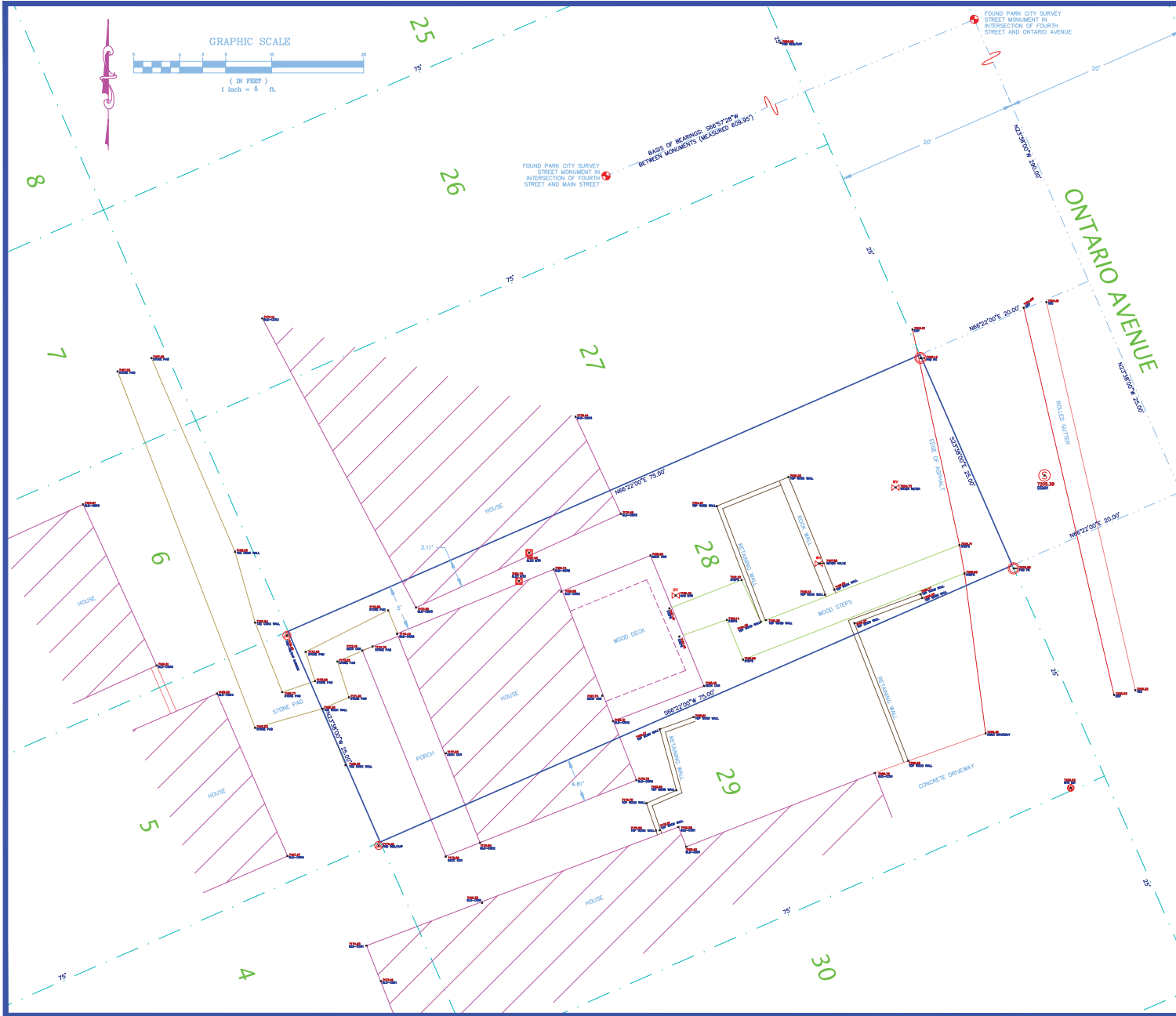
Exhibit A
317 Ontario Avenue

Legend

- Parcels
- Streets
- Park City HSI Significant Site
- Park City HSI Landmark Site



Exhibit B – Boundary Survey



SURVEYOR'S CERTIFICATE

I, BING CHRISTENSEN, CERTIFY THAT I AM LICENSED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH (REG. NO. 142796) IN ACCORDANCE WITH TITLE 24, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT:

- THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY SUPERVISION AT THE INSTANCES OF BING CHRISTENSEN.
- THE LAND SURVEYED LIES WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND THE SURVEY WAS COMPLETED DURING JULY, 2007.
- THIS PLAT COMPLIES WITH APPLICABLE STATUTES OF THIS STATE AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE SURVEY WAS COMPLETED AND THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH TITLE 17, CHAPTER 23, PARAGRAPH 17, OF THE UTAH CODE.
- THE MONUMENTS DEPICTED AS SET ON THE PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED, AND ARE OF SUFFICIENT DURABILITY.

SUBJECT TO AND TOGETHER WITH AN EASEMENT AND RIGHT OF WAY FOR WOOD STAIRS AND DIRT WALKWAY.

WARRANTY DEED DESCRIPTION
ENTRY NO. 777937 BK 1791 PG 428

LOT 28, BLOCK 54, AMENDED PLAT OF THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 66°22'00" WEST BY A FOUND PARK CITY SURVEY STREET MONUMENT LOCATED IN THE INTERSECTION OF FOURTH STREET AND GRAND AVENUE AND A FOUND PARK CITY SURVEY STREET MONUMENT LOCATED IN THE INTERSECTION OF FOURTH STREET AND MAIN STREET.

SURVEYOR'S NARRATIVE

PURPOSE:
 AT THE INSTANCE OF THE CLIENT, THIS SURVEY WAS PERFORMED FOR THE PURPOSE OF DETERMINING THE PHYSICAL LOCATION OF THE SUBJECT PROPERTY'S BOUNDARY AND TO SHOW EXISTING IMPROVEMENTS IN RELATION TO BOUNDARY LINES.

CONTROLLING ELEMENTS AND CONCLUSIONS:
 AS SHOWN HEREON, FOUND AND ACCEPTED PARK CITY SURVEY STREET MONUMENTS WERE USED TO CONTROL THIS SURVEY (SEE PARK CITY MONUMENT CONTROL MAP PREPARED BY BUSH AND GOSWELL, INC., OGEA TRS-5). SURVEY MARKERS WERE FOUND NEAR THE CORNERS OF THE SUBJECT PROPERTY, BUT LYING SOUTHWESTLY/SOUTHEASTERLY. THIS MAY BE EXPLAINED BY THE USE OF MONUMENTS BY OTHER SURVEYS IN CONTRAST TO THOSE USED TO CONTROL THIS SURVEY. INDEED, THE USE OF AN EXISTING MONUMENT LOCATED IN THE INTERSECTION OF FOURTH STREET AND MARINE AVENUE WOULD SHIRT THE LOT LINES OF BLOCK 54 IN THE SOUTHEASTERLY DIRECTION SOUTHWESTLY. HOWEVER, IT IS THE OPINION OF THIS SURVEYOR THAT THE EXISTING MONUMENT LOCATED IN THE INTERSECTION OF FOURTH STREET AND MARINE AVENUE IS UNRELIABLE AND INCONSISTENT WITH OTHER PARK CITY SURVEY STREET MONUMENTS.

DATE: _____
 BING CHRISTENSEN
 REGISTERED LAND SURVEYOR

GENERAL NOTES

- THIS SURVEY DOES NOT GUARANTEE TITLE TO THE LAND NOR IS IT PROOF OF OWNERSHIP, NOR IS IT A LEGAL INSTRUMENT OF CONVEYANCE. FURTHERMORE, ANY SURVEY MARKERS SET IN CONNECTION WITH THIS SURVEY ARE NOT INTENDED TO REPRESENT EVIDENCE OF OWNERSHIP OF THE SUBJECT PROPERTY OR ITS ADJACENTS. THE GENERAL INTENT OF THIS SURVEY IS TO PORTRAY WHERE POSSIBLE THE RECORD TITLE LINES OF THE SUBJECT PROPERTY AND TO SHOW THEIR RELATIONSHIP TO ANY EVIDENCE OF USE AND/OR POSSESSION.
- IN THE EVENT THAT THIS SURVEY DETERMINES THAT THE CREATION OF A NEW/PROPOSED LEGAL DESCRIPTION IS ADVISABLE AND NECESSARY TO AVOID THE RESOLUTION OF KNOWN BOUNDARY CONFLICTS, IT SHOULD BE UNDERSTOOD THAT SUCH A LEGAL DESCRIPTION, AS MIGHT BE SHOWN AND PROVIDED HEREON, DOES NOT AUTOMATICALLY REPLACE OR EXTINGUISH RECORD TITLE LINES AND SHOULD NOT BE USED IN INSTRUMENTS OF CONVEYANCE BY WARRANTY OR FOR THE DESCRIPTION, AS MIGHT BE PROVIDED HEREON, HAVE BEEN ESTABLISHED AND AGREED UPON BY APPROPRIATE AND LEGAL MEANS BETWEEN RELEVANT PARTIES. TO HELP PREPARE SUCH AGREEMENTS, SOLICITATION OF COMPETENT LEGAL COUNSEL IS STRONGLY RECOMMENDED.
- IN THE EVENT THAT THIS SURVEY WAS PERFORMED FOR THE PURPOSE OF PARCELING PROPERTY ACCORDING TO DIRECTIONS FROM THE CLIENT, UNDER NO CIRCUMSTANCE SHOULD THE PARCELING OF PROPERTY AS MIGHT BE SHOWN HEREON AND DESCRIBED BY LEGAL DESCRIPTION ABOVE BE INTERPRETED AS REPRESENTING A LEGAL SUBDIVISION OF LOTS OR ADJACENTS OR APPROVED BY CITY OR COUNTY GOVERNMENT OFFICES. INDEED, THIS SURVEY AND ANY INFORMATION PROVIDED HEREON ARE INTENDED NEITHER TO CREATE NOR DESTROY LOT OF RECORD STATUS AND ASSOCIATIVE ENTITLEMENTS AND MAKES NO CLAIM AS TO LOT CONFORMANCE BY STATE. PROPERTY OWNERS AND PROSPECTIVE BUYERS ARE ADVISED TO CONTACT CITY AND COUNTY PLANNING OFFICES FOR INFORMATION AND RECORDS PERTAINING TO ISSUES OF LOT CONFORMANCE AND REQUIREMENTS FOR DEVELOPMENT.
- THIS SURVEY REPRESENTS OPINIONS BASED ON FACTS AND EVIDENCE AS THE SURVEYOR RECEIVES THE RIGHT TO MODIFY OR ALTER HIS OPINIONS PERTAINING TO THIS SURVEY ACCORDING TO THIS NEW EVIDENCE.
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, UNRECORDED TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. FURTHERMORE, NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.
- THIS SURVEY DOES NOT PURPORT TO DETAIL THE LOCATIONS OF ANY OR ALL EASEMENTS OR RIGHTS-OF-WAY OF RECORD AND USE.
- THIS PLAT MAP DOES NOT PURPORT TO SHOW, EITHER IN FACT OR BY CIRCUMSTANCE, ANY OR ALL UTILITY COMPANY PIPES, WIRES, ETC., EITHER IN SERVICE OR ABANDONED, THAT MAY EXIST ON OR NEAR THE SUBJECT PROPERTY. FURTHERMORE, ANY INDICATION AS TO THE LOCATION OF UNDERGROUND UTILITIES THAT MAY BE SHOWN ON THIS PLAT MAP IS BASED STRICTLY ON OBSERVABLE SURFACE EVIDENCE AND/OR VERBAL EXPLANATIONS. ALSO, FOR THIS SURVEY NO UTILITY MAPS OF RECORD WERE AVAILABLE TO THE SURVEYOR TO HELP DETERMINE THE PROPER LOCATION OF UNDERGROUND UTILITIES. INDEED, ONLY BY EXCAVATION CAN THE EXACT LOCATION OF UNDERGROUND UTILITIES, INCLUDING, CONTRACTORS, BUILDERS, AND EXCAVATORS ARE ADVISED TO VERIFY THE LOCATION AND ELEVATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION BY CONTACTING CORRESPONDING UTILITY COMPANIES (FOR BLUE STAKES OF UTAH CALL 1-800-662-4111).

Z:\SEIG Business\Logo\Summit.bmp

DATE: 07/09/2007
 DRAWN BY: BEC
 REVIEWED BY: BING CHRISTENSEN
 APPROVED BY: BING CHRISTENSEN
 FILE NAME: LOT-025-084100

RECORD OF SURVEY
 BLOCK 54 - PARK CITY - SUMMIT COUNTY
 IN THE SE 1/4 OF SEC 16, T2S, R4E, S16&M

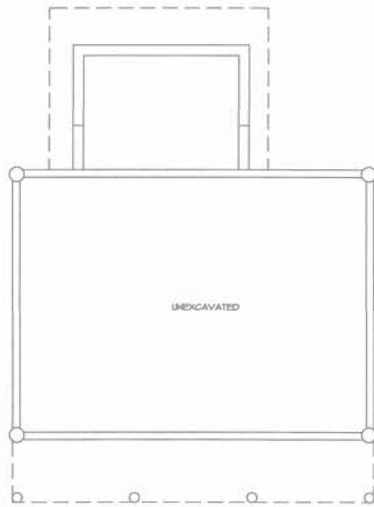
BRADLEY J. BRAINARD
 BOUNDARY SURVEY

PREPARED FOR:
 PROJECT:
 PROJECT NO. LOT-025
 SHEET NO. 1 OF 1

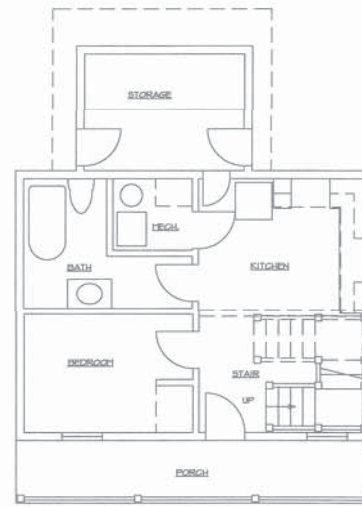




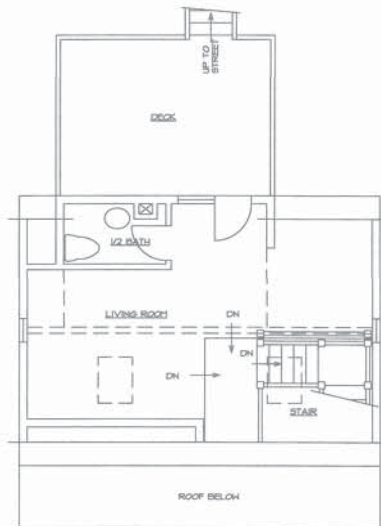
Exhibit E – Existing Conditions Foundation, 1st Level, 2nd Level, & Roof Plans



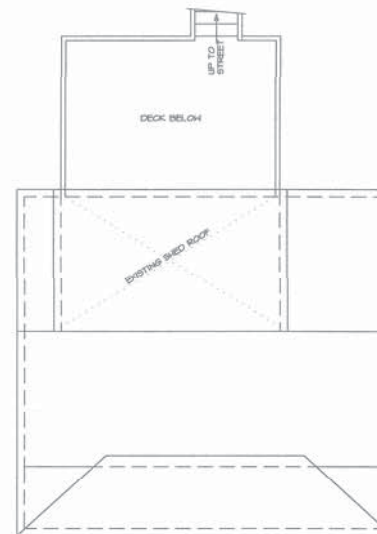
1 FOUNDATION PLAN
A-106 1/4" = 1'-0"



2 FIRST LEVEL FLOOR PLAN
A-106 1/4" = 1'-0"



3 SECOND LEVEL FLOOR PLAN
A-106 1/4" = 1'-0"



4 ROOF PLAN
A-106 1/4" = 1'-0"

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ADDITION / REMODEL FOR
THE BRAINARD FAMILY
LOT 928 - BLOCK 54

511 ONTARIO AVENUE
PARK CITY, UTAH

summitdesign
architecture

p.o. box 68802 park city, utah 84068
435-641-2055

EXISTING CONDITIONS

DATE	SHEET
15 JUNE 2010	A-1.06
SCALE	
1/4" = 1'-0"	

Exhibit F – Existing Conditions Exterior Elevations



3 REAR ELEVATION
A-2.01
1/4" = 1'-0"



2 RIGHT ELEVATION
A-2.01
1/4" = 1'-0"



4 LEFT ELEVATION
A-2.01
1/4" = 1'-0"



1 FRONT ELEVATION
A-2.01
1/4" = 1'-0"

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ADDITION / REMODEL FOR
THE BRAINARD FAMILY
LOT 428 - BLOCK 54

311 ONTARIO AVENUE
PARK CITY, UTAH

summitdesign
architecture

p.o. box 681302 park city, utah 84068
435.649.2055

EXISTING CONDITIONS

EXISTING
EXTERIOR ELEVATIONS

DATE
5 MARCH 2010

SHEET

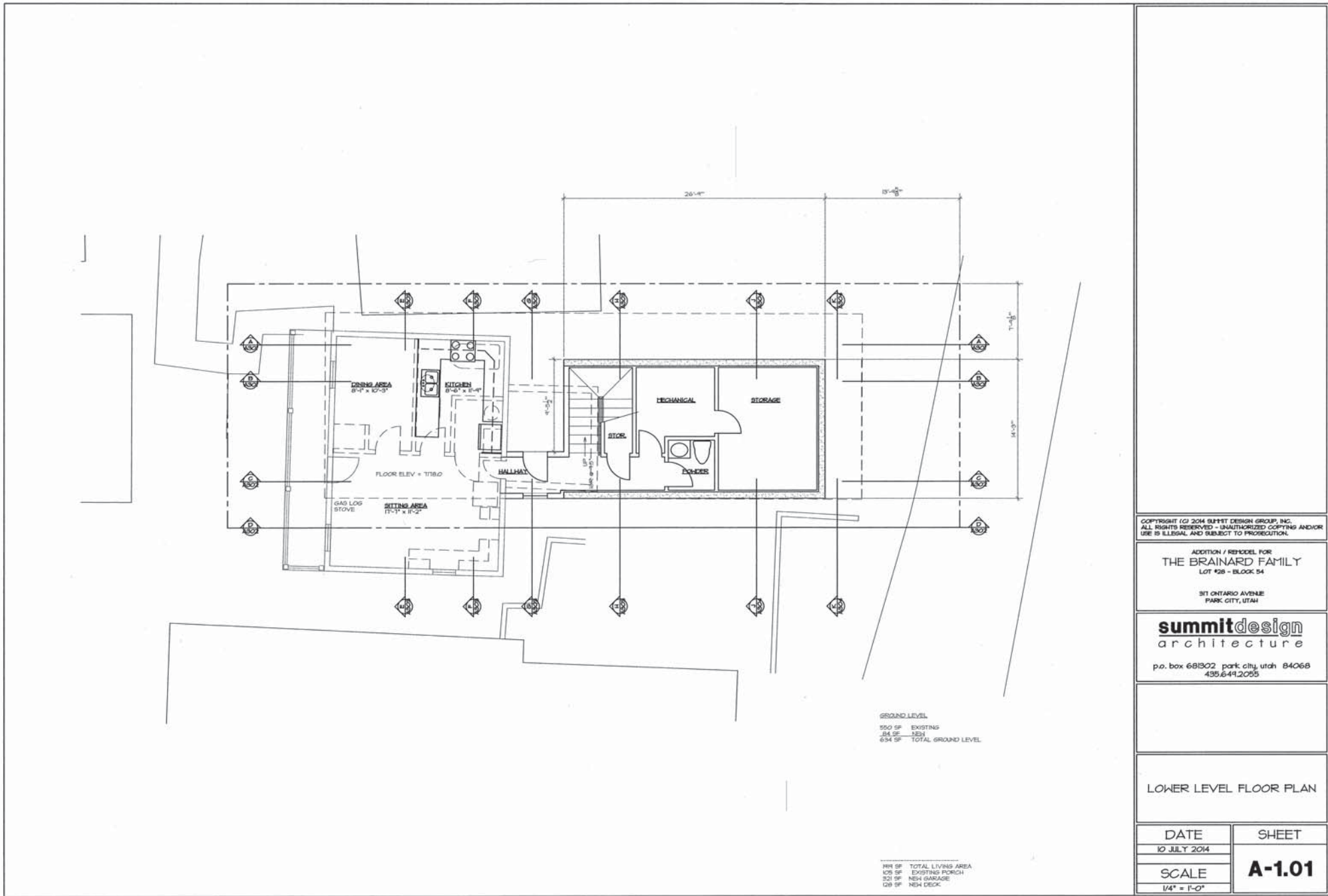
SCALE
1/4" = 1'-0"

A-2.01
EXISTING

Exhibit G – Photographic Streetscape



Exhibit H – Lower Level Floor Plan



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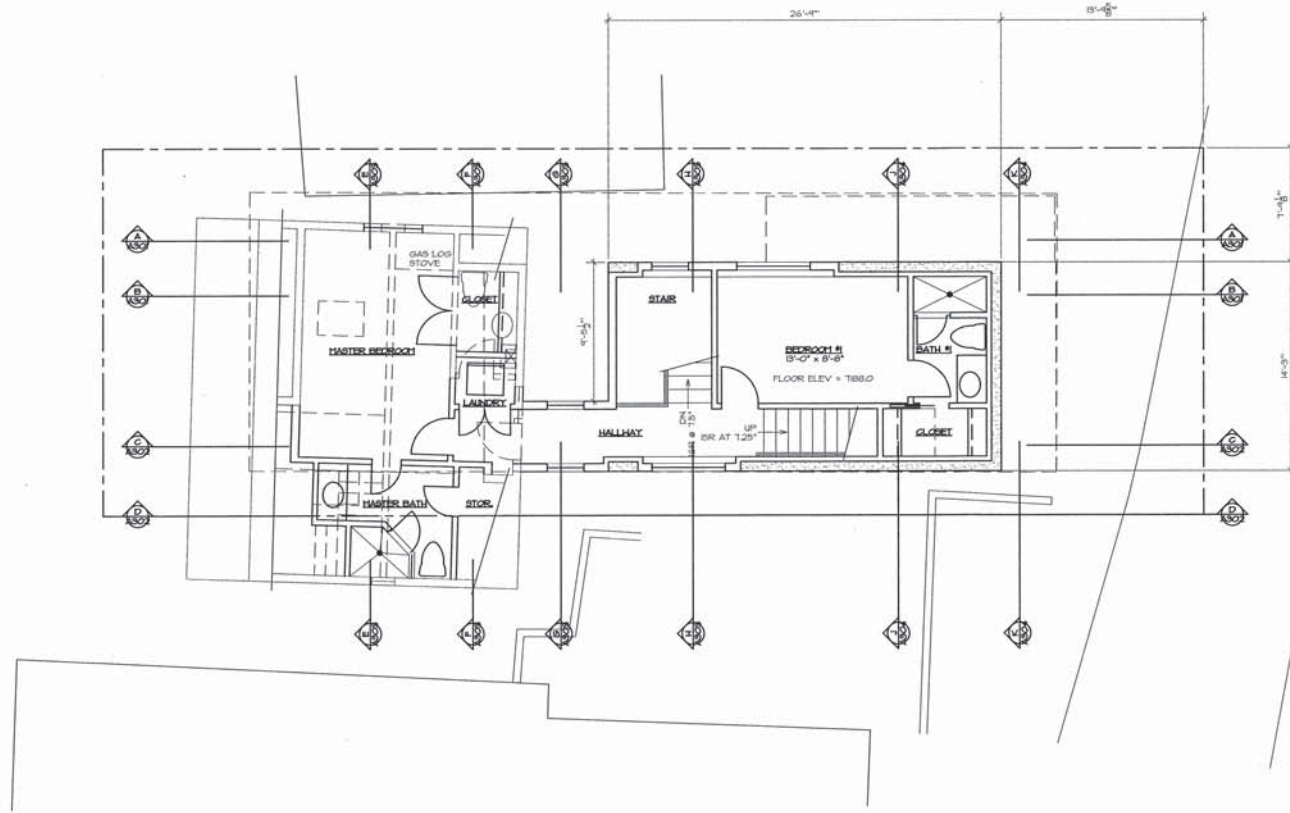
ADDITION / REMODEL FOR
THE BRAINARD FAMILY
 LOT #28 - BLOCK 54
 311 ONTARIO AVENUE
 PARK CITY, UTAH

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 architecture
 p.o. box 681302 park city, utah 84068
 435.644.2055

LOWER LEVEL FLOOR PLAN

DATE	SHEET
10 JULY 2014	A-1.01
SCALE	
1/4" = 1'-0"	

Exhibit H – Mid-Level Floor Plan



SECOND LEVEL
 342 SF EXISTING
 405 SF NEW
 747 SF TOTAL SECOND LEVEL

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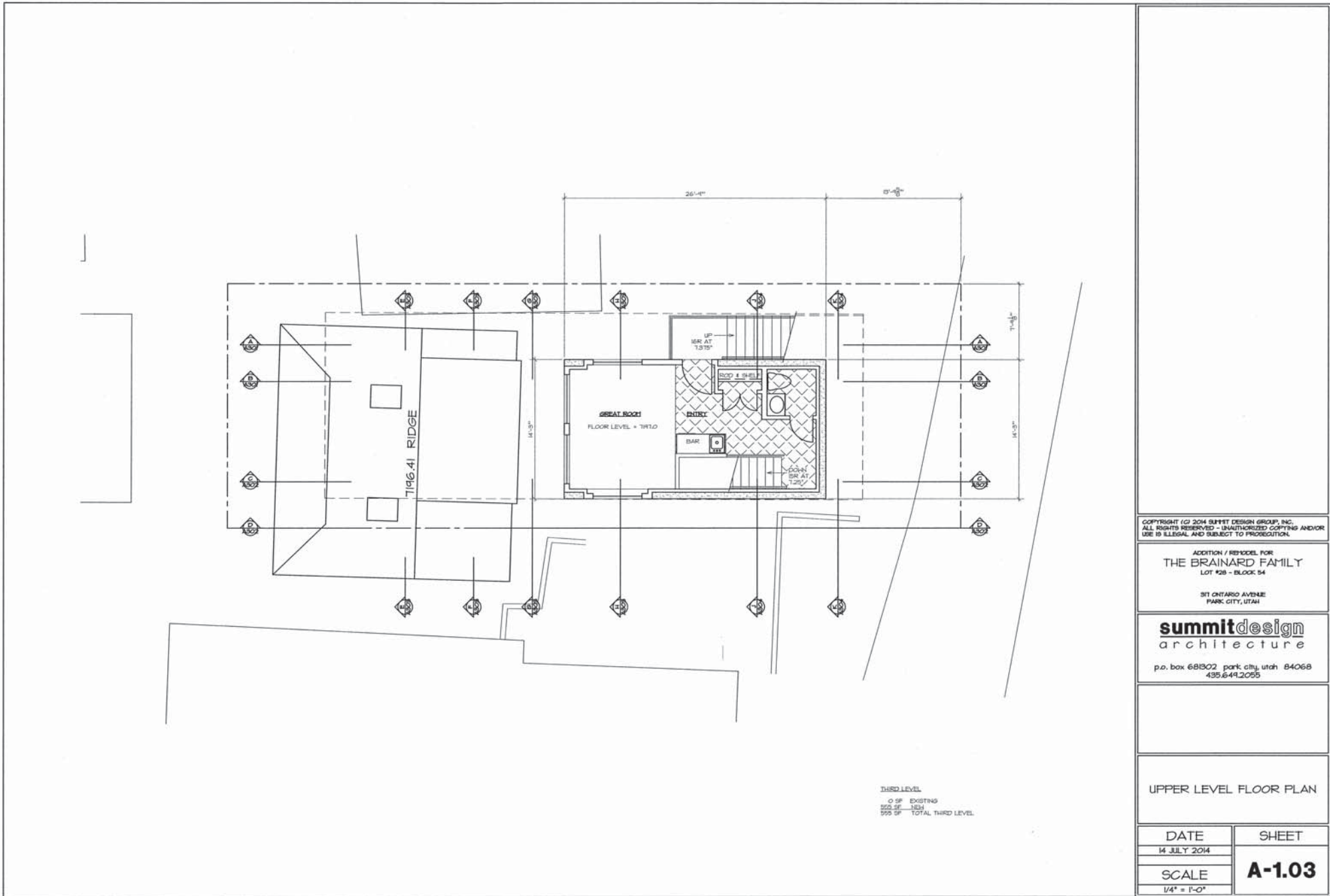
ADDITION / REMODEL FOR
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 LOT #28 - BLOCK 54
 311 ONTARIO AVENUE
 PARK CITY, UTAH

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 435.641.2055

MID LEVEL FLOOR PLAN

DATE	SHEET
10 JULY 2014	A-1.02
SCALE	
1/4" = 1'-0"	

Exhibit H – Upper Level Floor Plan



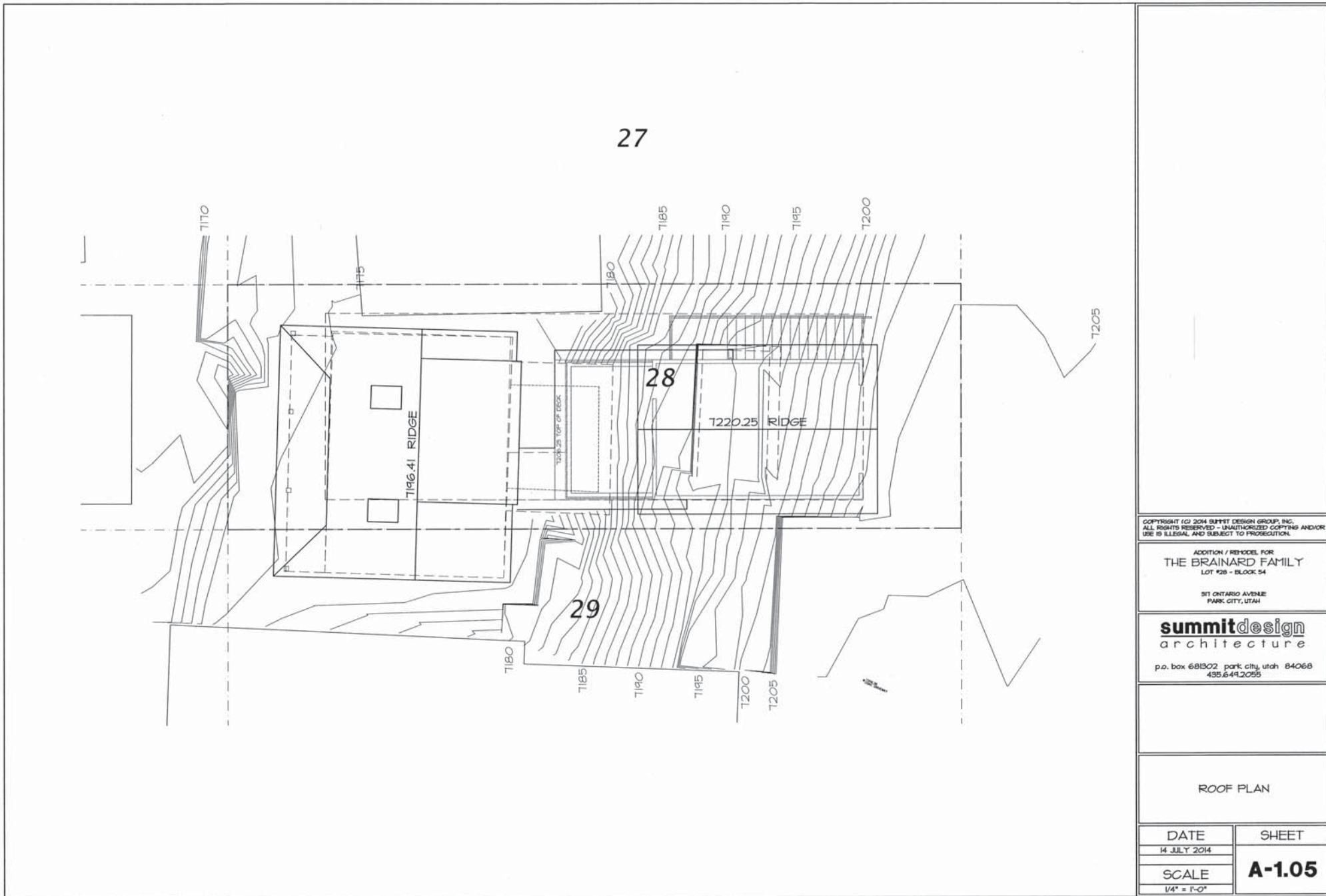
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 LOT #28 - BLOCK 54
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UPPER LEVEL FLOOR PLAN

DATE	SHEET
14 JULY 2014	A-1.03
SCALE	
1/4" = 1'-0"	



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ADDITION / REMODEL FOR
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LOT #28 - BLOCK 54

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PARK CITY, UTAH

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435.649.2055

ROOF PLAN

DATE 14 JULY 2014	SHEET A-1.05
SCALE 1/4" = 1'-0"	

Exhibit J – Exterior Elevations

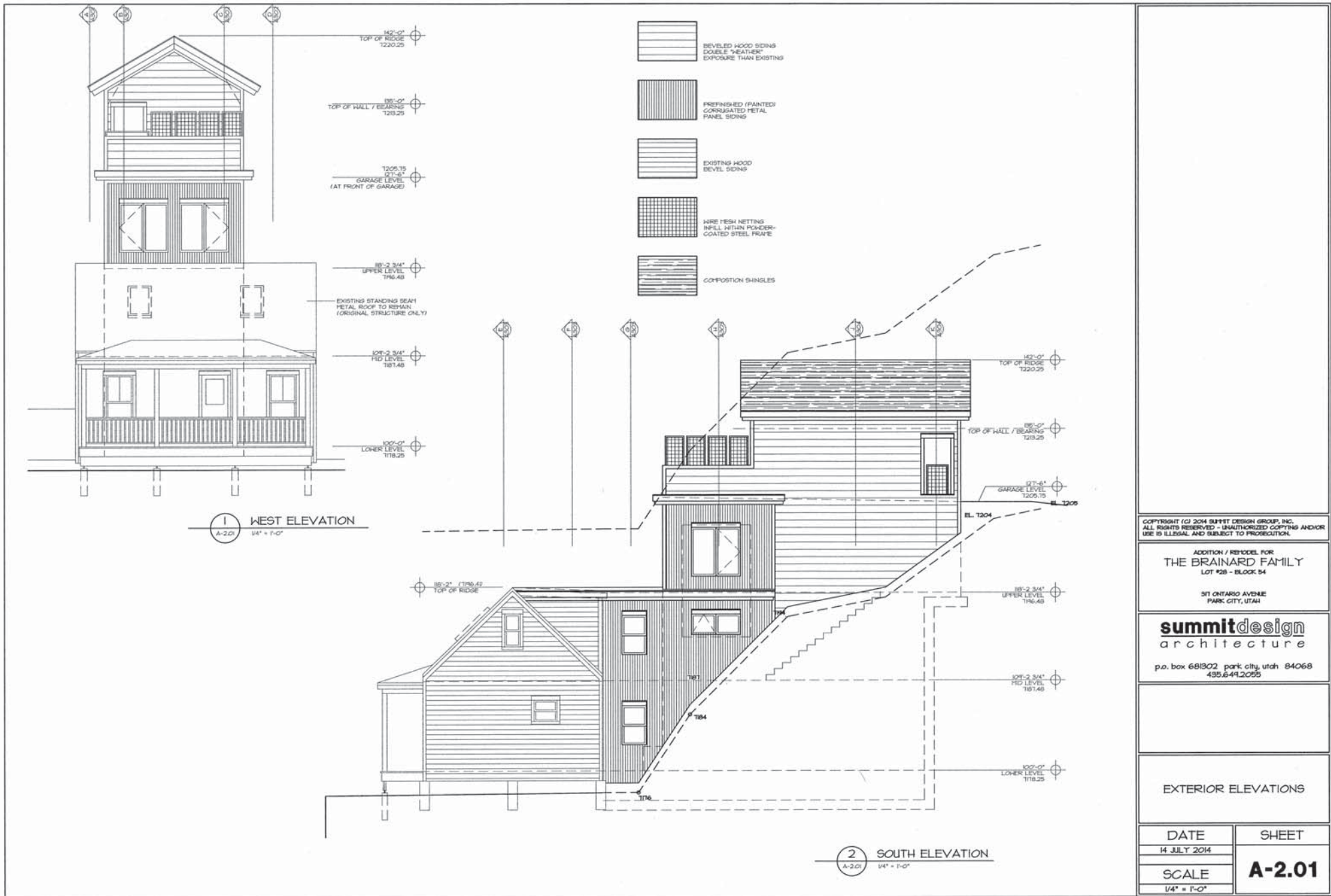
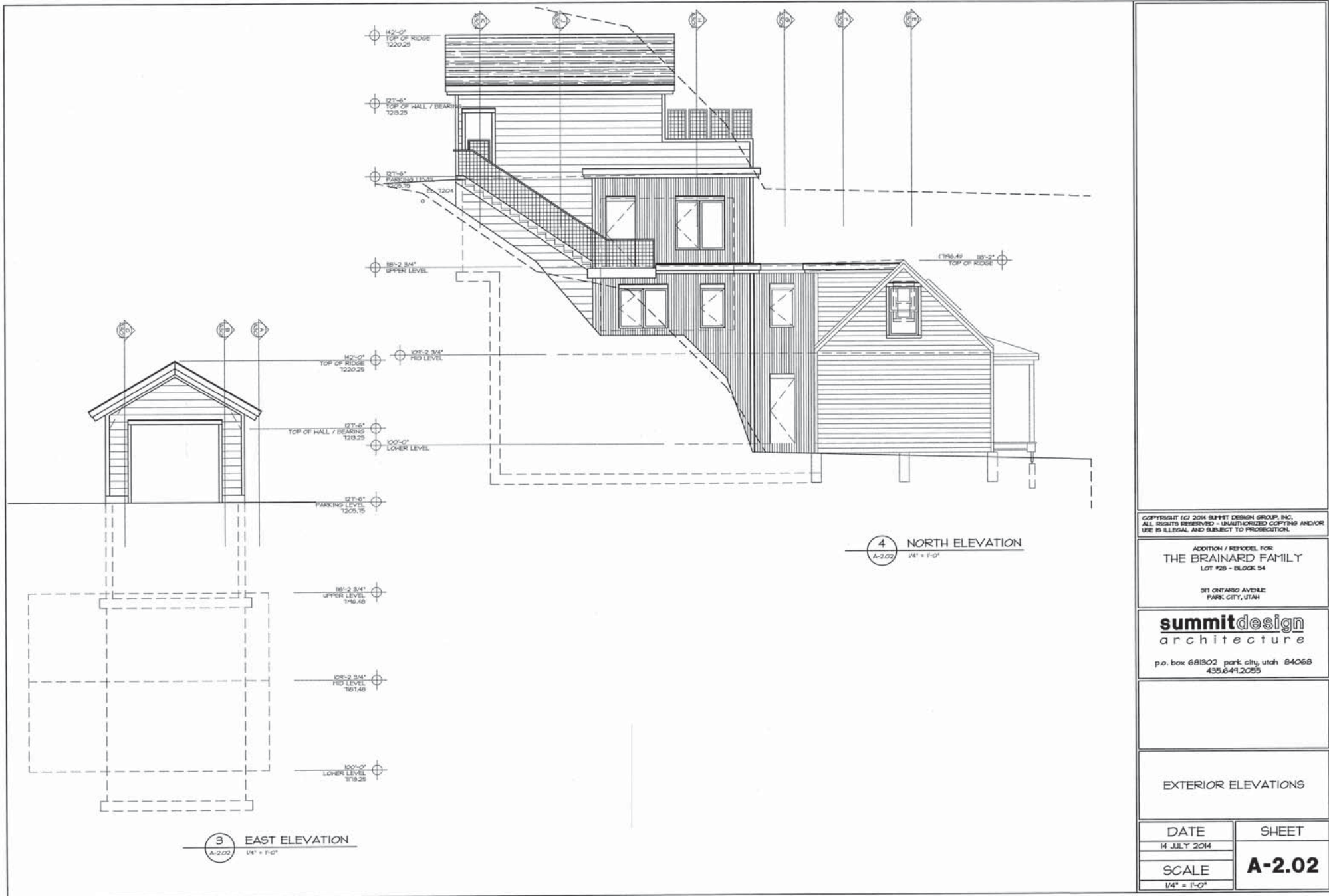


Exhibit J – Exterior Elevations



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ADDITION / REMODEL FOR
THE BRAINARD FAMILY
LOT #28 - BLOCK 54

371 ONTARIO AVENUE
PARK CITY, UTAH

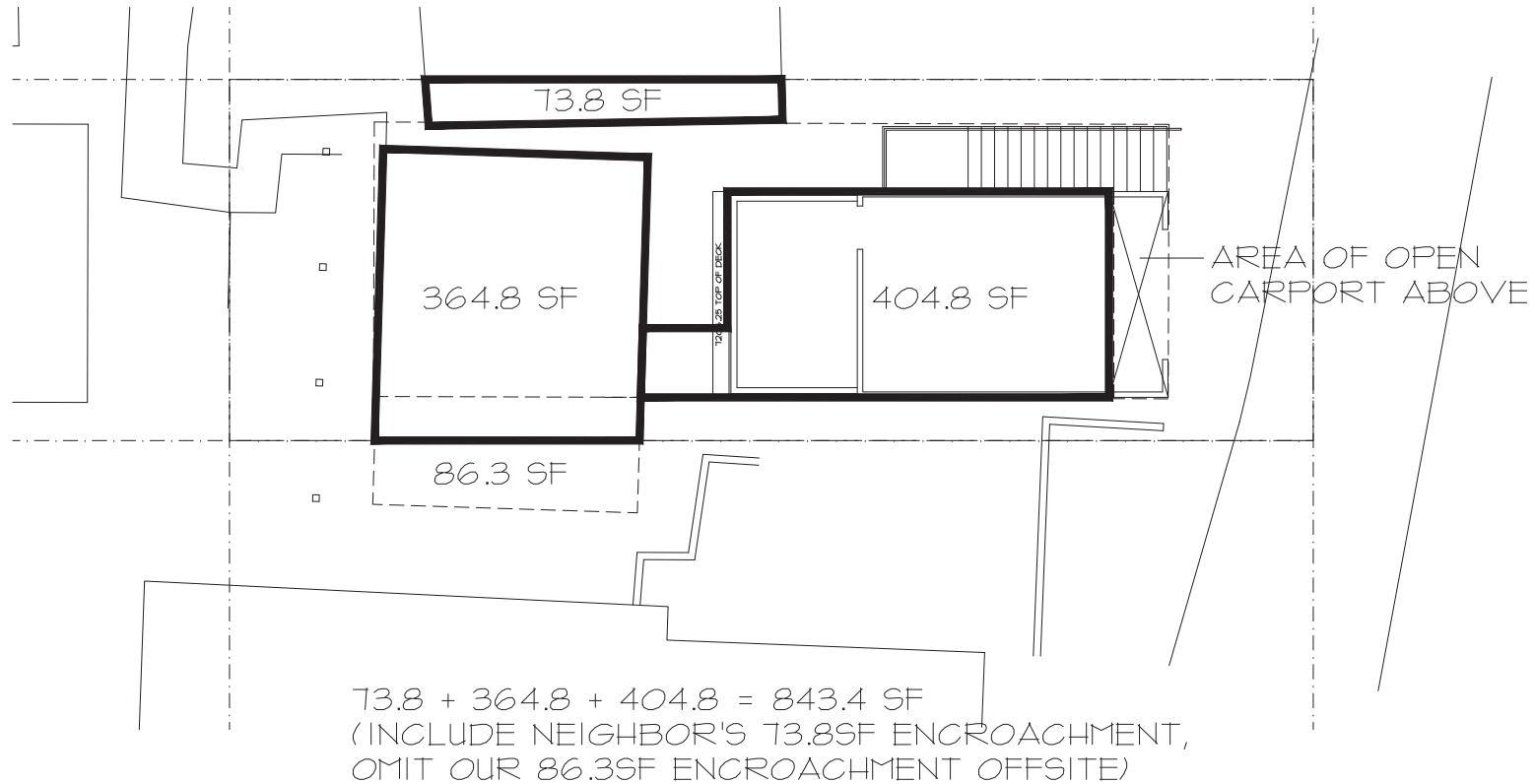
summitdesign
architecture

p.o. box 681302 park city, utah 84068
435.644.2055

EXTERIOR ELEVATIONS

DATE	SHEET
14 JULY 2014	A-2.02
SCALE	
1/4" = 1'-0"	

Exhibit K – Footprint Analysis



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ADDITION / REMODEL FOR
THE BRAINARD FAMILY
 LOT #28 - BLOCK 54
 311 ONTARIO AVENUE
 PARK CITY, UTAH

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 p.o. box 681302 park city, utah 84068
 435.649.2055

DATE	SHEET
SCALE	

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: The Parkite Commercial
Condominiums
Author: Kirsten A Whetstone, MS, AICP
Date: August 13, 2014
Type of Item: Administrative – Condominium Plat
Project Number: PL-14-02302

Summary Recommendations

Staff recommends Planning Commission hold a public hearing for The Parkite Commercial Condominiums record of survey plat for commercial condominium units, commercial convertible space, and common area located at 333 Main Street (aka the Main Street Mall) and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft Ordinance.

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

Topic

Applicant: AG-WIP 333 Main Street Owner, LLC
Location: 333 Main Street (aka Main Street Mall)
Zoning: Historic Commercial Business (HCB) and Historic Residential 2 (HR-2)
Adjacent Land Uses: Main Street retail, offices and residential; Park Avenue residential
Reason for Review: Condominium plats require Planning Commission review and recommendation to City Council with final action by the City Council.

Proposal

The applicant requests a condominium record of survey plat for the purpose of platting commercial condominium units, convertible space, and common area on the lower and first floors of the old Main Street Mall building (Exhibit A) located at 333 Main Street. The plat is consistent with the approved Historic District Design Review. Residential condominium units within the building are also being platted with a concurrently submitted Parkite Residential Condominiums record of survey plat application that was recently approved by City Council on July 10, 2014.

Background

The property is located between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11 of the Amended Park City Survey. The property was combined into

one lot of record on March 26, 2009 with the 333 Main Street Subdivision plat. An extension was granted on March 8, 2010 and the plat was recorded at Summit County on April 12, 2011 (Exhibit B). The building is owned by a single entity and is currently being remodeled with an active building permit.

Constructed across the zone boundary between the Historic Commercial Business (HCB) on the Main Street side and Historic Residential Two (HR2) on the Park Avenue side, the building contained allowed uses, such as retail, restaurants, offices, within the HCB zone and legal non-conforming uses, such as office and retail within the HR2 zone portion. Residential uses currently under construction within the HCB zone are allowed uses. Residential uses currently under construction within the HR2 zone are permitted per the Board of Adjustment approval on June 18, 2013, as legal non-conforming uses. Commercial uses within the HCB zone are allowed uses and commercial uses within the HR2 zone are existing non-conforming uses within the HR2 zone. The building includes a total of 29,363 sf of commercial space located on the Lower Level and Level One.

Included with the 333 Main Street Subdivision plat were five (5) easements for emergency and pedestrian access, utilities, services, and parking as described in the title report and land title of survey for 333 Main Street. These easements and all conditions of the one lot plat amendment continue to apply to this condominium record of survey plat and will be noted on the plat prior to recordation. The Parkite Residential Condominium plat reflected amendments to the north tunnel, including amended easements, to accommodate use of the tunnel for access to the lower level parking garage for residential units only.

On February 27, 2009, a Historic District Design Review was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the revised 2009 Design Guidelines for Historic Districts and Sites and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 action letter, clarifying that the north and south tunnels provide access to the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.

On August 11, 2011, the City Council approved an application for a condominium plat to create 2 (two) condominium units (Unit A and Unit B) and convertible space within the existing space of the Main Street Mall building in conformance with the approved Historic District Design Review. The plat provided two separate ownership units that would allow the proposed Main Street Mall renovation and financing to occur in separate phases. A one year extension of the approval was approved by Council on September 20, 2012. The plat was not recorded by August 11, 2013 and it expired. Construction has moved forward with the building in single ownership.

On April 1, 2014, an application was submitted for a condominium record of survey plat for one commercial unit and commercial convertible space consistent with the May 2, 2011, HDDR and the June 18, 2013, Board of Adjustment approval of a change of non-conforming use application. The application was deemed complete on April 25, 2014.

The application was revised by the owners on June 5, 2014 to identify two commercial units and additional commercial convertible space also consistent with the HDDR approval. Originally noticed for a June 11, 2014, Planning Commission meeting, Staff recommended a continuation until July 9th. On July 9, 2014, Staff recommended the Planning Commission continue the item until August 13th to allow the applicant to resolve an ADA access issue for the lower level commercial space. Staff has re-noticed this item given this series of delays. The Council hearing is scheduled for September 18, 2014.

Analysis

	CODE REQUIREMENT	EXISTING
FRONT SETBACKS	0' in HCB and 10' in HR-2	Varies, 4' to 23' in HCB <u>Complies</u> and 15' in HR-2- <u>Complies.</u>
SIDE SETBACKS	0' in HCB and this Lot width in HR-2 (100' width). LMC requires 10' minimum and 30' total side setbacks.	0' in HCB- <u>Complies</u> 0'- 2.22' (north) and 0.2 -0.7' (south) in HR-2 (total = 0.2' – 2.92')- <u>valid Complying Structure</u>
REAR SETBACKS	0' in HCB and 10' in HR-2 for single family	There is no rear property line because the center property line was removed with the plat amendment and the lot has frontage on Park Ave and Main Street (2 front setbacks no rear setbacks).
HEIGHT	30' at property line on Main following a 45 degree angle to a maximum height of 45' in HCB. 27' in HR2	30' at property line on Main follows 45 degree angle to maximum height of 45' in HCB. 27' from existing grade in HR2. <u>Complies.</u>
MINIMUM LOT SIZE	1,250 sf in HCB 1,875 sf in HR-2 for SF and 3,750 sf for duplex	33,709 sf* <u>-Complies.</u>
MINIMUM LOT WIDTH	25'	224.73'* <u>-Complies.</u>
FLOOR AREA RATIO	4.0 (67,420 sf) within HCB only based on 16,854 lot area within HCB (parking and driveways are not included in the FAR calculations). There is no FAR for the HR2 zone.	FAR in the HCB portion is 2.89 based on HCB gross floor area of 48,755 sf. <u>Complies.</u>
PARKING	Special Improvement District assessed and fully paid for 1.5 FAR (retail/commercial uses on main/lower floors). Third story (now residential)	56 spaces per 1986 Parking Agreement (paid in-lieu) plus Special Improvement District for 1.5 FAR, plus 15 on-site, and 10 private spaces off of

	fully paid with 1986 Parking Agreement for 56 spaces.	Swede Alley. <u>Complies</u>
--	---	--

*Actual surveyed square footage and lot width, based on the actual survey and monumentation.

This record of survey plat includes two commercial units on the lower level; (C-1) a 8,138 sf unit and (C-2) a 5,733 sf unit. The remaining commercial area is platted as convertible commercial area (15,492 sf) and common area on Level One. Convertible space is area that could be re-platted into separate commercial condominium units in the future in order to sell individual commercial units. It is considered a Unit until such conversion takes place or if the time to convert expires. The property owner intends to maintain ownership of the convertible space at this time.

To resolve ADA access to Unit C-1 on the lower level, an elevator is proposed, as well as a corridor on the lower level connecting the elevator to Unit C-1 (see Exhibit A sheet 2). This area is designated as limited common ownership appurtenant to Unit C-1 with easement rights only. The area is part of the residential common area on the lower level. Following recordation of the residential plat the residential HOA will grant an easement to the commercial HOA over this space (elevator and walkway) for the benefit of the commercial units consistent with the limited common ownership designation on the commercial plat.

There will be a similar easement from the residential HOA to the commercial HOA for use of the south tunnel for access to Swede Alley for the commercial units. These easement rights will be included on the final commercial plat prior to recordation of said plat and will be limited common area for the benefit of the commercial units to be further described in the easement agreements.

Common area for the terrace along Main Street is platted for the commercial units to be maintained by the commercial HOA. The central portion of the lower level is platted on The Parkite Residential Condominiums plat as residential common area for the parking garage. On the first level, at the south end of the building the commercial space extends to the rear wall and is below grade with no access to Park Avenue from any of the commercial spaces. At the northern portion of the building commercial space is located on the main level of the historic structures, with residential space located above and/or behind the commercial space. All of the storefront properties have access on to Main Street, are subject to the vertical zoning ordinance, and have no access onto Park Avenue. The vertical zoning ordinance is described in the HCB chapter of the LMC (Section 15-2.6-2 Uses), as well as in Chapter 15- Definitions (Storefront) and states that storefront area (e.g. individual unit/spaces within 50' of the public sidewalk on Main Street and not more than eight feet (8') above or below the level of Main Street) have various use restrictions (e.g. residential and office uses are not permitted).

This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was also assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for the lower floors). All required parking can be accommodated with the existing parking in China Bridge per

the Parking Agreement. The owner also retains a parking easement for ten spaces off of Swede Alley and proposes an underground parking structure with approximately 15 spaces, with access from Swede Alley via the north tunnel. The underground parking is intended to be exclusively for the residential owners and is platted on the residential plat as residential common area.

The property is encumbered with a lease agreement to provide a garage for the property at 364 Park Avenue. This lease agreement is identified on the subdivision plat because of the 99-year duration (approximately 50 years remaining). This separate garage within the Main Street Mall building has access to Park Avenue. The lease agreement addresses relocation of this garage in the event of construction/remodel of the building. This garage is identified on the residential condominium plat, as Unit 1G (559 sf), a privately owned parking garage "unit".

Loading and services for the commercial uses will be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress. Commercial uses are retail uses.

Staff finds that the condominium plat, as conditioned, will not cause undo harm to adjacent property owners because 1) the proposed plat meets the requirements of the Land Management Code (excepting the existing non-complying side setback in the HR2 zone) and 2) the plat is consistent with the approved HDDR and the active building permit that was reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits. The plat also memorializes required access, parking, and utility easements and is consistent with the recorded one lot subdivision plat that removed the underlying property lines.

Good Cause

Staff finds good cause for this condominium plat as it plats commercial condominium units consistent with the HDDR and the non-conforming use change application and allows for individual ownership of commercial space on Main Street. The condominium plat is consistent with the State condominium act, complies with the Land Management Code and is consistent with the approved Historic District Design Review that provided for improved architectural design, building energy efficiency, and a positive visual and vital impact on Main Street.

Department Review

This project was reviewed by the Development Review Committee on April 22, 2014. Issues raised have been addressed with conditions of approval and revisions to the submitted plat.

Notice

On May 28, 2014, the property was posted and notice was mailed to property owners within 300 feet. The property was re-posted on July 30, 2014. Legal notice was published in the Park Record on May 28 and July 26, 2014.

Public Input

Staff has not received any public input regarding the proposed plat at the time of this report or at the time of any of the prior public hearings and continuations.

Future Process

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

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the condominium plat as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to City Council to deny the condominium plat and direct staff to make Findings for this decision, or
- The Planning Commission may continue discussion on the plat and provide direction to staff and the applicant regarding any additional information, findings, or conditions necessary to take final action on the requested application.
- There is not a “no-action” alternative for administrative plat amendments.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The entire building would continue to be owned by one entity and the commercial space could not be sold separately.

Recommendation

Staff recommends Planning Commission hold a public hearing for The Parkite Commercial Condominiums record of survey plat for commercial condominium units, commercial convertible space, and common area located at 333 Main Street (aka the Main Street Mall) and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft Ordinance.

Exhibits

Exhibit A- Proposed condominium plat

Exhibit B- Recorded 333 Main Street one lot plat amendment

Exhibit C- Residential Condominium plat

Ordinance No. 14-

AN ORDINANCE APPROVING THE PARKITE COMMERCIAL CONDOMINIUMS RECORD OF SURVEY PLAT, LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.

WHEREAS, owners of the property known as 333 Main Street (aka the Main Street Mall), Lot A of the 333 Main Street plat amendment, have petitioned the City Council for approval of a condominium plat for commercial condominium units and associated commercial common area.

WHEREAS, the property was properly noticed and posted on May 28, 2014 and July 30, 2014, according to requirements of the Land Management Code; and

WHEREAS, courtesy notice letters were sent to all affected property owners on May 28, 2014; and

WHEREAS, the Planning Commission held a public hearing on June 11, 2014, to receive input on the condominium plat; and

WHEREAS, the Planning Commission, on June 11, 2014, continued the item to the July 9, 2014 Planning Commission meeting; and

WHEREAS, the Planning Commission, on July 9, 2014, held a public hearing and continued the item to August 13, 2014 to allow the applicant time to resolve an ADA access issue for the lower level commercial space; and

WHEREAS, the Planning Commission held a public hearing on August 13, 2014, to receive input on the condominium plat and forwarded a recommendation to the City Council; and

WHEREAS, on September 18, 2014, the City Council held a public hearing on The Parkite Commercial Condominiums plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve The Parkite Commercial Condominiums record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lot A of the 333 Main Street plat amendment that combined lots 7-15 and 18-26, Block 11, of the Amended Park City Survey. There is an existing four story commercial building on the property.

2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building known as the 333 Main Street Subdivision. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.
4. On April 1, 2014, an application was submitted for a condominium record of survey plat for one commercial unit and commercial convertible space for the entire building consistent with the May 2, 2011, HDDR and the June 18, 2013, Board of Adjustment approval of a change of non-conforming use applications. The application was deemed complete on April 25, 2014. The application was revised by the owners on June 5, 2014 to identify two commercial units and additional commercial convertible space also consistent with the HDDR and Board of Adjustment approval.
5. The building has a single entity as owner and is currently being remodeled with an active building permit.
6. *Commercial uses currently under construction within the HCB zone are allowed uses. Commercial uses within the HR2 portion are below the grade of Park Avenue and are existing non-conforming uses.*
7. *Residential condominium spaces within the building were platted with the concurrently submitted The Parkite Residential Condominiums record of survey plat application that was approved by the City Council on July 10, 2014.*
8. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited access to Park Avenue. The building was constructed with non-complying side yard setbacks of 0.2' to 2.92' total within the HR2 zone and total of 30' is required.
9. *Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owners are currently renovating and improving the building with an active building permit.*
10. *On February 27, 2009, a Historic District Design Review (HDDR) was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the current revised 2009 Design Guidelines for Historic Districts and Sites and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 HDDR action letter clarifying access to the building, to include language that the north and south tunnels provide access to the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.*
11. *The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on*

the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The private 559 sf garage space is platted as unit 1G on the residential condominium record of survey plat for this property.

- 12. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat.*
- 13. On June 27, 2011, the City received a complete application for a condominium plat to create commercial condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building and consistent with the May 2011, approved Historic District Design Review plans. The two unit plat was approved by Council however it was not recorded within a one year time period and it expired.*
- 14. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for commercial and retail on the main and lower floors).*
- 15. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront units are subject to the vertical zoning ordinance as described in LMC Chapter 15-26-2 Uses.*
- 16. Access is also contemplated via the existing north tunnel to a proposed underground parking garage with fifteen parking spaces for the residential condominium units only. The parking garage is located in the lowest level and is designated as common area for the residential uses.*
- 17. Loading and services for the commercial uses, which are retail uses, will be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress.*
- 18. An elevator will be constructed at the Main Street level to provide ADA access to Unit C-1 on the Lower Level. A walkway from the elevator to Unit C-1 will also be constructed. Easements for the elevator and walkway will be recorded prior to recordation of this plat to provide perpetual ADA access to Commercial Unit C-1, as well as access to the south tunnel. These easements will be recorded following recordation of The Parkite Residential Condominiums plat so that the Residential HOA is granting the easements.*
- 19. Easement agreements between the City and Property Owner regarding the south and north tunnels will need to be revised to address tunnel access, utilities, maintenance, etc., as required by the City Engineer.*

Conclusions of Law:

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

adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All new construction at this property shall comply with applicable building and fire codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, emergency access, etc. shall be addressed prior to building permit issuance.
5. Access easements for all required access to the south tunnel for commercial units and access from the Main Street level to Commercial Unit C-1, shall be recorded prior to plat recordation in order to provide perpetual ADA access to Commercial Unit C-1 from Main Street and to provide required access to the south tunnel. Recording information shall be provided on the plat prior to recordation.
6. Easement agreements between the City and the Property Owner regarding the south and north tunnels shall be reviewed and any required revisions to address tunnel access, utilities, maintenance, etc. shall be made. The amended agreements shall be recorded prior to or concurrent with the Commercial plat and recording information shall be provided on the plat.

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

PASSED AND ADOPTED this ___ day of ____, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A



SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I have caused to be made under my direction and by authority of the owner, this plat of THE PARKITE COMMERCIAL CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

PROPERTY DESCRIPTION

Lot A, 333 Main Street Plat Amendment, according to the official plat thereof of record in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

AG-WP 333 Main Street Owner, L.L.C., a Delaware limited liability company (Declarant), as the owner of the herein described tract of land, does hereby submit the same to the Utah Condominium Ownership Act, Utah Code Annotated, Title 57, Chapter 8, and set apart and subdivide the same into Units and Common Areas and Facilities as shown hereon, to be known as THE PARKITE COMMERCIAL CONDOMINIUMS, and does hereby grant and dedicate any easements depicted hereon.

In witness whereof, Declarant has executed this Owner's Dedication as of the ____ day of _____, 2014.

AG-WP 333 MAIN STREET OWNER, L.L.C.,
a Delaware limited liability company
By: _____
Name: _____
Its: _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss:
The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, the _____ of AG-WP 333 MAIN STREET OWNER, L.L.C., a Delaware limited liability company.

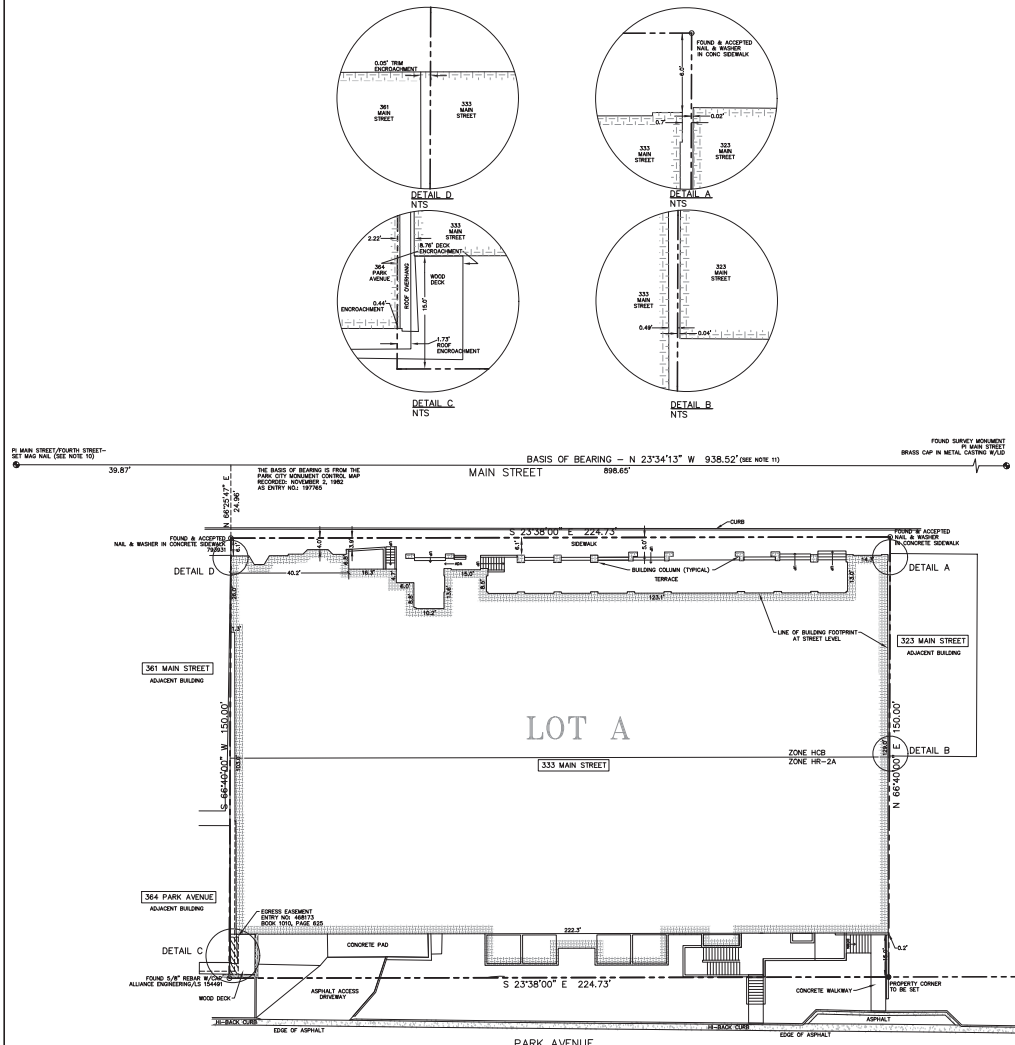
NOTARY PUBLIC _____

My Commission Expires: _____

Residing at: _____

NOTES

- This condominium Plat ("Plat") depicts the Parkite Commercial Condominiums project which encompasses a portion of the land (the "Property") and building situated at approximately 333 Main Street, Park City, Utah (collectively, the "Project"), which is created and governed by that certain Declaration of Condominium for The Parkite Commercial Condominiums, and subsequent amendments, if any, thereto (the "Declaration"). The Declaration sets forth the covenants, restrictions and conditions governing the Project as described in this Plat. The Project is also subject to that certain Master Declaration of Covenants, Easements, and Restrictions for 333 Main Street (the "Master Declaration"). Unless the context clearly indicates otherwise, all capitalized terms as used on this Plat shall have the meanings set forth in the Declaration or the Master Declaration.
- The Units are served by a common private lateral wastewater line. The 333 Main Street Condominiums Master Owners Association, Inc., a Utah non-profit corporation (the "Master Association"), shall be responsible for ownership, operation, and maintenance of all common private lateral wastewater lines.
- Pursuant to the Declaration, the Parkite Commercial Condominiums Owners Association, Inc., a Utah non-profit corporation (the "Association") is responsible for maintaining certain portions of the Project, including but not limited to the Common Areas and Facilities, and the Association shall have a perpetual non-exclusive easement over the Project for such maintenance purposes as further described in the Declaration.
- Pursuant to the Master Declaration, the Master Association is responsible for maintaining certain elements of the Project, and shall have a perpetual non-exclusive easement over the Property for such maintenance purposes as further described in the Master Declaration and the Declaration.
- All Common Areas and Facilities are dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBWRD), and the Park City Fire Protection District, Summit County for the purpose of providing access to utility and drainage installation, use, maintenance, and essential replacement.
- The locations, dimensions and boundaries of the Units and square footage calculations are based solely on drawing supplied by Elliott Workgroup. The square footage calculations shown on this Plat are calculated in accordance with the Utah Condominium Ownership Act (the "Act") and the Declaration. Such calculations typically differ somewhat from the square footage determined by the architect or others using different methods of determining unit size. It is intended that the size and boundaries of the Units shall be as constructed. Therefore, no as-built measurements were taken.
- All utilities within the Project shall be underground. Notwithstanding Declarant's grant of blank utility easements, Declarant reserves the right to record one or more instruments which narrow and limit such grant of utility easement to the normal easement width of the utility in those certain elements within the Project which actually contain the utility facilities as described in such instrument and for the purposes described herein. Such reserved right is subject to utility companies' rights then located under the real property depicted on this Plat.
- The Property as depicted on this Plat is subject to the Developmental Rights as described in the Declaration, and Declarant shall have the right to exercise any Developmental Rights provided for in the Declaration, including, without limitation, the Option to Convert Space, the Option to Expand, the reservation and granting of certain easements, reducing or restoring improvements within the Project, adding additional recreational and service facilities and making such other developmental decisions and changes as Declarant shall determine in its sole and exclusive discretion.
- In the event of any conflict between the provisions in any of the above notes and the terms of the Declaration, the Declaration shall control.
- The survey monument at Fourth Street and Main Street shown on the Park City Monument Control Map, recorded November 2, 1982, as Entry No. 197765 was destroyed. A new nail was set at its original location based on survey information obtained from previous surveys.
- The basis of bearing as shown this survey is the platted traverse between the survey monuments indicated. There is a bearing change at Main Street and Third Street. Refer to the Park City Monument Control Map, recorded November 2, 1982, as Entry No. 197765.



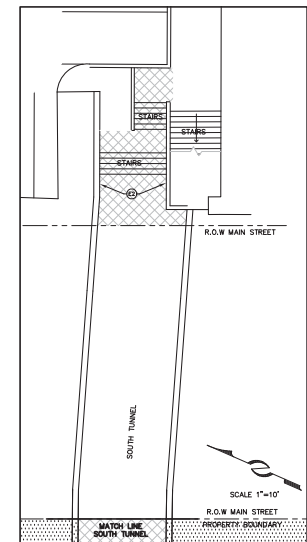
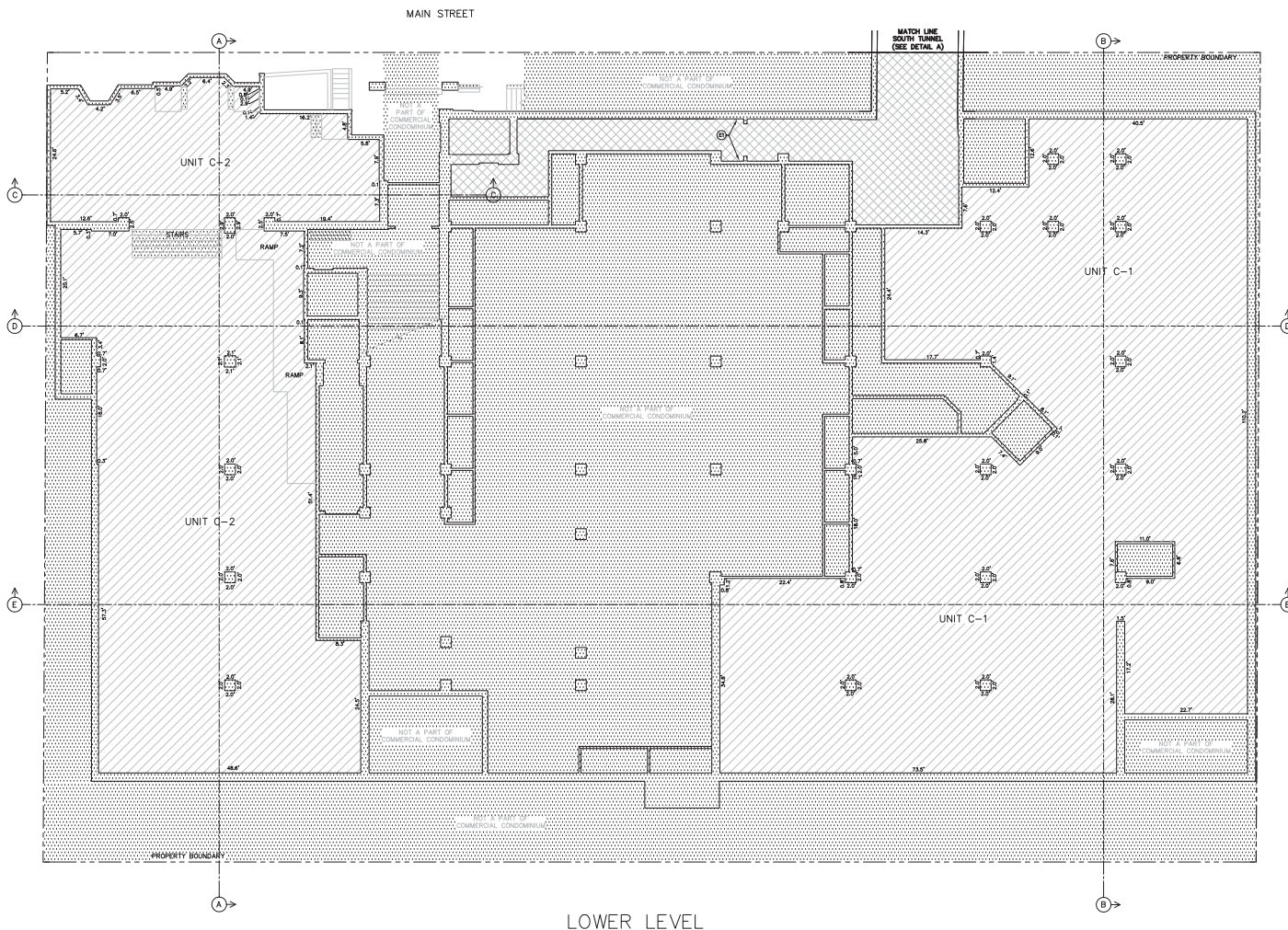
CONDOMINIUM PLAT FOR THE PARKITE COMMERCIAL CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT

LOCATED IN BLOCK 11, PARK CITY SURVEY AND ALSO THE SOUTHEAST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 5

<p>(435) 648-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 333 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2014 BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014 BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2014 BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 BY _____ MAYOR</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____</p>
	<p>8/5/14 JOB NO.: 8-3-13 FILE: X:\ParkCitySurvey\dwg\en\plat2013\080313-commercial.dwg</p>						



DETAIL A

OWNERSHIP DESIGNATIONS	
	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP APPURTENANT TO UNIT C-1 (EASEMENT RIGHTS ONLY)
	NOT A PART OF COMMERCIAL CONDOMINIUM

THE PARKITE COMMERCIAL CONDOMINIUMS

SHEET 2 OF 5

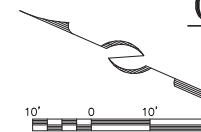
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8/7/14
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____

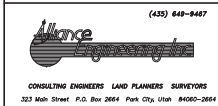
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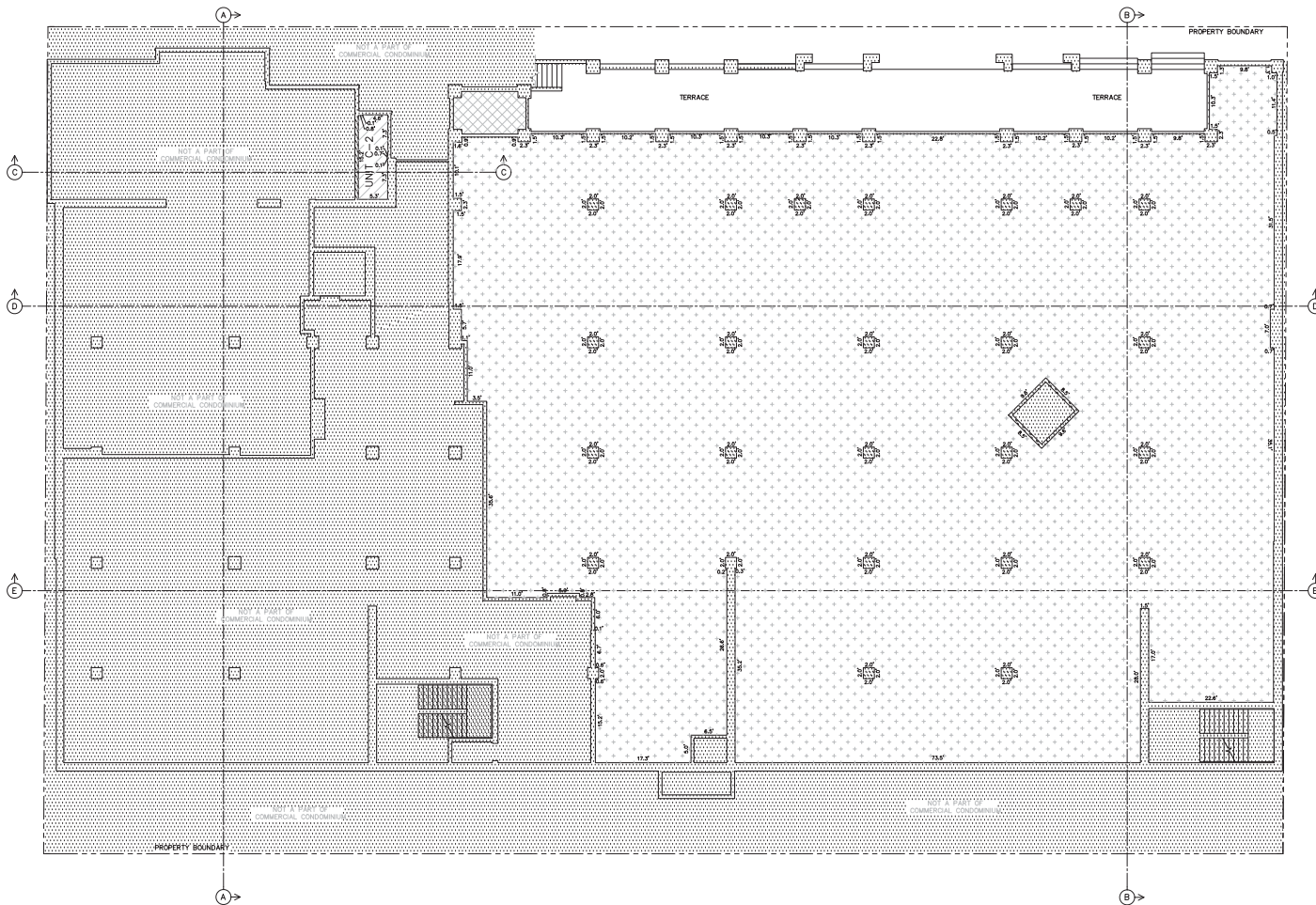


LOWER LEVEL

① ACCESS AGREEMENT
GRANTOR: _____
GRANTEE: _____
ENTRY NO.: _____
BOOK: _____ PAGE: _____

② ACCESS AGREEMENT
GRANTOR: _____
GRANTEE: _____
ENTRY NO.: _____
BOOK: _____ PAGE: _____





LEVEL 1

UNIT AREA TABLE

UNIT	PRIVATE OWNERSHIP AREA
UNIT C-1	8,138 SQ FT
UNIT C-2	5,733 SQ FT
COMMERCIAL	15,492 SQ FT

OWNERSHIP DESIGNATIONS

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	CONVERTIBLE SPACE/ PRIVATE OWNERSHIP
	LIMITED COMMON OWNERSHIP APPURTENANT TO UNIT C-1 (EASEMENT RIGHTS ONLY)
	NOT A PART OF COMMERCIAL CONDOMINIUM

PARKITE COMMERCIAL CONDOMINIUMS

SHEET 3 OF 5

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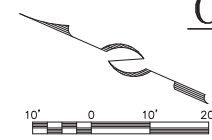
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____

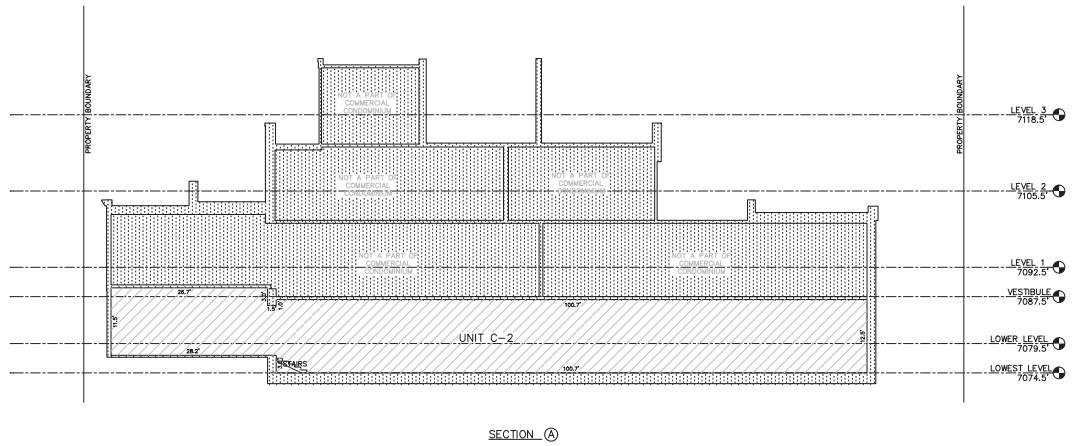
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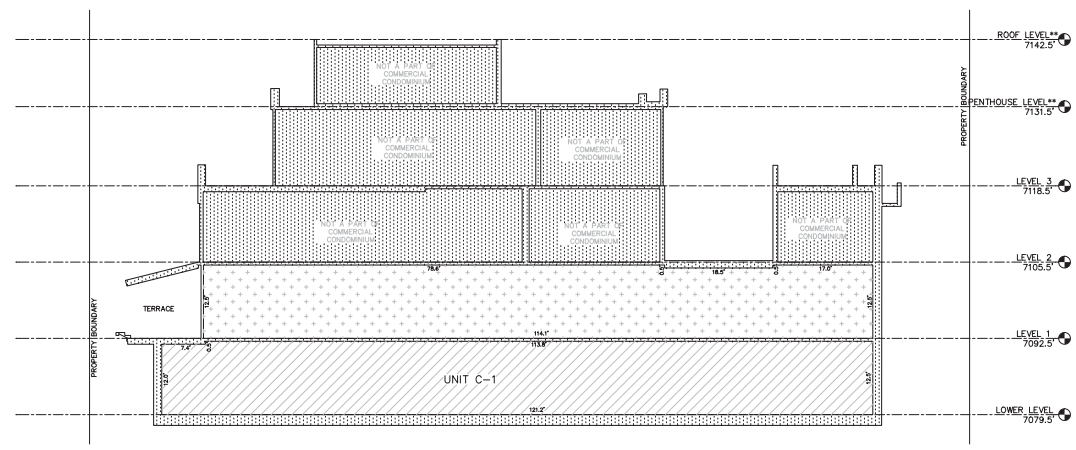
(435) 649-9487

Allure
Engineering

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664



SECTION A



SECTION B

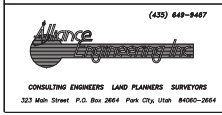
OWNERSHIP DESIGNATIONS

	PRIVATE OWNERSHIP
	CONVERTIBLE SPACE/ PRIVATE OWNERSHIP
	COMMON OWNERSHIP

NOT A PART OF
COMMERCIAL CONDOMINIUM

PARKITE COMMERCIAL CONDOMINIUMS

SHEET 4 OF 5



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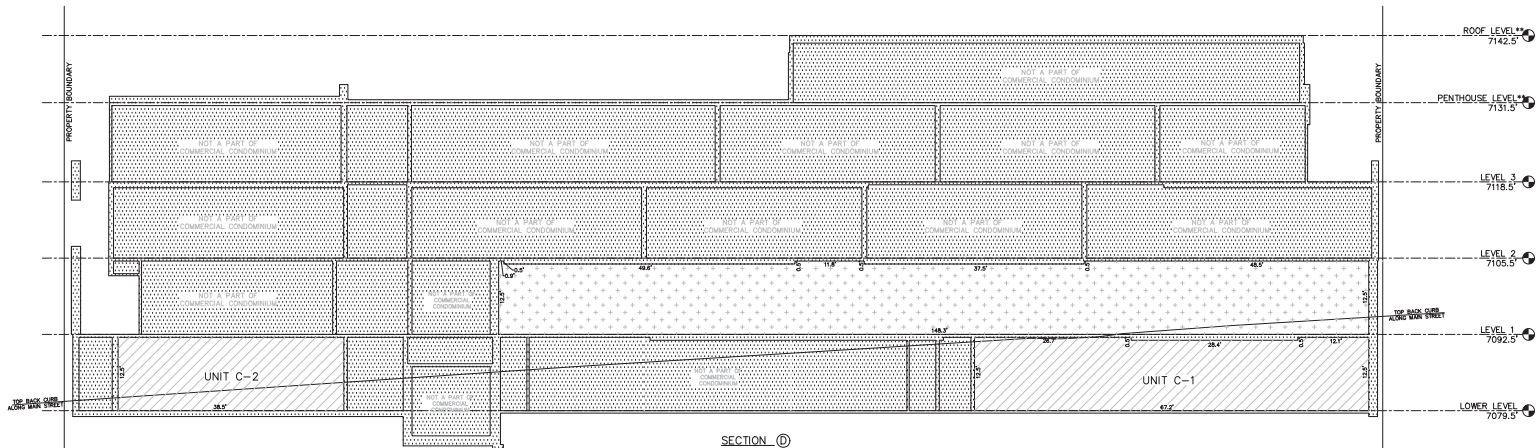
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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

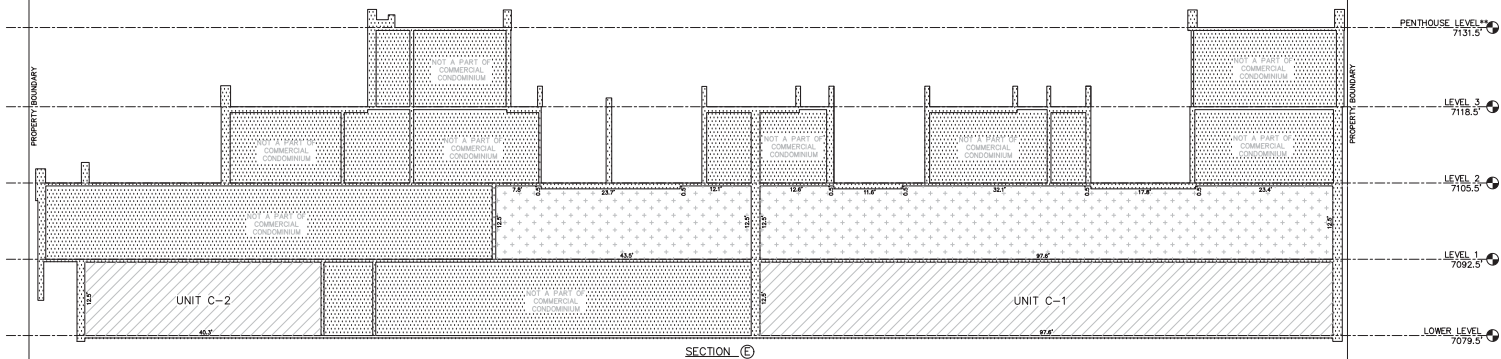
AT THE REQUEST OF _____

DATE _____ TIME _____

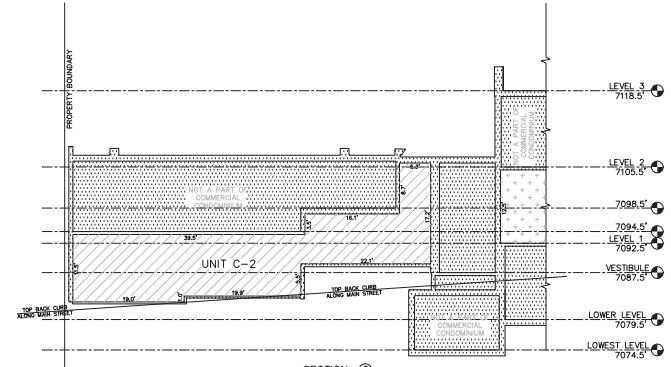
ENTRY NO. _____ FEE _____ RECORDER _____



SECTION ①



SECTION ②



SECTION ③

OWNERSHIP DESIGNATIONS

- PRIVATE OWNERSHIP
- CONVERTIBLE SPACE/
PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- NOT A PART OF
COMMERCIAL CONDOMINIUM



PARKITE COMMERCIAL CONDOMINIUMS

SHEET 5 OF 5

JOB NO.: 8-3-13 FILE: X:\ParkCitySurvey\dwg\ar\plat2013\080313-commercial.dwg
5/26/14

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____
ENTRY NO. _____ FEE _____ RECORDER _____

(435) 648-9487

Allave
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street, P.O. Box 2664 Park City, Utah 84060-2664



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Parcel Combination plat of the 333 MAIN STREET PLAT AMENDMENT, and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information shown hereon is correct.

John Demkowicz
John Demkowicz
Date

3-22-2011
Date

PROPERTY DESCRIPTION

PARCEL 1
ALL OF LOTS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26, BLOCK 11, OF THE AMENDED PLAT OF THE PARK CITY SURVEY, according to the official plat thereof of record in the office of the Summit County Recorder.

EASEMENT DESCRIPTIONS

- ② Together with appurtenant, non-exclusive easements for the construction of tunnels under Main Street for the sole purpose of providing pedestrian and freight access, as created by that certain Easement Agreement recorded July 9, 1994 as Entry No. 222585 in book 306 Page 589 of the official records in the office of the Summit County Recorder, said easements being more particularly described as follows:
EASEMENT FOR NORTH PEDESTRIAN TUNNEL, SILVER MALL MAIN STREET MARKET PLACE
Located in the Southeast quarter of Section 16, Township 2 South Range 4 East, Salt Lake Base and Meridian.
BEGINNING at a point which is North 23°38'00" West 146.03 feet from the Southeast corner of Lot 7, Block 11, Park City Survey Amended, and running thence North 23°38'00" West 25.00 feet along the Westerly right-of-way of Main Street; thence North 66°22'00" East 50.00 feet to a point in the Easterly right-of-way of Main Street and running Southerly along said right-of-way South 23°38'00" East 25.00 feet; thence South 66°22'00" West 50.00 feet to the true point of BEGINNING.
- EASEMENT FOR SOUTH PEDESTRIAN TUNNEL, SILVER MALL MAIN STREET MARKET PLACE**
Located in the Southeast quarter of Section 16, Township 2 South Range 4 East, Salt Lake Base and Meridian.
BEGINNING at a point which is North 23°38'00" West 52.50 feet from the Southeast corner of Lot 7, Block 11, Park City Survey Amended, and running thence North 23°38'00" West 25.00 feet along Westerly right-of-way of Main Street; thence North 75°00'00" East 50.57 feet to a point on the Easterly right-of-way of Main Street; and thence along said right-of-way South 23°38'00" East 25.00 feet; thence South 75°00'00" West 50.57 feet to the true point of BEGINNING.
- ③ Together with a non-exclusive easement for parking of automobiles and for pedestrian and vehicular ingress and egress, as created by that certain Easement Agreement, recorded January 26, 1994 as Entry No.396881 in Book 783 at page 242 of the official records in the office of the Summit County Recorder.
- ④ Together with non-exclusive easement for pedestrian ingress and egress across the Stairway Property, as created by that certain Easement and Maintenance Agreement, recorded January 26, 1994 as Entry No.396882 in Book 783 at Page 250 of the official records, said easement being more particularly described as follows:
BEGINNING at a point along the East line of Main Street North 23°38'00" West 1.35 feet from the Southeast corner of Lot 10, Block 22, Park City Survey, and running thence North 66°28'04" East 25.80 feet along Northerly edge of existing concrete stairs; thence South 23°34'40" East 23.99 feet; thence South 66°48'06" West 25.78 feet along the Southerly edge of a concrete wall; thence North 23°38'00" West 23.81 feet along the East line of Main Street to the point of BEGINNING.
- ⑤ Together with a non-exclusive easement to use portions of the North Tunnel, the entrance/exit of the North Tunnel, and ingress and egress, as created by that certain Easement Agreement, recorded January 26, 1994 as Entry No.396883 in Book 783 at Page 260 of the official records in the office of the Summit County Recorder.
- ⑥ Together with a non-exclusive underground easement for storm sewer purposes, and together with limited ingress and egress easement, as created by that certain Easement Agreement, recorded January 26, 1994 as Entry No.396884 in Book 783 at Page 263 of the official records in the office of the Summit County Recorder, said easements being more particularly described as follows:
STORM SEWER EASEMENT
A 6.0 foot wide storm drain easement being 3.0 feet each side of the existing storm drain line whose centerline is described as follows:
BEGINNING at a point South 23°31'00" East 8.80 feet from the Northeast corner of Lot 14, Block 69, Millrite Reservation; and running thence South 60°05'28" West 48.83 feet; thence South 66°15'37" West 13.44 feet and terminating.
- ⑦ **NORTH TUNNEL INGRESS AND EGRESS EASEMENT**
BEGINNING at the Northeast corner of Lot 14, Block 68, Millrite Reservation, and running thence along the East line of Lot 14, South 23°31'00" East 10.00 feet; thence South 66°28'04" West 30.00 feet; thence South 44°37'48" West 34.22 feet; thence North 27°35'14" West 22.28 feet; thence North 23°24'33" West 0.48 feet; thence along the North line of Lot 13, Block 22, Park City Survey, North 66°24'45" East 11.95 feet; thence along the North line of Lot 14, Block 69, Millrite Reservation North 66°29'24" East 49.85 feet to the point of BEGINNING.
- ⑧ Subject to an egress easement:
Beginning at the Northeast corner of Lot 18, Block 11, Park City Survey, and running thence along the Northerly line of Lot 18 North 66°40'00" East 14.00 feet; thence South 23°38'00" East 3.00 feet; thence South 66°40'00" West 14.00 feet; thence along the Westerly line of Lot 18 North 23°38'00" West 3.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City 333 Main Development, LLC, the owner of the herein described tract of land, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

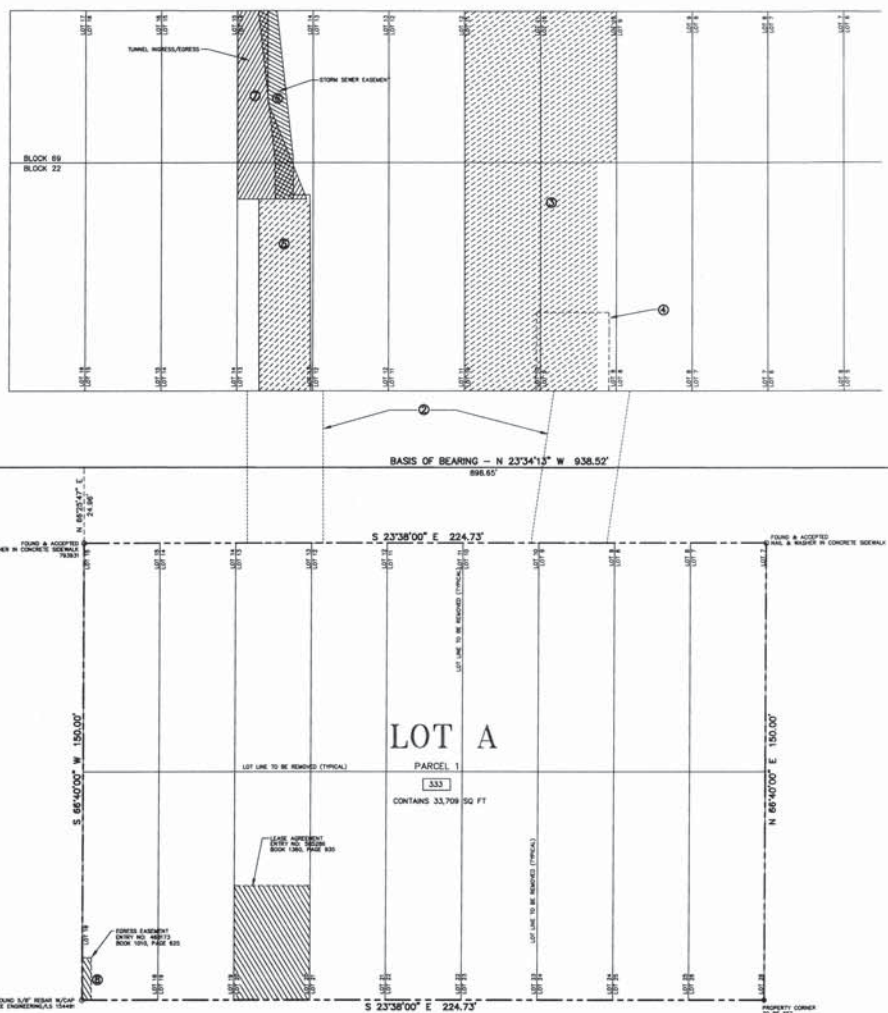
In witness whereof, the undersigned set his hand this 22 day of March, 2011.
Park City 333 Main Development, LLC, a Delaware limited liability company
By: Main Mall Development, LLC, a Delaware limited liability company, its Manager
By: DORM Park City, LLC, a Utah limited liability company, its Manager
By: *Stanley R. Castleton*
Stanley R. Castleton, Manager

State of Utah
County of Summit

ACKNOWLEDGMENT

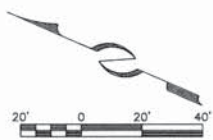
The foregoing instrument was acknowledged before me this 22 day of March, 2011, by Stanley R. Castleton, the Manager of DORM Park City, LLC, a Utah limited liability company, which is the Manager of Main Mall Development, LLC, a Delaware limited liability company, which is the Manager of Park City 333 Main Development, LLC, a Delaware limited liability company.

Sydney Farley
A Notary Public Commissioned in Utah
Sydney Farley
Residing in: Salt Lake City
My commission expires April 9, 2012



A PARCEL COMBINATION PLAT
A COMBINATION OF LOTS 7-15 & 18-26 IN BLOCK 11, PARK CITY SURVEY
333 MAIN STREET PLAT AMENDMENT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



 (435) 648-8467 333 Main Street P.O. Box 2884 Park City, Utah 84060-2884	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>23</u> DAY OF <u>March</u> , 2011 A.D. BY: <i>[Signature]</i> S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 25TH DAY OF FEBRUARY, 2009 A.D. BY: <i>[Signature]</i> CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>27th</u> DAY OF <u>March</u> , 2011 A.D. BY: <i>[Signature]</i> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>31st</u> DAY OF <u>March</u> , 2011 A.D. BY: <i>[Signature]</i> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 26TH DAY OF MARCH, 2009 A.D. BY: <i>[Signature]</i> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 26TH DAY OF MARCH, 2009 A.D. BY: <i>[Signature]</i> MAYOR	# <u>920678</u> RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>HIGH COUNTRY TITLE</u> DATE <u>4/12/11</u> TIME <u>2:14 PM</u> BOOK <u>---</u> PAGE <u>---</u> \$ <u>31.00</u> FEE <i>C. Willoughby</i> RECORDER
	FILED: X:\ParkCitySurvey\dwg\plat\2008\061108.dwg						



I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by authority of the center, this plat of the PARKITE RESIDENTIAL CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

PROPERTY DESCRIPTION

Lot A, 333 Main Street Plat Amendment, according to the official plat thereof of record in the office of the Summit County Recorder.
Together with perpetual, non-exclusive easements for the construction of tunnels under Main Street for the sole purpose of providing pedestrian and freight access, as created by that certain Easement Agreement recorded July 9, 1984, as Entry No. 222088 in Book 306, at Page 589, of the office of the Summit County Recorder, said easements being more particularly described as follows:

EASEMENT FOR NORTH PEDESTRIAN TUNNEL, SILVER HILL MAIN STREET MARKET PLACE
Located in the southeast quarter of Section 16, Township 2 South Range 4 East, Salt Lake Base and Meridian.
BEGINNING at a point which is North 23°38'00" West 146.03 feet from the southeast corner of Lot 7, Block 11, Park City Survey Amended; and running thence North 23°38'00" West 25.00 feet along the westerly right-of-way of Main Street; thence North 66°27'00" East 50.00 feet to a point on the easterly right-of-way of Main Street and running southerly along said right-of-way South 23°38'00" East 25.00 feet; thence South 66°22'00" West 50.00 feet to the true point of beginning.

EASEMENT FOR SOUTH PEDESTRIAN TUNNEL, SILVER HILL MAIN STREET MARKET PLACE
Located in the southeast quarter of Section 16, Township 2 South Range 4 East, Salt Lake Base and Meridian.
BEGINNING at a point which is North 23°38'00" West 52.50 feet from the southeast corner of Lot 7, Block 11, Park City Survey Amended; and running thence North 23°38'00" West 25.00 feet along the westerly right-of-way of Main Street; thence North 72°00'00" East 50.27 feet to a point on the easterly right-of-way of Main Street; and thence along said right-of-way South 23°38'00" East 25.00 feet; thence South 75°00'00" West 50.57 feet to the true point of beginning.

Together with a non-exclusive easement for parking of automobiles and for pedestrian and vehicular ingress and egress, as created by that certain Easement Agreement, recorded January 28, 1994, as Entry No. 396881, in Book 783, at Page 242 and the First Amendment to Easement Agreement and First Amendment to Easement and Maintenance Agreement, recorded June 22, 1999, as Entry No. 542230, in Book 1268, at Page 173, of the official records, said easement being more particularly described as follows:

BEGINNING at a point South 23°17'00" East 2.03 feet from the northeast corner of Lot 11, Block 69, Park City Survey, according to the official plat thereof on file in the office of the Recorder, Summit County, Utah; and running thence South 66°34'24" West 8.44 feet to a point on the exterior face of a concrete wall which is the perimeter of a parking garage; thence along the face of said wall and parking garage the following eleven (11) courses: 1) South 66°34'24" West 112.00 feet; thence 2) South 23°25'34" East 22.60 feet; thence 3) North 66°34'24" East 18.20 feet; thence 4) South 23°25'34" East 6.90 feet to a point on the northerly line of an existing utility easement; thence 5) North 66°34'24" East 2.35 feet; thence 6) North 65°19'34" East 2.05 feet; thence 7) North 23°25'36" East 11.39 feet; thence 8) North 66°34'24" East 7.45 feet; thence 9) North 24°02'00" West 19.50 feet to a point on a 3.00 foot wide storm drain to the right, whose north-south bearing North 66°34'24" East; thence 10) along the arc of said curve 6.13 feet to a point on the central angle of 90°00'00"; thence 11) North 66°34'24" East 14.80 feet; thence 12) North 66°34'24" East 8.47 feet to a point on the east line of Lot 11; thence along said east line North 23°17'00" East 17.25 feet to the point of beginning.

Together with non-exclusive easement for pedestrian ingress and egress across the Stairway Property, as created by that certain Easement and Maintenance Agreement, recorded January 28, 1994, as Entry No. 396882, in Book 783, at Page 254, by that certain Easement Agreement and First Amendment to Easement and Maintenance Agreement, recorded June 22, 1999, as Entry No. 542230, in Book 1268, at Page 173 of the official records, said easement being more particularly described as follows:

BEGINNING at a point on the east right-of-way line of Main Street, South 23°17'00" East 1.15 feet from the northeast corner of Lot 8, Block 22, Park City Survey, and running thence along the east right-of-way line of Main Street North 23°17'00" East 19.84 feet; thence North 66°39'04" East 25.80 feet; thence South 23°17'00" East 19.75 feet; thence North 66°27'18" West 27.78 feet to the point of beginning.

Together with a non-exclusive easement to use portions of the North Tunnel, the entrance/exist of the North Tunnel, and ingress and egress, as created by that certain Easement Agreement, recorded January 28, 1994, as Entry No. 396883, in Book 783, at Page 260 of the official records in the office of the Summit County Recorder.
Together with a non-exclusive underground easement for storm sewer purposes, and together with a limited ingress and egress easement, as created by that certain Easement Agreement, recorded January 28, 1994, as Entry No. 396886, in Book 783, at Page 196 and First Addendum to Easement Agreement, recorded February 22, 2001, as Entry No. 582300, in Book 1354, at Page 1496 of the official records in the office of the Summit County Recorder, said easements being more particularly described as follows:

STORM SEWER EASEMENT
A 3.0 foot wide storm drain easement being 3.0 feet each side of the existing storm drain line whose centerline is described as follows:
BEGINNING at a point South 23°17'00" East 9.80 feet from the northeast corner of Lot 11, Block 69, Millrite Reservation; and running thence South 60°08'28" West 48.63 feet; thence North 66°15'37" West 13.44 feet and terminating.

NORTH TUNNEL INGRESS AND EGRESS EASEMENT
BEGINNING at a point South 23°17'00" East 29.09 feet from the northeast corner of 3503 Main Street, a Lot Line Adjustment Plat recorded 1-24-2005, Entry No. 507719 in the office of the Recorder, Summit County, Utah; said point also being on the westerly line of Green Alley, a public right-of-way, and running thence along the westerly line of Main Street North 23°17'00" East 6.09 feet; thence South 66°18'41" West 6.40 feet to a point on the exterior corner of an existing concrete block wall; thence along the face of said block wall the following fifteen (15) courses: 1) South 66°18'41" West 34.16 feet; thence 2) South 23°17'00" East 6.63 feet; thence 3) North 66°18'41" East 0.20 feet; thence 4) South 23°14'19" East 6.20 feet; thence 5) North 65°59'30" West 11.87 feet; thence 6) North 24°02'00" West 3.66 feet; thence 7) North 20°57'47" East 3.77 feet; thence 8) North 66°53'07" East 1.94 feet; thence 9) North 23°16'43" West 0.63 feet; thence 10) South 66°43'17" West 2.20 feet; thence 11) North 22°37'40" West 4.30 feet; thence 12) South 24°02'00" East 17.08 feet; thence 13) South 66°03'09" West 8.12 feet; thence 14) North 34°59'29" West 6.69 feet; thence 15) North 65°12'44" West 1.00 feet to a point on the exterior corner of said block wall; thence South 66°12'44" West 0.14 feet to a point on the westerly line of said 3503 Main Street Plat; thence along the westerly line North 23°36'44" West 15.00 feet; thence North 66°28'39" East 0.07 feet to a point on the exterior corner of an existing concrete block wall; thence along the face of said block wall the following three (3) courses: 1) North 66°28'39" East 1.00 feet; thence 2) North 23°34'17" West 6.50 feet; thence 3) North 66°15'12" East 54.40 feet to a point on the exterior corner of a concrete block wall; thence North 66°15'12" East 6.33 feet to the point of beginning.

Subject to a non-exclusive easement limited solely to allow installation, emergency access and maintenance of a window, as created in an easement recorded November 27, 1996, as Entry No. 489173 in Book 1000, at Page 616, of the official records, said easement being more particularly described as follows:
BEGINNING at the northwest corner of Lot 18, Block 11, Park City Survey; and running thence along the northerly line of Lot 18 North 66°45'00" East 14.00 feet; thence South 23°37'00" East 3.00 feet; thence South 66°50'00" West 14.00 feet; thence along the westerly line of Lot 18 North 23°38'00" West 3.00 feet to the point of beginning.

Together with a non-exclusive easement to use those portions of the following described property (the Main Street/Suede Alley Access Property) as created in that certain First Amendment to Easement Agreement and First Amendment to Easement and Maintenance Agreement, recorded June 22, 1999, as Entry No. 542230, in Book 1268, at Page 173, of the official records, said easement being more particularly described as follows:
BEGINNING at a point on the east right-of-way line of Main Street, South 23°17'00" East 1.15 feet from the northeast corner of Lot 8, Block 22, Park City Survey; and running thence along the east right-of-way line of Main Street North 23°17'00" East 6.33 feet; thence North 66°27'18" East 124.60 feet; thence along the east line of Millrite Reservation South 23°17'00" East 6.03 feet; thence South 66°32'56" West 2.57 feet; thence along the northerly edge of the existing building (Exposition Theater) South 66°32'56" West 15.41 feet; thence along the north-south line of the existing building (Exposition Theater) South 66°32'56" West 5.33 feet; thence along the northerly edge of the existing metal roof line South 66°27'18" West 108.61 feet to the point of beginning.

NOTES

- 1. This condominium Plat ("Plat") depicts the Parkite Residential Condominiums project which encompasses a portion of the land (the "Property") and building situated at approximately 333 Main Street, Park City, Utah (collectively, the "Project")...
2. The Units are served by a common private lateral wastewater line. The 333 Main Street Condominium Master Owners Association, Inc., a Utah non-profit corporation (the "Master Association"), shall be responsible for ownership, operation, and maintenance of all common private lateral wastewater lines.
3. Pursuant to the Declaration, the Parkite Residential Condominiums Owners Association, Inc., a Utah non-profit corporation ("Association") is responsible for maintaining certain portions of the Project, including but not limited to the Common Areas and Facilities and the Limited Common Areas and Facilities, and the Association shall have perpetual non-exclusive easement over the Project for such maintenance purposes as further described in the Declaration.
4. Pursuant to the Master Declaration, the Master Association is responsible for maintaining certain elements of the Project, and shall have a perpetual non-exclusive easement over the Property for such maintenance purposes as further described in the Master Declaration.
5. The Limited Common Areas and Facilities as depicted on this Plat are reserved for the use of certain Owners to the exclusion of other Owners. Each respective Improvement designated on this Plat as "Limited Common Areas and Facilities" is appurtenant to the respective Unit as described in the Declaration and is for the use and enjoyment of the Owners of such Unit.
6. All Common Areas and Facilities are dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBRWD), and the Park City Fire Protection District, Summit County for the purpose of providing access to utility and drainage installation, use, maintenance, and eventual replacement.
7. All private corners are to be set along the perimeter boundary as shown herein.
8. The locations, dimensions, and boundaries of the Units and square footage calculations are based solely on drawings supplied by Clark Worthington. The square footage calculations shown on this Plat are calculated in accordance with the Utah Condominium Ownership Act (the "Act") and the Declaration. Such calculations typically differ somewhat from the square footage determined by the architect or others using different methods of determining unit size. It is intended that the size and boundaries of the Units shall be as constructed. Therefore, no on-site measurements were taken.
9. All utilities within the Project shall be underground. Notwithstanding Declarant's grant of blanket utility easements, Declarant reserves the right to record one or more instruments which narrow and limit such grant of utility easement to the normal easement of the utility for those certain elements within the Project which actually contain the utility facilities as described in such instrument and for the purposes described herein. Such reserved right is subject to utility company rights then located under the real property depicted on this Plat.
10. All of the parking spaces in the parking garages shall be Common Areas and Facilities. Declarant may create or designate parking spaces as exclusive use as further described in the Declaration, or may elect to operate the parking garage on a first-come-first-served basis.
11. The Property as depicted on this Plat is subject to the Developmental Rights as provided for in the Declaration, and Declarant shall have the right to exercise any Developmental Right prohibited in the Declaration, including, without limitation, the Option to Exercise the Reservation and granting of certain easements, reducing or relocating improvements within the Project, adding additional recreational and service facilities and making such other developmental decisions and changes as Declarant shall determine in its sole and exclusive discretion.
12. In the event of any conflict between the provisions in any of the above notes and the terms of the Declaration, the Declaration shall control.
13. The survey monument at Fourth Street and Main Street shown on the Park City Monument Control Map, recorded November 2, 1982, as Entry No. 197765, was destroyed. A monument was set at its original location based on survey information obtained from previous surveys.
14. The books of bearing on which this survey is the plotted lines between the survey monuments indicated. There is a bearing change at Main Street and Third Street. Refer to the Park City Monument Control Map, recorded November 2, 1982, as Entry No. 197765.

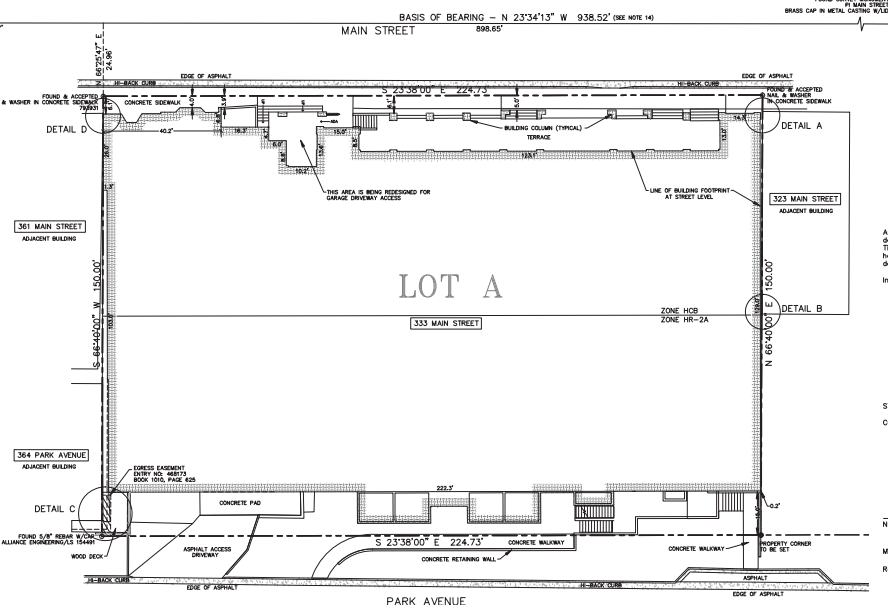
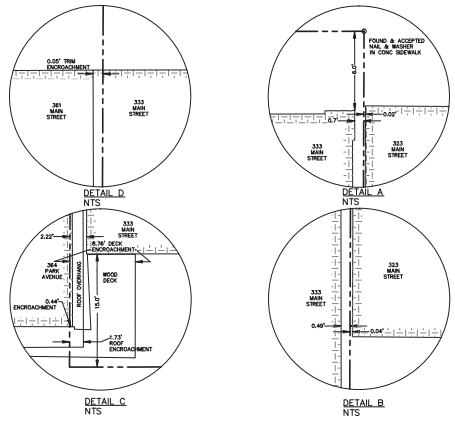
OWNER'S DEDICATION AND CONSENT TO RECORD

AG-WP 333 Main Street Owner, L.L.C., a Delaware limited liability company ("Declarant"), as the owner of the heretofore described tract of land, does hereby dedicate the same to the Parkite Residential Condominiums Act, Utah Code Annotated, Title 37, Chapter 8, and set apart and dedicate the same into Units and Common Areas and Facilities as shown hereon, to be known as the PARKITE RESIDENTIAL CONDOMINIUMS, and does hereby grant and dedicate any easements depicted hereon.
Witness whereof, Declarant has executed this Owner's Dedication as of the ____ day of _____, 2014.

AG-WP 333 MAIN STREET OWNER, L.L.C.,
a Delaware limited liability company.
By: _____
Name: _____
Its: _____

ACKNOWLEDGMENT
STATE OF _____ : ss.
COUNTY OF _____ : ss.
The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____ the _____ of AG-WP 333 MAIN STREET OWNER, L.L.C., a Delaware limited liability company.

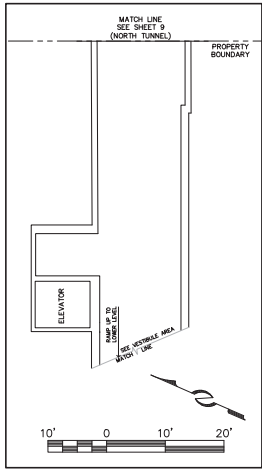
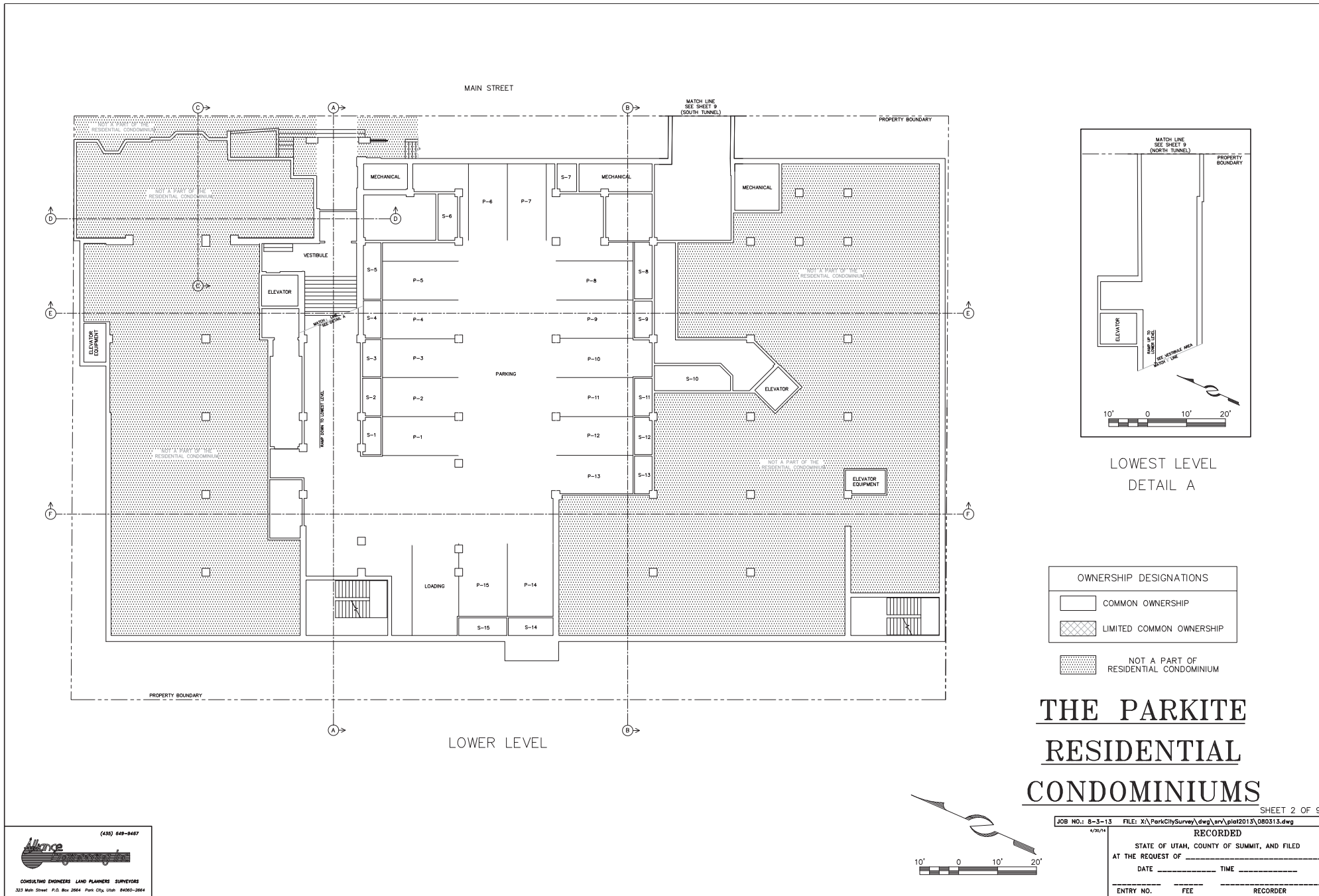
NOTARY PUBLIC
My Commission Expires: _____
Residing at: _____



CONDOMINIUM PLAT FOR THE PARKITE RESIDENTIAL CONDOMINIUMS A UTAH CONDOMINIUM PROJECT

LOCATED IN BLOCK 11, PARK CITY SURVEY AND ALSO THE SOUTHEAST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. PARK CITY, SUMMIT COUNTY, UTAH

Table with 8 columns: Snyderville Basin Water Reclamation District, Planning Commission, Engineer's Certificate, Approval as to Form, Certificate of Attest, Council Approval and Acceptance, Recorded, and State of Utah, County of Summit, and Filed. Includes dates and signatures for the 2014 approval process.



LOWEST LEVEL
DETAIL A

OWNERSHIP DESIGNATIONS	
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	NOT A PART OF RESIDENTIAL CONDOMINIUM

THE PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 2 OF 9

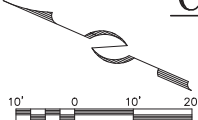
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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED	
AT THE REQUEST OF _____	
DATE _____	TIME _____
ENTRY NO. _____	FEE _____ RECORDER _____

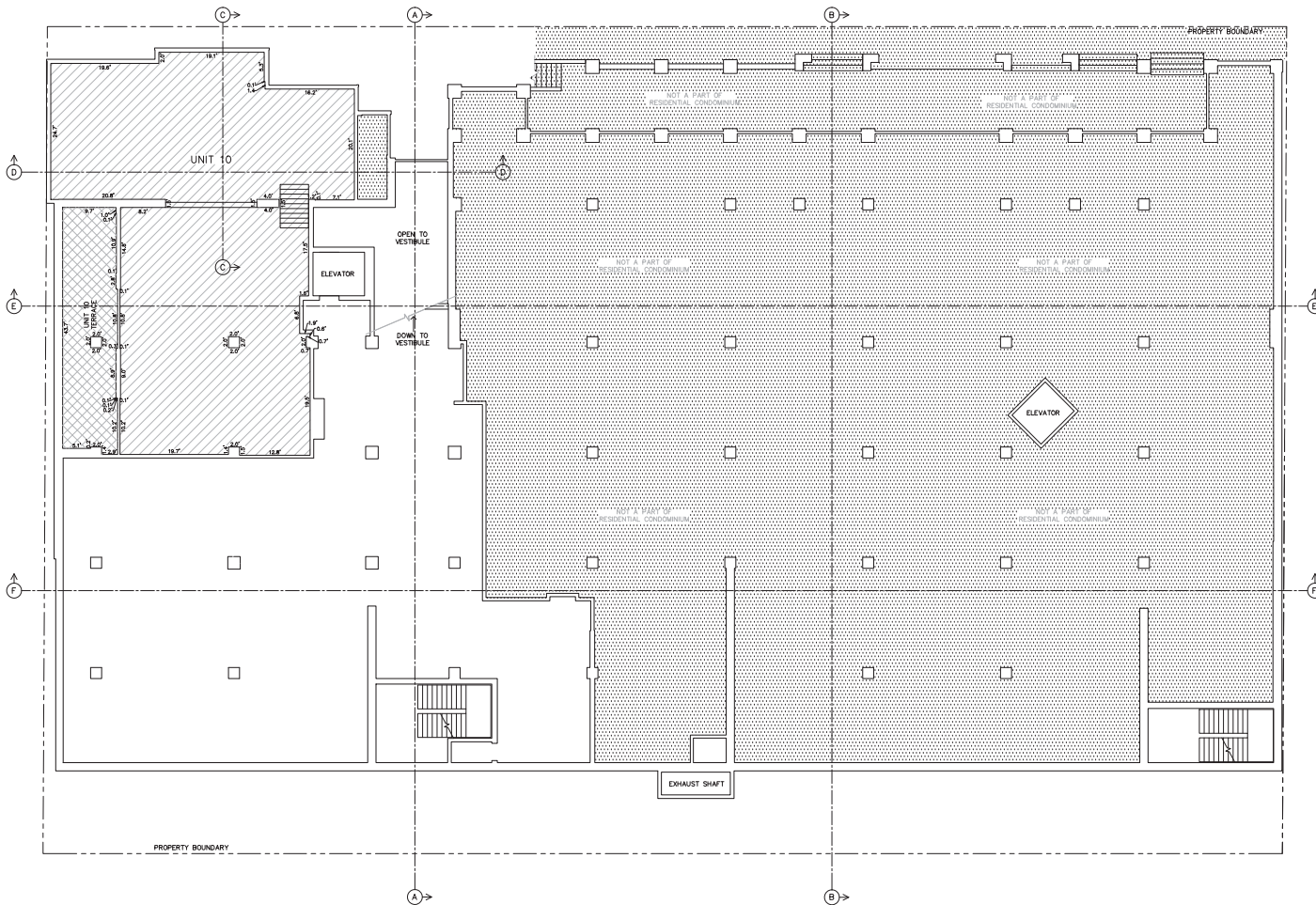
(435) 649-0467

Alliance
Engineering & Surveying

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street, P.O. Box 2664 Park City, Utah 84002-2664



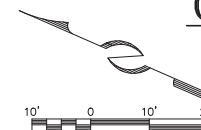


LEVEL 1

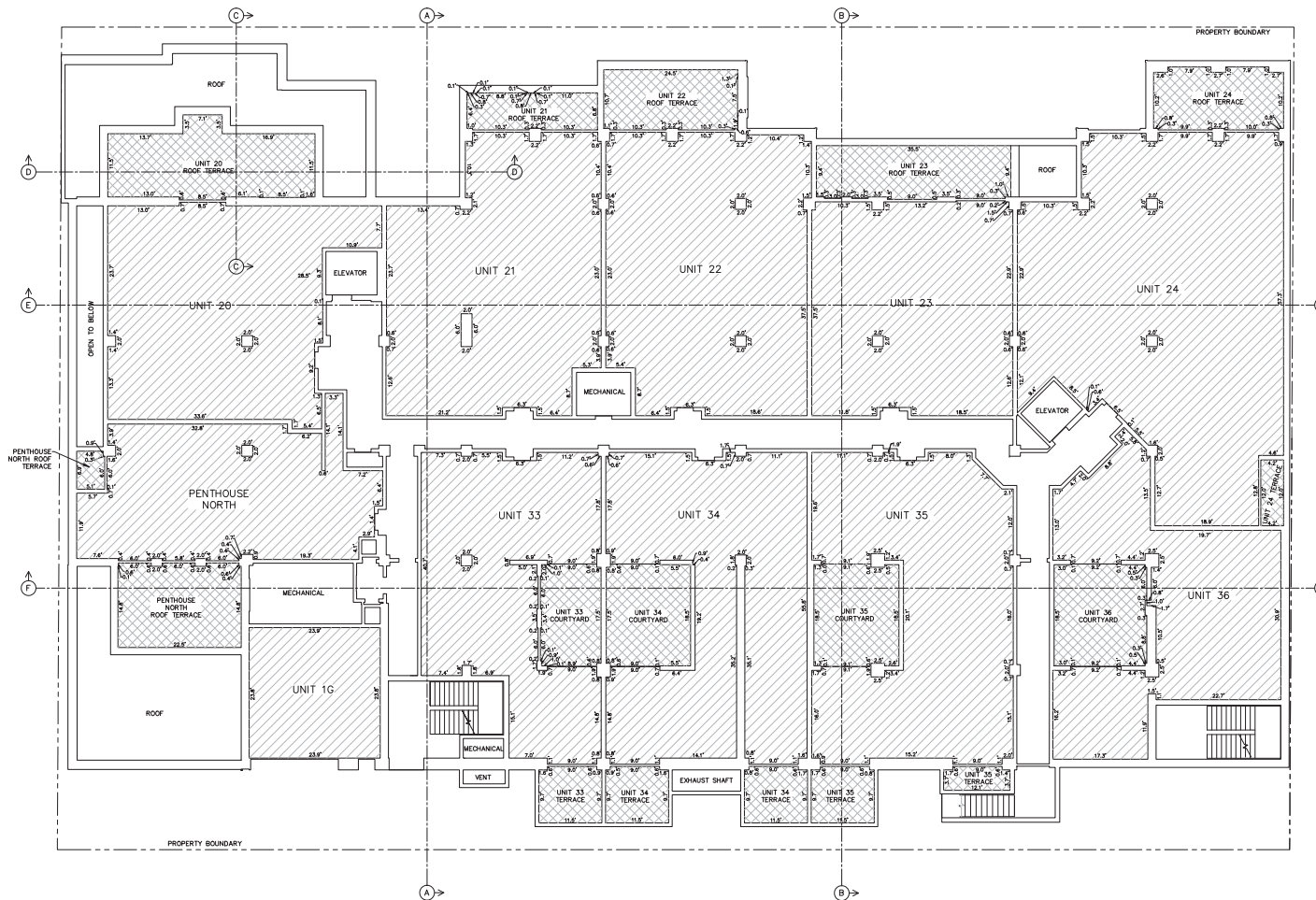
OWNERSHIP DESIGNATIONS	
	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	NOT A PART OF RESIDENTIAL CONDOMINIUM

PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 3 OF 9



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OWNERSHIP DESIGNATIONS	
	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP

LEVEL 2

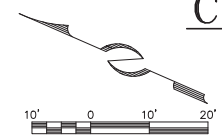
PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 4 OF 9

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Engineering & Surveying

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333 Main Street, P.O. Box 2664 Park City, Utah 84002-2664

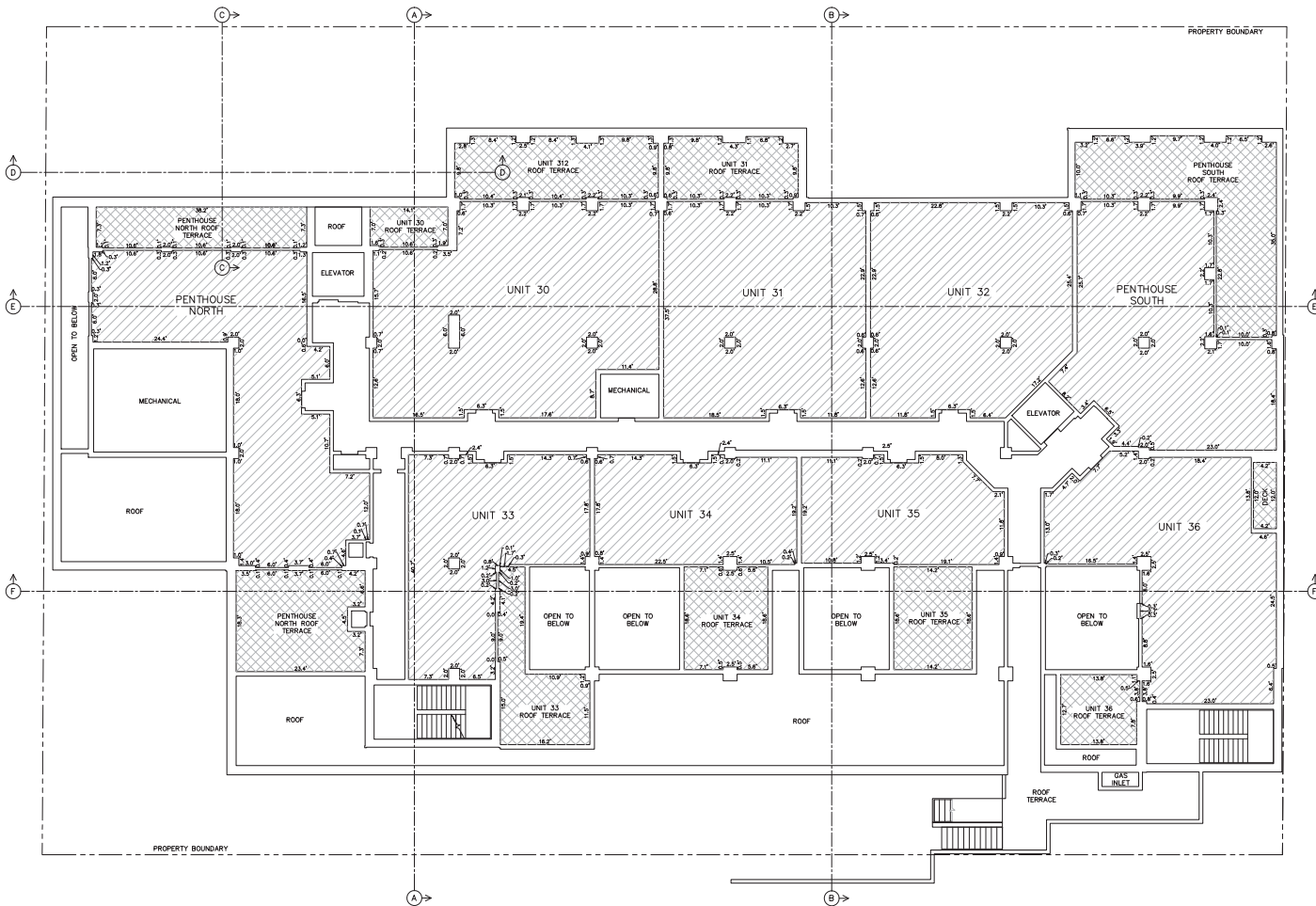


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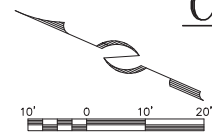
LEVEL 3

OWNERSHIP DESIGNATIONS	
	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP

PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 5 OF 9

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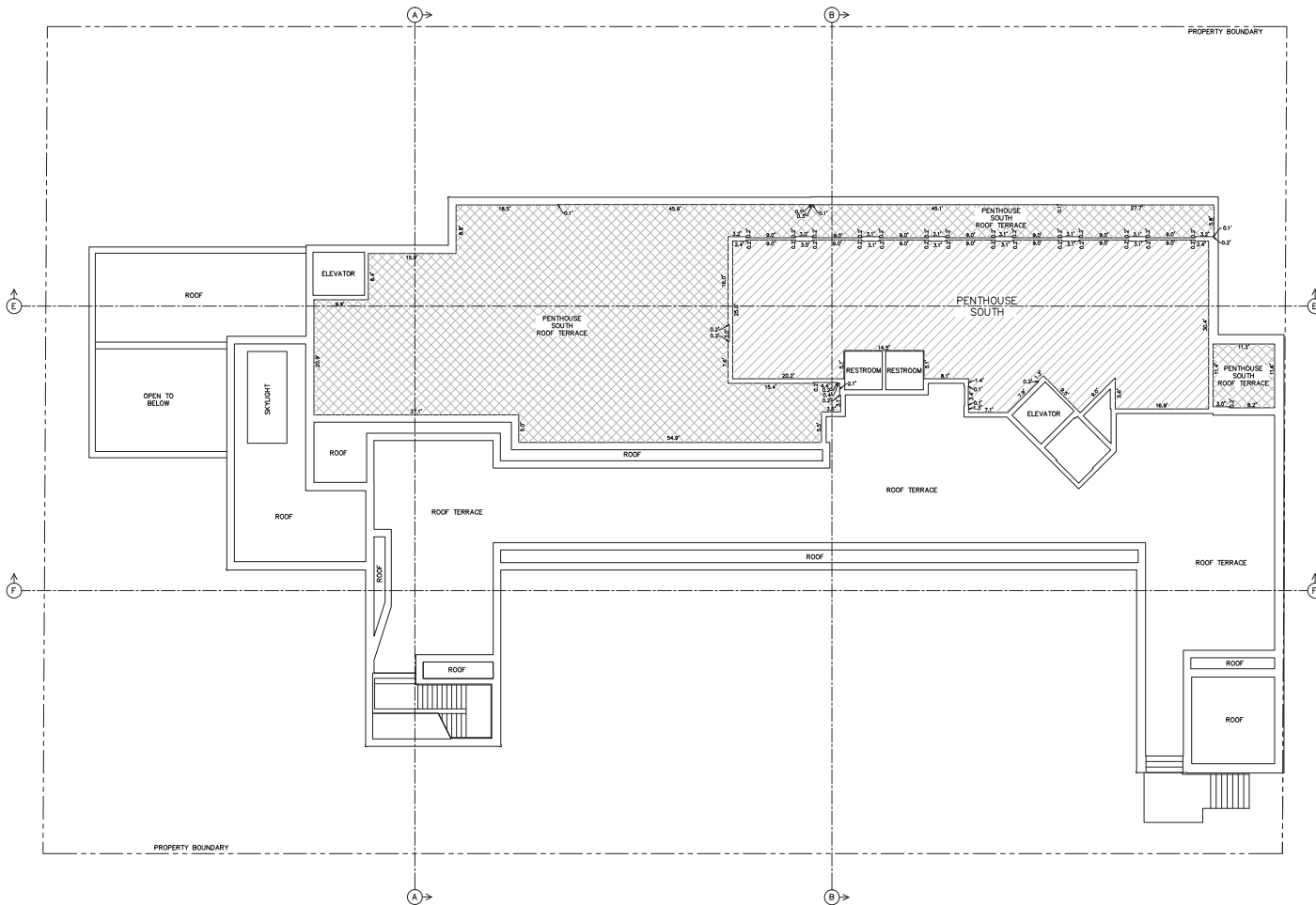


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333 Main Street, P.O. Box 2664 Park City, Utah 84002-2664

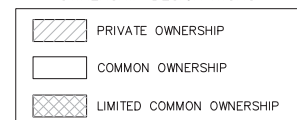


LEVEL 4

UNIT AREA TABLE

UNIT	PRIVATE OWNERSHIP AREA
UNIT 10	2,872 SQ FT
UNIT 20	1,817 SQ FT
UNIT 21	1,751 SQ FT
UNIT 22	1,823 SQ FT
UNIT 23	1,412 SQ FT
UNIT 24	2,706 SQ FT
UNIT 30	1,761 SQ FT
UNIT 31	1,411 SQ FT
UNIT 32	1,334 SQ FT
UNIT 33	2,318 SQ FT
UNIT 34	2,391 SQ FT
UNIT 35	2,362 SQ FT
UNIT 36	2,648 SQ FT
PENTHOUSE NORTH	2,618 SQ FT
PENTHOUSE SOUTH	3,586 SQ FT
UNIT 1G	569 SQ FT

OWNERSHIP DESIGNATIONS



PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 6 OF 9

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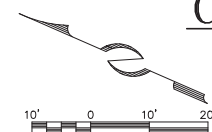
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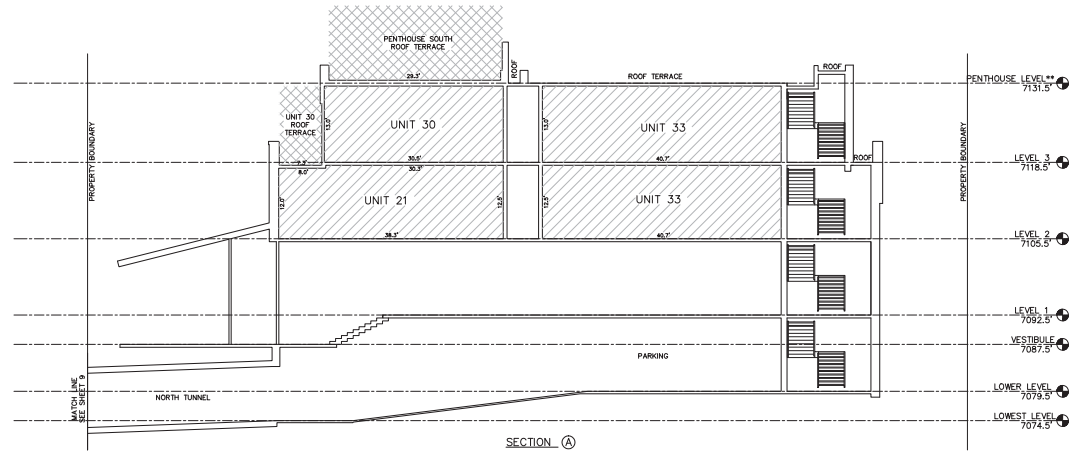
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AT THE REQUEST OF _____

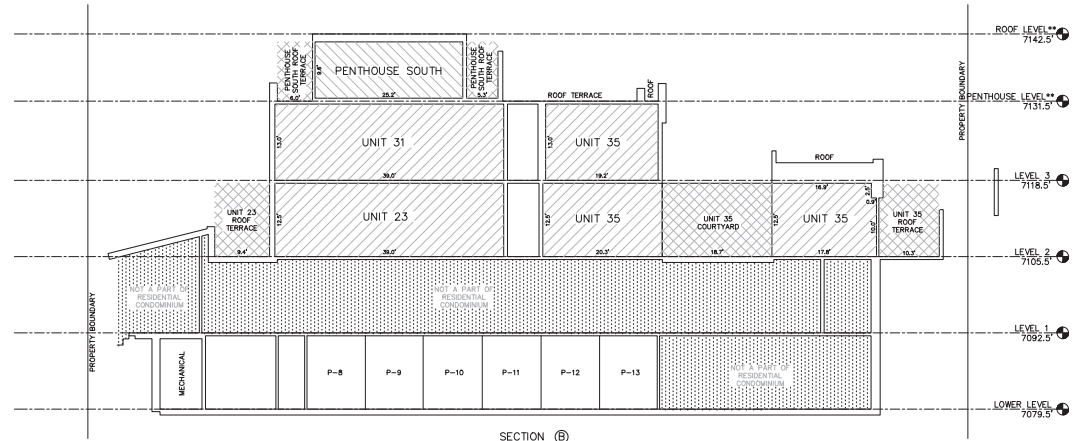
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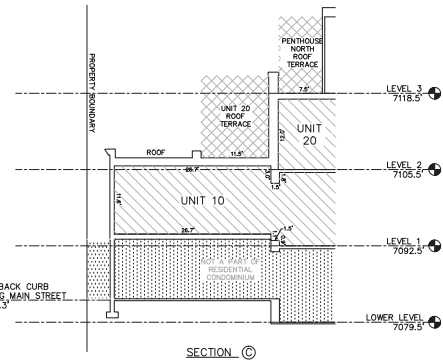


SECTION A



SECTION B

OWNERSHIP DESIGNATIONS	
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	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	NOT A PART OF RESIDENTIAL CONDOMINIUM



SECTION C

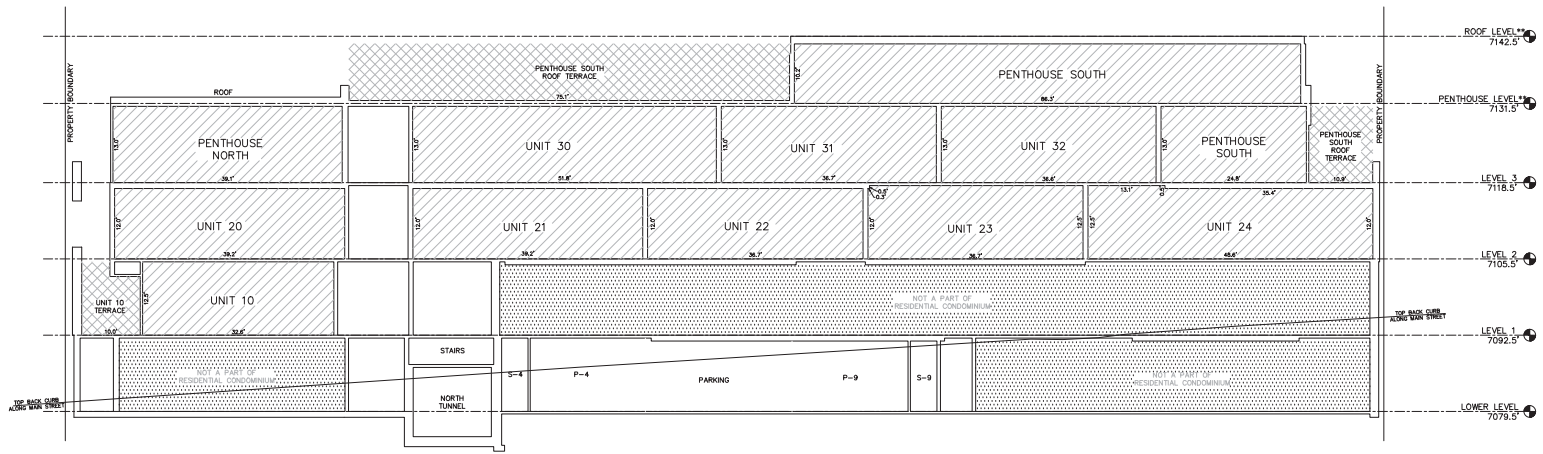


PARKITE RESIDENTIAL CONDOMINIUMS

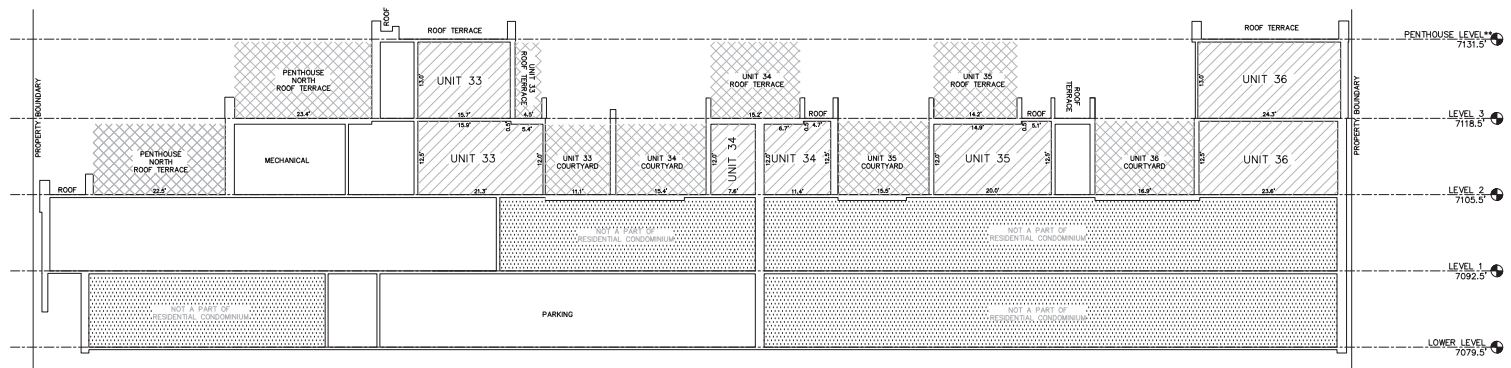
SHEET 7 OF 9

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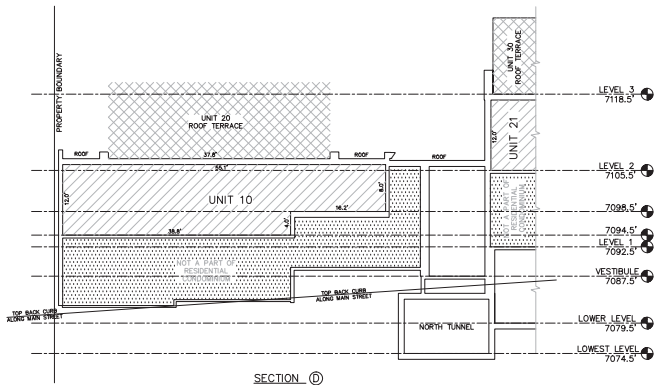
Alliance
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 333 Main Street, P.O. Box 2664 Park City, Utah 84002-2664
 (435) 649-0467



SECTION C



SECTION D



SECTION E

OWNERSHIP DESIGNATIONS

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- NOT A PART OF RESIDENTIAL CONDOMINIUM

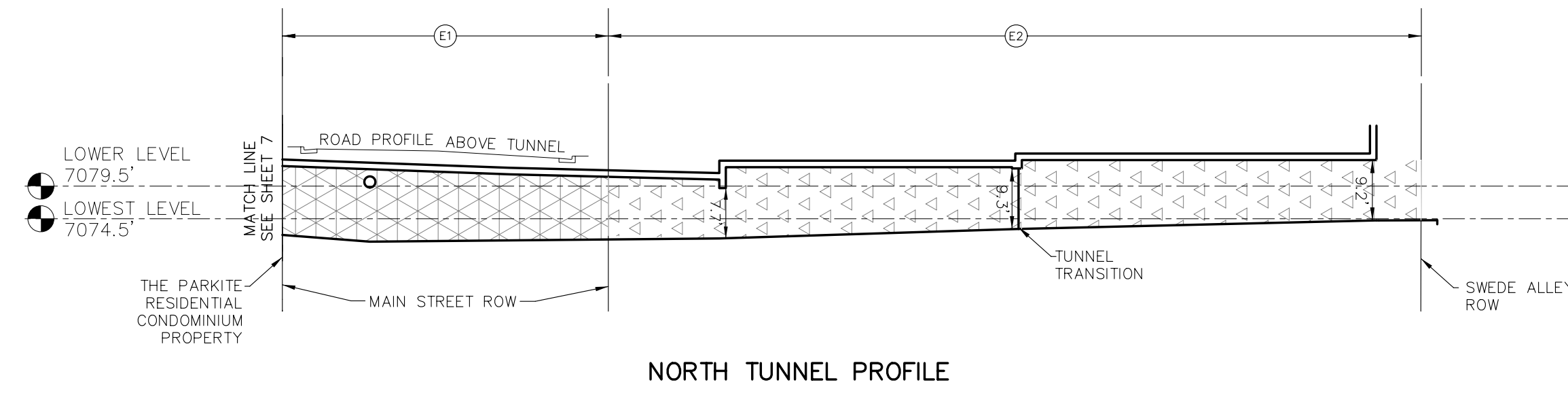
PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 8 OF 9

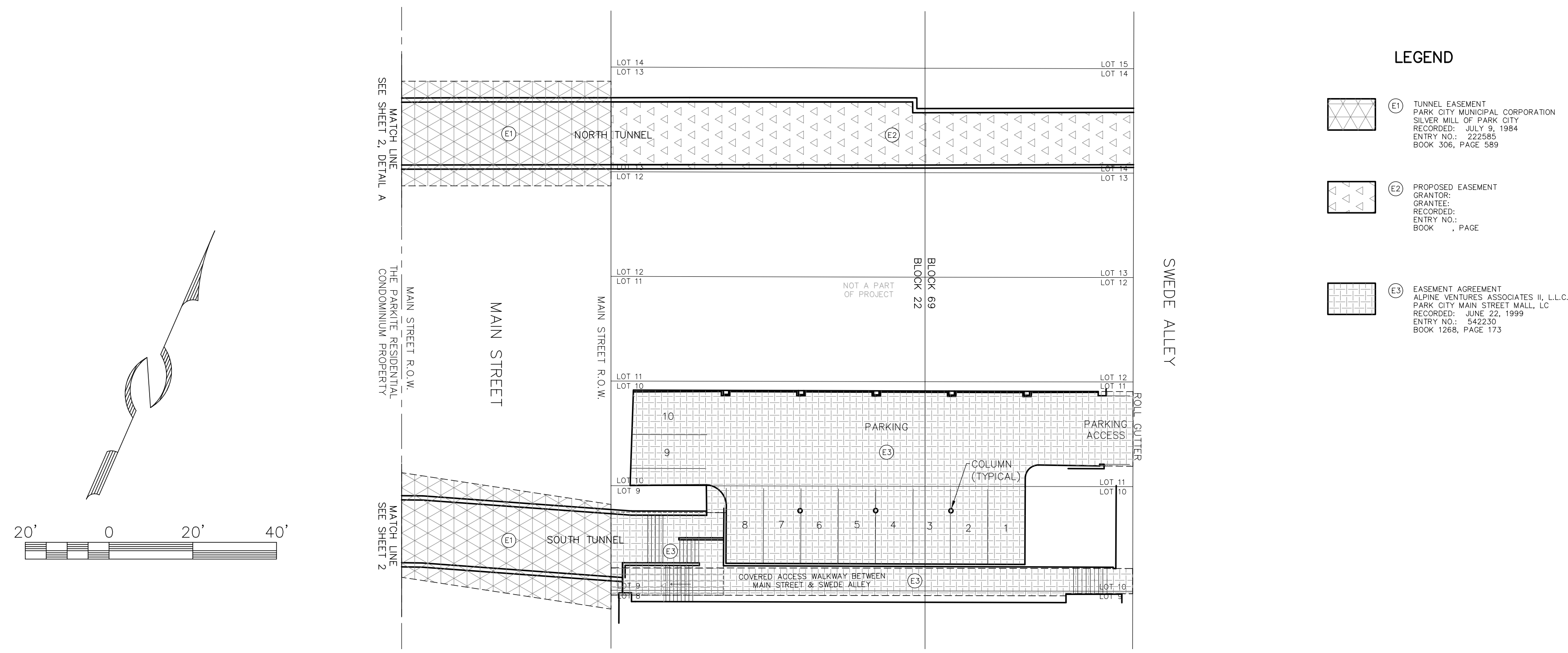
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 DATE _____ TIME _____
 ENTRY NO. _____ FEE _____ RECORDER _____




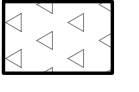
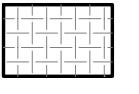
Alliance
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 333 Main Street, P.O. Box 2664 Park City, Utah 84060-2664
 (435) 649-9467

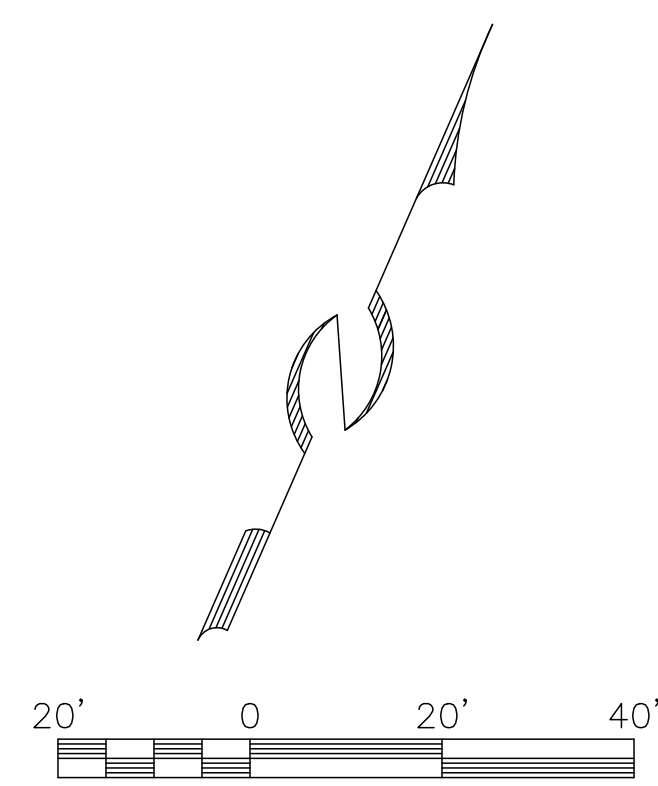


NORTH TUNNEL PROFILE



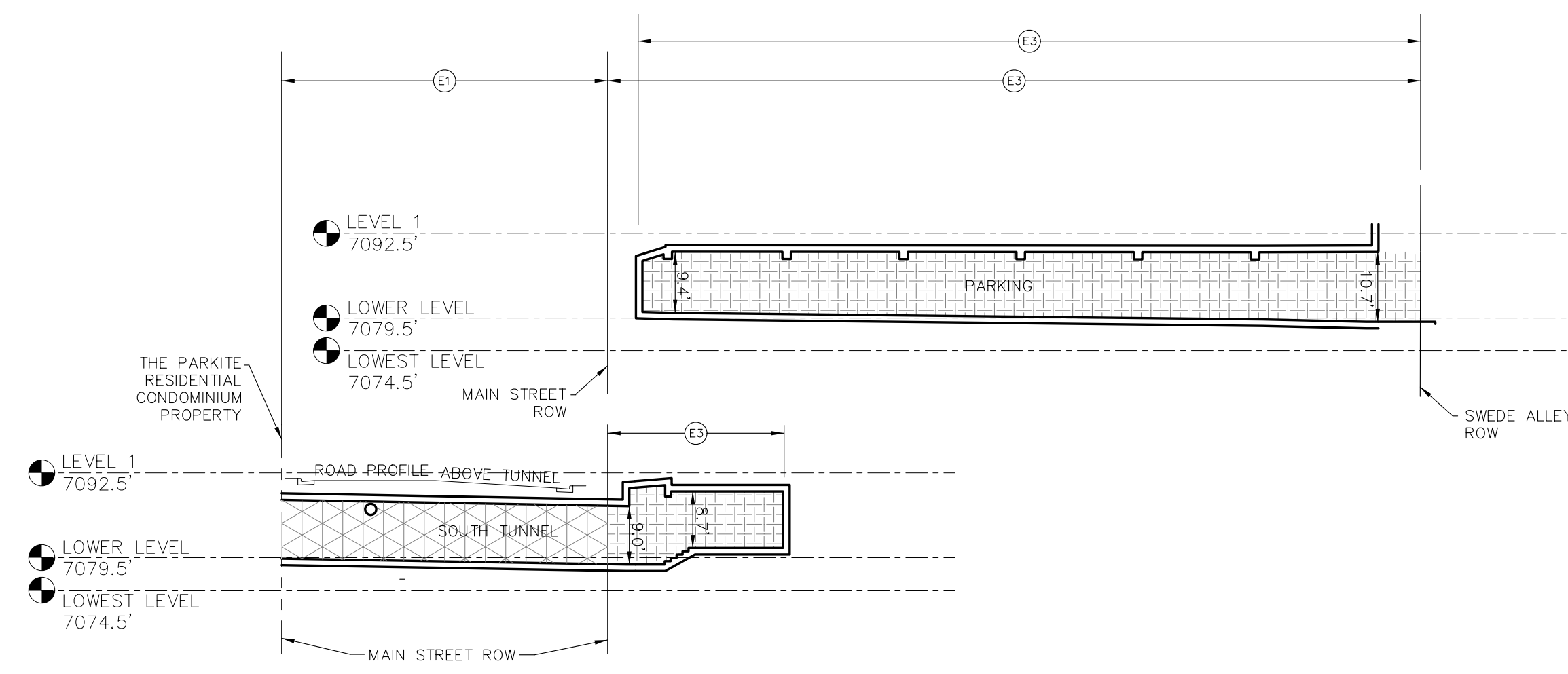
LEGEND

-  (E) TUNNEL EASEMENT
PARK CITY MUNICIPAL CORPORATION
SILVER HILL OF PARK CITY
RECORDED: JULY 9, 1984
ENTRY NO.: 222085
BOOK 306, PAGE 559
-  (F) PROPOSED EASEMENT
GRANTOR:
GRANTEE:
RECORDED:
ENTRY NO.:
BOOK: PAGE
-  (G) EASEMENT AGREEMENT
ALPINE VENTURES ASSOCIATES II, L.L.C.
PARK CITY MAIN STREET MALL, LC
RECORDED: JUNE 22, 1999
ENTRY NO.: 542235
BOOK 1268, PAGE 173



NOTES

1. Common Areas as shown on this page consist of easement interests only, as more fully described in the referenced easement documents.



SOUTH TUNNEL PROFILE

OFFSITE EASEMENTS APPURTENANT TO
**THE PARKITE
RESIDENTIAL
CONDOMINIUMS**

SHEET 9 OF 9

JOB NO.: 8-3-13 FILE: X:\ParkCitySurvey\dwg\sr\plot2013\080313.dwg

6/18/14

RECORDED

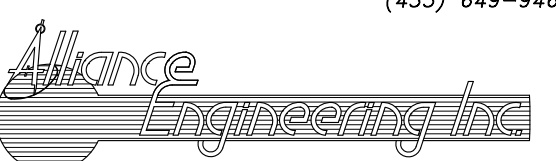
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____

ENTRY NO. _____ FEE _____ RECORDER _____

(435) 649-9467



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

Planning Commission Staff Report



Subject: Silver Bird Condominiums at Deer Valley First Amendment - Condominium Plat
Author: Christy J. Alexander, AICP, Planner II
Project Number: PL-14-02322
Date: August 13, 2014
Type of Item: Administrative – Condominium Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the Silver Bird Condominiums at Deer Valley First Amendment condominium plat for Units 25, 26, 27, 28, 29, and 30, based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

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

Description

Applicant: Mike Johnston, Summit Engineering Group representative of owners and HOA.
Location: 7379 Silver Bird Drive
Zoning: Residential Development (RD) as part of the Deer Valley MPD
Adjacent Land Uses: Condominium units, hotel, ski terrain of Deer Valley Resort, single family homes.
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The applicant is requesting to amend the existing Silver Bird Condominiums plat (Exhibit A). The purpose of this condo plat amendment is to convert existing limited common area deck space into private area, so that they can enclose a covered patio and convert it to living space for Units 25, 26, 27, 28, 29 & 30. The patio space is located on Level 1 and Level 2 in all units as shown in Exhibit A. The amendment also extends existing common area deck space to private, so that they can extend the decks on Units 27, 28, 29 & 30. The extended deck space is located on Level 1 and Level 2 for Units 27, 28, & 30 and on Level 1 for Unit 29 as shown in Exhibit A. This amendment also encloses existing hallways and converts them from common area into private space for Units 25 & 29. The enclosed hallways are on Level 1 for both Units 25 & 29.

Background

On April 22, 2014, the applicant submitted an application for the Silver Bird

Condominiums at Deer Valley First Amendment condominium plat. The property is located at 7379 Silver Bird Drive in the Residential Development (RD) District.

The applicant wishes to convert existing limited common space into private area, common area to limited common and common area into private as detailed in the Proposal above.

The Silver Bird Condominiums plat was approved by City Council on October 7, 1982 and recorded at Summit County on October 22, 1982. Silver Bird Condominiums is subject to the 11th Amended Deer Valley Master Plan Development (DVMPD) that allows 6 units for Silver Bird Condominiums. There are 6 existing Silver Bird Condominium units and the proposed amendment does not create additional units. Within the DVMPD, a developer can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per or develop the allowed number of units without a stipulated unit size. A total of 6 units were constructed with the allowed number of units per the Eleventh Amended Deer Valley MPD. The Silver Bird Condominiums parcels were developed using allowed number of units without a stipulated unit size. The proposed amendment does not change the number of residential units. No additional parking is required.

Analysis

The zoning for the Silver Bird Condominiums within the Deer Valley MPD is Residential Development (RD). The area was part of the original Deer Valley MPD that was zoned RD-MPD during the approval of that Master Planned Development. All six of the residential units are being converted. The square footage of the units being converted change as shown in the table below:

	Private Area
Unit 25	3,310.2 sq. ft.
Unit 26	3,320.38 sq. ft.
Unit 27	3,663.39 sq. ft.
Unit 28	3,356.93 sq. ft.
Unit 29	3,453.13 sq. ft.
Unit 30	3,475.87 sq. ft.

The property is subject to the following criteria:

	Permitted through MPD/CUP	Proposed
Height	35' + an additional 5' for a pitched roof	No changes are proposed.
Setbacks	Per the record of survey plat.	No changes are proposed.
Allowed Units	6 units	No changes are proposed.
Parking	1.5 spaces/unit	No changes are proposed.

Good Cause

Planning Staff finds there is good cause for this condominium plat amendment to allow the owners to utilize the covered patio spaces as living area and extend deck spaces 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 future development will be reviewed for compliance with requisite Building and Land Management Code.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet on June 25, 2014 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. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting scheduled for September 4, 2014.

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 forward a positive recommendation to the City Council for the Silver Bird Condominiums at Deer Valley First Amendment condominium plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the condominium plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the condominium plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed condominium plat amendment would not be recorded and these units will remain as is. The decks will not be allowed to be extended nor covered.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the Silver Bird Condominiums at Deer Valley First Amendment condominium plat for Units 25, 26, 27, 28, 29 & 30, based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Vicinity Map/Aerial Photograph/Streetscape Images

Exhibit C – Existing Plat

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

AN ORDINANCE APPROVING THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY FIRST AMENDMENT CONDOMINIUM PLAT, LOCATED AT 7379 SILVER BIRD DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Silver Bird Condominiums at Deer Valley, located at 7379 Silver Bird Drive, have petitioned the City Council for approval of the Silver Bird Condominiums at Deer Valley First Amendment condominium plat to convert existing limited common area deck space into private area, so that they can enclose a covered patio and convert it to living space for Units 25, 26, 27, 28, 29 & 30. The amendment also extends existing common area deck space to private, so that they can extend the decks on Units 27, 28, 29 & 30. This amendment also encloses existing hallways and converts them from common area into private space for Units 25 & 29; and

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

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

WHEREAS, the Planning Commission held a public hearing on August 13, 2014, to receive input on the proposed amended condominium plat;

WHEREAS, on August 13, 2014, the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on September 4, 2014, the City Council held a public hearing on the proposed amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Silver Bird Condominiums at Deer Valley First Amendment condominium plat to allow the owners to utilize covered patio space as living area, increase existing deck space, and enclose existing hallways without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD, as amended (11th Amended MPD).

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Silver Bird Condominiums at Deer Valley First Amendment condominium plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7379 Silver Bird Drive within the Residential Development (RD) District and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).
2. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size.
3. A total of 6 units were constructed with allowed number of units per the Eleventh Amended Deer Valley MPD. The Silver Bird Condominiums parcels are all included in the 11th Amended Deer Valley Master plan and are developed using allowed number of units without a stipulated unit size.
4. Silver Bird Condominiums record of survey plat was approved by City Council on October 7, 1982 and recorded at Summit County on October 22, 1982.
5. On April 22, 2014, the applicants submitted an application for a condominium plat amendment to convert limited common deck space to private area for Units 25, 26, 27, 28, 29 & 30, so that they can enclose a covered patio and convert it to living space. Units 27, 28, 29, & 30 request to convert common area deck space to private so that they can extend their deck. Units 25 & 29 request to enclose existing hallways and convert them from common area into private space.
6. The application was deemed complete on May 8, 2014.
7. The square footage of the six units being converted is as follows: Unit 25 private area: 3,310.2 sq. ft.; Unit 26 private area: 3,320.38 sq. ft.; Unit 27 private area: 3,663.39 sq. ft.; Unit 28 private area: 3,356.93 sq. ft.; Unit 29 private area: 3,453.13 sq. ft.; Unit 30 private area: 3,475.87 sq. ft.
8. The Silver Bird Condominiums parcels were developed using allowed number of units without a stipulated unit size. The amendment does not change the number of residential units.
9. The plat amendment does not increase the parking requirements for these units.
10. The HOA received 100% approval to convert these units.
11. The findings in the analysis section are incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the condominium plat.
2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within

one year's time, this approval for the condominium plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. All conditions of approval of the Silver Bird Condominiums at Deer Valley condominium plat shall continue to apply.

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

PASSED AND ADOPTED this ___ day of _____, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A

CONDOMINIUM PLAT
**SILVER BIRD CONDOMINIUMS
 AT DEER VALLEY
 FIRST AMENDMENT**
-A UTAH CONDOMINIUM PROJECT-

A PARCEL OF LAND LOCATED
 IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION OF SILVER BIRD CONDOMINIUMS AT DEER VALLEY
 BEGINNING AT A POINT WHICH LIES EAST 568.74 FEET AND SOUTH 385.28 FEET FROM THE SOUTHWEST CORNER OF SECTION 22 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 55°00'00" WEST 208.11 FEET TO A POINT ON A 125.00 FOOT RADIUS CURVE TO THE LEFT; THEN ALONG THE ARC OF SAID 125.00 FOOT RADIUS CURVE TO THE LEFT 118.55 FEET (LONG CHORD BEARS NORTH 1°00'10" EAST 114.16 FEET); THENCE NORTH 26°10'00" WEST 157.00 FEET; THENCE NORTH 83°50'00" EAST 61.00 FEET; THENCE SOUTH 65°22'36" EAST 81.07 FEET; THENCE NORTH 70°30'00" EAST 60.00 FEET; THENCE SOUTH 19°30'00" EAST 157.89 FEET TO THE POINT OF BEGINNING, CONTAINING 0.807 ACRES, 8 UNITS.

SURVEYOR'S CERTIFICATE
 I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE PROPERTY SHOWN ON THIS PLAT AND DESCRIBED ABOVE, AND HAVE AMENDED SAID CONDO UNITS AS SHOWN HEREON. I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT AMENDMENT IS A CORRECT REPRESENTATION OF THE PROPERTY SURVEYED, AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8 OF THE CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57.

 BING CHRISTENSEN
 PROFESSIONAL LAND SURVEYOR

 DATE



OWNER'S CONSENT TO RECORD - UNIT 26
 KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT 26 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT I CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

BY: _____
 JOHN C. MURPHY, TRUSTEE
 THE MURPHY FAMILY TRUST

ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF SUMMIT

ON THIS ____ DAY OF _____, 2014, PERSONALLY APPEARED BEFORE ME JOHN C. MURPHY, WHO BEING DULY SWORN, DID SAY THAT HE IS THE OWNER OF UNIT 26 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT HE SIGNED THE FOREGOING INSTRUMENT.

 NOTARY PUBLIC

OWNER'S CONSENT TO RECORD - UNIT 29
 KNOW ALL MEN BY THESE PRESENT THAT ME, THE UNDERSIGNED OWNERS OF UNIT 29 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT WE CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

BY: _____ BY: _____
 DAVID C. OXMAN, TRUSTEE THE SILVER BIRD 29 TRUST
 PHYLLIS S. OXMAN, TRUSTEE THE SILVER BIRD 29 TRUST

ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF SUMMIT

ON THIS ____ DAY OF _____, 2014, PERSONALLY APPEARED BEFORE ME DAVID C. OXMAN & PHYLLIS S. OXMAN, WHO BEING DULY SWORN, DID SAY THAT THEY ARE THE TRUSTEES OF THE SILVER BIRD 29 TRUST AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT THEY EACH SIGNED THE FOREGOING INSTRUMENT.

 NOTARY PUBLIC

PLAT NOTES

- THIS PLAT REPRESENTS AN AMENDMENT OF UNITS 25, 26, 27, 28, 29, & 30 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (RECORDATION NUMBER 197341.) THIS AMENDMENT CONVERTS ALL EXISTING LIMITED COMMON AREA SPACE INTO PRIVATE AREA FOR UNITS 25, 26, 27, 28, 29, & 30. THE SPACE BEING CONVERTED IS LOCATED ON LEVEL 1 AND LEVEL 2 IN ALL UNITS (25, 26, 27, 28, 29, & 30 AS NOTED AND SHOWN HEREON).
- THIS PLAT ALSO REPRESENTS AN AMENDMENT OF UNITS 27, 28, 29, & 30 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (RECORDATION NUMBER 197341.) THIS AMENDMENT EXTENDS EXISTING COMMON AREA DECK SPACE OF UNITS 27, 28, 29, & 30. THE EXTENDED DECK SPACE IS LOCATED ON LEVEL 1 AND LEVEL 2 FOR UNITS 27, 28, & 30 AND ON LEVEL 1 FOR UNIT 29 AS NOTED AND SHOWN HEREON.
- THIS PLAT ALSO REPRESENTS AN AMENDMENT OF UNITS 25 & 29 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (RECORDATION NUMBER 197341.) THIS AMENDMENT ENCLOSURES EXISTING HALLWAYS AND CONVERTS THEM FROM COMMON AREA INTO PRIVATE SPACE FOR UNITS 25 & 29. THE ENCLOSED HALLWAYS ARE ON LEVEL 1 FOR BOTH UNITS 25 & 29.
- 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 SILVER BIRD 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 SILVER BIRD CONDOMINIUMS AT DEER VALLEY OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION, AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.

OWNER'S CONSENT TO RECORD - H.O.A.
 KNOW ALL MEN BY THESE PRESENT THAT SILVER BIRD CONDOMINIUM OWNERS ASSOCIATION (THE ASSOCIATION), THE AUTHORIZED REPRESENTATIVE OF ALL OF THE UNIT OWNERS HOLDING AT LEAST A TWO-THIRDS OWNERSHIP INTEREST IN THE COMMON AREA AND FACILITIES OF THE PROJECT PURSUANT TO THE PROVISIONS OF SECTION 27 OF THE DECLARATION OF CONDOMINIUM OF THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY, CERTIFIES THAT IT HAS APPROVED THIS PLAT AMENDMENT TO BE PREPARED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DOES HEREBY CONSENT TO THE RECORDATION OF THE PLAT.

SILVER BIRD CONDOMINIUM OWNERS ASSOCIATION
 A UTAH NON-PROFIT CORPORATION

BY: _____
 BRUCE S. MORRA, PRESIDENT

ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF SUMMIT

ON THIS ____ DAY OF _____, 2014, PERSONALLY APPEARED BEFORE ME BRUCE S. MORRA, WHO BEING DULY SWORN, DID SAY THAT HE IS PRESIDENT OF SILVER BIRD CONDOMINIUM OWNERS ASSOCIATION, A UTAH NON-PROFIT CORPORATION, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF THE CORPORATION, AND FURTHER ACKNOWLEDGED TO ME THAT THE CORPORATION EXECUTED THE SAME.

 NOTARY PUBLIC

OWNER'S CONSENT TO RECORD - UNIT 27
 KNOW ALL MEN BY THESE PRESENT THAT ME, THE UNDERSIGNED OWNERS OF UNIT 27 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT WE DO HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

BY: _____ BY: _____
 RONALD SCOTT MICHAL ELEANOR MICHAL

BY: _____ BY: _____
 WESLEY MULLICAN KRISTIE MULLICAN

ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF SUMMIT

ON THIS ____ DAY OF _____, 2014, PERSONALLY APPEARED BEFORE ME RONALD SCOTT MICHAL, WHO BEING DULY SWORN, DID SAY THAT HE IS THE OWNER OF UNIT 27 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT HE SIGNED THE FOREGOING INSTRUMENT.

 NOTARY PUBLIC

OWNER'S CONSENT TO RECORD - UNIT 30
 KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT 30 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT I DO HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

BY: _____ BY: _____
 ROBERT E. WARD PHILIP A. SULLIVAN

ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF SUMMIT

ON THIS ____ DAY OF _____, 2014, PERSONALLY APPEARED BEFORE ME ROBERT E. WARD, WHO BEING DULY SWORN, DID SAY THAT HE IS THE OWNER OF UNIT 30 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT HE SIGNED THE FOREGOING INSTRUMENT.

ON THIS ____ DAY OF _____, 2014, PERSONALLY APPEARED BEFORE ME PHILIP A. SULLIVAN, WHO BEING DULY SWORN, DID SAY THAT HE IS THE OWNER OF UNIT 30-A AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT HE SIGNED THE FOREGOING INSTRUMENT.

 NOTARY PUBLIC

OWNER'S CONSENT TO RECORD - UNIT 25
 KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT 25 AT SILVER BIRD 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: _____ BY: _____
 BRUCE S. MORRA CATHERINE T. MORRA

ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF SUMMIT

ON THIS ____ DAY OF _____, 2014, PERSONALLY APPEARED BEFORE ME BRUCE S. MORRA AND CATHERINE T. MORRA, WHO BEING DULY SWORN, DID EACH SAY THAT THEY ARE THE OWNERS OF UNIT 25 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT HE AND SHE SIGNED THE FOREGOING INSTRUMENT.

 NOTARY PUBLIC

OWNER'S CONSENT TO RECORD - UNIT 28
 KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT 28 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT I CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

BY: _____ BY: _____
 JOHN O. LEHNER, TRUSTEE JOHN O. LEHNER REVOCABLE TRUST
 DIENNA A. LEHNER, TRUSTEE JOHN O. LEHNER REVOCABLE TRUST

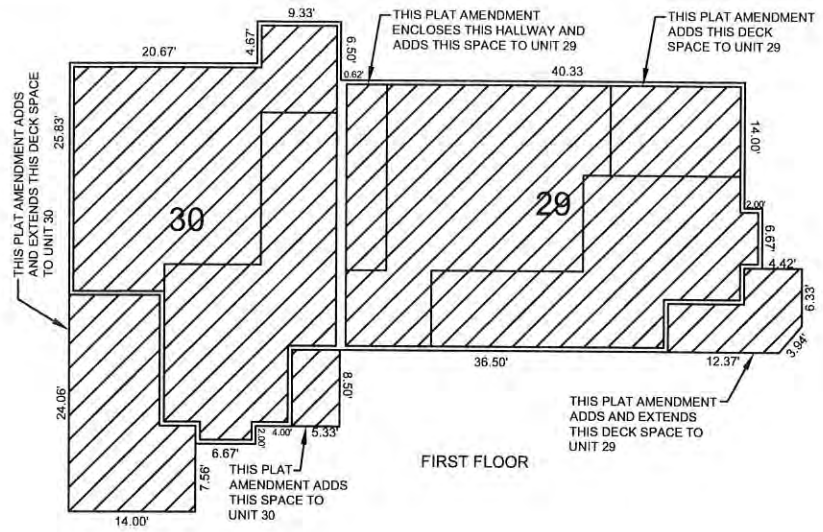
ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF SUMMIT

ON THIS ____ DAY OF _____, 2014, PERSONALLY APPEARED BEFORE ME JOHN O. LEHNER AND DIENNA A. LEHNER, WHO BEING DULY SWORN, DID EACH SAY THAT THEY ARE THE OWNERS OF UNIT 28 AT SILVER BIRD CONDOMINIUMS AT DEER VALLEY, AND EACH DULY ACKNOWLEDGED TO ME THAT HE AND SHE SIGNED THE FOREGOING INSTRUMENT.

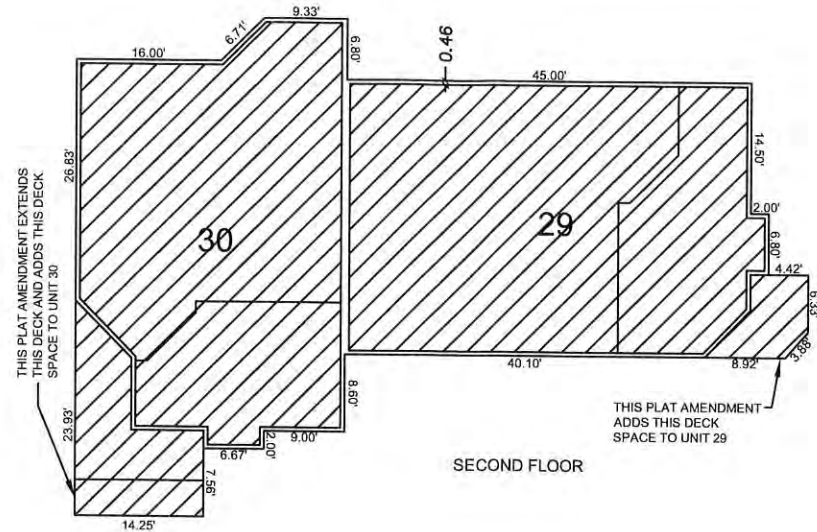
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RECORDING INFORMATION

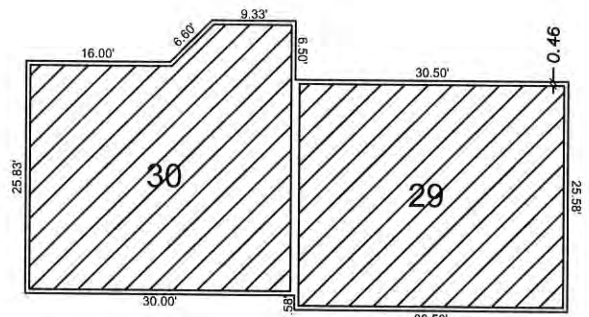




FIRST FLOOR

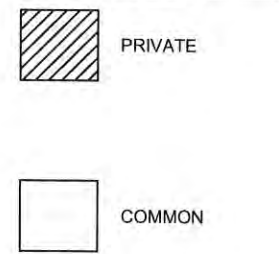


SECOND FLOOR



THIRD FLOOR

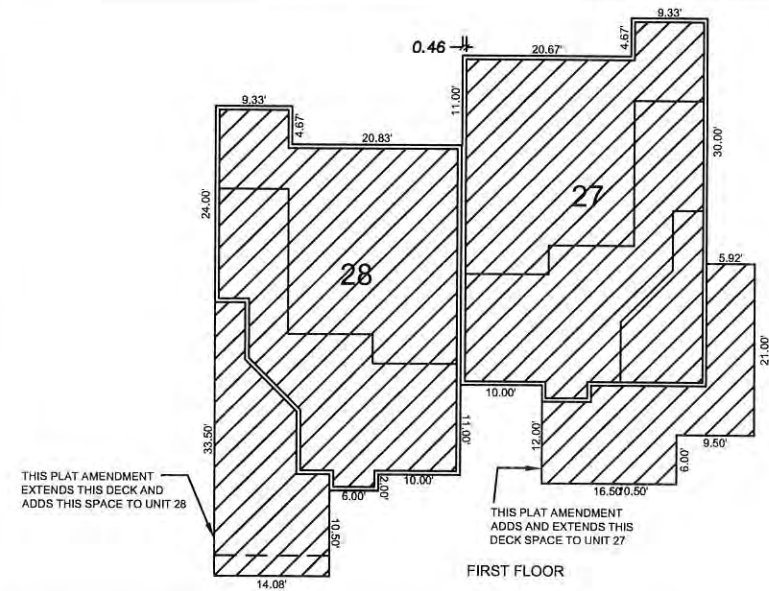
OWNERSHIP LEGEND



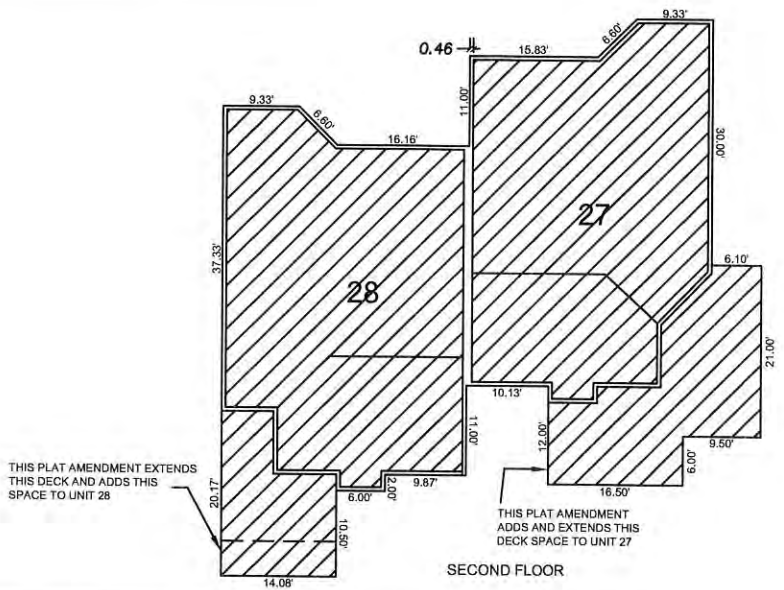
1. ALL AREAS DESCRIBED HEREIN ARE COMMON AREAS AND FACILITIES AND PRIVATE OWNERSHIP
2. DIMENSIONS SHOWN ARE TO UNFINISHED SURFACES OF THE BOUNDING WALLS.
3. SQUARE FOOTAGES OF UNITS SHOWN BELOW IN TABULATIONS INCLUDE THE GARAGE AREAS OF ALL UNITS
4. BENCHMARK ELEVATION 8124.96 - SPIKE ON POWER POLE NORTHEAST CORNER INTERIOR SILVER LAKE KNOLL ROAD AND LAKE FLAT 'E' ROAD.
5. SEE WWW ENTRANCE ROAD DESIGN FOR LOCATION OF PRIVATE ROADS AND DRIVEWAYS

TABULATIONS

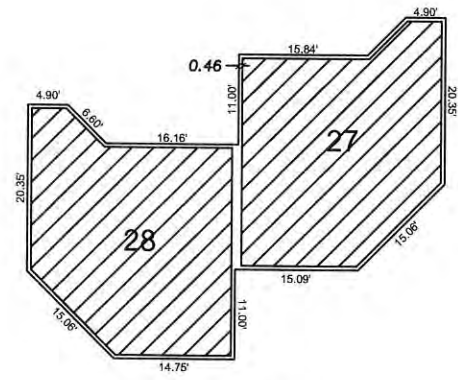
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- UNIT 26 PRIVATE AREA = 3320.38 SQ.FT.
- UNIT 27 PRIVATE AREA = 3663.39 SQ.FT.
- UNIT 28 PRIVATE AREA = 3356.93 SQ.FT.
- UNIT 29 PRIVATE AREA = 3453.13 SQ.FT.
- UNIT 30 PRIVATE AREA = 3475.87 SQ.FT.



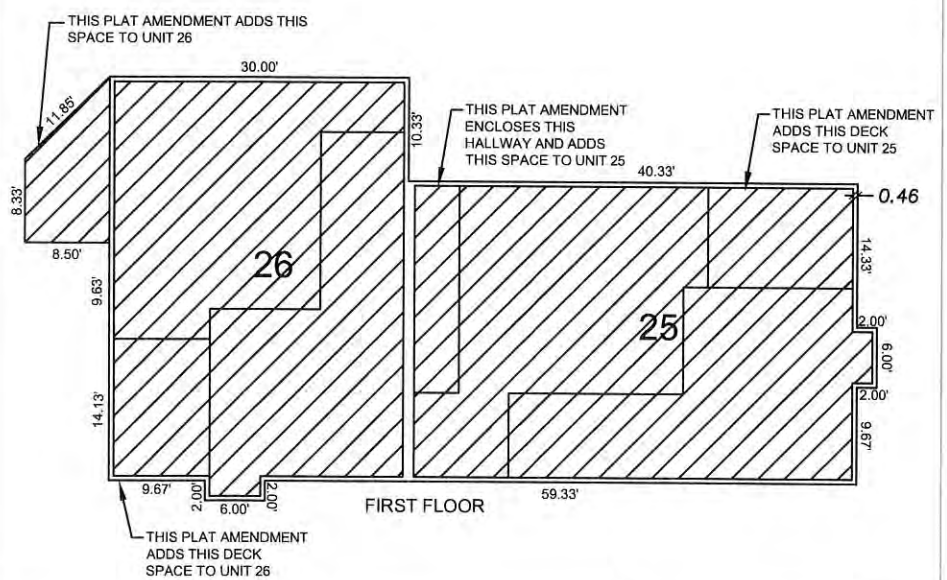
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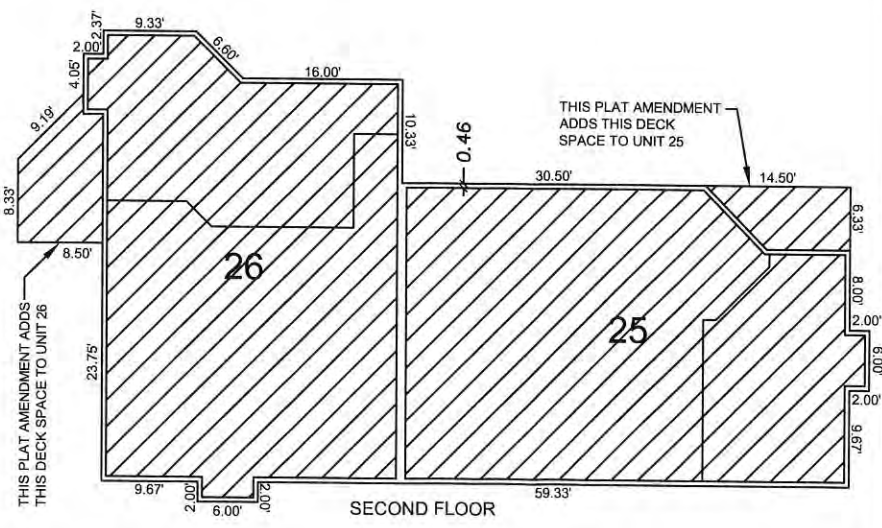
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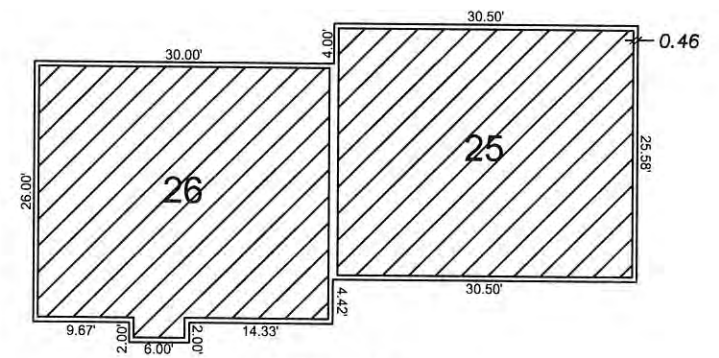
THIRD FLOOR



FIRST FLOOR



SECOND FLOOR



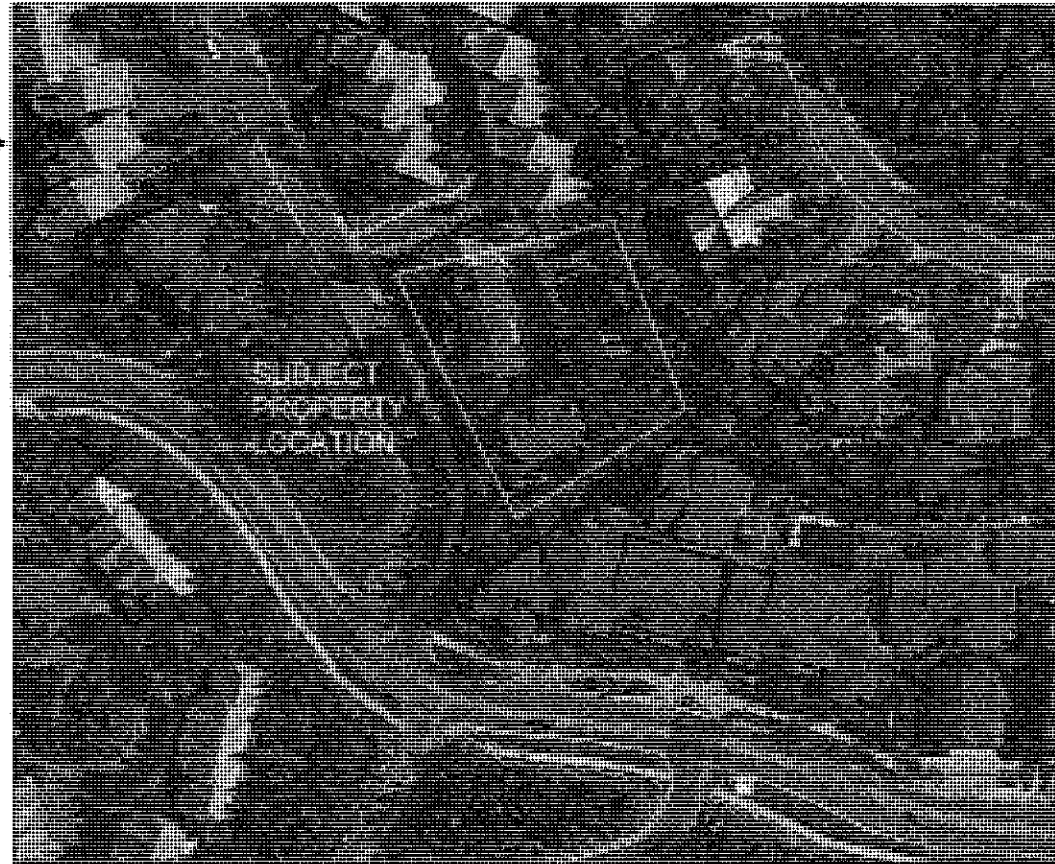
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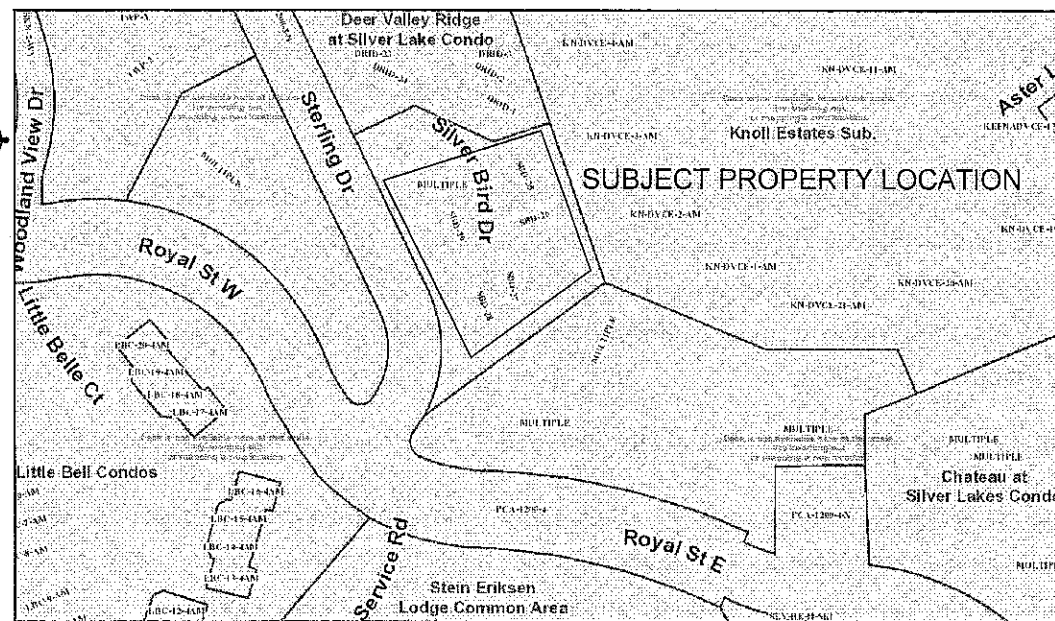
EXHIBIT B

CONDOMINIUM PLAT
**SILVER BIRD CONDOMINIUMS
 AT DEER VALLEY**
FIRST AMENDMENT
 -A UTAH CONDOMINIUM PROJECT-

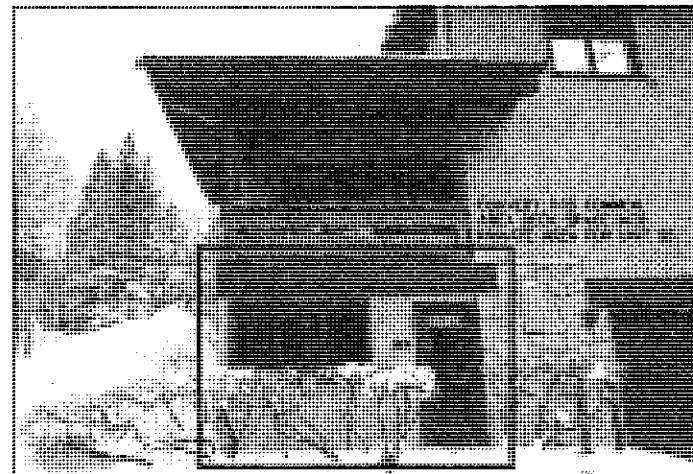
A PARCEL OF LAND LOCATED
 IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 BALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



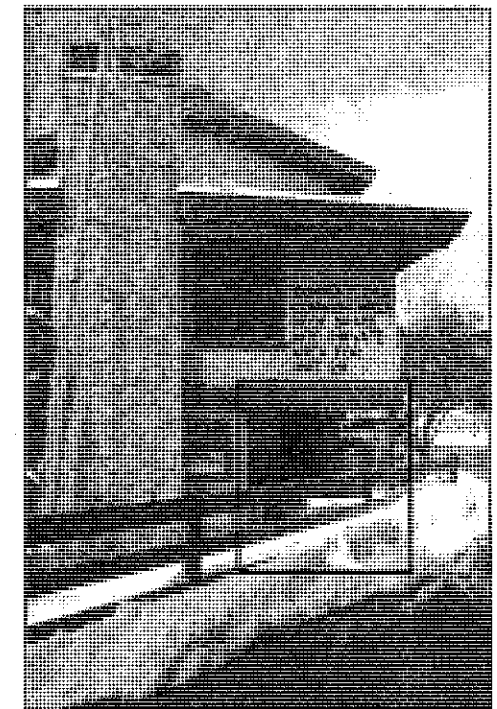
AERIAL PHOTO OF SUBJECT PROPERTY



SURROUNDING PROPERTIES MAP



UNIT 25 WEST VIEW



UNIT 29 SOUTH VIEW

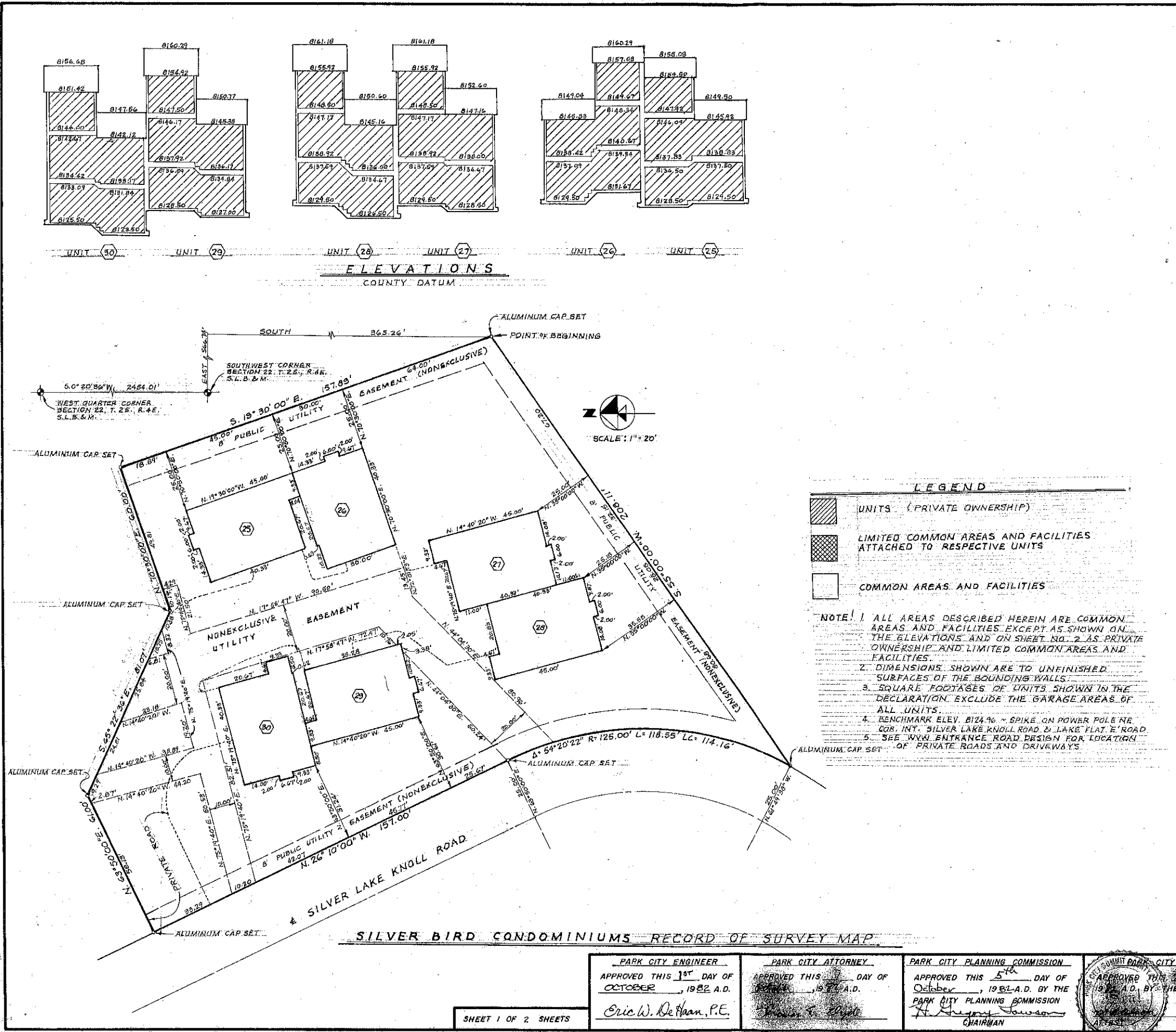


UNIT 30 NORTH VIEW



UNIT 28 WEST VIEW

EXHIBIT C - EXISTING PLAT



SURVEYOR'S CERTIFICATE

I, Patrick C. Alsop, do hereby certify that I am a registered Land Surveyor holding certificate No. 4609 as prescribed by the laws of the State of Utah. I further certify that by the authority of the Owners I have made a survey of the tract of land shown on this Record of Survey Map and described below, and that the description correctly describes the land surface upon which there has been constructed SILVER BIRD CONDOMINIUMS.

I further certify that this Record Of Survey Map is accurate and has been prepared in compliance with the provisions of the Utah Condominium Ownership Act, and that building specifications shown on this Map are true and correct.

COURSE	DIST.	REMARKS
		BEGINNING AT A POINT WHICH LIES
EAST	564.74	FEET AND
SOUTH	365.26	FEET FROM THE SOUTHWEST CORNER OF SECTION 22 T.2S., R.4E., S.L.B. & M.
		AND RUNNING THENCE
S.55°00'00"W.	208.11	FEET TO A POINT ON A 125.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID 125.00 FOOT RADIUS CURVE TO THE LEFT, 118.85 FEET (LONG CHORD BEARS N. 1°00'10"E., 114.16 FEET); THENCE
N. 26°10'00"W.	157.00	FEET; THENCE
N. 63°50'00"E.	61.00	FEET; THENCE
S. 65°22'36"E.	31.07	FEET; THENCE
N. 70°30'00"E.	60.00	FEET; THENCE
S. 19°30'00"E.	157.89	FEET TO THE POINT OF BEGINNING
		CONTAINS 0.807 ACRES, 6 UNITS

9-2-82
DATE

Patrick C. Alsop, P.E., R.L.S.
PATRICK C. ALSOP, P.E., R.L.S.

OWNER'S CERTIFICATE OF CONSENT TO RECORD AND DEDICATION

Know all men by these presents that we the undersigned Owners of the above described tract of land have caused a survey to be made and this Record Of Survey Map to be prepared, do hereby consent to the recording of this Map in accordance with the Utah Condominium Ownership Act, and do hereby dedicate the nonexclusive public utility easements shown thereon for the perpetual use of the public.

In witness whereof we have hereunto set our hands this day of September, 1982 A.D.

SILVER BIRD CORPORATION, a Utah corporation
By *Christopher J. Sumner*
Christopher J. Sumner, President

By *Daniel N. Balin*
Daniel N. Balin, Secretary

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)
County of Summit) S.S.

On the 7th day of September, A.D., 1982 personally appeared before me Christopher J. Sumner & Daniel N. Balin who being by me duly sworn or affirmed, did say that they are the President and Secretary of Silver Bird Corporation and that the above Owner's Certificate of Consent to Record and Dedication was signed in behalf of said Corporation by authority of the Board of Directors and the said Christopher J. Sumner and Daniel N. Balin acknowledged to me that said Christopher J. Sumner and Daniel N. Balin executed the same.

my commission expires 9-19-85

Roberta Owen
Roberta Owen
notary public residing in Salt Lake City, Utah

SILVER BIRD CONDOMINIUMS - A UTAH CONDOMINIUM PROJECT
PART OF THE NORTHWEST QUARTER OF SECTION 27, T.2S., R.4E.

RECORDED NO. 197341
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF Summit County Title Co.
DATE 10-22-82 TIME 12:15 BOOK 23 PAGE 00
FEE 23.00
Handa Y. Springer
SUMMIT COUNTY RECORDER

EXHIBIT C - EXISTING PLAT



WAYNE T. VANWAGONER & ASSOCIATES, INC.
 3300 SOUTH WEST TEMPLE P.O. BOX 11511
 SALT LAKE CITY, UTAH 84111-1511

SILVER BIRD CONDOMINIUMS

RECORDED NO. 1372347

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF Summit County Title Co.

DATE 10-22-82 TIME 12:15 BOOK PAGE

\$23.00 FEE Summit County Recorder

SHEET 2 OF 2 SHEETS

Planning Commission Staff Report



Subject: 692 Main Street Condominiums Plat
Author: Christy J. Alexander, AICP, Planner II
Project Number: PL-14-02320
Date: August 13, 2014
Type of Item: Administrative – Condominium Plat

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the 692 Main Street Condominiums plat, based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

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

Description

Applicant: 692 Main Street Investors, LLC, owners, as represented by Steve Bruemmer, Elliott Workgroup
Location: 692 Main Street
Zoning: Historic Residential Commercial (HRC) (with HBC 1982 Agreement rights)
Adjacent Land Uses: Mixed-use developments consisting of restaurant, retail, hotel, residential, etc.
Reason for Review: Record of Survey plats require Planning Commission review and City Council action

Proposal

The applicant is requesting to amend the existing Town Lift Site, Phase A First Amended Subdivision plat and convert Lot A-1 and Lot A-2 to a condominium plat (Exhibit A). This application is to memorialize what has previously been approved and had been built. The intent of the project was to renovate the existing non-historic building located at 692 Main Street, which is now almost complete and convert the units to condominiums along with the underground parking garage. The building was already approved for two additional floors. The new interior construction will provide for commercial lease space on the ground floor and basement level, with condominium residential uses for floor levels 2, 3, & 4. All systems have been upgraded to accommodate current building code requirements.

Background

On April 21, 2014, the applicant submitted an application for the 692 Main Street Condominiums plat. The property is located at 692 Main Street in the Historic

Residential Commercial (HRC) District (with Historic Business Commercial (HBC) District 1982 Agreement rights) and the "Town Lift Project Phase 1" Master Planned Development (MPD) overlay.

The Planning Department staff approved a Historic District Design Review application for this site on July 15, 2010. The application was for an interior remodel of the existing contemporary building that was built in 1993 with an addition of a third and fourth story, in the same style, above Main Street level. There is also a basement to the building. The use had been as a Sales Gallery for the Marriott Summit Watch. What was proposed was a mixed-use development with five residential units total, two on the second level, two on the third level, and a fourth floor penthouse and commercial, retail and sales office space on the Main Street and existing mechanical and restroom spaces on the basement level. The addition to the building matches the existing building in materials, form and dimensions. The additional floors were within the allowed Floor Area Ratios, Maximum Building Volume and Height of the overlying HCB District and Amended Master Planned Development approved by the Planning Commission on July 14, 2010, that allowed Building A-1 to be increased from two stories to four stories (See Exhibit E- Action Letter). This required the applicant to apply for a modification of the November 23, 1994 MPD to convert the Commercial Unit Equivalents (UE's) to a combination of Commercial UE's and Residential UE's in Building A1, Phase 1. The UEs are calculated at 2,000 square feet per residential unit and 1,000 square feet per commercial unit. With the renovation the UEs total 7.16 for the building.

The Town Lift Site, Phase A Subdivision plat was approved by City Council on October 1, 1992 and recorded at Summit County on June 1, 1993. The Town Lift Site, Phase A First Amended Subdivision plat was approved by City Council on November 30, 1995 and recorded at Summit County on March 19, 2007.

The proposed condominium plat creates five new residential condo units. It also condominiumizes the Commercial units which encompass two floors. They did not previously maximize the entire allowance of UEs. Exterior changes have been made to accommodate a two story addition. No additional parking is required.

Analysis

The zoning for the 692 Main Street Condominiums is Historic Residential Commercial (HRC) (with HCB 1982 Agreement rights, meaning the heights and regulations found within the HCB zone were allowed for this property-which is Findings of Fact #1 from the 2010 MPD Amendment). The Condominium Plat is consistent with the purpose statements of the HBC District. A change in the building square footage is proposed to be Commercial: 3,448 square feet; Residential Unit A: 1,892 square feet; Unit B: 774 square feet; Unit C: 1,892 square feet; Unit D: 774 square feet; and the Penthouse: 2,099 square feet; which add up to 7.16 UEs. UEs are calculated as per the 1992 MPD for Commercial: 1 UE per 1,000 sf of net leasable floor area, exclusive of common corridors; Residential: 1 UE per 2,000 sf of net interior square footage of units, exterior hallways, lobbies, elevators, storage are not included. The footprint of the building will remain the same except for (1) the addition to the balcony and (2) the enclosure under the deck facing Main Street, as was proposed as part of the MPD Amendment and approved under the HDDR application. The 692 Main Street Condominiums meet all zoning and code requirements. The property is subject to the following criteria:

	Permitted through MPD	Proposed
Height	45' angling back from the front and rear property lines.	Meets current code and MPD requirements.
Setbacks	Per subdivision plat building envelopes identified.	No changes are proposed. The addition does not change existing setbacks.
Units/ UE	7.2 UEs.	3.448 UEs of Commercial and 3.715 UEs of Residential which combined equals 7.163 UEs and is less than the allowed 7.2 UEs
Parking	23 spaces recorded as an easement within the greater Summit Watch project.	No changes are proposed and parking is sufficient to meet the size of each of the proposed uses taking into account that only 7 spaces are required for residential as per the LMC and the property paid into the 1984 Special Improvement District (SID) which waives the parking requirement of 1.5 FAR. 16 spaces are sufficient for the required commercial parking requirement of 2.5 FAR. Thus the 23 existing spaces suffice.

Good Cause

Planning Staff finds there is good cause for this condominium plat to reflect the as-built conditions and convert the existing commercial area into units and the newly constructed residential units to condominiums without increasing the building footprint or parking requirements, consistent with provisions of the Amended 1994 Town Lift MPD. Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet on June 25, 2014 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. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting scheduled for September 4, 2014.

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 forward a positive recommendation to the City Council for the 692 Main Street Condominiums plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the condominium plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the condominium plat to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed condominium plat amendment would not be recorded and all units will not be identified as condominiums and will remain as leasable space by the existing property owner. These units will not be considered to be part of an HOA nor will be owned by the HOA as saleable or leasable commercial and residential spaces.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the 692 Main Street Condominiums plat, based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial Photograph/Streetscape Images
- Exhibit D – Existing Plat
- Exhibit E – Action letter from MPD Amendment July 14, 2010
- Exhibit F – Minutes from MPD Amendment July 14, 2010
- Exhibit G – Action letter from HDDR approval September 9, 2011

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

AN ORDINANCE APPROVING THE 692 MAIN STREET CONDOMINIUMS PLAT LOCATED AT 692 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the 692 Main Street Condominiums, located at 692 Main Street, have petitioned the City Council for approval of the 692 Main Street Condominiums plat; a Utah Condominium project; and

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

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

WHEREAS, the Planning Commission held a public hearing on August 14, 2014, to receive input on the proposed amended condominium plat;

WHEREAS, on August 14, 2014, the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on September 4, 2014, the City Council held a public hearing on the proposed amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 692 Main Street Condominiums plat; a Utah Condominium project.

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 692 Main Street Condominiums 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 692 Main Street within the Historic Residential Commercial (HRC) District and is subject to the 1994 Amended Marriott Summit Watch/Town Lift Master Planned Development (MPD), as amended on July 14, 2010.
2. The Town Lift Site, Phase A Subdivision plat was approved by City Council on October 1, 1992 and recorded at Summit County on June 1, 1993. Town Lift Site, Phase A first amended plat was approved on November 30, 1995 and recorded at the County on March 19, 1997.
3. On April 21, 2014, the applicants submitted an application for a condominium plat amendment. The application was deemed complete on May 8, 2014.

4. The total square footage of the new units is proposed to be Commercial: 3,942 square feet; Unit A: 1,892 square feet; Unit B: 774 square feet; Unit C: 1,892 square feet; Unit D: 774 square feet; and the Penthouse: 2,099 square feet.
5. The existing commercial units and additional residential units are located within the existing building footprint and there is no increase in the footprint for this building except for the addition to the balcony and the enclosure under the deck facing Main Street, which were both proposed as part of the MPD Amendment and approved under the HDDR application.
6. 3.448 UEs of Commercial and 3.715 UEs of Residential are proposed which combined totals 7.163 UEs and is less than the allowed 7.2 UEs as per the Amended MPD.
7. The plat amendment does not increase the parking requirements for these units, 23 spaces were recorded as an easement within the greater Summit Watch project.
8. As conditioned, this condominium plat is consistent with the conditions of approval of the Town Lift Site, Phase A First Amended Subdivision plat as per the findings in the Analysis section.
9. The findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this condominium plat amendment.
2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended condominium plat is consistent with the 1994 Amended Marriott Summit Watch/Town Lift Master Planned Development (MPD) as amended by the Planning Commission on July 14, 2010.
4. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
5. Approval of the condominium plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the condominium plat.
2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the condominium plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the July 14, 2010 Amended Marriott Summit Watch/Town Lift MPD continue to apply.
4. A timeshare instrument shall be recorded prior to sale of any units as a timeshare.

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

PASSED AND ADOPTED this ___ day of _____, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

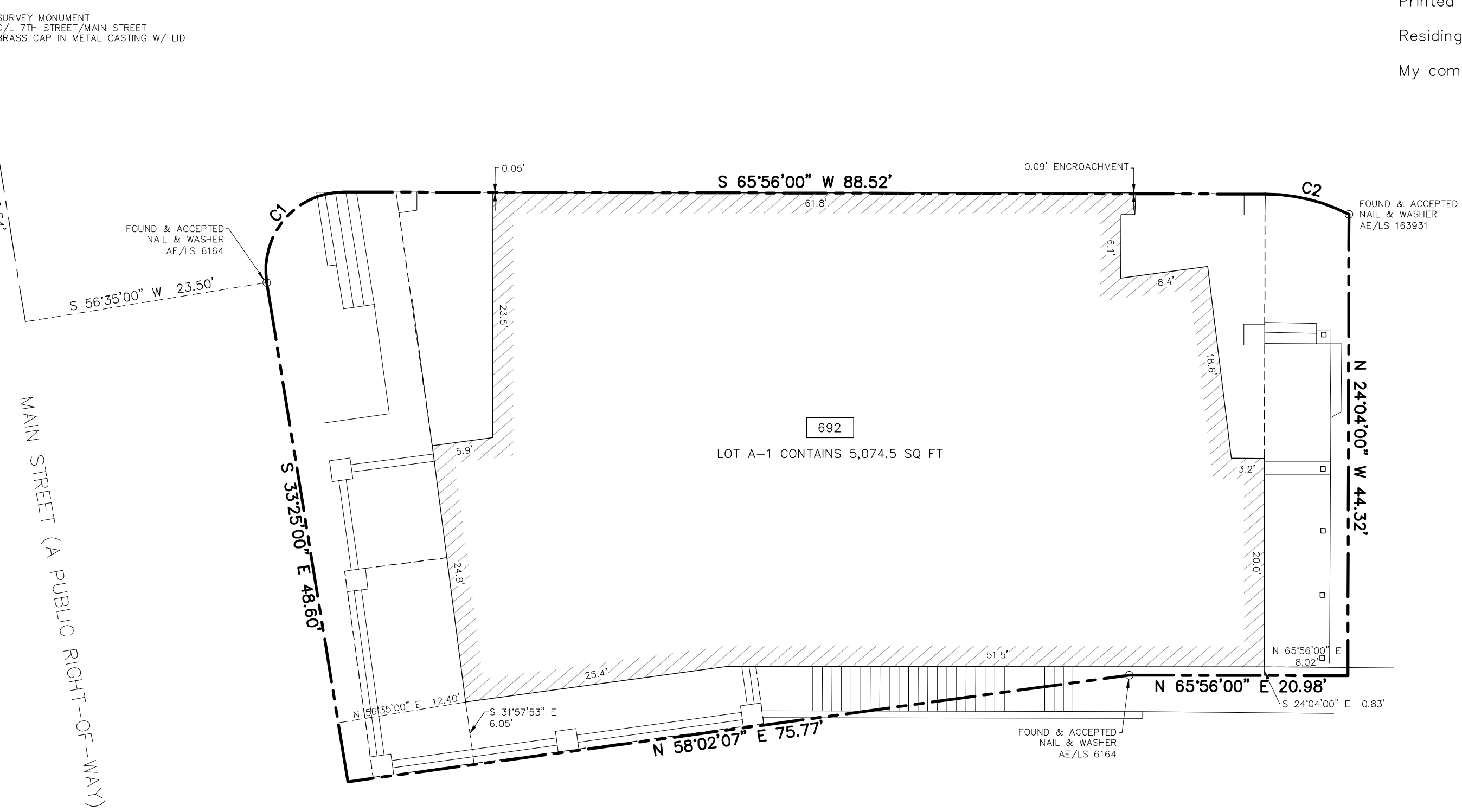
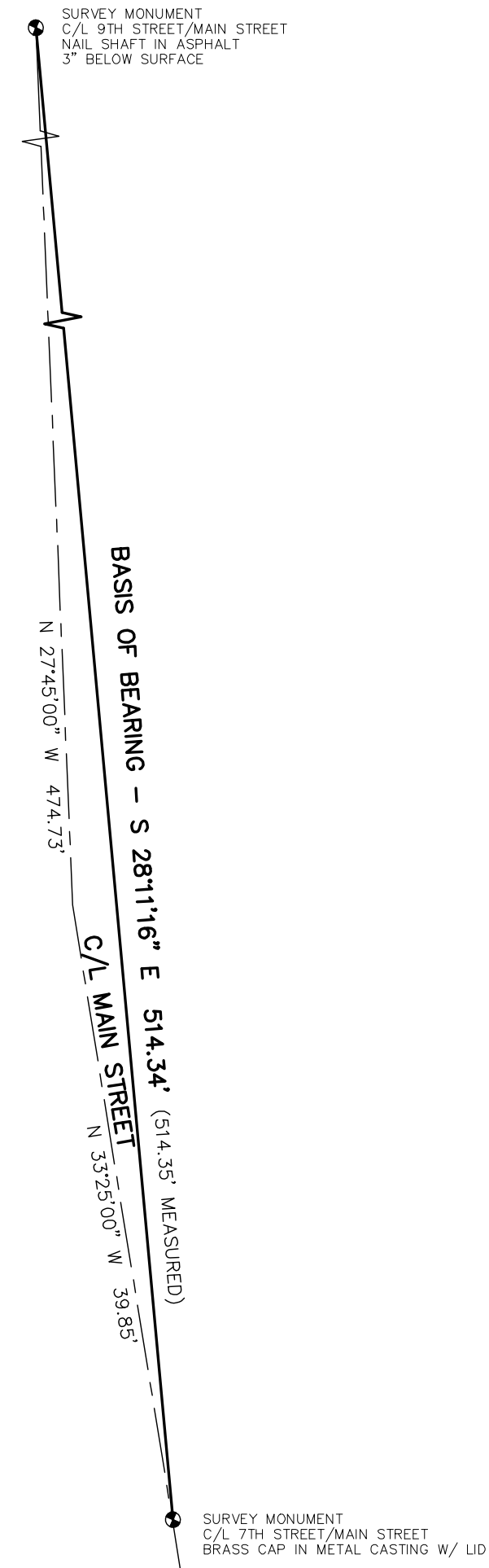
ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

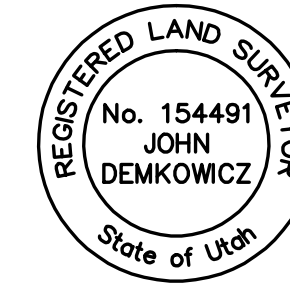
Mark Harrington, City Attorney

EXHIBIT A



CONDOMINIUM PLAT OF 692 MAIN STREET CONDOMINIUMS

LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the 692 MAIN STREET CONDOMINIUMS and that the same has been monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

PARCEL 1

All of Lot A-1, the Town Lift Site First Amended, Phase A, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

EASEMENT 1

Together with a non-exclusive surface right-of-way as reserved in the Quit Claim Deed recorded April 16, 1997, as Entry No. 476917 in Book 1039 at Page 766 over the southerly half of the vacated 7th Street abutting said Lot A-1, subject to the recitals as found in said Quit Claim Deed.

EASEMENT 2

Together with a non-exclusive sidewalk and fire exit easement and fire lane easement over the following described land as granted in the Grant Of Easement recorded April 22, 1993, as Entry No. 377986 in Book 721 at Page 484 and subject to the recitals in said easement:

SIDEWALK AND FIRE EASEMENT

Beginning at a point that is North 151.66 feet and West 130.48 feet from the southwest corner of the southeast quarter of the northeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 31°58'04\"/>

FIRE LANE EASEMENT

Beginning at a point North 147.92 feet and West 128.21 feet from the southwest corner of the southeast quarter of the northeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 31°58'04\"/>

EASEMENT 3

Together with a non-exclusive easement for the sole purpose of constructing, using, and maintaining a stairway and sidewalk over and across the following described property as created in the grant of easement recorded September 8, 1998, as Entry no. 517126, in Book 1180, at Page 426 subject to the recitals in said easement.

Beginning at a point that is North 151.56 feet and West 130.48 feet from the southwest corner of the southeast quarter of the northeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 31°58'04\"/>

Beginning at a point that is North 151.56 feet and West 130.48 feet from the southwest corner of the southeast quarter of the northeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 31°58'04\"/>

EASEMENT 4

Together with and subject to the easements as shown in that certain parking easement between McIntosh Mill LTD. and GKM LTD., recorded August 5, 1993, as Entry No. 384600, in Book 743, at Page 166, and First Amendment by and between McIntosh Mill LTD. and GKM LTD., recorded March 21, 2006, as Entry No. 772151, in Book 1778, at Page 1225, Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned owner hereby certifies that he has caused this survey to be made and this Record of Survey Map to be prepared and hereby consents to the recordation of this Record of Survey Map.

Manager, 692 Main Street Investors LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of _____:

SS:

County of _____:

On this ____ day of _____, 2014, _____ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, _____ acknowledged to me that he is the manager of 692 Main Street Investors, LLC, a Utah limited liability company, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

Printed Name _____

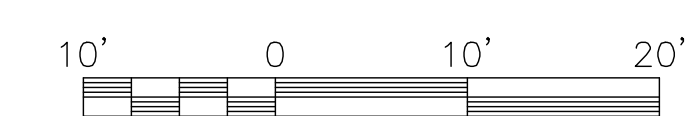
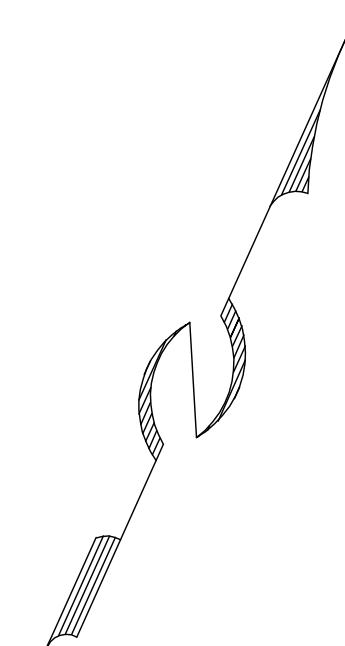
Residing in: _____

My commission expires: _____

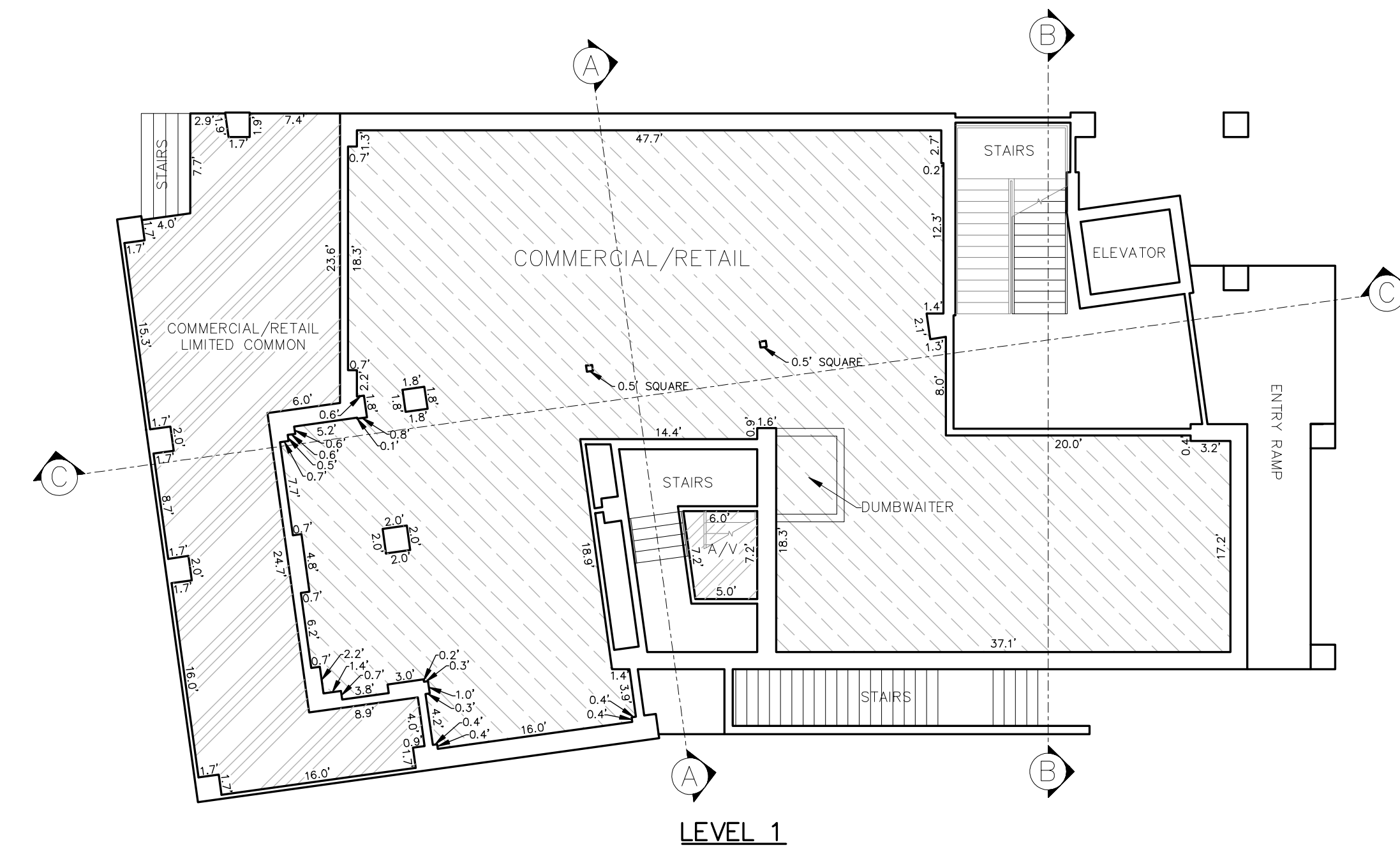
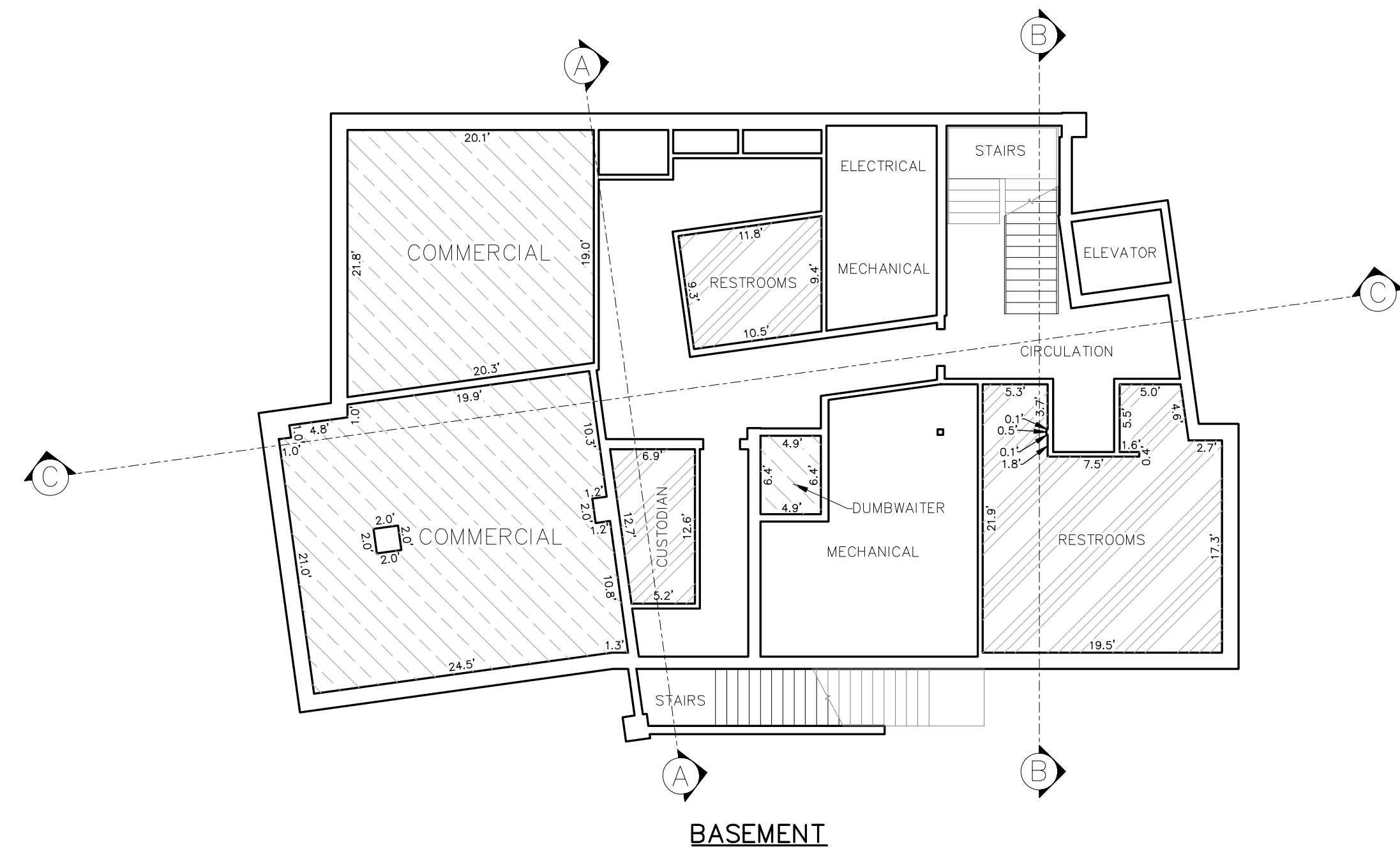
CURVE	RADIUS	ARC LENGTH	DELTA
C1	7.50'	13.00'	99°21'00"
C2	17.50'	8.31'	27°12'10"

NOTES

- The building was under construction at the time of the survey. As a result, concrete has been removed from some locations around the exterior of the building. Property corners not shown were removed during construction.
- The dimensions of the interior spaces were taken from drawings supplied by the architect.
- The units of the 692 Main Street Condominiums are served by Common Private Lateral Wastewater Lines. The 692 Main Street Condominium Association shall be responsible for ownership, operation and maintenance of all Common Private Lateral Wastewater Lines.

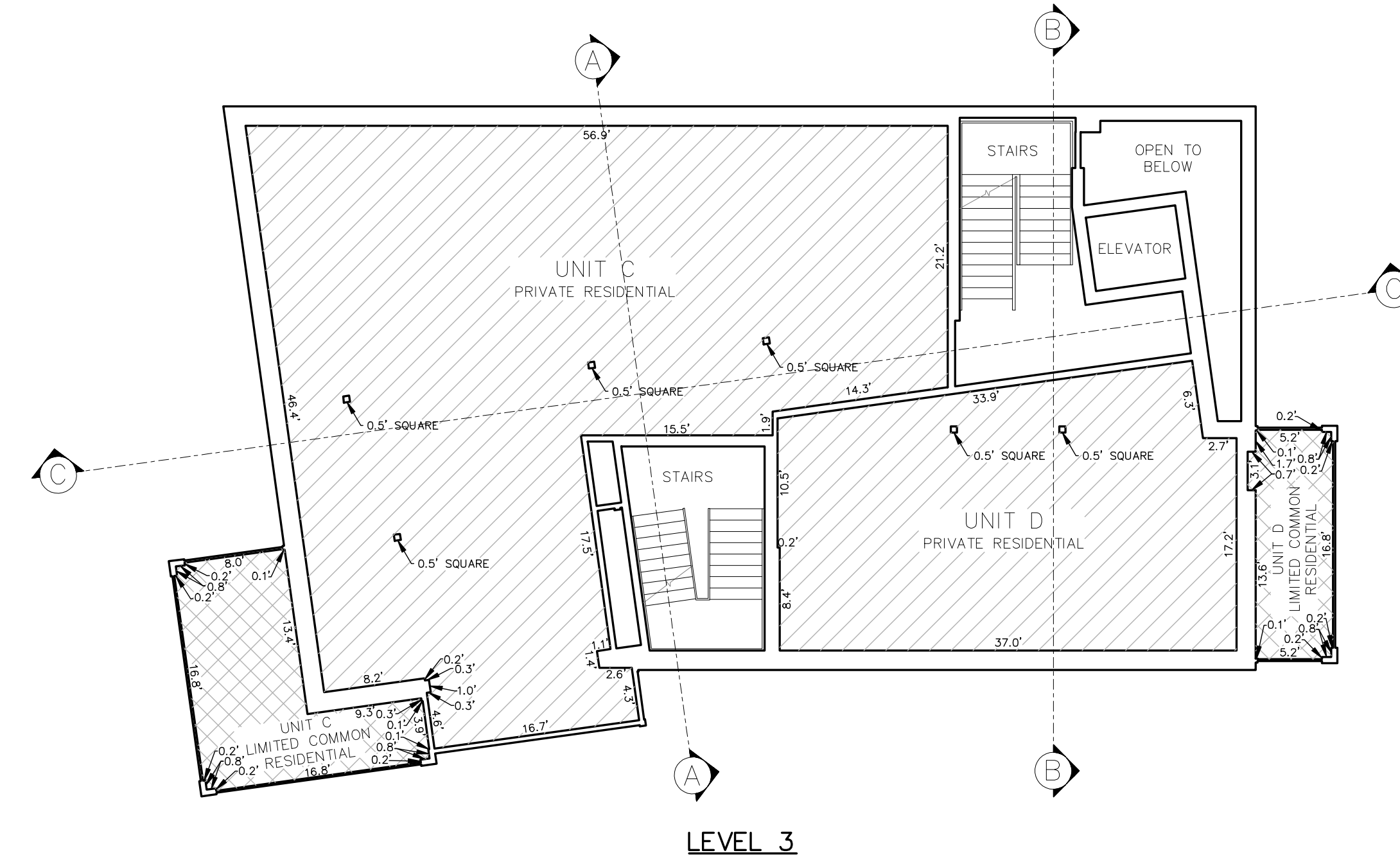
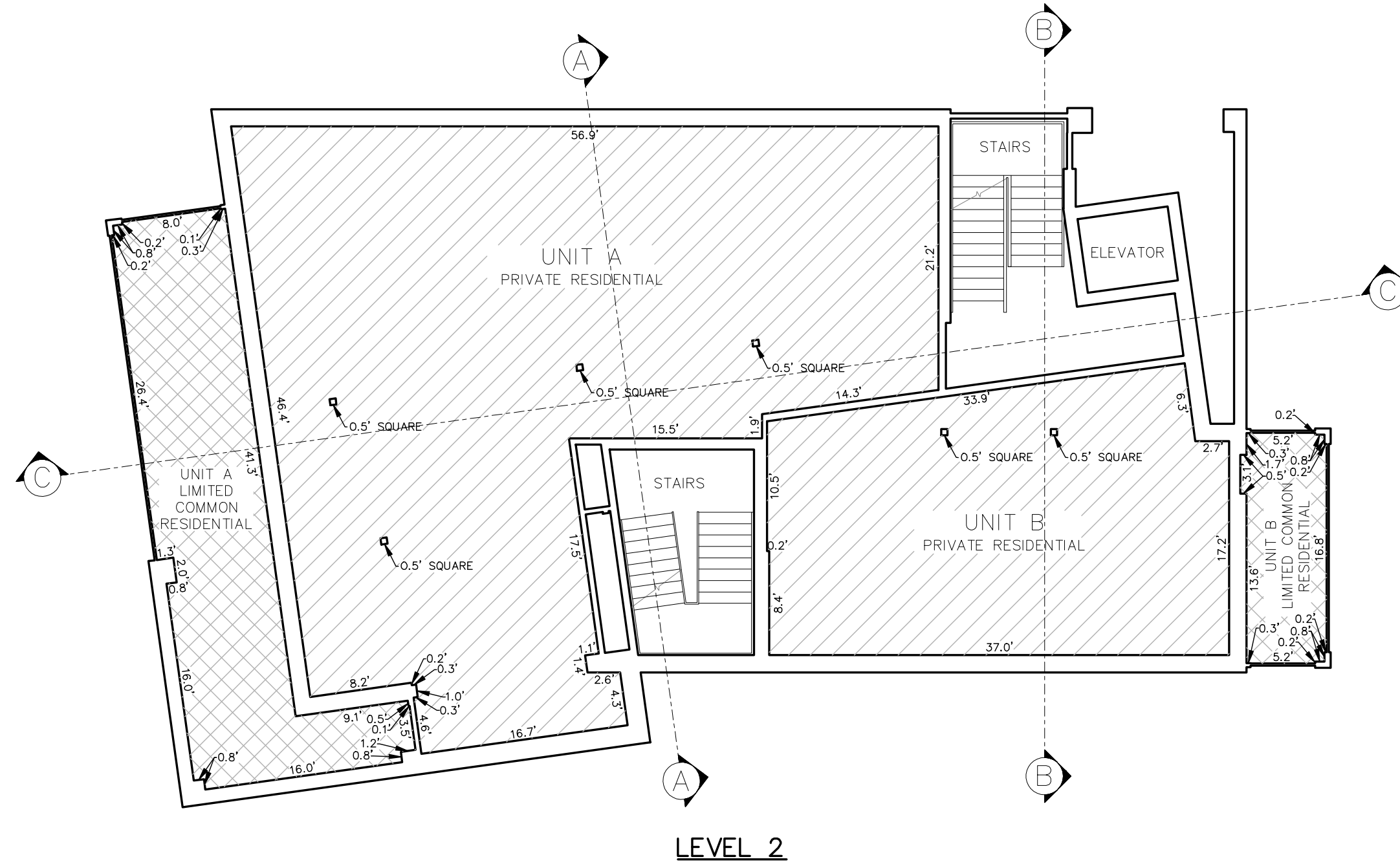


<p>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ MAYOR</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____</p> <p>ENTRY NO. _____ FEE _____ RECORDER _____</p>
	<p>Page 126 of 159</p>						



UNIT AREA TABLE

UNIT	PRIVATE OWNERSHIP AREA
COMMERCIAL	3448 SQ FT
UNIT A	1892 SQ FT
UNIT B	774 SQ FT
UNIT C	1892 SQ FT
UNIT D	774 SQ FT
PENTHOUSE	2099 SQ FT



OWNERSHIP DESIGNATIONS

	COMMON AREA
	PRIVATE RESIDENTIAL
	LIMITED COMMON RESIDENTIAL
	PRIVATE COMMERCIAL
	LIMITED COMMON COMMERCIAL

692 MAIN STREET CONDOMINIUMS

SHEET 2 OF 4

JOB NO.: 3-2-14 FILE: X:\SnydersAddition\dwg\sr\pl\2014\030214.dwg

7/10/14
RECORDED

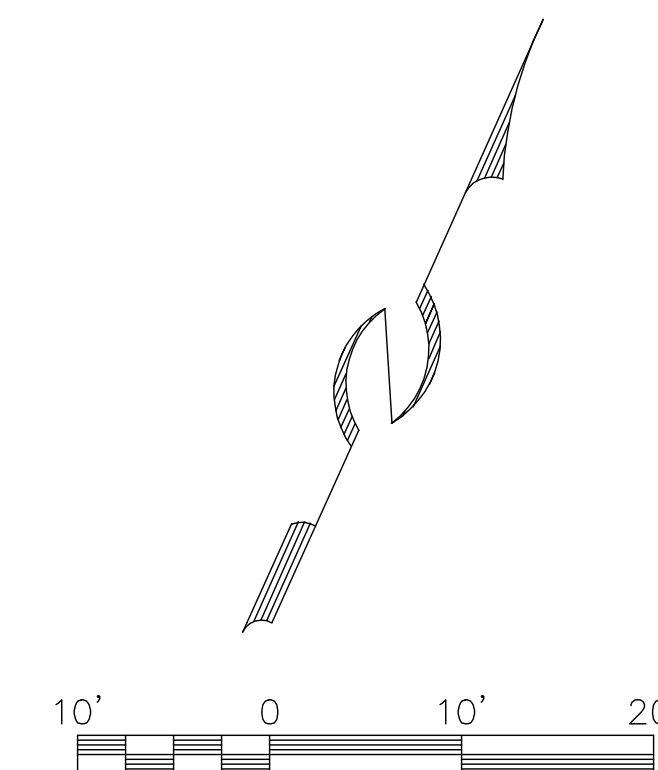
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____

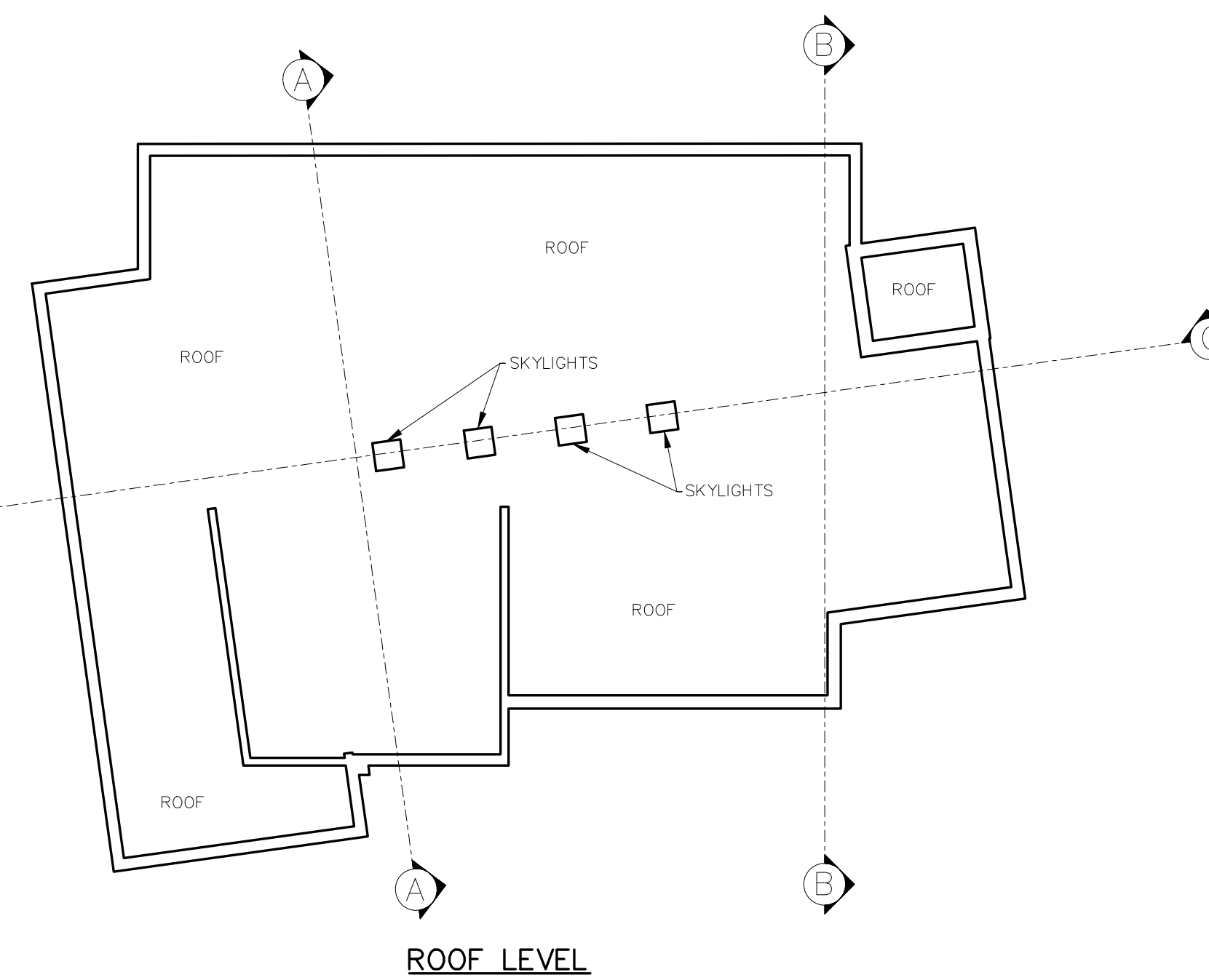
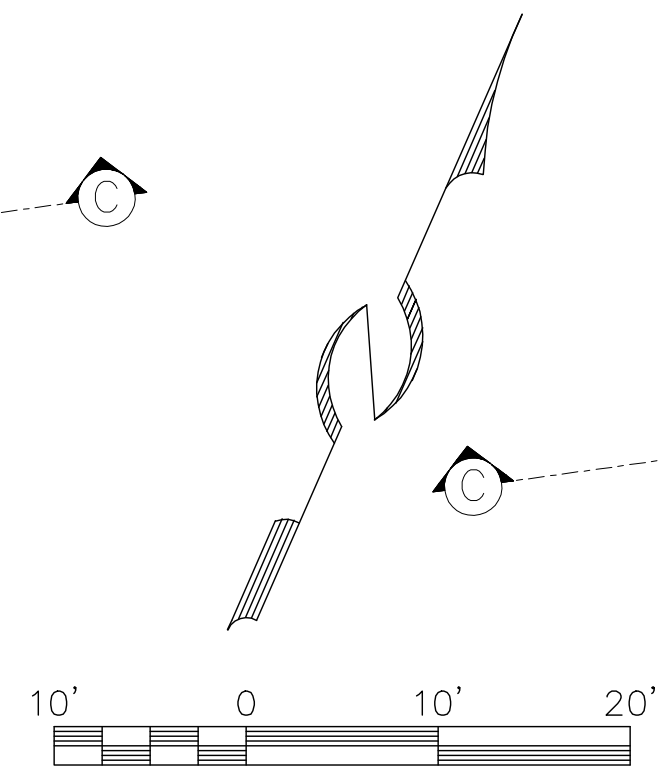
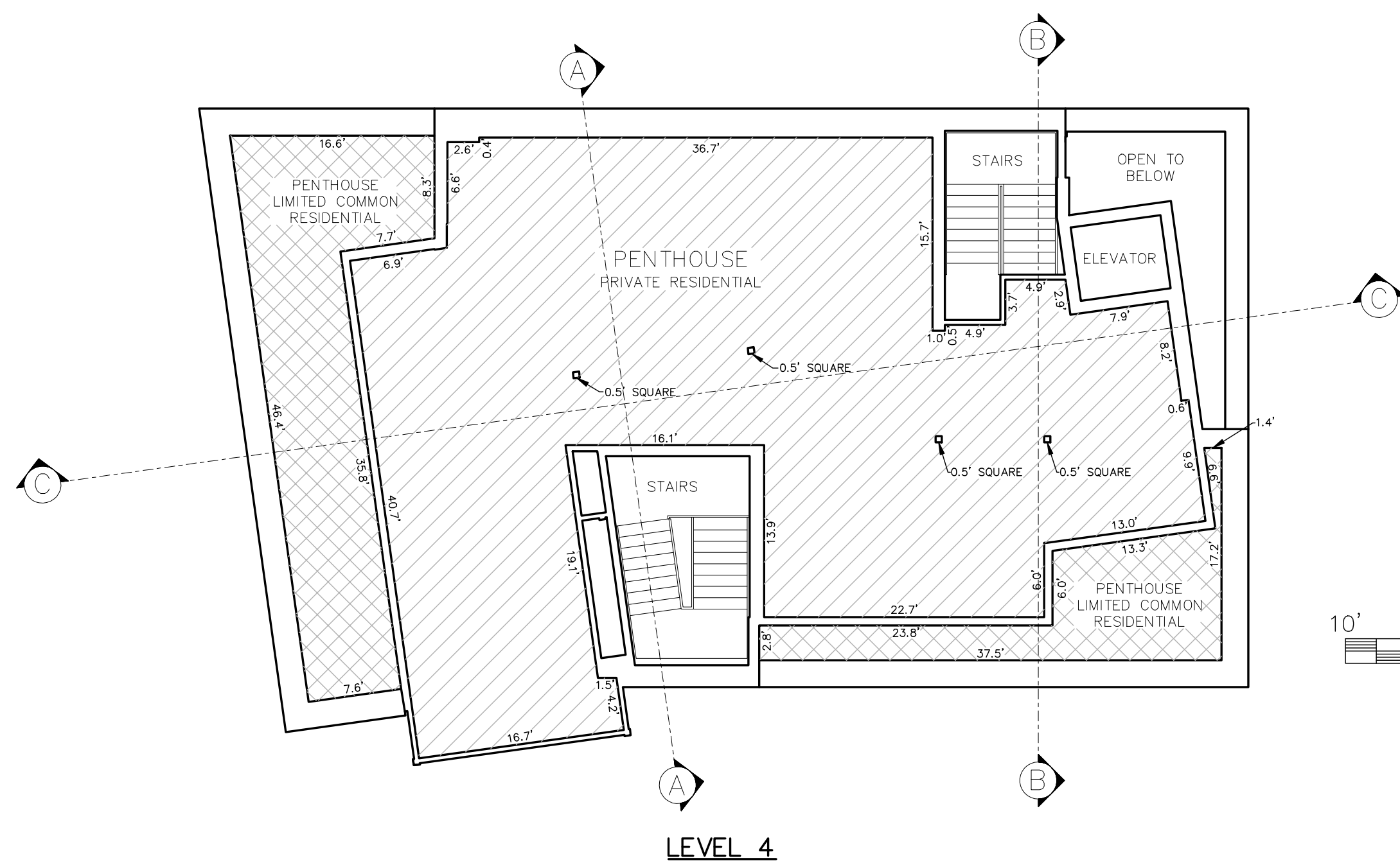
DATE _____ TIME _____

ENTRY NO. _____ FEE _____ RECORDER _____

(435) 649-9467

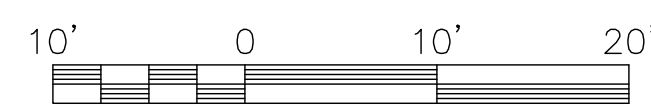
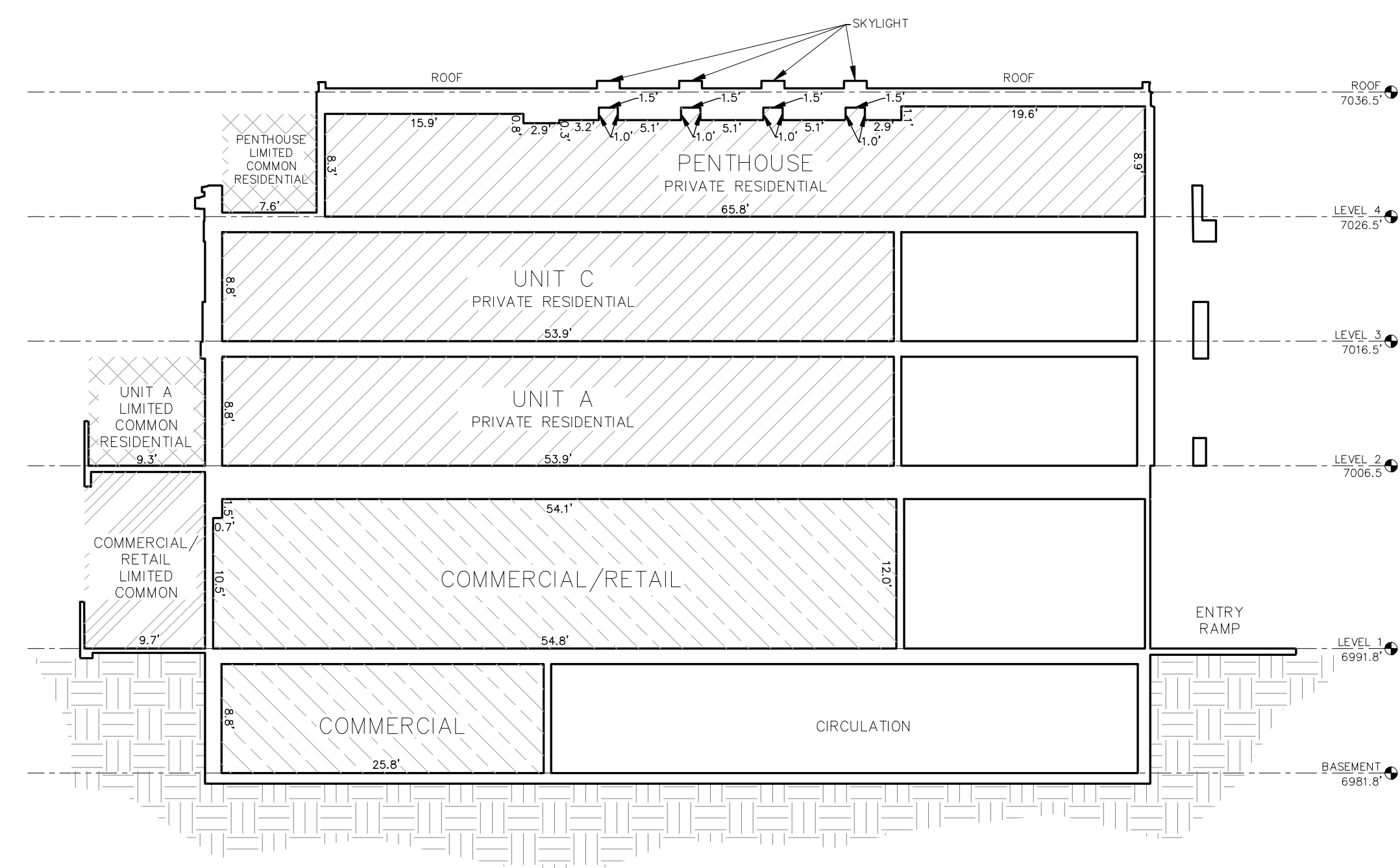
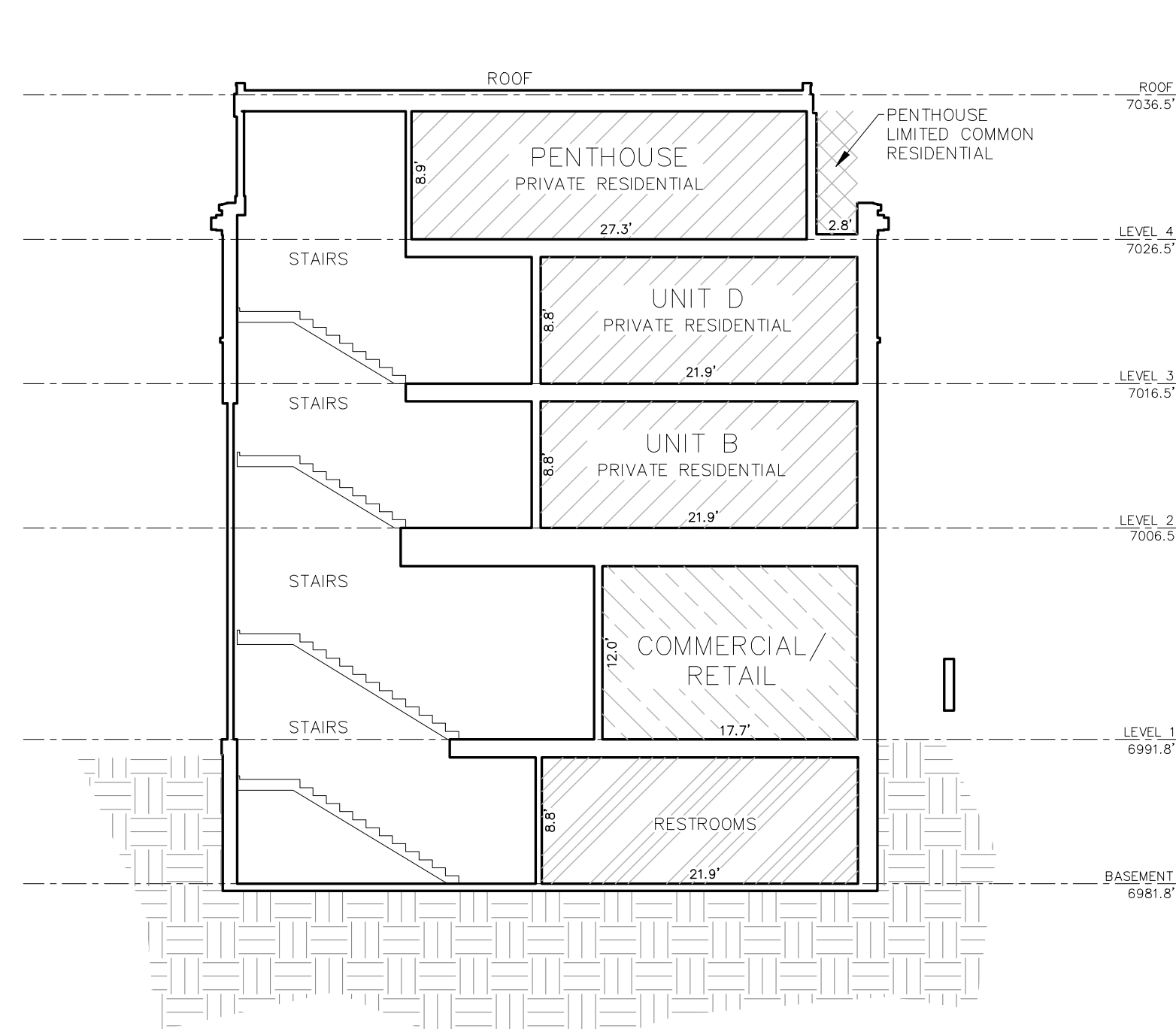
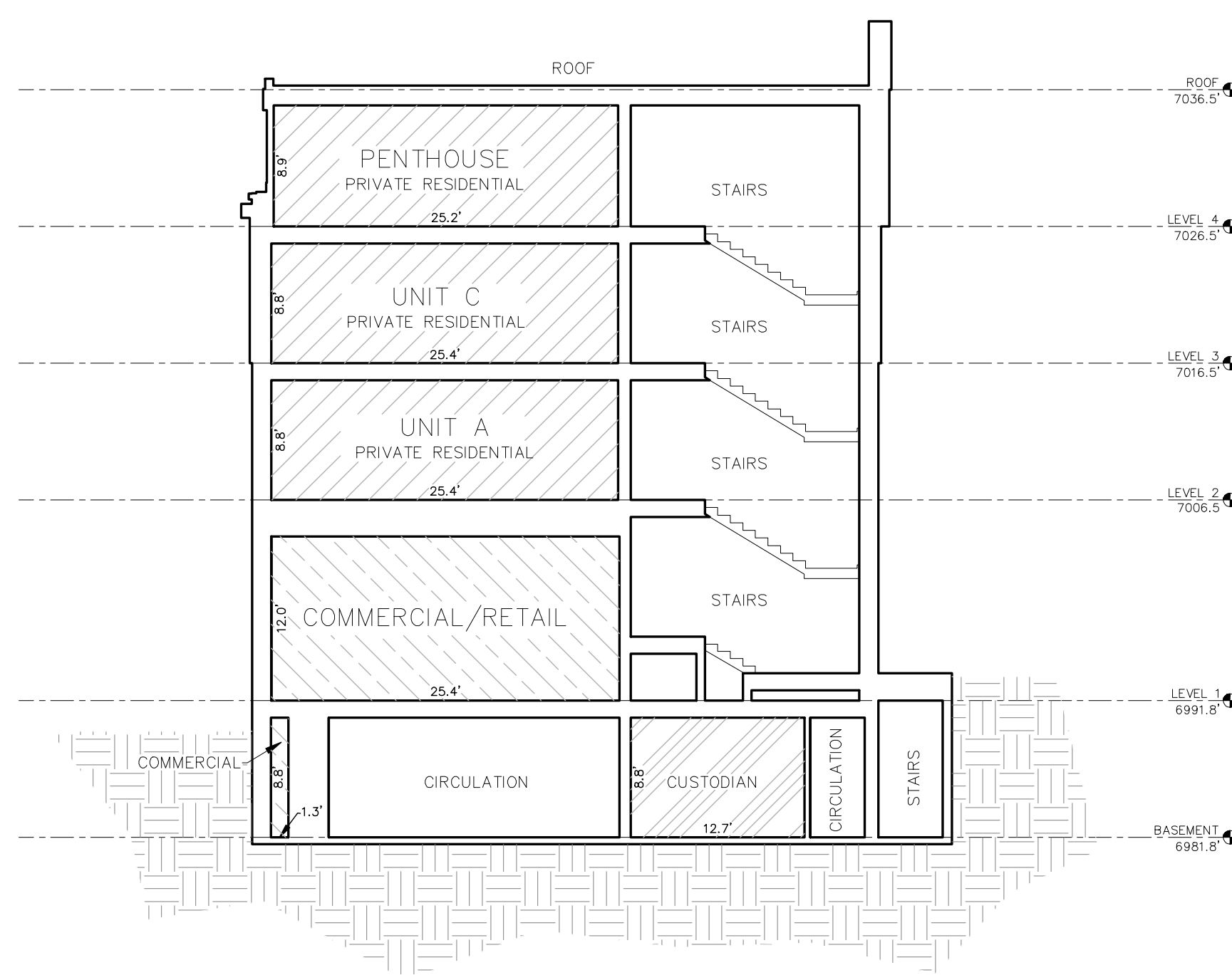
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664





UNIT AREA TABLE

UNIT	PRIVATE OWNERSHIP AREA
COMMERCIAL	3448 SQ FT
UNIT A	1892 SQ FT
UNIT B	774 SQ FT
UNIT C	1892 SQ FT
UNIT D	774 SQ FT
PENTHOUSE	2099 SQ FT



OWNERSHIP DESIGNATIONS

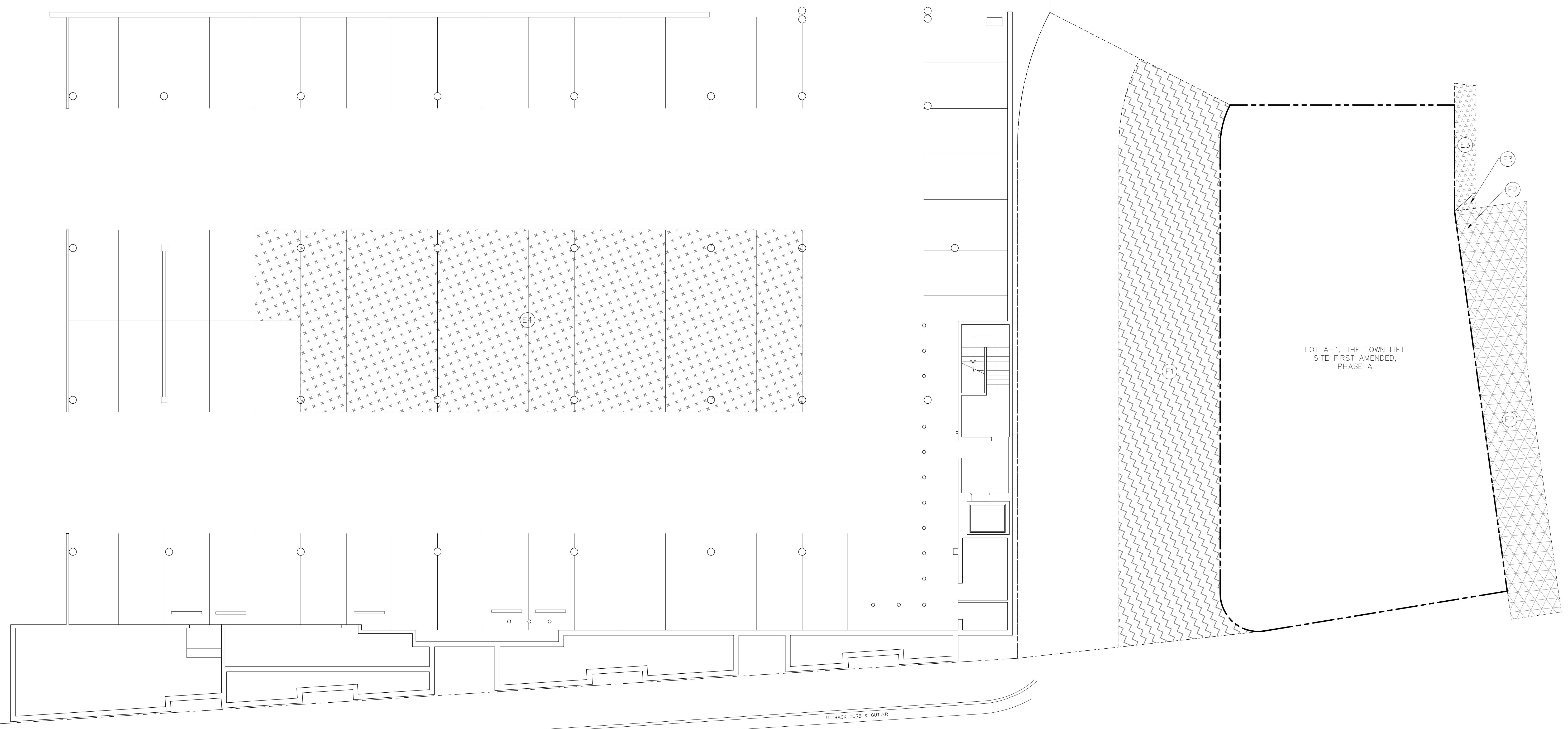
	COMMON AREA
	PRIVATE RESIDENTIAL
	LIMITED COMMON RESIDENTIAL
	PRIVATE COMMERCIAL
	LIMITED COMMON COMMERCIAL

692 MAIN STREET CONDOMINIUMS

SHEET 3 OF 4

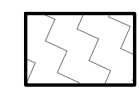
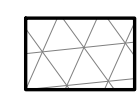


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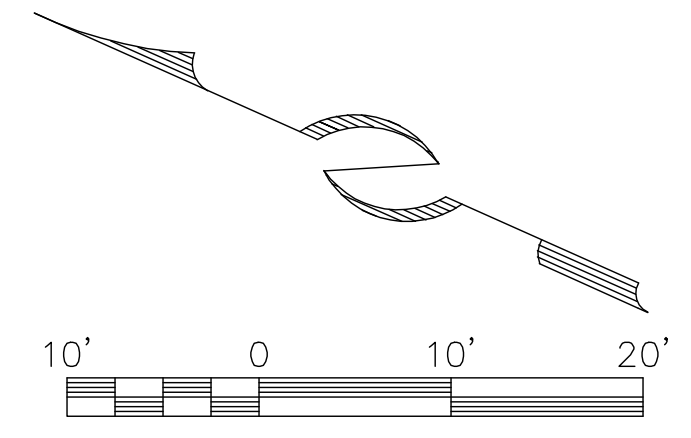
7/10/14
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____
ENTRY NO. _____ FEE _____ RECORDER _____



LOT A-1, THE TOWN LIFT
SITE FIRST AMENDED,
PHASE A

LEGEND

- 
(E1) RIGHT OF WAY
GRANTOR: GKM, LTD.
 GRANTEE: SUMMIT WATCH CONDOMINIUM OWNERS ASSOCIATION
 RECORDED: APRIL 8, 1997
 ENTRY NO.: 47597
 BOOK 1039, PAGE 766
- 
(E2) SIDEWALK & FIRE EXIT EASEMENT
GRANTOR: PHILLO M. SMITH, JR.
 GRANTEE: MONTOSH MILL, LTD.
 RECORDED: APRIL 22, 1993
 ENTRY NO.: 377968
 BOOK 721, PAGE 484
- 
(E3) GRANT OF EASEMENT
GRANTOR: MONTOSH MILL, LTD.
 GRANTEE: GKM, LTD.
 RECORDED: SEPTEMBER 8, 1998
 ENTRY NO.: 517126
 BOOK 1180, PAGE 426
- 
(E4) PARKING EASEMENT
MONTOSH MILL, LTD.
 GKM, LTD.
 RECORDED: AUGUST 5, 1993
 ENTRY NO.: 772151
 BOOK 1778, PAGE 1225



OFFSITE EASEMENTS APPURTENANT TO
692 MAIN STREET
CONDOMINIUMS

SHEET 4 OF 4

JOB NO.: 3-2-14 FILE: X:\SnydersAddition\dwg\sr\plat2014\030214.dwg
7/10/14

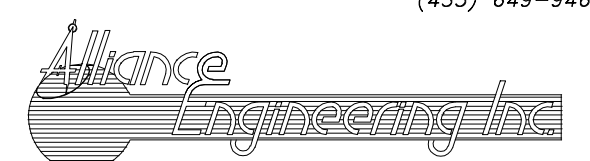
RECORDED

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

DATE _____ TIME _____

ENTRY NO. _____ FEE _____ RECORDER _____

(435) 649-9467



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

EXHIBIT B

SURVEYOR'S CERTIFICATION



The undersigned hereby certifies to LaSalle Bank National Association and its successors and assigns, Katten Muchin Rosenman LLP, Coalition Title Agency, Inc. and Stewart Title Guaranty Company that this map or plot of survey and the survey on which it was based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by the American Land Title Association ("ALTA") and the National Society of Professional Surveyors ("NSPS") (a member organization of the American Congress on Surveying and Mapping) in 2005 and includes items 1, 2, 3, 4, 7, 8, 9, 10, 11(a), 13, 14, 16, 17 and 18 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification the undersigned further certifies that, in my professional opinion, as a land surveyor registered in the State of Utah, the Relative Positional Accuracy of this survey does not exceed that which is specified therein and this plot of survey and the property description set forth hereon ("Property") was prepared by me and was actually made upon the ground. In addition, the undersigned hereby certifies that (1) the information, courses and distances shown on this survey are correct, (2) the area, location and type of improvements are shown hereon and all are located within the boundaries of the Property and set back from the Property lines the distances indicated, (3) the Property is contiguous to, and has access to and from Main Street, a public roadway, (4) there are no visible encroachments or encumbrances (including utility lines) affecting the Property other than as shown hereon and all are located within the boundaries of the Property and set back from the Property lines the distances indicated, (5) there are no encroachments of any buildings on this and adjoining property, except as shown on this survey, (6) there are no encroachments of any improvements on adjoining property onto the Property, (7) all recorded easements and other exceptions, as noted in the Coalition Title Agency's commitment for Title Insurance No. 15993 dated March 14, 2006, have been correctly plotted hereon; (8) the Property constitutes one contiguous parcel without gaps or gaps, and (9) the Property is located in a 100-Year Flood Plain or in an identified "flood prone area", as defined by the U.S. Department of Housing and Urban Development, pursuant to the Flood Disaster Protection Act of 1973, as amended, as reflected by Flood Insurance Rate Map Panel #490139, dated July 16, 1987, which such map panel covers the area in which the Property is situated.

John Demkowicz
John Demkowicz, #154491
Date: 4/8/06

BOUNDARY DESCRIPTION

PARCEL 1
All of Lot A-1, the Town Lift Site First Amended, Phase A, according to the Official Plat thereof on File and of Record in the office of the Summit County Recorder. Property contains 5074.5 square feet.

EASEMENT 1
Together with a Non Exclusive Surface right of way as reserved in the Quit Claim Deed Recorded April 16, 1997 as Entry No. 476917 in Book 1039 at Page 768 over the southerly half of the vacated 7th Street abutting said Lot A-1, subject to the recitals as found in said Quit Claim Deed.

EASEMENT 2
Together with a Non Exclusive Sidewalk and Fire Lane Easement over the following described land as granted in the Grant of Easement Recorded April 22, 1993 as Entry No. 377986 in Book 721 at Page 484 and subject to the recitals in said easement:

SIDEWALK AND FIRE EASEMENT

Beginning at a point that is North 151.86 feet and West 130.48 feet from the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 31° 58' 04" East 4.28 feet; thence South 65° 56' 00" West 31.17 feet; thence North 58° 02' 07" East 30.88 feet to the point of beginning.

FIRE LANE EASEMENT

Beginning at a point North 147.92 feet and West 128.21 feet from the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 31° 58' 04" East 10.10 feet; thence South 65° 56' 00" West 31.87 feet; thence South 58° 02' 07" East 49.76 feet; thence North 32° 25' 54" West 10.00 feet; thence North 58° 02' 07" East 50.53 feet; thence North 65° 56' 00" East 31.17 feet to the point of beginning.

EASEMENT 3
Together with a non-exclusive easement for the sole purpose of constructing, using, and maintaining a stairway and sidewalk over and across the following described property as created in the grant of easement recorded September 8, 1988, as Entry No. 317126, in Book 1180, at Page 426 subject to the recitals in said easement:

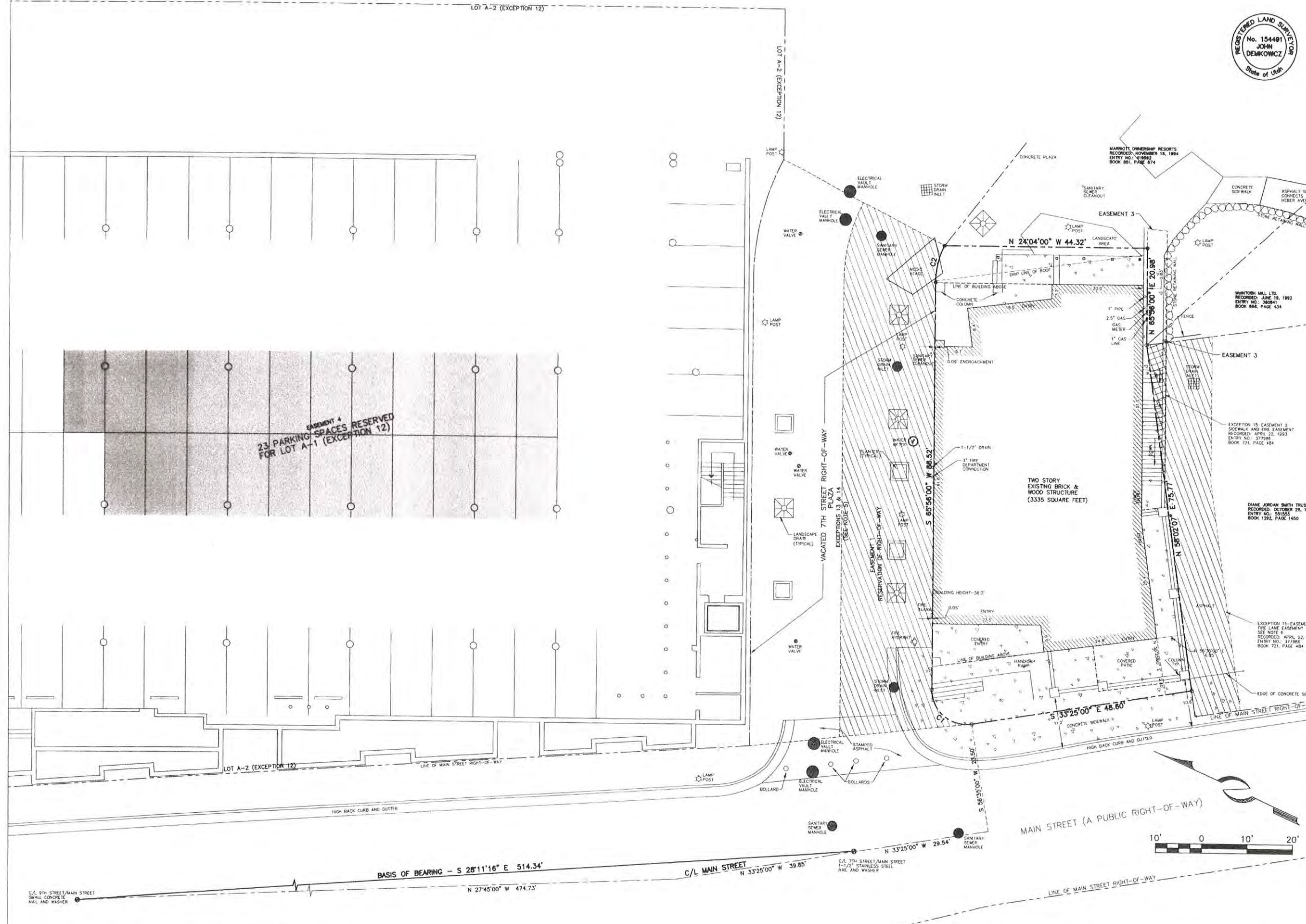
Beginning at a point that is North 151.56 feet and West 130.48 feet from the southwest corner of the southeast quarter of the northeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 31° 58' 04" East 4.28 feet; thence North 65° 56' 00" East 3.25 feet; thence North 31° 58' 04" West 4.28 feet to the point of beginning.

Beginning at a point that is North 151.56 feet and West 130.48 feet from the southwest corner of the southeast quarter of the northeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 65° 56' 00" East 25.26 feet to a point on a 71.66 foot radius curve to the left, of which the radius point bears North 74° 23' 07" East, thence southeasterly along the arc of said curve 4.27 feet through a central angle of 03° 25' 00"; thence South 65° 56' 00" West 20.45 feet; thence North 66° 11' 12" West 5.72 feet to the point of beginning.

EASEMENT 4
Together with and subject to the easements as shown in that certain parking easement between McIntosh Mill LTD. and GKM LTD. recorded August 5, 1993, as Entry No. 384600, in Book 743, at Page 185, and first amended by and between McIntosh Mill LTD. and GKM LTD., recorded March 21, 2006 as Entry No. 772151, in Book 1778, at Page 1225, Summit County Recorder's Office.

NARRATIVE

- The following disclosed exceptions in Schedule B, Section 2 of the title report are not addressed by this survey: 1-3, 5-11, 16-21.
- Exception No. 12, Parking Easement, Entry #384600, Book 743, Page 186.
 - The description in Exhibit A is identical to Parcel 1 above (survey parcel).
 - The description in Exhibit B is identified as Lot A-2 and is as shown on this survey.
 - The location of the 23 reserved parking spaces is per an unrecorded Parking Agreement dated January 1, 1999.
- Exception 13-Vacation of 7th Street, Entry No. 457072, Book 1033, Page 547. Exception 14-Quit Claim, Entry No. 476917, Book 1039, Page 764.
 - The descriptions in exceptions 13 & 14 are identical and describe vacated 7th Street right-of-way.
 - The vacated 7th Street right-of-way was included in Lot A-2, First Amended Subdivision Plat, The Town Lift Site, Phase A, recorded March 19, 1997 as Entry No. 475073.
- Exception 15, Grant of Easement, Entry #377986, Book 721, Page 484.
 - The description in Exhibit A is identical to Easement 2, Sidewalk and Fire Easement as described above.
 - The description in Exhibit B is identical to Easement 2, Fire Lane Easement as described above.
 - The description in Exhibit C is identical with Parcel 1 above and describes Lot A-1, the Town Lift Site First Amended, Phase A.
- All matters related to zoning are addressed by a Zoning and Site Requirements Summary dated January 4, 2006, by National Planning and Zoning Consultant Service.



CURVE	RADIUS	ARC LENGTH	DELTA
C1	7.50'	13.00'	99°21'00"
C2	17.50'	8.31'	27°12'10"

- ### LEGEND
- Found survey monument
 - Set nail & washer, AE/LS 163931
 - Found nail & washer, AE/LS 6164

<p>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 303 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p>STAFF: JOHN DEMKOWICZ MARTY MORRISON MARSHALL KING</p>	<p>ALTA/ACSM LAND TITLE SURVEY LOT A-1 692 MAIN STREET</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 3/29/06</p>	<p>FOR: TRIPLE NET PROPERTIES, LLC JOB NO.: 9-10-05 FILE: X:\SnyderAddition.dwg\SummitWatch\parcel a1-alta.dwg</p>	<p>RECEIVED APR 21 2014 PARK CITY</p>

EXHIBIT C

692 Main Street



692 Main Street Aerial Photo
SCALE: 1" = 80'-0"



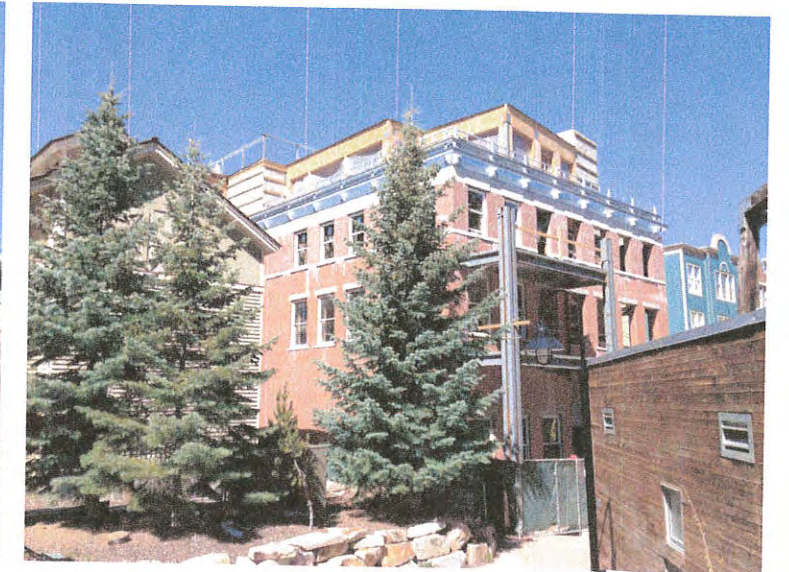
1: Northwest View



2: Southwest View



3: Northeast View



4: Southeast View

RECEIVED
APR 21 2014
PARK CITY
PLANNING DEPT.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT: That the undersigned is the owner of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as THE TOWN LIFT SITE, PHASE A, does hereby dedicate for the perpetual use of the public use all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance use and eventual replacement.

IN WITNESS WHEREOF, the undersigned set his hand this 2nd day of April, 1993.

McINTOSH MILL
A Utah Limited Partnership

Harry F. Reed
Harry F. Reed
Its General Partner

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT)

On the 2nd day of April, 1993, Harry F. Reed, appeared before me and acknowledged that he is the general partner in McIntosh Mill, A Utah Limited Partnership, and that he executed the same on behalf of the partnership with proper authority.



NOTARY PUBLIC
Francisco E. Hardman
614 Main Street
Park City, Utah 84060
My Commission Expires
March 30, 1997
STATE OF UTAH

Francisco E. Hardman
Notary Public
Residing at: Summit County

Commission Expires:
March 30, 1997

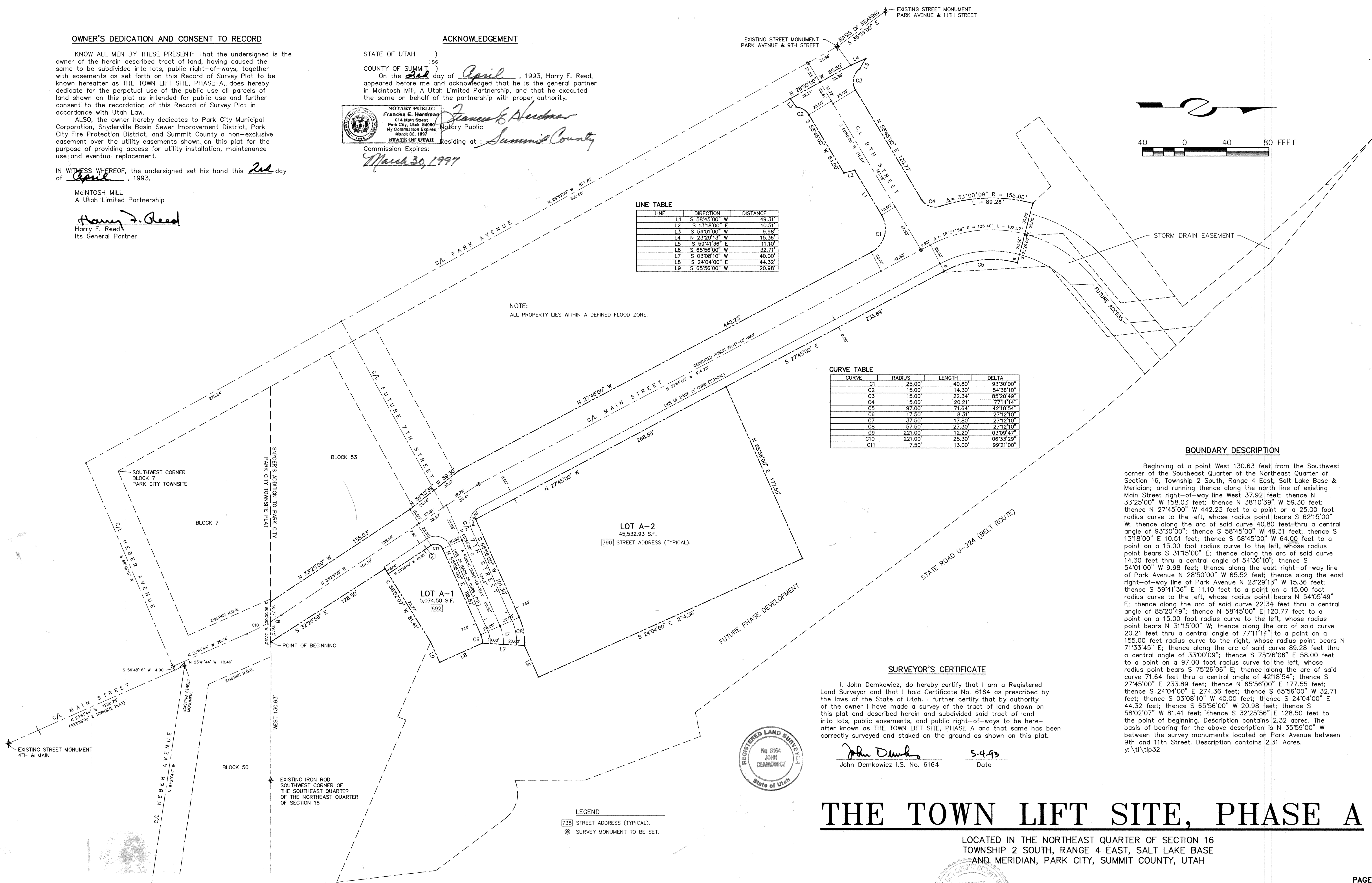
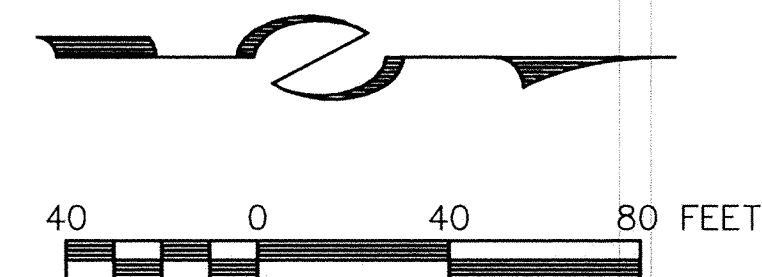
LINE TABLE

LINE	DIRECTION	DISTANCE
L1	S 58°45'00" W	49.31
L2	S 13°18'00" E	10.51
L3	S 54°01'00" W	9.98
L4	N 23°29'13" W	15.36
L5	S 59°41'36" E	11.10
L6	S 65°56'00" W	32.71
L7	S 03°08'10" W	40.00
L8	S 24°04'00" E	44.32
L9	S 65°56'00" W	20.98

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	25.00'	40.80'	93°30'00"
C2	15.00'	14.30'	54°36'10"
C3	15.00'	22.34'	85°20'49"
C4	15.00'	20.21'	77°11'14"
C5	97.00'	71.64'	42°18'54"
C6	17.50'	8.31'	27°12'10"
C7	37.50'	17.80'	27°12'10"
C8	57.50'	27.30'	27°12'10"
C9	221.00'	12.20'	03°09'47"
C10	221.00'	25.30'	06°33'29"
C11	7.50'	13.00'	99°21'00"

NOTE:
ALL PROPERTY LIES WITHIN A DEFINED FLOOD ZONE.



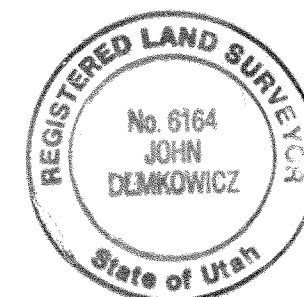
BOUNDARY DESCRIPTION

Beginning at a point West 130.63 feet from the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the north line of existing Main Street right-of-way line West 37.92 feet; thence N 33°25'00" W 158.03 feet; thence N 38°10'39" W 59.30 feet; thence N 27°45'00" W 442.23 feet to a point on a 25.00 foot radius curve to the left, whose radius point bears S 62°15'00" W; thence along the arc of said curve 40.80 feet thru a central angle of 93°30'00"; thence S 58°45'00" W 49.31 feet; thence S 13°18'00" E 10.51 feet; thence S 58°45'00" W 64.00 feet to a point on a 15.00 foot radius curve to the left, whose radius point bears S 31°15'00" E; thence along the arc of said curve 14.30 feet thru a central angle of 54°36'10"; thence S 54°01'00" W 9.98 feet; thence along the east right-of-way line of Park Avenue N 28°50'00" W 65.52 feet; thence along the east right-of-way line of Park Avenue N 23°29'13" W 15.36 feet; thence S 59°41'36" E 11.10 feet to a point on a 15.00 foot radius curve to the left, whose radius point bears N 54°05'49" E; thence along the arc of said curve 22.34 feet thru a central angle of 85°20'49"; thence N 58°45'00" E 120.77 feet to a point on a 15.00 foot radius curve to the left, whose radius point bears N 31°15'00" W; thence along the arc of said curve 20.21 feet thru a central angle of 77°11'14" to a point on a 155.00 feet radius curve to the right, whose radius point bears N 71°33'45" E; thence along the arc of said curve 89.28 feet thru a central angle of 33°00'09"; thence S 75°26'06" E 58.00 feet to a point on a 97.00 foot radius curve to the left, whose radius point bears S 75°26'06" E; thence along the arc of said curve 71.64 feet thru a central angle of 42°18'54"; thence S 27°45'00" E 233.89 feet; thence N 65°56'00" E 177.55 feet; thence S 24°04'00" E 274.36 feet; thence S 65°56'00" W 32.71 feet; thence S 03°08'10" W 40.00 feet; thence S 24°04'00" E 44.32 feet; thence S 65°56'00" W 20.98 feet; thence S 58°02'07" W 81.41 feet; thence S 32°25'56" E 128.50 feet to the point of beginning. Description contains 2.32 acres. The basis of bearing for the above description is N 35°59'00" W between the survey monuments located on Park Avenue between 9th and 11th Street. Description contains 2.31 Acres.

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 6164 as prescribed by the laws of the State of Utah. I further certify that by authority of the owner I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, public easements, and public right-of-ways to be hereafter known as THE TOWN LIFT SITE, PHASE A and that same has been correctly surveyed and staked on the ground as shown on this plat.

John Demkowicz 5-4-93
John Demkowicz I.S. No. 6164 Date



THE TOWN LIFT SITE, PHASE A

LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

<p>ALLIANCE ENGINEERING INC. P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS <u>12th</u> DAY OF <u>MAY</u>, 1993 A.D. BY <u>Ron M. Smith</u> CHAIRMAN</p>	<p>ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>14th</u> DAY OF <u>MAY</u>, 1993 A.D. BY <u>Quic W. Oelhan, P.E.</u> PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>18th</u> DAY OF <u>MAY</u>, 1993 A.D. BY <u>John Demkowicz</u> PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>1ST</u> DAY OF <u>OCTOBER</u>, 1993 A.D. BY <u>Anita L. Sheldon</u> PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>1ST</u> DAY OF <u>OCTOBER</u>, 1993 A.D. BY <u>Burley A. Oles</u> MAYOR</p>	<p># <u>380364</u> RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Coalition Title</u> DATE <u>06-01-93</u> TIME <u>01:24 PM</u> BOOK _____ PAGE _____ FEE <u>32.00</u> RECORDED BY <u>Dorene M. Dunne Deputy</u></p>
--	---	--	---	--	--	--

OWNERS' CONSENT TO RECORD

The undersigned, being the owners of the property described on the First Amended Subdivision Plat for the Town Lift Site, Phase A consent to its being recorded in the office of the Summit County Recorder.

McIntosh Mill, Ltd.,
A Utah limited partnership

Summit Watch Condominium Owners Association, a Utah corporation

Harry Reed
Harry Reed, General Partner

Carol M. Simmons
President

GKM, LTD, a Utah limited partnership

Marriott Ownership Resorts, a Delaware corporation

James R. Gaddis
James R. Gaddis, General Partner

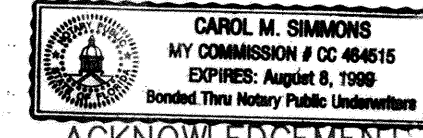
Robert L. Miller
Vice President

ACKNOWLEDGEMENT

STATE OF FLORIDA)
COUNTY OF Polk)

The foregoing instrument was acknowledged before me this 27th day of September, 1996, by Carol M. Simmons who stated that he is a duly authorized officer of Summit Watch Condominium Owners Association, a Utah corporation, who executed the foregoing on behalf of that corporation with proper authority.

Carol M. Simmons
Notary Public
Commission Expires: 8/8/99



ACKNOWLEDGEMENT

STATE OF FLORIDA)
COUNTY OF Polk)

The foregoing instrument was acknowledged before me this 14 day of June, 1996, by Robert L. Miller who stated that he is a duly authorized officer of Marriott Ownership Resorts, Inc., a Delaware corporation, who executed the foregoing on behalf of that corporation with proper authority.

Patricia A. Phillon
Notary Public
Commission Expires: January 18, 1999

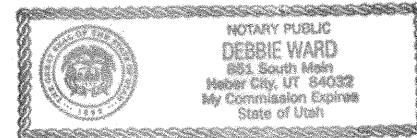


ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF Summit)

The foregoing instrument was acknowledged before me this 6 day of June, 1996, by Harry Reed, who is the general partner of McIntosh Mill, Ltd., a Utah limited partnership, who executed the foregoing on behalf of that partnership with proper authority.

Debra Ward
Notary Public
Commission Expires: May 31, 1999

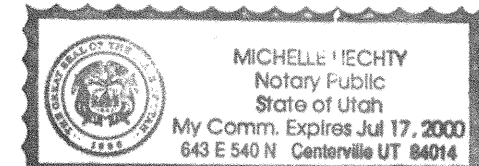


ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged before me this 29th day of August, 1996, by James R. Gaddis, who is the general partner of GKM LTD, a Utah limited partnership, who executed the foregoing on behalf of that partnership with proper authority.

Michelle Rindtz
Notary Public
Commission Expires: 07-17-2000



NOTE:
ALL PROPERTY LIES WITHIN A DEFINED FLOOD ZONE.

EASEMENT NOTE:

THE CROSS HATCHED AREA DEPICTS PUBLIC AND PRIVATE EASEMENTS CREATED BY DEED THAT AFFECTS ALL OR PARTS OF THE CROSS HATCHED AREA, AS FOLLOWS:

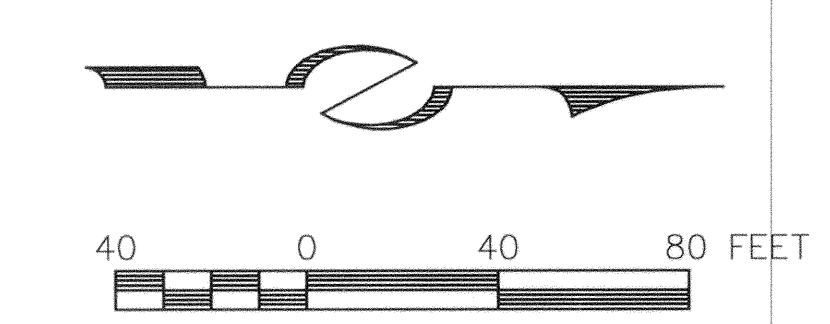
- That Easement for Ingress and Egress to and from the Marriott Aquacade Parcel Described in That Special Warranty Deed from McIntosh Mill, Ltd. Marriott Ownership Resorts, Inc. Recorded in the Office of the Summit County Recorder in Book 851 Beginning at Page 674;
- That Easement for Pedestrian Access, Underground Utilities, Emergency Vehicle Access, and Other Purposes Granted by Marriott Ownership Resorts, Inc., and Summit Watch Condominium Owners Association to Park City Municipal Corporation, as it Appears of Record in the Office of the Summit County Recorder in Book 922, Beginning at Page 44;
- That Easement Granted by Summit Watch Condominium Owners Association in Favor of Snyderville Basin Sewer Improvement District, Recorded in the Office of the Summit County Recorder in Book _____, Beginning at Page _____;
- That Easement Granted by Summit Watch Condominium Owners Association in Favor of GKM, Ltd. For Ingress and Egress to Lot A-1, as Recorded in the Office of the Summit County Recorder in Book _____, Beginning at Page _____;
- Seventh Street was vacated by Park City Ordinance 95-64, adopted November 30, 1995, and recorded in the office of the Summit County Recorder in Book _____ at Page _____.

LINE TABLE

LINE	DIRECTION	DISTANCE
L1	S 58°45'00" W	49.31'
L2	S 13°18'00" E	10.51'
L3	S 54°01'00" W	9.98'
L4	N 23°29'13" W	15.36'
L5	S 59°41'36" E	11.10'
L6	S 65°56'00" W	32.71'
L7	S 03°08'10" W	40.00'
L8	S 24°04'00" E	44.32'
L9	S 65°56'00" W	20.98'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	25.00'	40.80'	93°30'00"
C2	15.00'	14.30'	54°36'10"
C3	15.00'	22.34'	85°20'49"
C4	15.00'	20.21'	77°11'14"
C5	97.00'	71.64'	42°18'54"
C6	17.50'	8.31'	27°12'10"
C7	37.50'	17.80'	27°12'10"
C8	57.50'	27.30'	27°12'10"
C9	221.00'	12.20'	03°09'47"
C10	221.00'	25.30'	06°33'29"
C11	7.50'	13.00'	99°21'00"



SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931 as prescribed by the laws of the State of Utah. I further certify that by authority of the owner I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, public easements, and public right-of-ways to be hereafter known as FIRST AMENDED, THE TOWN LIFT SITE, PHASE A and that same has been correctly surveyed and staked on the ground as shown on this plat.

John Demkowicz
John Demkowicz L.S. No. 163931

11-12-96
Date

BOUNDARY DESCRIPTION

Beginning at a point West 130.63 feet from the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the north line of existing Main Street right-of-way line West 37.92 feet; thence N 33° 25' 00" W 158.03 feet; thence N 38° 10' 39" W 59.50 feet; thence N 27° 45' 00" W 442.23 feet to a point on a 25.00 foot radius curve to the left, whose radius point bears S 62° 15' 00" W; thence along the arc of said curve 40.80 feet thru a central angle of 93°30'00"; thence S 58° 45' 00" W 49.31 feet; thence S 13° 18' 00" E 10.51 feet; thence S 58° 45' 00" W 64.00 feet to a point on a 15.00 foot radius curve to the left, whose radius point bears S 31° 15' 00" E; thence along the arc of said curve 14.30 feet thru a central angle of 54° 36' 10"; thence S 54° 01' 00" W 9.98 feet; thence along the east right-of-way line of Park Avenue N 28° 50' 00" W 65.52 feet; thence along the east right-of-way line of Park Avenue N 23° 29' 13" W 15.36 feet; thence S 59° 41' 36" E 11.10 feet to a point on a 15.00 foot radius curve to the left, whose radius point bears N 54° 05' 49" E; thence along the arc of said curve 22.34 feet thru a central angle of 85° 20' 49"; thence N 58° 45' 00" E 120.77 feet to a point on a 15.00 foot radius curve to the left, whose radius point bears N 31° 15' 00" W; thence along the arc of said curve 20.21 feet thru a central angle of 77° 11' 14" to a point on a 155.00 feet radius curve to the right, whose radius point bears N 71° 33' 45" E; thence along the arc of said curve 89.28 feet thru a central angle of 33° 00' 09"; thence S 75° 26' 06" E 58.00 feet to a point on a 97.00 foot radius curve to the left, whose radius point bears S 75° 26' 06" E; thence along the arc of said curve 71.64 feet thru a central angle of 42° 18' 54"; thence S 27° 45' 00" E 233.89 feet; thence N 65° 56' 00" E 177.55 feet; thence S 24° 04' 00" E 44.32 feet; thence S 65° 56' 00" W 32.71 feet; thence S 3° 08' 10" W 40.00 feet; thence S 24° 04' 00" E 44.32 feet; thence S 65° 56' 00" W 20.98 feet; thence S 58° 02' 07" W 81.41 feet; thence S 32° 25' 56" E 128.50 feet to the point of beginning. Description contains 2.31 acres. The basis of bearing for the above description is N 35° 59' 00" W between the survey monuments located on Park Avenue between 9th and 11th Street.

FIRST AMENDED SUBDIVISION PLAT

THE TOWN LIFT SITE, PHASE A

LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 13th DAY OF November, 1996 A.D.
BY *Paul Zimmerman*
S.B.S.I.D.

<p>ALLIANCE ENGINEERING INC. P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS <u>10th</u> DAY OF <u>FEBRUARY</u>, 1996 A.D. <i>Frederick Jones</i> CHAIRMAN</p>	<p>ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>12th</u> DAY OF <u>FEBRUARY</u>, 1996 A.D. BY <i>Eric W. DeHaan, PE</i> PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>5th</u> DAY OF <u>MARCH</u>, 1996 A.D. BY <i>Mald. Hof</i> PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>30th</u> DAY OF <u>NOVEMBER</u>, 1996 A.D. BY <i>Jared M. Scott</i> PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>30th</u> DAY OF <u>November</u>, 1996 A.D. BY <i>Bruce J. Decker</i> FOR</p>	<p>#475073 RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>COALITION TITLE</u> DATE <u>3/19/97</u> TIME <u>11:46 am</u> BOOK _____ PAGE _____ \$32.00 FEE <i>Charlotte Willingham deputy</i> RECORDER</p>
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July 15, 2010

David Luber
LCC Properties Group, L.C.

Via EMAIL: David@lccproperties.com

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-10-00961
<u>Subject</u>	MPD Amendment
<u>Address</u>	962 Main Street
<u>Action Taken</u>	Approved 3-2 (Luskin/Peek/Savage)-(Strachan/Hontz) Recused (Petitt)
<u>Date of Action</u>	July 14, 2010

On July 14, 2010, the Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission Approved your application based on the following:

Findings of Fact

1. The property is located at 692 Main Street in the Historic Residential Commercial (HRC) zoning district. Historic Commercial Business (HCB) heights and regulations are allowed by the 1982 Agreement.
2. In September 1991, the City Council approved a Concept Plan of the Town Lift Project.
3. The building at 692 Main Street has been used as the Sales Gallery for the Marriott Summit Watch project since its construction in 1992. The Summit Watch project was originally part of the Town Lift development that included the Sweeney properties to the west but was subsequently bifurcated.
4. The September 1991 Concept Plan of the Town Lift Project laid out maximum square footages for the project as well as anticipating the project would be developed in Phases. In that approval the Council required the Historic District Commission (HDC) to review and approve the volumetrics for Phase I (p.4). The HDC was required to approve specific building design for the proposed structures prior to construction.
5. In April 1992, Planning Commission approved a small scale MPD for Town Lift

Phase I. Phase I included buildings A1-A3. The building at 692 Main Street was called A1. In the MPD, Building A1 was proposed to have 6 residential units comprising 4.5 Unit Equivalents (UEs) and 1,832 square feet of commercial space (1.8 UEs) for a total of 6.3 UEs.

6. In November 1994, the City approved the Summit Watch Revised Concept Plan. The revised plan superseded the action taken to approve the original concept plan in 1991. Condition of approval 2 stated that the Town Lift Design Review Task Force shall review and approve plans for each building prior to construction commencing. At that time Building A1 was constructed and the unit configuration for that building was referenced as 7,200 square feet of commercial, or 7.2 Unit Equivalents.
7. The project will be a Timeshare as declared in the original approval of the Summit Watch project.
8. Affordable Housing requirements have been met by previous construction by the original developer.
9. Private Residence Clubs, Off-site, is a prohibited use in Storefronts in the Main Street Right-Of-Way.
10. Nine residential units (up to 3.85 Unit Equivalents) and 3.05 Unit Equivalents of commercial space are proposed for a total of up to 6.90 UEs.
11. The building will increase in height by two stories while keeping within the HCB height regulations.
12. Twenty-three parking spaces are required and provided by a recorded easement.
13. The November 23, 1994, Planning Commission action is hereby amended to increase Building A-1 from 2 stories to four stories.

Conclusions of Law:

1. The amended MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The amended MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The amended MPD, as conditioned, is consistent with the Park City General Plan.
4. The amended MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The amended MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The amended MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The amended MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The amended MPD provides amenities to the community so that there is no net loss of community amenities.
9. The amended MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

10. The amended MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The amended MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The amended MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval:

1. All applicable conditions of approval of the 1994 Conceptual Approval shall apply to this amended MPD.
2. All applicable conditions of approval of the subdivision plat shall apply.
3. A condominium plat shall be recorded with Summit County prior to selling of any units.
4. The Main Floor market/deli or any other commercial use of that space will be open to the public. The grill/bar will be open to the general public.
5. The building must receive Historic Design Review approval prior to issuance of building permit.
6. All exterior lights must comply with Park City's lighting regulations.
7. Any exterior sign must receive a separate sign permit.
8. Applicant must record a written agreement with the owners of Zoom restaurant for joint use of the loading and garbage area or build an enclosed dumpster location on their own property.
9. A Timeshare Instrument must be filed with the State at the time of re-platting.
10. No sidewalk hawking is permitted per the Park City Municipal Code.
11. Prior to any Building Permit, a Construction Mitigation Plan will be presented to the Summit Watch Condominium Owners Association.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 435-615-5309 or at brooks@parkcity.org

Sincerely,

Brooks T. Robinson
Senior Transportation Planner

Planning Commission Meeting
July 14, 2010
Page 10

2. 692 Main Street - Amendment to Master Planned Development
(Application #PL-10-00961)

Commissioner Pettit recused herself and left the room.

Planner Brooks Robinson noted that on June 23, 2010 the Planning Commission held a public hearing and discussed an amendment to the master planned development at 692 Main Street, which was originally developed as the Summit Watch project. This building was used as the sales gallery for the Marriott.

Planner Robinson stated that during the June 23rd meeting several comments and questions were raised and the Staff had tried to address those in the current Staff report. The primary issues related to the Vertical Zoning Ordinance and public access. The entire language of the Vertical Zoning Ordinance was included in the Staff report. Planner Robinson remarked that the Staff report also provided clarity on comments that were made during the public hearing from the Marriott Condominium Association regarding service and delivery.

Planner Robinson noted that the applicant had submitted revised plans that were attached to the Staff report and would be presented this evening. He pointed out that these were the same revised plans that were provided just prior to the last meeting, but had not been reviewed by Staff. Also included in the Staff report was the streetscape that Commissioner Peek had requested. Planner Robinson reviewed slides of a rendering of the building and the site plan and elevations.

Planner Robinson referred to concerns regarding trash and delivery issues, and noted that the applicant was not contesting statements made by the Marriott HOA. The applicant was discussing joint use of the loading and garbage dock with the owner of Zoom restaurant, the adjacent property. A second alternative would be to create a screened dumpster location on the south side yard. Service deliveries could also be along Main Street, which is allowed for every Main Street business.

Planner Robinson reviewed the floor plans for each level. He recalled discussion at the last meeting regarding the Vertical Zoning Ordinance and whether the proposed restaurant/grill area needed to be public or private. The Land Management Code is silent on the matter and the Vertical Zoning Ordinance was primarily set up to stop office uses and off-site residential residency clubs. Planner Robinson stated that Promontory has a private residence club in Summit Watch further to the north. However, 692 Main is set up as a time share with residential units on several floors. It would be on-site and would not pertain to the off-site trigger.

Commissioner Hontz felt that issue needed to be addressed before they went further in the presentation if the applicant was proposing a private plan for the use. She believed there was information that did not match the Code that thought it should be clarified earlier rather than later.

David Luber, representing the applicant, stated that regarding the issues raised by the Marriott representative at the last meeting concerning the location of trash and deliveries, the applicant was

making arrangement either with Zoom to share in the area located immediately south of the building to effect use of an enclosed area for trash. They were also in negotiations for delivery services. A second option would be to incorporate the enclosed dumpster within their own building. Mr. Luber clarified that they would not impose upon any trash or unloading areas in the parking garage of the Marriott building. However, they would use the 23 parking spaces, which are reserved by easement with the building.

With respect to the streetscape, Mr. Luber believed they had responded favorably to the suggestion that the fourth floor impose a similar brick as the second and third floors. Mr. Luber stated that the entire brick facade would be taken to the 4th floor or the penthouse floor.

Regarding the bar and grill, Mr. Luber stated that the applicant spent a considerable amount of time with the Staff in looking at the Vertical Ordinance and the Land Management Code. The applicant and the Staff agreed that under all the Codes there was no distinction or requirement of imposing private or a public on the bar and grille within the storefront area of Main Street. Mr. Luber agreed with Staff in terms of the conditions of approval and recommendations going forward. He was willing to answer questions and concerns the Planning Commission had on that issue or other issues to help move the process move forward.

Assistant City Attorney McLean clarified that the timeshare component was also being approved as part of the amended MPD. Therefore, conditions could be imposed based on the conditional use of the timeshare. Ms. McLean felt it was fair to ask the applicant exactly what they were planning in terms of the private bar/grill. She believed nine timeshare units were being proposed and if the restaurant would only be support for those nine units, then it would be on-site. However, if the applicant contemplates the use as support for another off-site residence club, it would fall under the private residence club.

Commissioner Strachan remarked that the LMC does not distinguish between off-site and on-site. In looking at the definition of "private residence club off-site" it does not address a separation between the bar/restaurant and the location of units". Ms. McLean replied that when it is only defined as private residence club off-site, there is no distinction for on-site. When this was contemplated for Vertical Zoning, the idea was that anything in town that would be prohibited could not support a restaurant. Ms. McLean stated that if the applicant is planning on the restaurant supporting nine units and nothing else, it would fit under the definition because it would not be off-site.

Commissioner Hontz referred to page 15-2.6-3 of the LMC in the HCB District and noted that Section 9 addresses Private Residence Club Project and Convergence and Section 23 addresses off-site. She believed the LMC does address on-site and off-site private residence clubs and prohibits both within the zone. Commissioner Hontz referred to the Municipal Code and the section that cites and limits the private use of restaurants and bars. Commissioner Hontz remarked that the analysis that says this could be a bar and restaurant as a private use was incorrect.

Commissioner Hontz stated that she had spent a significant amount of time researching the Code and she was very comfortable in understanding that the Planning Commission did not have to condition the approval because it is not allowed by Code.

Commissioner Strachan asked Ms. McLean to address why the bar/grill would be listed as a conditional use if it is prohibited. Ms. McLean explained that it is a conditional use within the zone, but prohibited outright in certain areas.

In response to Commissioner Hontz, Planner Robinson stated that years ago a definition for private residence club was put into the LMC to make a distinction between timeshare and private residence clubs. Because the applicant is saying this will be a timeshare, the Staff would suggest adding a condition of approval stating that the timeshare instrument needs to be recorded at the State with the replat approval, whenever that occurs.

Planner Robinson emphasized that based on the definition, this was a timeshare and not a private residence club.

Commissioner Hontz read from Section 8, Timeshare Projects and Convergence, subscript (1), "Prohibited in store fronts adjacent to the Main Street, Heber Avenue, or Swede Alley rights-of-way." Based on that language, she believed it continues to be prohibited.

Planner Robinson remarked that it is a grandfathered use because this was a timeshare project when it was first done as an MPD in 1992. Commissioner Hontz pointed out that they are now opening up the MPD.

Commissioner Peek referred to the HCB Conditional Use (8), "Timeshare projects and Convergence", and Conditional Use (9), Timeshare Sales office off-site within an enclosed building. He pointed out that the timeshare sales office was being grandfathered, therefore, they could not expand to other conditional uses that are prohibited in the zone.

Assistant City Attorney McLean clarified that the applicant could not introduce a new use. However, her interpretation of the report was that the timeshare use was contemplated as part of the original MPD. The Marriott Summit Watch is a timeshare and, therefore, is part of this amendment to the MPD, which is not prohibited. Ms. McLean stated that whether or not the office space is grandfathered in was a separate analysis. She noted that a bar or similar use is not grandfathered.

The question of whether an office could continue would be determined by the Planning Director as part of a non-conforming use.

Commissioner Peek read language from the private residence club off-site section of the LMC, "Any use organized for the exclusive benefit and support of or limited to or associated with or in any way offers exclusive hospitality service and/or concierge support to any defined owners association, timeshare membership, residential club, or real estate project. Hospitality includes but is not limited to any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, office." Commissioner Peek believed the bar and grill would be inclusive in that language.

Mr. Luber stated that if the Planning Commission would prefer a use in the storefront space that is accessible to the public, the applicants were willing to look at that as a condition of approval. Mr. Luber understood that the Codes were complicated. He also understood that from a practical

standpoint, while the applicant may wish to have a private bar and grill in the storefront, the intent is to maximize the use of that space in any case.

Mr. Luber stated that the applicant would be willing to agree on an additional condition that would indicate that the storefront space would include the market space and the bar and grill and all would be a public space.

Commissioner Strachan thought it was a determinative issue. He referred to Condition of Approval #4 and suggested that the only way to approve this application would be to amend the second sentence of the condition to read, "Any grill/bar **must** be open to the general public.

Mr. Luber agreed with amending Condition of Approval #4.

Commissioner Peek referred to Condition of Approval #8 and suggested replacing the language, "Applicant must provide to staff..." with "Applicant must **record** a written agreement with the owners of Zoom". Commissioner Peek was concerned that the agreement could be lost over time if the ownership of Zoom ever changes.

Mr. Luber understood that as a condition of proceeding with the building permit, the applicant would provide the Staff and the Planning Commission the authority on whether there was an agreement with Zoom. He noted that they were still considering the alternatives and had not yet made that determination. If they could not come to an agreement with Zoom, the design elements of the building would take into account trash and loading within the building. Commissioner Savage asked if there was a plan that accommodates those into the building. Mr. Luber answered yes.

Commissioner Peek referred to Finding of Fact #9 and suggested that the sentence be eliminated and replaced with "Private Residence Clubs off-site is prohibited in storefronts adjacent to the Main Street right-of-way."

Planner Robinson stated that he had spoken with the applicant about adding Condition of Approval #9, "A timeshare instrument shall be filed with the State at the time of replatting." Condition of Approval #10, "No sidewalk hocking is permitted per the Park City Municipal Code." Mr. Luber stated his agreement with adding Conditions #9 and #10.

Commissioner Hontz clarified that other than the private use on the main level, she was comfortable with the rest of the proposal. However, when she reads page 127 of the Staff report, the third and final Development Agreement and Concept Plan, which updated the previous two, she noted that in all three development agreements there is reference to not adding density. In addition, the development agreements were very clear about not wanting additional building height moved around in this project once the project is approved. Commissioner Hontz read from page 127, item 10, "The building heights and density shall not exceed what is shown in this approval. In talking to the Legal Department, she understood they were opening up the development agreement and, therefore, the Planning Commission has the right to give that away.

Commissioner Hontz stated that during the work session they were looking for places to put density. She pointed out that some are looking for density and she believed this was an opportunity to decide that people no longer get it for free. Commissioner Hontz clarified that for this application she was talking about height and not density. She liked the building design and the concept, but in looking back at the Findings and the Development Agreement that control this project, she realized that the Planning Commission had the tools to do something more. If the Planning Commission decides to give away the height as a gift, she wanted to make sure it was specified in the conditions of approval.

Chair Wintzer thought Commissioner Hontz had raised a good point that if the City has the opportunity to work with this, they should take that advantage.

Commissioner Strachan stated that if it is within the approved heights under the original Development Agreement and within the approved density levels of the original Development Agreement, the applicant could build the project. He understood the opportunity to dedicate height and density to some other use, but he was hesitant to do that with just this project. He would be comfortable making it a policy for all future projects as long as they followed through and everyone was treated the same. Commissioner Strachan did not wish to single out this applicant.

Commissioner Hontz felt the Development Agreement clearly singles out the entire Summit Watch project, which included this building. She stated that documents track the evolution of the approval of the Marriot Summit Watch Plaza structures and how people were very concerned about the density and the relationship with other projects on Main Street. The Development Agreement is clear that the intent for the entire Marriott Summit Watch Project was not to have things change per the approval. Commissioner Hontz clarified that she was only pointing out what the City could do and the opportunity that was presented under this particular development agreement. She was not implying that it was the right direction. This situation is different from other projects because the developer agreed to a development agreement in 1994.

Commissioner Hontz referred to page 110 of the Staff report and noted that the first iteration was specifically clear in stating, "No density, gross or net square footages, or building height transfers would be allowed between phases. If a project chooses to use less than the maximum densities, it has no effect on any other portion of the project and cannot be used elsewhere on the project." She believed that language indicates the concerns people had at that time. Commissioner Hontz reiterated that she liked the concept and thought the height should be increased, but her question was whether or not the City should just give it away.

Mr. Luber stated that the process has been educational for the applicant and the Staff. Throughout the process they went through many boxes and the previous MPDs back to 1994. Mr. Luber remarked that they were not transferring density in this project from one phase or one building to another and they were utilizing less than the 7.2 UEs allowed.

Commissioner Hontz agreed with Mr. Luber on density. Her issue was the height. Mr. Luber stated that under the original plan, they are within all the height limits that could be imposed on the building. They conform on every issue in terms of Code compliance.

Mr. Luber liked the idea of going public on the ground floor. He explained that they would like to develop the project proposed because there is a purpose and synergy to having residences and commercial below. It is a dormant building that has not been used in the last several years and this is an opportunity for 7th Avenue and the entire community to get traffic flowing to an area that has needed it in the last few years.

Mr. Luber believed that the project complies with all the Codes, past and present. He did not see the height as a gift. It is working hand in glove with the City, the Planning Commission and the City Council in terms of the task force and now the Historic Design Review Board, to make this project move forward.

Commissioner Hontz agreed with Mr. Luber regarding Code compliance. The issue is that the City has a clear opportunity and the right to do something that benefits the community. Mr. Luber stated that the other structures that are currently on the MPD have been maxed out in terms of density and size. This is the only building that still has the opportunity for height.

Director Eddington understood the issue regarding the height and felt that Commissioner Hontz had raised a good point. He noted that the City currently does not have a policy that talks about transfer of density rights or height rights. Director Eddington thought it was a great idea conceptually, but he was unsure how it would apply to this particular project. He noted that the applicant was under utilizing their density by going to 6.9 UEs instead of the 7.2UEs. Mr. Luber believed they were slightly under the allowed height in the zone.

Chair Wintzer stated that this was one of the first buildings built in the original Summit Watch project. He felt that in the overall picture, if the intent was to have a mix and match and not have everyone build to the maximum, there would be a reason not to grant additional height. He appreciated Commissioner Hontz's research efforts.

Commissioner Hontz referred to the renderings and asked if the applicant intended to utilize the same window placements on the second level. She did not think the rendering matched the hand drawings in terms of number of windows.

Kevin Horn, representing the applicant, indicated an area on the second level facing south. He noted that the lower floor has a covered balcony and the second floor has a built out area. The additional window would be in the enclosed area.

Commissioner Hontz asked if the window placement for the exciting seven windows would remain the same. Mr. Horn answered yes.

Assistant City Attorney McLean advised the Planning Commission to be careful about language and using the term "density" when talking about UEs. She pointed out that currently the unit equivalent is at 7.2. The proposed amendment uses less than 7.2 UEs, but the use would change from commercial to a mix of commercial and residential.

Commissioner Savage asked if Ms. McLean was trying to clarify that a unit of density depends on whether it is residential or commercial. Ms. McLean explained that under the current Code, a residential unit equivalent is 2,000 square feet per unit equivalent. However, commercial is only 1,000 square feet per unit equivalent. The applicant is proposing a change that would increase the square footage but keep the UEs the same. Ms. McLean remarked that “density” is a hard terms to use in this discussion because they are talking more about square footages and a change in use.

Mr. Luber stated that the history of the project included two amendments. The original configuration of the building had a mixed use of residential and commercial, and more residential than commercial was allocated to the original MPD. The amendment took into account the commercial use at 7.2 UEs. Mr. Luber remarked that the applicant is looking to re-convert the use back to its original residential and commercial mix, and to do it in a way that uses less than the 7.2 UEs currently shown on the site.

Chair Wintzer clarified that the Planning Commission was not questioning the unit equivalents. The issue being discussed was the height increase. Commissioner Hontz pointed out that based on the development agreement, the height is limited. She agreed that it refers to the zone height, but that is a separate issue. Item number ten clearly states that the height cannot be increased. She acknowledged that they could increase the height at this point because they have opened up the MPD, and the Planning Commission could either agree to give away the height or require the applicant to keep the height as built. Commissioner Hontz reiterated that the Planning Commission has the right, per the development agreement and the MPD, to make that decision.

Planner Robinson pointed out that Commissioner Hontz was referring to condition of approval #10 of the 1994 concept plan approval. He referred to a separate page in the Staff report which indicates that a revision in the first phase of the project was previously approved by the Planning Commission and that the action would revise the balance of the project. Planner Robinson explained that the condition that says, “No building height and density shall exceed....” applied to the rest of the project, but not to this particular building in the first phase.

Mr. Horn believed that was consistent with the dates because this particular building was constructed in 1993, prior to the 1994 submittal. Commissioner Hontz remarked that the all the documents dated from 1994, 1993 and 1991 all have the same condition and the issue remained the same in every iteration. The question is whether or not the Planning Commission wanted to take it on. She stood by her opinion that it was applicable to this building.

Assistant City Attorney McLean stated that from a legal standpoint, Commissioner Hontz’s reading of the documents was a legally defensible interpretation. The Planning Commission does have that ability, which is why the MPD amendment was before them.

Commissioner Savage asked if the applicant was asking for a height exception. Chair Wintzer answered no. Commissioner Savage could not understand why, if they were not asking for a height exception and it was an allowed use, that the Planning Commission would determine it was not an allowed use.

Chair Wintzer explained that the zone allows a certain height. The development agreement said that because the building was designed to a specific height, that height cannot be changed. The zone would allow a height increase, but the development agreement would not.

Assistant Attorney McLean stated that the MPD restricts the height as it was built. However, the zone allows it to be higher. As part of a change in use and UEs, the amendment also requests a gain in square footage by increasing the height. Ms. McLean referred to page 113 of the Staff report, the original MPD approval, and noted that Building A1 was contemplated as being both commercial and residential. At that point it was 6.3 UEs. Once it was built and became only commercial, the unit equivalents increased to 7.1. Ms. McLean could find no discussion in her research that addressed that change. Somehow it just occurred. In 1992 in the MPD, it was contemplated as 1.8 UEs commercial and 4.5 UEs residential. In 1994, the MPD was revised and the building was allocated 7.2 commercial UEs. Ms. McLean clarified that the issue before the Planning Commission this evening was whether or not to change the allocation and use of those UEs. As part of that, the massing would change and increase the height.

Commissioner Savage recalled that the last time the Planning Commission discussed this application, the major issue was public/versus private restaurant. He was unclear whether or not private was allowed, but based on input the applicant had agreed to make it public. Commissioner Savage believed that was a strong indication of the applicant's willingness to respond to their requests. In addition, they resolved the trash issue through two alternatives. He recommended that the Planning Commission allow the applicant to move forward with their project.

Commissioner Luskin concurred with Commissioner Savage. He appreciated the applicant's willingness to address their concerns with the public/private issue. Regarding the height issue, he found Commissioner Hontz's proposal to be insightful, but he was wary of getting involved in selective application without the proper mechanism in place. Commissioner Luskin was comfortable with the changes to the proposal and he was prepared to move forward.

Commissioner Peek stated that Commissioner Hontz raised an interesting point regarding the height issue based on the development agreement. He felt it was clear that what was approved for the height would be the line of the building height. Commissioner Peek noted that they would be modifying the development agreement if they allowed additional height over what was approved. However, if they modify the findings of fact and conditions of approval as he had stated earlier, he was willing to vote in favor of the amendment to the MPD.

Commissioner Strachan stated that at first he was skeptical of Commissioner Hontz's point of view, but after looking at the MPD Code Section 15-6.9, he realized that it was not a question of the Code as much as a question of the development agreement. However, the Code touches on when variations in height should be considered and what criteria should be applied to those considerations. He read, "Height does not result in increased square footage or building volume." "The height increase provides desired architectural variation." Commissioner Strachan thought Commissioner Wintzer made a good point about architectural variation. In looking at the before and after slide of the streetscape, all the structures to the north are the same height and there is no

architectural variation. Commissioner Strachan believed that a slightly lower building in the middle at 692 Main creates a nice transition between the buildings to the north and Zoom Restaurant to the south. He agreed with Commissioner Hontz's interpretation of the development agreement, and confirmed by the Assistant City Attorney. However, architectural variation is another reason for not granting the requested two floors.

Commissioner Luskin believed the rendering was misleading because the buildings to the left are actually three story. The only four story building on Upper Main was the Galleria. Commissioner Luskin suggested that there was variation in height on the street. Commissioner Strachan remarked that it was a matter of perception.

Chair Wintzer concurred with Commissioner Strachan and felt the existing variation is nicer than jumping from Zooms to the next building.

Mr. Luber noted that they had shown a 3-D model indicating a significant transition and pull back in terms appearance. It is not a four story building from the face of a transition between Zooms and the other structures. Chair Wintzer could see where the top floor steps back.

Mr. Luber stated that he had not anticipated an issue regarding the building height. The project was planned to return to the original intent for a commercial/residential mix. It was intended to fit the building site plan and zoning height requirements. For this project to work, additional height is needed in terms of the overall economics of the plan. Mr. Luber was prepared to continue this item and take suggestions from the Planning Commission on how this height issue could be resolved.

Chair Wintzer opened the public hearing.

Lee Gilbert, a member of the Marriott Summit Watch COA and ROA Boards. He noted that many of the issues he intended to comment on were answered this evening. Mr. Gilbert was unclear about the area known as the Town Lift Subdivision and the Summit Watch project. He felt that some of the documents were conflicting. Mr. Gilbert stated that if the 692 Main building was part of the Summit Watch project, it is governed by a Master Condominium owners Association document that is filed with the State. He remarked that certain criteria and other things being proposed were in conflict with that document.

Chair Wintzer asked if the plaza is public condominium land.

Mr. Gilbert stated that there is a public easement for access to the Frozen Creek walking trail and for utility access for the City.

Chair Wintzer clarified that the building line and the property line were the same on the north side. Mr. Gilbert replied that this was correct. Chair Wintzer stated that the concerns Mr. Gilbert had with construction issues would be addressed through a construction mitigation plan. At that time Mr. Gilbert would have the opportunity to voice his concerns and work with the Building Department.

Commissioner Peek pointed out that the Homeowners Association would have to supply a letter to the Building Department prior to permits being issued saying that they support the project. Chair

Wintzer agreed that because the project is on the property line, the HOA and the applicant would need to resolve any issues with the Building Department.

Chair Wintzer noted that a condition of approval could require that the construction mitigation plan must be presented to the homeowners to keep them apprized.

Mr. Luber stated that the general contractor who would be working on their construction mitigation plan has built many projects on Main Street and in Old Town.

Chair Wintzer closed the public hearing.

Planner Robinson referred to the MPD Section of the LMC, 15-6.5(f), under Building Height and read, "The height requirement in the zoning district in which the MPD is located shall apply. The Planning Commission may consider an increase in height based on site specific analysis and determination and the criteria. Increase in height does not result in increased square footage." He clarified that, that goes to anything above the zoning height and not necessarily to this building. Commissioner Strachan understood and explained that he only used those guidelines as general guidelines as to what should be considered when looking at height increases.

Commissioner Savage was unclear as to why if height was an issue, it was not raised earlier in the process and the applicant was not given notice prior to this evening before they spent time and money on the design and modifications.

Commissioner Strachan believed that the original plans that were presented to the Planning Commission in the pre-MPD meeting did not have the additional two floors. Planner Robinson pointed out that those floors were shown in one of the alternatives presented.

Mr. Luber stated that in the pre-MPD application meeting there was enthusiastic support for the plan, which is why they expended the effort, time and expense to do architectural renderings and associated drawings. If they had been given any idea that there was an issue with height, they would have stopped the process.

Commissioner Savage recalled that the only request at the pre-MPD meeting was for the applicant to do a before and after comparison to see how the building looked next to Zoom Restaurant.

Commissioner Hontz stated that she would have shared her concerns during the pre-application meeting if she had been provided with all the documents at that time. She did not receive that information until this Staff report and she took the time to read through it. Commissioner Hontz reiterated that she liked the concept and the design of this project. Her comments this evening were about something larger than just this project and the opportunity the City has to do something good for all of Park City.

Mr. Luber stated that if the Planning Commission has some discretionary approval they can take, which has to do with looking at the overall dimensions of this building and how it fits within the current plan of the MPD, he invited that conversation in a discretionary process to find out where

the Planning Commission might be and the conditions of that discretion. Mr. Luber felt the applicant had been candid and straightforward in saying that this project works because of the four floors and the mix of commercial and residential. It works because of the height and because the storefront will be public rather than private. He stated that the project would not work if they have to start removing floors. Rather than having the project denied, Mr. Luber preferred a conversation on whether the Planning Commission has additional discretion they were willing to adopt.

Planner Robinson responded to Commissioner Hontz's comment about not receiving the information until Friday. He pointed out that all the documents provided in the current Staff report were also included in the pre-MPD Staff report, with the exception of colored drawings and renderings. Chair Wintzer stated that everyone had the same information and they all missed it, but they still have the ability to go back and review it as Commissioner Hontz had done.

Director Eddington stated that Commissioner Hontz was accurate in her point and her research was extensive. However, the Planning Commission has the authority to look at height. As a more proactive approach, he asked if the Planning Commission wanted to consider adding two stories to the building, assuming that it was always two stories in the 1982 and the 1991 Concept Plan. If they presume that it was, the Planning Commission would be looking at this amendment to add the two stories. The Planning Commission would look at this design and consider whether it meets the purpose statements of the MPD Chapter; economic development, preserving open space, mixing uses, positive contribution to the amenities in that area of the community, different housing types being provided, etc. Director Eddington stated that if the Planning Commission wanted a definitive answer as to whether this was originally conceived as a two or four story building, the Staff could research that information. Based on the historic knowledge of some people, Director Eddington thought it may have been a two-story building.

Commissioner Savage thought he heard another element, which is the quid pro quo. If they allow the additional two stories, what else can they extract from the applicant to offset the height increase. In his opinion, at this stage in the process, it seemed unfair and was not the way to run a business.

Commissioner Hontz stated that as someone who works for developers and attorneys and reviews all the materials, it is their job to comb through the documents and find possible deal killers. As Planning Commissioners, they do not have the obligation to tell the applicant what is in their original agreement. The applicant's legal team should have reviewed the development agreement before beginning this project. Commissioner Hontz agreed with Commissioner Savage that it was unfair to bring it up now.

Assistant City Attorney McLean requested that the Planning Commission focus on the application before them. She reiterated her advice that the Commissioner should be careful about terminology because the density is tied to unit equivalents and it is not changing. What is changing is the massing and the square footage and the discussion should relate to those issues. Ms. McLean was uncomfortable with the Planning Commission talking about "density transfers" because the UEs are not changing from the 1992 agreement. Ms. McLean clarified that the Planning Commission was

re-opening the MPD so they could look at the massing in terms of how it fits within the overall MPD.

Assistant City Attorney McLean stated that the discussion should focus on whether the Planning Commission wanted to allow mixed use of residential and commercial or whether it should remain commercial and how it impacts other elements and criteria of the MPD by increasing the massing by having it residential. Those are findings that are applicable.

Commissioner Luskin believed the Planning Commission has the authority, regardless of the timing, to provide input on behalf of the City. He pointed out that this is government and not a business and things can be handled differently. Commissioner Luskin struggled with two hurdles. One was the public/private issue, which had been resolved, and the other was the height issue. The height issue is being wrestled from the vantage of what was contemplated in documents that are a little vague and obscure. Commissioner Luskin stated that he looks at the issue before him as to whether it is a conforming use and whether he feels comfortable that it meets all the criteria Director Eddington had outlined.

Commissioner Strachan felt the public comment raised a good issue. CC&Rs are applicable and they dictate how the architecture must be designed. The Planning Commission needs to know that the plan comports with the CC&Rs.

Planner Robinson explained that the CC&Rs would not apply to this building. The original subdivision, Town Lift Site Phase A, Lot A1, which was this building and Lot A2, which became part of the Summit Watch, as they created the condominiums they also created the CC&Rs and the architectural controls within their condominium association. This subdivision and this building were not part of that. Planner Robinson clarified that the Plaza was dedicated as a public street, 7th Street, between those two buildings. Therefore, it is City property.

Chair Wintzer asked if the City was the governing body the applicant would consult for construction activities near the property line. Planner Robinson replied that the City would be the governing body but it would also be good for the applicant to notify the HOA on construction timing and the construction mitigation plan.

Mr. Luber stated that as a condition of approval, they would agree that prior to any building permit being approved by the City, they would have an agreement with their neighbors and the City regarding the construction mitigation plan.

Commissioner Peek was comfortable with the mix of residential and commercial use. He stated that if they allow the building height to be adjusted, they need to amend the development agreement. He assumed that because the development agreement is a legal document signed by the City and the developer of the original project, the Planning Commission would not be able to just negate it through action.

Assistant City Attorney McLean did not believe it was necessary to amend the development agreement as long as the findings of fact address the issue and the plans are attached.

Commissioner Strachan felt the applicant had expressed an interest in working with the Planning Commission to resolve the height issue. If the applicant was willing to have this item continued and come back with alternative height reductions, the Planning Commission could review those alternatives at the next meeting.

Mr. Luber clarified that he was willing to work with the Planning Commission from the perspective of the plan that was presented this evening. He stated that the additional two floors were very important to the overall financial feasibility of the project, and the conditions of approval set forth in terms of all the requirements of public benefits. He was uncomfortable hearing comments about taking a "pound of flesh" from a building that has produced no tax revenue for a significant period of time, particularly since their plan of mixing the use would provide economic benefit to the City.

Mr. Luber stated that the two floors are critical and coincide with the height requirements of the zone. His earlier comment referred to the discretionary process in terms of what additional discretion the Planning Commission had. He was willing to work with the Planning Commission from a planning standpoint to show the technical, architectural, design elements, and other elements that makes this building fit within a logical model with the Zoom building and the building to the north. He was not interested in coming back with a plan that removed the two floors.

Commissioner Strachan asked if this would come back to the Planning Commission for CUP review. Director Eddington stated that if the Planning Commission approved the amendment to the MPD they would not see it again. It would go to the Staff for Historic District Design Review.

Commissioner Strachan stated that in terms of architectural fenestration and changes in the height, if the Planning Commission was uncomfortable with how it comports with the buildings to the north and south, they would need to continue it. If the Planning Commission was comfortable with the way it comports with the buildings to the north and south, and finds that it is compatible and meets the other requirements of the Code, they should vote this evening.

Director Eddington stated that if the Planning Commission chooses to approve this application, they would still have an opportunity individually to provide input with regard to the Historic District Design Guidelines relative to the Staff's review.

MOTION: Commissioner Strachan moved to CONTINUE 692 Main Street, Amendment to the MPD to a date certain, with direction to the applicant to return with architectural drawings that depict how the building will transition from the buildings to the south to the buildings to north in terms of height.

The motion died for lack of a second.

MOTION: Commissioner Savage moved to APPROVE the Master Planned Development Amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Director Eddington asked if the motion would add a finding of fact or condition of approval noting that the height was being amended for this building from the original MPD. Commissioner Savage stated that he would include that in his motion if it was required.

Chair Wintzer noted that the motion should also incorporate the changes to Condition of Approval #4, that the bar/grill will be open to the general public; to Condition of Approval #8, that the applicant must record a written agreement with the owners of Zoom Restaurant for the joint use of the loading and garbage area or build an enclosed dumpster location on their property; remove Finding of Fact #9 as written and replace with Private Residence Clubs off-site is prohibited in storefronts adjacent to the Main Street right-of-way; add Condition of Approval #9, A timeshare instrument shall be filed with the State; add Condition of Approval #10, no sidewalk hocking permitting per the Park City Municipal Code; add Condition of Approval #11, prior to any building permit, a construction mitigation plan will be presented to the Summit Watch Condominium Owners Association.

Commissioner Savage amended his motion to incorporate the changes as stated.

Director Eddington re-read the motion for clarification.

Commissioner Peek noted that the development agreement was specific about the building height being approved. At a minimum, he felt a finding of fact was needed to address that issue. Planner Robinson noted that Finding of Fact #11 states that, "The building will increase in height by two stories while keeping with the HCB height regulations." Commissioner Peek thought a finding of fact should state what building height was approved for Building A1 to acknowledge the original development agreement that specified a certain height.

Assistant Attorney McLean suggested adding Finding of Fact #13, "The November 23, 1994 revised concept plan Condition of Approval 10, which states building heights and density shall not exceed what is shown in this approval, is amended to increase Building A1 from 2 stories to 4 stories." Commissioner Peek was comfortable with that language.

Commissioner Savage amended his motion to add Finding of Fact #13 as read by Ms. McLean.

Commissioner Luskin seconded the motion.

VOTE: The motion passed 3-2. Commissioners Strachan and Hontz voted against the motion. Commissioner Pettit was recused.

Findings of Fact - 692 Main Street

1. The property is located at 692 Main Street in the Historic Residential Commercial (HRC) zoning district. Historic Commercial Business (HCB) heights and regulations are allowed by the 1982 Agreement.
2. In September 1991, the City Council approved a Concept Plan of the Town Lift Project.
3. The building at 692 Main Street has been used as the Sales Gallery for the Marriott Summit Watch project since its construction in 1992. The Summit Watch project was originally part

of the Town Lift development that included the Sweeney properties to the west but was subsequently bifurcated.

4. The September 1991 Concept Plan of the Town Lift Project laid out maximum square footages for the project as well as anticipating the project would be developed in Phases. In that approval the Council required the Historic District Commission (HDC) to review and approve the volumetrics for Phase 1 (p.4). The HDC was required to approve specific building design for the proposed structures prior to construction.
5. In April 1992, Planning Commission approved a small scale MPD for Town Lift Phase 1. Phase 1 included buildings A1-A3. The building at 692 Main Street was called A1. In the MPD, Building A1 was proposed to have 6 residential units comprising 4.5 Unit Equivalents (UEs) and 1,732 square feet of commercial space (1.8 UEs) for a total of 6.3 UEs.
6. In November 1994, the City approved the Summit Watch Revised Concept Plan. The revised plan superseded the action taken to approve the original concept plan in 1991. Condition of Approval 2 stated that the Town Lift Design Review Task Force shall review and approve plans for each building prior to construction commencing. At that time Building A1 was constructed and the unit configuration for that building was referenced as 7,200 square feet of commercial, or 7.2 Unit Equivalents.
7. The project will be a Timeshare as declared in the original approval of the Summit Watch project.
8. Affordable Housing requirements have been met by previous construction by the original developer.
9. Private Residence Clubs off-site is prohibited in storefronts adjacent to the Main Street right-of-way.
10. Nine residential units (up to 7.85 Unit Equivalents and 3.05 Unit equivalents of commercial space are proposed for a total of up to 6.90 UEs.
11. The building will increase in height by two stories while keeping within the HCB height regulations.
12. Twenty-three parking spaces are required and provided by a recorded easement.
13. The November 23, 1994 revised concept plan Condition of Approval 10, which states building heights and density shall not exceed what is shown in this approval, is amended to increase Building A1 from two stories to four stories.

Conclusions of Law - 692 Main Street

1. The amended MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The amended MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The amended MPD, as conditioned, is consistent with the Park City General Plan.
4. The amended MPD, as conditioned, provides the highest value of open space as determined by the Planning Commission.
5. The amended MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The amended MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The amended MPD, as conditioned, is Compatible in Use, scale and mass with adjacent properties, and promotes neighborhood compatibility.
8. The amended MPD provides amenities to the community so that there is no net loss of community amenities.
9. The amended MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the application was filed.
10. The amended MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place development on the most Developable Land and least visually obtrusive portions of the site.
11. The amended MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing trail connections.
12. The amended MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval - 692 Main Street

1. All applicable conditions of approval of the 1994 Conceptual Approval shall apply to this amended MPD.
2. All applicable conditions of approval of the subdivision plat shall apply.
3. A condominium plat shall be recorded with Summit County prior to selling of any units.

4. The Main Floor market/deli or any other commercial use of that space will be open to the public. The grill/bar must be open to the general public.
 5. The building must receive Historic Design Review approval prior to issuance of building permits.
 6. All exterior lights must comply with Park City's lighting regulations.
 7. Any exterior sign must receive a separate sign permit.
 8. Applicant must record a written agreement with the owners of Zoom Restaurant for joint use of the loading and garbage area or build an enclosed dumpster location on their own property.
 9. A timeshare instrument shall be filed with the State.
 10. No sidewalk hocking permitted per the Park City Municipal Code.
 11. Prior to any building permit, a construction mitigation plan will be presented to the Summit watch Condominium Owners Association.
3. 1310 Lowell Avenue - Conditional Use Permit
(Application #PL-10-00965)

Commissioner Strachan recused himself and left the room.

Planner Jacquelyn Mauer reviewed the application for a conditional use permit at 1310 Lowell Avenue, Park City Mountain Resort. PCMR proposes to install recreational lighting the Three Kings, Quicksilver and Pick-n-Shovel ski runs. This item was continued from the June 23rd meeting because the Planning Commission lacked a quorum and was unable to vote on the project.

Planner Mauer stated that this application increases the Park City Mountain Resort's night skiing area from 44.5 acres to 54.7 acres or 23%. She noted that 49 wood poles were proposed with 76 metal halide, each having 150 watts. The proposed lights comply with the Land Management Code Section 15-5-5(i)(11), which addresses recreational lighting requirements. This application was also reviewed under the CUP criteria.

Planner Mauer remarked that during the June 23rd meeting, concerns were raised regarding the increase in the amount of electricity required to run these lights and whether or not there was adequate electrical capacity. Planner Mauer stated that as part of this application, a condition of approval was added to indicate that the applicant proposes to replace all the existing 1500 watt court halogen lights on the Payday ski run with the 150 watt metal halide lights proposed. The saved wattage would be 138,979 kilowatts per year. The Resort anticipates using 10,000 kilowatts per year on the proposed Three Kings lighting project.



PLANNING DEPARTMENT

September 9, 2011

Craig Elliott
Elliott Workgroup Architecture
PO Box 3419
Park City, Utah 84060

NOTICE OF PLANNING STAFF ADMINISTRATIVE ACTION

Project Address: 692 Main Street
Project Description: Historic District Design Review
Date of Action: September 9, 2011
Project Planner: Kirsten Whetstone
Project Number: PL-11-01306

SUMMARY OF STAFF ACTION

This proposal is a request for Historic Design Review for modifications to the exterior of an existing non-historic building located at 692 Main Street and two additional floors (3rd and 4th floor) per the approved July 14, 2010 amendments to the 1992 Town Lift Master Planned Development Phase I. Staff reviewed the application for compliance with the June 19, 2009 Park City Design Guidelines for Historic Districts and Historic Sites, including the Universal Guidelines for new construction (non-historic sites) and the applicable Specific Guidelines for new construction including 1) B.1- Mass, Scale, and Height; 2) B.2- Key Building Elements such as roofs, materials, windows, porches, mechanical systems; 3) G- Exterior Lighting; and 4) I- Sustainability. The proposal complies with these guidelines for new construction and is approved pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

1. The property is located at 692 Main Street in the Historic Residential Commercial (HRC) zoning district. Historic Commercial Business (HCB) heights and regulations are allowed by the 1982 Agreement.
2. In September 1991, the City Council approved a Concept Plan of the Town Lift Project.
3. The building at 692 Main Street has been used as the Sales Gallery for the Marriott Summit Watch project since its construction in 1992 and is currently vacant. The Summit Watch project was originally part of the Town Lift development that included the Sweeney properties to the west but was subsequently bifurcated.

4. The September 1991 Concept Plan of the Town Lift Project laid out maximum square footages for the project as well as anticipating the project would be developed in Phases. In that approval the Council required the Historic District Commission (HDC) to review and approve the volumetrics for Phase I. The HDC was required to approve specific building design for the proposed structures prior to construction.
5. In April 1992, Planning Commission approved a small scale MPD for Town Lift Phase I. Phase I included buildings A1-A3. The building at 692 Main Street was called A1. In the MPD, Building A1 was proposed to have 6 residential units comprising 4.5 Unit Equivalents (UEs) and 1,832 square feet of commercial space (1.8 UEs) for a total of 6.3 UEs.
6. In November 1994, the City approved the Summit Watch Revised Concept Plan. The revised plan superseded the action taken to approve the original concept plan in 1991. Condition of approval 2 stated that the Town Lift Design Review Task Force shall review and approve plans for each building prior to construction commencing. At that time Building A1 was constructed and the unit configuration for that building was referenced as 7,200 square feet of commercial floor area or 7.2 Unit Equivalents.
7. On July 14, 2010, the Planning Commission approved an amendment to the Master Planned Development to allow for a mixed use building including residential units on floors 2, 3, and 4 with commercial units on floor one. A total of nine residential units (up to 3.85 Unit Equivalents) and 3.05 Unit Equivalents of commercial space were approved with the amended MPD for a total of up to 6.90 UEs.
8. An increase in building height by two stories was approved, provided the height is within the current HCB height regulations.
9. The project is proposed to have timeshare ownership as declared in the original approval of the Summit Watch project.
10. Affordable Housing requirements have been met by previous construction by the original developer.
11. The Land Management Code makes no distinction between public and private access to business for commercial use.
12. Twenty-three parking spaces are required and provided in an underground parking structure beneath Building A-2 and subject to a recorded easement on the condominium plat.
13. Any new construction is subject to the June 19, 2009, Park City Design Guidelines for Historic Districts and Historic Sites.
14. The existing building footprint is not being modified. The proposed construction complies with the FAR for the HCB district and is not greater than 4.0. The lot contains 5,074 square feet.
15. There are no minimum setbacks in the HCB zone.
16. Access to the property is from Main Street, a public street.
17. The building is not being demolished. The proposal includes modification of the exterior details, patios, decks, windows and doors, exterior materials, and construction of 2 additional floors consistent with the amended MPD approval and in compliance with the HCB height limits and building envelop requirements.
18. The proposed plans include a total of 18,074 gross square feet (this includes the 2,946 gross square feet in the basement). The proposed plans include 6 residential

units with a total of 7,127 sf (3.56UE), 2,432 sf of ground floor commercial (2.43 UE), and 382 sf for restrooms in the basement (0.38 UE).

19. The total proposed unit equivalent (UE) is 6.37 UE. Areas below Final Grade that are used for commercial purposes are considered Floor Area. The MPD amendment allowed up to 6.9 UE therefore up to 530 sf (0.53 UE) of the basement floor area may be utilized for commercial uses without approval of an MPD amendment.

CONCLUSIONS OF LAW

1. The proposed work complies with the Park City Historic District Design Guidelines as conditioned.
2. The proposed work complies with the Land Management Code requirements pursuant to the HCB district.
3. The proposed work complies with the July 14, 2010, amendment to the 1992 Town Lift Phase I Master Planned Development.

CONDITIONS OF APPROVAL

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permits.
2. Final building plans and construction details shall reflect substantial compliance with the HDDR drawings stamped in on July 22 and August 11, 2011. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
3. Building height shall be verified prior to issuance of a full building permit.
4. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in appearance to the approved architectural drawings/documents shall be reviewed and approved prior to construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
5. All standard conditions of approval shall apply.
6. If a complete building permit has not been obtained by September 9, 2012, this HDDR approval will expire.
7. Any modifications to landscaping will require a Landscape Plan to be reviewed prior to building permit issuance. Such plan will include water efficient landscaping. No landscaping plan has been reviewed as part of this application.
8. Construction waste should be diverted from the landfill and recycled when possible.
9. All exterior lighting cut sheets and locations shall be submitted to the Planning Department for review and approval prior to building permit issuance. All exterior

lighting shall meet Park City's lighting ordinance and be downward directed and shielded.

10. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
11. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.
12. Exterior surfaces that are painted should have an opaque rather than transparent finish. Provide a weather protective finish to wood surfaces that were not historically painted. Low VOC paints and paints are recommended to be used.
13. A condominium plat shall be recorded with Summit County prior to selling of any units. A timeshare instrument shall be recorded prior to sale of any units as a timeshare.
14. All exterior lights must comply with the Park City lighting regulations.
15. Prior to installation of any signs on the property, a sign permit shall be obtained from the Planning and Building departments.
16. The applicant must provide a written agreement with the owners of Zoom restaurant before joint use of the loading and garbage area located south of the property may be permitted. A written agreement between these parties is also required prior to issuance of a building permit for construction of a trash enclosure on the property.
17. An amendment to the July 14, 2010 MPD amendment to the 1992 Town Lift Phase I Master Planned Development is a condition subsequent to issuance of an occupancy permit for use of more than 530 square feet of basement area for commercial uses. The 382 square feet of restroom area in the basement is excluded as it is currently counted in the total UE.

EXHIBIT A

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

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

10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007