



Planning Commission Staff Report

Application #: PL-15-02698
Subject: Central Park City Condominiums MPD
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: July 8, 2015
Type of Item: Master Planned Development

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and consider approving the application for a Master Planned Development for eleven residential dwelling units within an approximately 11,279 square foot building to be constructed at 1893 Prospector Avenue. Staff has prepared 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: Mr. Peabody LLC, Hank Louis, Ehlias Louis, CDR
Development, owners
Location: 1893 Prospector Avenue
Zoning: General Commercial (GC)
Adjacent Land Uses: Residential condominiums to the west (Suncreek) and east (Prospector), Rail Trail and open space to the south, and condos/commercial/offices to the north and west along Prospector Avenue.
Reason for Review: Master Planned Development applications require Planning Commission review, a public hearing, and final action by the Planning Commission.

Proposal

The applicant requests review of an application for a Master Planned Development for a new multi-unit residential building proposed to be constructed on vacant Lot 25b of the Gigaplat Replat, being a replat of the Prospector Square Subdivision. The project includes an eleven unit, energy efficient, residential project located within the Prospector Square neighborhood. Nine units are proposed as small market rate attainable units and two units are proposed as deed restricted units compliant with the City's Housing Resolution 25-12. The project is located in the General Commercial (GC) zone which requires a Conditional Use Permit for residential uses. A Conditional Use Permit application was approved on May 13, 2015 for residential uses in the GC

Zoning District. **Staff requests discussion of the requested 6'6" height exception and review against the criteria for height increase as outlined in LMC § 15-6-5 (F) of the Land Management Code as outlined below. This item was discussed at the May 13th meeting and the Commission was in general support of this specific height exception and found that it was consistent with the MPD criteria in Chapter 6 of the LMC (see minutes of May 13th Planning Commission meeting in Exhibit K). No vote was taken on this matter at the May 13th meeting.**

Background

The property is located within the General Commercial (GC) zoning district subject to the Prospector Square overlay requirements (Land Management Code § 15-2.18-3(I)). The subject property, located at 1893 Prospector Avenue, consists of a 5,760 square foot platted lot. The lot is amended Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat. Amended Lot 25b is a vacant, undeveloped privately owned development lot that is currently part of a 92 space asphalt parking lot.

Parking Lot F is owned by and utilized as a shared parking lot for Prospector Square Property Owners Association (PSPOA). A total of 103 parking spaces will result upon completion of this project and the 1897 Prospector Avenue CUP project, approved for Lot 25a. This includes 12 spaces located under the subject building. The applicant and PSPOA have signed an agreement stipulating that upon completion of this project there will be a total of at least 103 parking spaces (Exhibit I). All of the parking spaces are intended to be shared spaces for the Prospector Square area.

On June 5, 2014, the City Council voted to approve the Gigaplat replat that reconfigures Lots 25a, 25b and Parking Lot F of the Prospector Square Supplemental Amended Plat (Exhibit C). The plat was recorded on May 1, 2015.

On June 25, 2014, the Planning Commission approved a Conditional Use Permit for four residential units within an 11,279 square foot mixed use building proposed to be constructed at 1897 Prospector Avenue, located on Lot 25a of the Gigaplat replat. Lot 25a is located due north of 1893 Prospector Avenue.

A building permit application for the 1897 Prospector project was received by the City in February 2015 and the plans are currently under review. The owners of these two projects intend to coordinate construction of the two projects in order to reduce construction impacts on the neighborhood. The two owners are responsible for reconstruction of Parking Lot F, landscaping, and coordinating of utility installation as well as providing an interim parking plan and other construction mitigation measures during construction. These items will be spelled out in the Construction Mitigation Plans for each individual building permit.

On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums project located in the General Commercial zoning district. The application was considered complete on February 24, 2015. On February 24, 2015, the

applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable unit, bringing the total number of residential units to eleven.

On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the April 8, 2015 meeting. On April 8th the item was continued to the May 13, 2015 meeting.

An MPD application for the Central Park City Condominiums was submitted on February 24, 2015, and deemed complete upon submittal of revised plans on April 13, 2015. The CUP application for residential uses within the GC zoning district was approved by the Planning Commission at the May 13, 2015 meeting. On May 13, 2015, the Planning Commission discussed the MPD as well (see Exhibit K- meeting minutes of May 13, 2015). No vote was taken on the MPD application and the Commission continued the item to May 27, 2015 to allow Staff time to review the MPD applicability requirements. On May 27, 2015, the Planning Commission continued the item to July 8, 2015 to allow Staff time to bring forward possible amendments to the LMC regarding Chapter 6- Master Planned Developments.

On June 10, 2015, the Planning Commission conducted a public hearing, received positive input, and forwarded a positive recommendation on LMC Amendments to Chapter 6 regarding applicability of the Master Planned Development process to various types and sizes of developments. On June 25, 2015, the proposed MPD amendments were approved by City Council. The LMC Amendments allow projects smaller than 10 lots or 10 UEs to use the MPD process if desired (see Exhibit L- new LMC language for Chapter 6- Master Planned Developments).

Review against the General Plan

Staff reviewed the MPD for compliance with the General Plan during the pre-MPD review (see Exhibit J) and found that the proposed multi-dwelling building is consistent with the goals and strategies General Plan.

Purpose of the GC Zone

The purpose of the General Commercial (GC) District is to:

- (A) Allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas;
- (B) Allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion;
- (C) Protect views along the City's entry corridors;

(D) Encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments;

(E) Allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways;

(F) Encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities; and

(G) Encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

Process

Approval of this Master Planned Development application by the Planning Commission constitutes Final Action that may be appealed to City Council following procedures found in Land Management Code § 1-18.

Analysis

The project incorporates multi-level design elements, open decks and green roof terrace/garden areas, possible pedestrian connections to the Rail Trail, covered parking and storage located on the first level, no reduction of existing PSPOA shared parking, energy efficient design and construction, distinct architectural design, and a site design that diminishes visual impacts of the existing vast asphalt parking area that is Parking Lot F of the Prospector Square Subdivision (Exhibits A-H). A green planted roof garden and roof top deck provide outdoor space for the residents. Ten (10) units each have two (2) bedrooms, one or two baths, storage areas on the lowest level, and covered parking provided under the building. The units range in size from 810 to 1,017 square feet. One unit is a 500 sf studio unit.

The approximately 11,279 sf building complies with the Prospector Square Floor Area Ratio of 2.0 (11,520 square feet are allowed for the 5,760 sf lot area). The building is three and four stories in height.

The applicant is requesting a height exception through the MPD process as allowed per Land Management Code § 15-6-5 (F). The height exception requested is for approximately six feet six inches (6'6") for approximately 30% of the roof area for the eastern portion of the building. The remaining 70% of the roof area is less than the allowed zone height of 35'. The height exception is discussed in further detail below.

An affordable housing mitigation plan was submitted to the City's Housing Manager.

The project must comply with the Park City Housing Resolution 02-15 which requires a 15% affordable housing obligation. The plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for some portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage (Exhibit A2). The applicant's first choice is to provide 9 market rate units and 2 affordable units within the building on site. If the Housing Authority approves some in-lieu fees then the applicant will provide 10 market rate units, 1 affordable unit and the remainder of the obligation as in-lieu fees.

The Park City Housing Authority has final approval authority of the Housing Plan. The Housing Resolution stipulates the size of various types of units and includes requirements for deed restrictions, affordability, occupancy, and other attributes. At least one affordable, deed restricted unit is proposed on the site and is included in the current building layout. If the remaining AUE are provided on site they will be included in the current layout and nine units will be market rate with 2 units as deed restricted affordable units.

Staff recommends a condition of approval that all required affordable housing shall be complete, with certificates of occupancy issued and/or fees in-lieu paid in full, prior to issuance of any certificates of occupancy for the market rate units.

The proposal complies with lot and site requirements of the GC District as described below.

GC Zone	Permitted by LMC for Prospector Overlay of the GC zone 15-2.18-3 (I)
Lot Size	No minimum lot size. Lot is 5,760 sf
Building Footprint- Floor Area Ratio (FAR)	FAR must not exceed two (2) – 11,520 sf exclusive of required affordable housing floor area. All uses except enclosed parking areas are subject to the FAR. Approximately 11,279 sf of building floor area is proposed. One studio unit is 500 sf, 7 units are 2 bd/1ba at 810 sf, 3 units are 2bd/2ba at 1,017 sf. Additional circulation and storage area are included in the total of 11,279 sf of floor area. (FAR of 1.96). This includes the affordable housing floor area.
Front/rear yard setbacks	Zero lot line development permitted.
Side yard setbacks	Zero lot line development permitted.

Building Height	<p>Allowed Building Height is 35' (an additional 5' to 40' would be allowed for a pitched roof; however this building has a flat roof). A 6'6" building Height exception to 41'6" is requested through the MPD for a partial fourth story at the eastern portion of the building. The remainder of the building is less than 35' in height. Building Height exceptions LMC 15-2.18-4 apply. Building height will be verified at the time of Building Permit review for compliance with the MPD approval.</p>
Parking	<p>All parking on the Parking Lots A-K is shared parking for residential and commercial uses in Prospector Square. Additional private parking for specific lots may be provided entirely within the individual lot boundary. The project provides a total of 103 code compliant parking spaces, including the 12 spaces provided under the subject building. There are approximately 91 existing spaces (not all spaces meet current code.) All of the parking is shared parking. Parking will be satisfied for this building but the additional uses will impact the overall parking needs for the Prospector Square area because there currently are times of the day and seasons of the year when there appears to be inadequate parking for the approved uses.</p>
Architectural Design	<p>All construction is subject to LMC Chapter 15-5- Architectural Design Guidelines with final review conducted at the time of the Building Permit. The architecture is distinct yet complementary of the eclectic styles in the neighborhood. A blend of wood, concrete, metal, and glass as well as the flat roofs and open decks provide a contemporary, slightly industrial look.</p>
Uses	<p>All uses listed in 15-2.18-2 (A) Allowed Uses are permitted unless otherwise noted. All uses listed in 15-2.18-2 (B) Conditional Uses, including residential uses, require approval by the Planning Commission. A CUP for residential uses is being reviewed concurrently with the MPD.</p>

Residential Uses in the General Commercial (GC) zoning district are a Conditional Use subject to review of the criteria set forth in the LMC 15-1-10(E). On May 13, 2015, the Planning Commission approved the Conditional Use Permit for residential uses in the GC Zoning District for this proposal (see Exhibit K).

All Master Planned Developments shall be reviewed for the following requirements in accordance with Section 15-6-5 of the Land Management Code.

*(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.*

The Site Suitability Analysis for this site is straight forward for this 5,760 sf vacant platted lot. The Prospector Square Subdivision allows for zero lot line development and density is restricted by the Floor Area Ratio of 2.0, which allows a maximum density, or floor area, of 11,520 sf. The proposed eleven units and circulation area include a total of 11,279 sf. The density is located entirely on an existing, relatively flat, platted lot that is currently part of an asphalt parking lot. While the parking under the building uses the entire footprint, the building above and the residential density is well articulated with the multi-story building containing open decks, roof top patios and gardens in an "L" shape oriented towards the Rail Trail and mountain views to the south. The Prospector Overlay Zone allows the lot to be developed with a zero lot line development pattern provided the FAR is maintained. **Complies.**

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT. (Not applicable)

*(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size.*

The property is not greater than one (1) acre in size. **(Not applicable)**

(D) OPEN SPACE.

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space with open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

The project is located in the GC zone and is therefore exempt from the open space requirement of the MPD. The lot is currently an asphalt parking area. Development of this lot does not impact existing open space area provided by the Prospector Square Subdivision and the applicant, in conjunction with the adjacent 1897 Prospector CUP, is

providing approximately 6,000 sf of new landscaped areas within the parking lot and along the perimeter of the parking lot. **(Complies)**

(E) OFF-STREET PARKING.

The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal.

The applicant is not requesting an increase or a decrease in the parking that was required for the Prospector Square Subdivision. Parking Lot F will have a total of 103 shared parking spaces upon completion of this project (and the project at 1897 Prospector). There are currently approximately 91 parking spaces, although some along the east property line are not code compliant with regards to length. In particular the spaces along the east property line are shorter than 18' due to the parking from the adjacent condominium project encroaching onto the subject property. The completed parking lot will regain the encroaching area and those spaces will become code compliant spaces. The existing non-paved grassy areas, previously Lots 25a and 25b of the plat before the Gigaplat replat, will be developed with 32 new parking spaces. Providing parking under the subject building provides an additional 12 parking spaces for Parking Lot F. LMC Code parking requirements for the eleven residential units is significantly less than would be required if the building were restaurant, retail or office uses. Parking to meet the requirements of the subject building is provided within the revised shared parking lot. **Complies.**

(F) BUILDING HEIGHT. *The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings. **Staff requests discussion regarding the request for a 6'6" height increase for the eastern portion of a partial fourth floor for approximately 30% of the building roof. These review criteria were discussed at the May 13th meeting and the Commission was in general support of this specific height exception per the below criteria (see minutes of May 13th Planning Commission meeting in Exhibit K). No vote was taken on this matter at the May 13th meeting.***

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

The requested height increase does not result in increased square footage or Building volume over what would be allowed under the zone. The GC zone allows a 35' building height for flat roofs with an additional 5' for pitched roofs for a total height of 40'. The applicant is requesting a 6'6" height increase for the eastern portion of the partial fourth floor to a maximum height of 41'6" for the flat roofed building. Approximately 30% of the total roof area is subject to height exception request. Other portions (70%) of the building are at 30' in height, which is five feet less than allowed 35' for a flat roof. The building does not exceed the allowable FAR of 11,520 sf. The height exception provides for architectural variation and interest. **Does the Commission find that the increased Building Height does not result in increased square footage or Building volume over what would be allowed under the zone Height and Density?**

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site Specific analysis and approved by the Planning Commission;

Adjacent structures are separated in a way that they will not experience potential problems, such as shadowing, loss of solar Access, and loss of air circulation due to the extra 6'6" of building height for the eastern 30% of the building. The neighboring condominium properties to the east and west are located more than 120' away from the subject building. The proposed building at 1897 Prospector is located 50' to the north with the residential units located on the upper floors and the property management shop located on the eastern portion of the building so as to not be affected by shadows, solar access or air circulation. The rail trail, while not an adjacent Structure, is located approximately 65' to the south of the building, and is approximately 12' higher than the parking lot. The building will not cause loss of solar access or air circulation on the rail trail due to the location, orientation, and relationship of the building to the trail. **Does the Commission find that the Buildings have been positioned to minimize visual impacts on adjacent Structures and that potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation are mitigated?**

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

Additional landscaping is proposed that does not currently exist within the parking lot and along the perimeter of Parking Lot F that will provide vegetated buffering between the proposed building and adjacent structures. There is existing vegetation between the rail trail and the site and additional trees will provide screening. Existing landscaping and setbacks create separation between the proposed building and adjacent properties to buffer the adjacent condominium buildings from adverse impacts due to the additional building

height. **Does the Commission find that there is adequate landscaping and buffering from adjacent Properties and Uses and that increased Setbacks and separations from adjacent projects are being proposed?**

(4) The additional Building Height results in more than the minimum Open Space required and results in the Open Space being more usable and publicly accessible; and

There is no requirement of open space in the GC zone, however, additional Building Height results in a more articulated and open building design with the opportunity to provide open decks and patios as useable open areas for the residents as community open space for the project, not just for individual units. The design provides more separation between the building and the Rail Trail with the use of the “L” shape and open decks. **Does the Commission find that the additional Building Height results in more than the minimum Open Space required and results in the Open Space being more usable and publicly accessible?**

(5) The additional Building Height shall be designed in a manner that provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City’s Historic Districts and Historic Sites if within the Historic District;

The applicant provided renderings, floor plans, and elevations that demonstrate the transition in roof elements and articulation provided by the additional height for a portion of the building that comply with the façade variation and articulation as required in Chapter 5 Architectural Guidelines. **Does the Commission find that the additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines?**

According to the LMC, if and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) SITE PLANNING. *An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:*

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space

corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

Complies. The building is located within a vacant, flat, asphalt lot that was replatted with the Gigaplat replat to break up the vastness of the paved Parking Lot F. The building is oriented and designed with good horizontal and vertical articulation to not present as a solid rectangular block. There is no existing Significant Vegetation on the lot as it is currently a paved asphalt parking lot. However the Significant Vegetation off-site to the south will be protected and maintained.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

Complies. The proposed plan includes minimal grading as the site is currently a mostly level parking lot. No retaining structures are proposed.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

Complies. The proposed utility plans and buildings are designed to work with the Existing Grade. Minimal grading is proposed and no cuts and fills are proposed.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails are recorded on the subdivision plat. Construction of any new trails will be required consistent with the Park City Trails Master Plan.

Complies. The public Rail Trail located to the south of the property will be maintained and the informal connection to the trail at the southwest corner of Parking Lot F will be maintained. A pedestrian bridge connection from the building to the Rail Trail for the residents is proposed and will require necessary permits from the City and State Parks in order to construct and maintain it.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

Complies. The building will have significant surface parking being located within Parking Lot F of the Prospector Square Subdivision planning area. Pedestrian sidewalks are located along the frontage of Parking Lot F with Prospector Avenue. Additional pedestrian connections are provided by the HOA walkway to the west and the Rail Trail to the south. The informal connection from Lot F to the Rail Trail will be maintained. Pedestrian walkways are provided for access to the building.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan allows for snow storage Areas. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

Complies. Approximately 6,000 sf of new landscaped areas are provided within the previously solid asphalt parking lot and perimeter areas to allow for snow storage from the parking lot. Snow removal and snow storage is provided by the Prospector Square Owners Association onto land that they own. The proposed MPD does not include any surface parking or snow storage requirements area as the 12 spaces associated with the MPD are located under the building.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers for the future phases. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

Complies. The site plan includes an existing trash refuse area that the applicant will screen by constructing an enclosure of materials compatible with the building. Recycling facilities for the building will be provided on the lower parking level to be convenient to the residents.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

Complies. The property is located within close proximity to the public bus system with stops on Prospector Avenue, Bonanza Avenue, and Kearns Blvd, all located within 100' to ½ mile of the property. There are no additional transportation amenities, such as a shuttle system, proposed. Drop off for private van and shuttle service can be accommodated with the under building parking and circulation area.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

Complies. No loading docks are proposed or required for the residential uses. Service and delivery to the units will be provided from the parking lot to the residential units or a separate postal box area located on the lower level.

*(H) **LANDSCAPE AND STREETScape.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where new landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Plantings will not be mulched with rock. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.*

Complies. There is no existing vegetation on the Lot. Significant vegetation off-site to the south will be maintained. As conditioned, the final landscape and irrigation plan must be approved by Planning Department staff with the building permit review. Additional landscaping within the parking lot will be provided to the extent that parking spaces are not diminished. Perimeter plantings are proposed to provide buffers to the adjacent residential properties. Off-site landscaping requires approval of the adjacent property owners. As conditioned, exterior lighting will be reviewed at the time of the building permit review for compliance with the LMC.

*(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.*

Complies as conditioned. The property is not located within the Sensitive Lands Overlay Zone. The property is located within the Park City Soils Ordinance Boundary and adjacent to a stream that contains wetland areas. The property is located within a flood plain zone. No sensitive slopes or ridgelines are identified. Staff recommends conditions of approval to address development within the Soils Ordinance Boundary, adjacent to wetlands, and within a flood plain area.

*(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.*

Complies. A housing plan was submitted for review by the City's Housing Manager. The project must comply with the Park City Housing Resolution 02-15 which requires a 15% affordable housing obligation (1.5 AUE at 900 sf per AUE). The applicant's affordable housing mitigation plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for a portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage (Exhibit A2). The Park City Housing Authority has final approval authority of the Housing Plan. The applicant's preference is to include all of the required deed restricted units within the building. The Housing Resolution also stipulates the size of various types of units and includes requirements for deed restrictions, affordability, occupancy, and other attributes. At least one affordable, deed restricted unit is proposed on the site and included in the current building layout. If the remaining AUE are provided on site they will be included in the current layout as 2 deed restricted affordable units and 9 market rate units. Staff recommends a condition that the affordable units must be completed and ready for occupancy, or the in-lieu fees paid in full) prior to issuance of a certificate of occupancy for the market rate units.

*(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.*

Complies with Planning Commission's determination. Staff does not recommend that a Child Care Center be provided on-site. Limited permanent Child Care

demands will be generated by the eleven unit building and there are Child Care facilities within close proximity of the site.

*(L) **MINE HAZARDS.** All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.*

Complies. The applicant has indicated that there are no Mine Hazards on the site.

*(M) **HISTORIC MINE WASTE MITIGATION.** For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.*

Complies. The applicant has prepared a soils report for Lot 25b and is working with the City's Soils Ordinance Boundary staff and City Engineer to ensure that all requirements of the Soils Ordinance Boundary are complied with. The applicant proposes minimal grading and a soil capping protocol that will leave the soil on site.

Department Review

This project has gone through an interdepartmental review at a Development Review Committee meeting and issues raised, namely regarding adequate water service to meet fire flow requirements, utility service locations, floodplain, and soils ordinance issues, have been addressed with revised plans and conditions of approval.

Notice

On March 11, 2015, the property was posted and notices of the public hearings for the Pre-MPD and CUP were mailed to property owners within 300 feet. Legal notice of the MPD was published in the Park Record on April 29, 2015. The property posted and notices regarding the public hearing for the MPD were mailed on April 28, 2015. On May 13, 2015 the Planning Commission held a public hearing and continued the item to May 27, 2015. On May 27, 2015 the Commission held a public hearing and continued the item to July 8, 2015.

Public Input

Public input in support of the proposal was provided at the May 13th Planning Commission meeting. No public input was provided at the May 27th meeting.

Alternatives

- The Planning Commission may approve the Master Planned Development application for the Central Park City Condominiums as conditioned or amended.
- The Planning Commission may deny the Master Planned Development application for the Central Park City Condominiums and direct staff to make Findings for this decision.
- The Planning Commission may continue the Master Planned Development application it to a date certain and provide staff and the applicant with

direction on additional information required in order to make a final decision.

Significant Impacts

There are no significant impacts to the City or neighborhood as a result of the proposed Master Planned Development.

Consequences of not taking the Suggested Recommendation

If the MPD is not approved the applicant could revise the plans and could submit a building permit for the proposal as an allowed use in the GC Zoning Districts. The building height would have to comply with the GC Zoning District and no affordable housing would be required.

Recommendation

Staff recommends that the Planning Commission conduct a public hearing and consider approving the application for a Master Planned Development for eleven residential dwelling units within a new building to be located at 1893 Prospector Avenue. Staff has prepared the following findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact

1. The subject property is located at 1893 Prospector Avenue and consists of Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat.
2. The Gigaplat replat was approved by City Council on June 5, 2014. The final mylar was recorded on May 1, 2015.
3. Lot 25b is a vacant, undeveloped privately owned development lot that is currently part of an asphalt parking lot. The lot contains 5,760 sf.
4. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision Overlay.
5. On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums (fka Central Park City Apartments) project located in the General Commercial zoning district. The application was considered complete on February 24, 2015.
6. On February 24, 2015, the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable unit, bringing the total number of residential units to eleven.
7. The MPD is being processed concurrently with the Conditional Use Permit for residential uses in the General Commercial district.
8. On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the April 8th meeting where it was continued to the May 13, 2015 meeting.
9. In the General Commercial (GC) zoning district, residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning

Commission. Retail, restaurant, bars, offices uses, and similar uses are allowed uses in the GC zone.

10. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision Overlay.
11. The proposed building consists of approximately 11,279 sf of residential uses and circulation area. The proposed FAR is 1.96. There are seven units at approximately 810 sf, three units at 1,017 s, and one studio unit at 500 sf. The units are designed to be smaller, attainable market rate dwelling units for full time residents. At least one, if not two of the units will be deed restricted affordable units to satisfy the required affordable housing obligation required by Resolution 2-15, pending approval by the Housing Authority. The remaining units will be market rate units.
12. Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for the eastern portion of the building to a height of 41'6". Approximately 30% of the total roof area is subject to the height exception request. The remaining roof areas (70%) of the building less than 35' in height.
13. The building does not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone based on the total lot area.
14. There are no adjacent structures that will experience potential problems, such as shadowing, loss of solar Access, and loss of air circulation due to the extra 6'6" of building height for the eastern 30% of the building. The neighboring condominium properties to the east and west are located more than 120' away from the subject building. The proposed building at 1897 Prospector is located 50' to the north with the residential units located on the upper floors and the property management shop located on the eastern portion of the building so as to not be affected by shadows, solar access or air circulation. The rail trail, while not an adjacent Structure, is located approximately 65' to the south of the building, and is approximately 12' higher than the parking lot. The building will not cause loss of solar access or air circulation on the rail trail due to the location, orientation, and relationship of the building to the trail.
15. Additional landscaping is proposed that does not currently exist within the parking lot and along the perimeter of Parking Lot F that will provide vegetated buffering between the proposed building and adjacent structures and rail trail as noted in #13 above. There is sufficient setback and separation between the proposed building and the edge of Parking Lot F to buffer the adjacent condominium buildings from adverse impacts due to the additional building height.
16. There is no requirement of open space in the GC zone, however, additional Building Height results in a more articulated and open building design with the opportunity to provide open decks and patios as useable open areas for the residents.
17. The applicant provided renderings, floor plans, and elevations that demonstrate the transition in roof elements and articulation provided by the additional height for a portion of the building that complies with the façade variation and articulation as required in Chapter 5 Architectural Guidelines.
18. Utilities necessary for this use are available at or near the site. A utility plan was approved by the City Engineer and utility providers and utility easements necessary for the use were provided on the plat amendment prior to recordation.
19. Any additional utility capacity, in terms of fire flows and residential fire sprinklers

will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. Necessary utilities and upgrades shall be installed as required by the City Engineer.

20. Twelve (12) parking spaces are required for the proposed residential uses. Twelve covered parking spaces are proposed on the main level. Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F, there will be a total of 103 parking spaces, including the 12 spaces located under the building, as per the Owner's parking agreement with the Prospector Square Property Owner Association. All 103 parking spaces are intended to be shared parking per the parking agreement. There are approximately 91 spaces currently.
21. A pedestrian bridge connection to the Rail Trail is proposed from the building. The Rail Trail is owned by State Parks and certain permits and/or encroachment agreements will be necessary in order to construct the bridge. The informal connection from Lot F to the Rail Trail will be maintained.
22. The site plan includes an existing trash/refuse area that the applicant will screen by constructing an enclosure of materials compatible with the building. Recycling facilities for the building will be provided on the lower parking level to be convenient to the residents.
23. No outdoor storage of goods or mechanical equipment is proposed.
24. No fencing is proposed.
25. The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented towards the Rail Trail and is separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on any existing units, or on the Rail Trail.
26. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.
27. No changes to the existing open space within the Prospector Square planned area are proposed with the residential uses. The new building is proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as open areas for the residents of the units to share.
28. The physical design of the building, in terms of mass, scale, style, design and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the surrounding buildings. The proposed building is contemporary and distinct in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents.
29. No signs are proposed at this time. All signs are subject to the Park City Sign Code.
30. Exterior lighting will be reviewed at the time of the building permit review.
31. The residential uses will not create noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site.
32. The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area.

33. There are no loading docks or delivery bays associated with these uses.
34. The applicant initially intends to own the building and rent the units as long term residences. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County.
35. The proposal exists within the Park City Soil Ordinance Boundary.
36. The development is located in a FEMA Flood Zone A.
37. The development is located adjacent to a stream with wetlands.
38. The project must comply with the Park City Housing Resolution 02-15 which requires a 15% affordable housing obligation (1.5 AUE at 900 sf per AUE). The applicant's affordable housing mitigation plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for a portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage (Exhibit A2). The applicant's preference is to include two required deed restricted units and nine market rate units within the proposed building. The Park City Housing Authority has final approval authority of the Housing Plan.
39. On May 13, 2015, the Planning Commission conducted a public hearing and approved a Conditional Use Permit for residential uses in the GC Zoning District for this project and continued the Master Planned Development to May 27, 2015.
40. On May 27, 2015, the Planning Commission conducted a public hearing and continued the item to July 8, 2015. No public input was provided.
41. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility and protects residential neighborhoods and Uses.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The 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 MPD, as conditioned, meets the provisions of the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable Land and least visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.

12. The MPD has been noticed and public hearing held in accordance with this Code.
13. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.
14. The MPD, as conditioned, addresses and mitigates Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
15. Additional building height, as reviewed by the Planning Commission on July 8, 2015, complies with the criteria for additional building height per LMC Section 15-6-5 (F).

Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. Any signs associated with the use of the property must comply with the City's Sign Code.
3. No outdoor storage of goods or mechanical equipment is allowed on-site. The location of the trash dumpster enclosure shall be approved by the Planning Department prior to building permit issuance.
4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.
5. Review and approval of the final utility plans, including review to ensure adequate fire flows for the building, is required prior to building permit issuance.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Final building plans, exterior building materials and colors, and final design details must be in substantial compliance with the plans reviewed by the Planning Commission on July 8, 2015 and shall be approved by staff prior to building permit issuance.
8. Building Height will be verified for compliance with the approved MPD plans prior building permit issuance.
9. The Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction.
10. Prior to construction of the pedestrian bridge connection to the Rail Trail all required permits and/or encroachment easements and agreements shall be obtained from the State Parks property owner and the City. If required permits, easements, and agreements are not obtained the bridge will not be constructed.
11. A stream alteration permit and/or 404 permit will be required for any work in the stream area.
12. An elevation certificate will be required showing that the lowest occupied floor is at or above the base flood elevation.
13. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated.
14. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of

the building.

15. As part of the final utility plan and prior to issuance of a building permit, the water system must be modeled to verify that adequate fire flows and pressures can be provided to this building.
16. All exterior lighting on the terraces and porches shall be reviewed by the Planning Department with the Building Permit application and shall be subdued, down directed, shielded, and with no exposed bare bulbs.
17. A Development Agreement shall be ratified by the Planning Commission within six months of this approval. The Agreement shall reiterate all applicable requirements for Development Agreements in the LMC as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD.
18. The Affordable Housing Mitigation Plan shall be approved by the Housing Authority and shall be included in the final Development Agreement.
19. All required affordable housing shall be complete, with certificates of occupancy issued and/or fees in-lieu paid in full, prior to issuance of any certificates of occupancy for the market rate units.
20. The building plans shall be reviewed at the time of the building permit review for incorporation of best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.

Exhibits

Exhibit A- Applicant's letter

Exhibit B- Existing Conditions Survey

Exhibit C- Gigaplat re-plat

Exhibit D- Grading Plan

Exhibit E- Utilities Plan

Exhibit F- Site Plan

Exhibit G- Floor Plans

Exhibit H- Elevations

Exhibit I- General Commercial (GC) zoning district

Exhibit J- Staff report and Minutes of the March 25, 2015, Planning Commission meeting

Exhibit K- Minutes of the May 13, 2015 Planning Commission meeting

Exhibit L- New LMC language—Chapter 6 Master Planned Developments

Park City Municipal Corporation
 Kirsten Whetstone
 c/o Planning Department
 445 Marsac Ave
 PO Box 1480
 Park City, UT 84060



RE: **Amendment** of the Central Park City Condominium Project Master Planned Development Application to include the City's Affordable Housing Requirement direction, submittal requirement #3. The amended information from our previous MPD application is highlighted in yellow (for clarity and efficiency).

Applicant: Mr. Peabody LLC, (Hank Louis, Ehlias Louis, CDR Development)
 Project: Central Park City Condominiums
 Location: 1893 Prospector Ave, Lot 25-B of the Gigaplat Replat

General Project Description

Central Park City Condominiums is a project to build eleven (11) condominium units on Lot 25-B of the Gigaplat Replat of Parking Lot F, 1897 Prospector Square. The aim of the project is to provide housing in Central Park City that promotes its proximity as the main benefit to both the community and owners. With the connection to the Rail Trail and its close proximity to the local bus route, alternative transportation is available decreasing the reliability of automobiles around Park City. The design of the building incorporates multi-level design with vast open/communal space and decks to promote a community within the building. In addition, the project provides a new building with a design incorporating a visual aesthetic to improve the Prospector Avenue corridor.

For reference, Gigaplat Replat is a development agreement between Queeksdraw LLC (Hank Louis, Rhonda Sideris) and the Prospector Square Property Owners Association (PSPOA) to reconfigure parking Lot F, 1897 Prospector Ave. The reconfiguration is an effort to create an organic infill for the developments of Prospector Square Lot F providing a more urban feel for the area. This is accomplished by providing housing infrastructure on the existing "tarmac" like parking lot, therefore providing a natural feel to the area including true circulation and logical building sites. Current zoning of Lot 25-B is General Commercial (GC), however Queeksdraw LLC (Hank Louis & Rhonda Sider) is submitting an application for a Conditional Use Permit for Lot 25-B via the Planning Department.

The conceptual design of the Central Park City Condo building, drawings herein, incorporates the necessary requirements from the development agreement between Queeksdraw LLC & PSPOA, stating that the Gigaplat Replat shall include 103 parking spaces in Lot F (currently 99 spaces). In addition, careful consideration of the F.A.R. (2.0) and benefits to both the surrounding area and potential tenants were balanced. The resulting building has the following design characteristics:

- To conform to the parking space requirement the majority of the building is "on stilts" to provide the necessary parking required in Lot F. 12 parking slots under the building on will be on existing grade with residential units on floor two (2), three (3), and four (4).

- This configuration provides 104 parking slots on parking lot F.
- The eleven (11) units consist of: Three (3) two (2) bedrooms / two (2) bathrooms units, and seven (7) two (2) bedrooms / one (1) bathroom units, and one (1) studio unit.
- Each unit will have a storage closet on grade adjacent to the main circulation column (stairs and elevator to units) and parking stalls.
- The South side of the building includes a bridge, connected walkway, to the Rail Trail path connecting to the main bike/walk paths for Park City.
- The design incorporates natural light through each unit by using a L shape global floor plan allowing corners for windows and views of Park City Mountain Resort, or the “PC” mountain adjacent to Park City’s public schools.
- A large common space deck and a common space rooftop deck for the building residents incorporating a green-planted roof garden.

Central Park City Condo building is within the F.A.R. regulation: Lot 25-B is 5760 square feet with a F.A.R. of 2.0, resulting with an allowance of **11,520** square feet.

Unit / Space	Square Feet	# of Units	Total
Studio	500	1	486
Small (2bd/1ba)	810	7	5670
Large (2bd/2ba)	1017	3	3051
Storage Closet	52	11	572
Circulation Area	1500	1	1500
Total			11,279

MPD Applicability

The Central Park City Condo project, upon completion, will result in a building with the following characteristics that align with the purpose of MPD in the Land Management Code (Chapter 6, Section 15-6-1):

- Lot 25-B in Lot F backs up to the Rail Trail and Open Space to the south. Project incorporates both features with views and design to compliment the use.
- Neighborhood consists of Residential Condominiums to the west and east, and commercial/offices and planned residential (Rhonda Sideris project on lot 25-A) to the north and west. Food, residential shops, and Athletic club all within walking distance. Development agreement with PSPOA results in more parking for lot F, from existing 99 spaces to 104 spaces. Gigaplat Replat accommodates the required (1) spot per bedroom. There are 12 parking slots under the building.
- With the connection to the Rail Trail, and location to public transportation bus route, the project promotes the community goals of less automobile usage and community resort feel of Park City.
- A positive contribution to the city through the addition of residential volume on the market. Project promotes the use of the Rail Trail for transportation to the main path artery to Main Street, and Park City Mountain Resort.
- Three different floor plan configurations provide diversity for the potential owners, with the goal of providing housing in Central Park City.

- Project promotes sustainable development through best practices of design through green rooftop, and plans of energy efficient building and appliances. Furthermore, the location and proximity to alternate transportation limiting the need for automobile use via free bus and the Rail Trail link.

Lot 25-B on Parking Lot F is in the General Commercial (GC) zoning designation with zero lot line development permitted. To optimize the Central Park City Condo project for the lot and development agreements (views, parking, flood plain, etc.), the design results in an “L” shape global plan. This allows the majority of the common space to face the Rail Trail and open space to the south. The project is within the F.A.R. limits (2.0), however with exception to the circulation column and storage spaces, all interior space begins on level two (the level connected to the Rail Trail). Therefore the building is four (4) stories on the northeastern corner, level 1 parking (on grade) and levels 2-4 residential, and three (3) stories along the northwestern wing, level 1 parking (on grade) and levels 2-3 residential.

MDP Requirement Applicability

The following is our response and vision to the MPD Requirements listed in Chapter 6, Section 15-6-5.

- **DENSITY:** Maximum density is governed by the F.A.R. Lot 25-B has a F.A.R. of 2.0 resulting in allowable of 11,520 square feet. Central Park City Condo building is within this restriction measuring at 11,279 (see previous chart for details).
- **BUILDING FOOTPRINT IN HR-1 & HR-2:** Not Applicable. Lot 25-B is in a General Commercial (GC) zone.
- **SETBACKS:** Not Applicable. Lot 25-B is in zone GC that allows a Lot-line-to-Lot-line building envelope.
- **OPEN SPACE:** Not Applicable. Lot 25-B is in zone GC, and per definition GC zone is exempt.
- **OFF-STREET PARKING:** Development Agreement between Queeksdraw LLC and PSPOA regulates the Gigaplat Replat to provide no fewer than 99 parking slots for new configured Lot F. The design of Central Park City Condo building is “on stilts” to help conform and exceed the parking slot restriction. With the aid of the 12 slots under Central Park City Condo building the Gigaplat Replat provides 104 parking slots for the reconfigured Lot F.
- **BUILDING HEIGHT:** Central Park City Condo project is asking for a building height exemption. The reason for the request is due to the design solution that allows the building to be constructed and still be in agreement with PSPOA parking slot requirements, and reserve the architecturally interesting aesthetics for the project. The building is using the existing grade as parking, therefore only the circulation column and storage closets are touching the existing grade. Raising the building living floor and the open communal decks provide openness aesthetic and characteristic that will help to provide a new feel for the Prospector Avenue corridor. Residential units comprise of floors 2, 3, and 4. The maximum roof height is 41’-6”, the General Commercial code limit is 35’. Due to the multi-level design approach only a portion of the entire building exceeds the limit. Only the north east section of the building has the 4th level which is the reason for our height exemption request.

- Our request for the height exemption does NOT result in an increase of square footage. Central Park City Condos will NOT exceed current F.A.R. restriction.
- Conceptual design of the building is not believed to create shadows or loss of solar access to adjacent structures. Additionally the Gigaplat Replat positioned Lot 25-B with ample parking lot buffers and circulation for air in the surrounding area.
- Gigaplat Replat incorporates landscaping that currently does not exist on Lot F, and the site plan does provide advantageous buffering to adjacent structures.
- Open space is not affected by the height exemption request.
- Lot 25-B is in a GC zone.
- **SITE PLANNING:** Gigaplat Replat was completed to provide a more organic infill to Lot F to give a more urban feel to any developments on the site. Lot 25-B is both a beneficiary and active participant to this favorable development approach.
 - The building sites were arranged to provide a flow to the area and break up the “tarmac” looks of parking Lot F.
 - Minimal grading is accomplished by using the grade as the parking level.
 - Minimal grading will be performed to improve the flow of water from its current state, around the building and appropriately directed toward existing drainage routes.
 - Central Park City Condo building will be physically connected to the rail trail providing alternate modes of transportation around town.
 - Gigaplat Replat and the development agreement between Queeksdraw LLC and PSPOA has resulted in the addition of pedestrian walkways and improved vehicle flow around Lot F. Additionally, landscaping will be added to the Lot F to help visually direct and soften the developments.
 - Gigaplat Replat has provided the necessary allotment for snow removal and snow storage areas for Lot F.
 - Gigaplat Replat designates the necessary trash collection and recycling facilities for Lot F and Central Park City Condo project.
 - Local bus stop on Prospector Ave. is called out on the site plan.
 - Service and delivery access loading and unloading for the Gigaplat Replat is called out on site plan.
- **LANDSCAPE AND STREET SCAPE:** Gigaplat Replat includes added landscaping for Lot F.
- **SENSITIVE LANDS COMPLIANCE:** Lot 25-B is not in a sensitive lands zone.
- **EMPLOYEE/AFFORDABLE HOUSING:** The Central Park City Condo project is required to provide Affordable Housing Units under the MDP LMC. The project will provide the necessary Affordable Housing with one of the following options, as allowed by the Affordable Housing Resolution 25-12.
 - The project will include, on site, the necessary square feet of required fully compliant Affordable Unit Equivalentents (AUE), OR
 - The project will include some AUE compliant square feet on site AND pay the in lieu fee for the remaining square feet (AUE) not provided.

Central Park City Condos priority is to include all required AUE on site under the full compliance of the Housing Resolution, however it is undecided at this time which option above will be chosen. We have followed the necessary steps with the City’s Sustainability Department and have provided the information above via a Affordable Housing mitigation plan document.

This document details our plan (in either case above) with the necessary square footage calculations required to fully comply with the Housing Resolution 25-12.

- **CHILD CARE:** Not applicable.
- **MINE HAZARDS:** Not applicable.
- **HISTORIC MINE WASTE MITIGATION:** Have a soils report for Lot 25-B, using minimal grading and capping techniques and leaving the soil on site.

EXHIBIT A
(see revised)

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

RE: Central Park City Condominium Master Planned Development Application, submittal requirement #3.

Applicant: Mr. Peabody LLC, (Hank Louis, Ehlias Louis, CDR Development)
Project: Central Park City Condominiums
Location: 1893 Prospector Ave, Lot 25-B of the Gigaplat Replat

General Project Description

Central Park City Condominiums is a project to build ten (10) two bedroom units on Lot 25-B of the Gigaplat Replat of Parking Lot F, 1897 Prospector Square. The aim of the project is to provide housing in Central Park City that promotes its proximity as the main benefit to both the community and owners. With the connection to the Rail Trail and its close proximity to the local bus route, alternative transportation is available decreasing the reliability of automobiles around Park City. The design of the building incorporates multi-level design with vast open/communal space and decks to promote a community within the building. In addition, the project provides a new building with a design incorporating a visual aesthetic to improve the Prospector Avenue corridor.

Gigaplat Replat is a development agreement between Queeksdraw LLC (Hank Louis, Rhonda Sideris) and the Prospector Square Property Owners Association (PSPOA) to reconfigure parking Lot F, 1897 Prospector Ave. The reconfiguration is an effort to create an organic infill for the developments of Prospector Square Lot F providing a more urban feel for the area. This is accomplished by providing housing infrastructure on the existing "tarmac" like parking lot, therefore providing a natural feel to the area including true circulation and logical building sites. Current zoning of Lot 25-B is General Commercial (GC), however Queeksdraw LLC (Hank Louis & Rhonda Sider) is submitting an application for a Conditional Use Permit for Lot 25-B via the Planning Department.

The conceptual design of the Central Park City Condo building, drawings herein, incorporates the necessary requirements from the development agreement between Queeksdraw LLC & PSPOA, stating that the Gigaplat Replat shall include no fewer than the existing parking spaces in Lot F (99 spaces). In addition, careful consideration of the F.A.R. (2.0) and benefits to both the surrounding area and potential tenants were balanced. The resulting building has the following design characteristics:

- To conform to the parking space requirement the majority of the building is "on stilts" to provide the necessary parking required in Lot F. 12 parking slots under the building on will be on existing grade with residential units on floor two (2), three (3), and four (4). This configuration provides 104 parking slots on parking lot F.



- The ten (10) units consist of: four (4) two (2) bedrooms, two (2) bathrooms units, and six (6) two (2) bedrooms, one (1) bathroom units.
- Each unit will have a storage closet on grade adjacent to the main circulation column (stairs and elevator to units) and parking stalls.
- The South side of the building includes a bridge, connected walkway, to the Rail Trail path connecting to the main bike/walk paths for Park City.
- The design incorporates natural light through each unit by using a L shape global floor plan allowing corners for windows and views of Park City Mountain Resort, or the "PC" mountain adjacent to Park City's public schools
- A large common space deck and a common space rooftop deck for the building residents incorporating a green-planted roof garden.

Central Park City Condo building is within the F.A.R. regulation: Lot 25-B is 5760 square feet with a F.A.R. of 2.0, resulting with an allowance of 11,520 square feet.

MPD Applicability

The Central Park City Condo project, upon completion, will result in a building with the following characteristics that align with the purpose of MPD in the Land Management Code (Chapter 6, Section 15-6-1):

- Lot 25-B in Lot F backs up to the Rail Trail and Open Space to the south. Project incorporates both features with views and design to compliment the use.
- Neighborhood consists of Residential Condominiums to the west and east, and commercial/offices and planned residential (Rhonda Sideris project on lot 25-A) to the north and west. Food, residential shops, and Athletic club all within walking distance. Development agreement with PSPOA results in more parking for lot F, from existing 99 spaces to 104 spaces. Gigaplat Replat accommodates the required (1) spot per bedroom. There are 12 parking slots under the building.
- With the connection to the Rail Trail, and location to public transportation bus route, the project promotes the community goals of less automobile usage and community resort feel of Park City.
- A positive contribution to the city through the addition of residential volume on the market. Project promotes the use of the Rail Trail for transportation to the main path artery to Main Street, and Park City Mountain Resort.
- Two different floor plan configurations provide diversity for the potential owners, with the goal of providing housing in Central Park City.
- Project promotes sustainable development through best practices of design through green rooftop, and plans of energy efficient building and appliances. Furthermore, the location and proximity to alternate transportation limiting the need for automobile use via free bus and the Rail Trail link.

Lot 25-B on Parking Lot F is in the General Commercial (GC) zoning designation with zero lot line development permitted. To optimize the Central Park City Condo project for the lot and development agreements (views, parking, flood plain, etc.), the design results in an "L" shape global plan. This allows the majority of the common space to face the Rail Trail and open space

to the south. The project is within the F.A.R. limits (2.0), however with exception to the circulation column and storage spaces, all interior space begins on level two (the level connected to the Rail Trail). Therefore the building is four (4) stories on the northeastern corner, level 1 parking (on grade) and levels 2-4 residential, and three (3) stories along the northwestern wing, level 1 parking (on grade) and levels 2-3 residential.

MDP Requirement Applicability

The following is our response and vision to the MPD Requirements listed in Chapter 6, Section 15-6-5.

- A. **DENSITY:** Maximum density is governed by the F.A.R. Lot 25-B has a F.A.R. of 2.0 resulting in allowable of 11,520 square feet. Central Park City Condo building is within this restriction.
- B. **BUILDING FOOTPRINT IN HR-1 & HR-2:** Not Applicable. Lot 25-B is in a General Commercial (GC) zone.
- C. **SETBACKS:** Not Applicable. Lot 25-B is in zone GC that allows a Lot-line-to-Lot-line building envelope.
- D. **OPEN SPACE:** Not Applicable. Lot 25-B is in zone GC, and per definition GC zone is exempt.
- E. **OFF-STREET PARKING:** Development Agreement between Queeksdraw LLC and PSPOA regulates the Gigaplat Replat to provide no fewer than 99 parking slots for new configured Lot F. The design of Central Park City Condo building is "on stilts" to help conform and exceed the parking slot restriction. With the aid of the 12 slots under Central Park City Condo building the Gigaplat Replat provides 104 parking slots for the reconfigured Lot F.
- F. **BUILDING HEIGHT:** Central Park City Condo project is asking for a building height exemption. The reason for the request is due to the design solution that allows the building to be constructed and still be in agreement with PSPOA parking slot requirements, and reserve the architecturally interesting aesthetics for the project. The building is using the existing grade as parking, therefore only the circulation column and storage closets are touching the existing grade. Raising the building living floor and the open communal decks provide openness aesthetic and characteristic that will help to provide a new feel for the Prospector Avenue corridor. Residential units comprise of floors 2, 3, and 4. The maximum roof height is 41'-6", the General Commercial code limit is 35'. Due to the multi-level design approach only a portion of the entire building exceeds the limit. Only the north east section of the building has the 4th level which is the reason for our height exemption request.
 - 1. Our request for the height exemption does NOT result in an increase of square footage. Central Park City Condos will NOT exceed current F.A.R. restriction.
 - 2. Conceptual design of the building is not believed to create shadows or loss of solar access to adjacent structures. Additionally the Gigaplat Replat positioned Lot 25-B with ample parking lot buffers and circulation for air in the surrounding area.
 - 3. Gigaplat Replat incorporates landscaping that currently does not exist on Lot F, and the site plan does provide advantageous buffering to adjacent structures.
 - 4. Open space is not affected by the height exemption request.

5. Lot 25-B is in a GC zone.
- G. **SITE PLANNING:** Gigaplat Replat was completed to provide a more organic infill to Lot F to give a more urban feel to any developments on the site. Lot 25-B is both a beneficiary and active participant to this favorable development approach.
1. The building sites were arranged to provide a flow to the area and break up the "tarmac" looks of parking Lot F.
 2. Minimal grading is accomplished by using the grade as the parking level.
 3. Minimal grading will be performed to improve the flow of water from its current state, around the building and appropriately directed toward existing drainage routes.
 4. Central Park City Condo building will be physically connected to the rail trail providing alternate modes of transportation around town.
 5. Gigaplat Replat and the development agreement between Queeksdraw LLC and PSPOA has resulted in the addition of pedestrian walkways and improved vehicle flow around Lot F. Additionally, landscaping will be added to the Lot F to help visually direct and soften the developments.
 6. Gigaplat Replat has provided the necessary allotment for snow removal and snow storage areas for Lot F.
 7. Gigaplat Replat designates the necessary trash collection and recycling facilities for Lot F and Central Park City Condo project.
 8. Local bus stop on Prospector Ave. is called out on the site plan.
 9. Service and delivery access loading and unloading for the Gigaplat Replat is called out on site plan.
- H. **LANDSCAPE AND STREET SCAPE:** Gigaplat Replat includes added landscaping for Lot F.
- I. **SENSITIVE LANDS COMPLIANCE:** Lot 25-B is not in a sensitive lands zone.
- J. **EMPLOYEE/AFFORDABLE HOUSING:** Not applicable
- K. **CHILD CARE:** Not applicable.
- L. **MINE HAZARDS:** Not applicable.
- M. **HISTORIC MINE WASTE MITIGATION:** Have a soils report for Lot 25-B, using minimal grading and capping techniques and leaving the soil on site.

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

RE: Application for Master Planned Development, submittal requirement #2

Applicant: Queeksdraw LLC, (Hank Louis & Rhonda Sideris)
Project: Central Park Apartments
Location: 1917 Prospector Ave, Lot 25b of the Gigaplat Replat

General Project Description

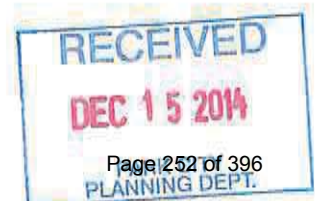
Central Park City Apartments is a project to build ten (10) two bedroom units to be leased with 12-month terms on the Lot 25b of the Gigaplat Replat of Parking Lot F, 1897 Prospector Square. Current zoning of the lot is General Commercial (GC), however Queeksdraw LLC is submitting an application for a Conditional Use Permit via the Planning Department.

The conceptual design, drawings herein, incorporates the necessary requirements from the development agreement between Queeksdraw LLC & PSPOA (Prospector Square Property Owners Association), stating that the Gigaplat Replat shall include no fewer than the existing parking spaces in Lot F (99 spaces). In addition, careful consideration of the F.A.R. (2.0) and benefits to both the surrounding area and potential tenants were balanced. The resulting building has the following design characteristics:

- The entire building is "on stilts" to provide the necessary parking required on Lot F. The parking will be on existing grade with first residential units on floor two (2).
- The ten (10) units consist of: four (4) two (2) bedrooms, two (2) bathroom units, and six (6) two (2) bedrooms, one (1) bathroom units.
- 12 parking spaces are retained under the building on grade.
- Each unit will have a storage closet on grade adjacent to the main circulation column (stairs and elevator to units) and parking stalls.
- The South side of the building includes a bridge, connected walkway, to the Rails Trails path connecting to the main bike/walk paths for Park City.
- The design incorporates natural light through each unit by using a L shape global floor plan allowing corners for windows and views of Park City Mountain Resort, or the "PC" mountain adjacent to Park City's public schools
- A large second floor (first residential floor) common space deck and a common space rooftop deck for the building residents incorporating a green-planted roof garden.

The goal of the project is to provide needed housing in Central Park City that promotes its proximity as the main benefit to both the community and to the tenants. With the connection to the Rail Trail and its close proximity to the local bus route, alternative transportation is available decreasing the reliability of automobiles around Park City.

MPD Applicability



Central Park Apartments project, upon completion, will result in a building with the following characteristics that align with the purpose of MPD in the Land Management Code (Chapter 6, Section 15-6-1):

- Lot 25b in Lot F backs up to the Rail Trail and Open Space to the south. Project incorporates both features with views and design to compliment the use.
- Neighborhood consists of Residential Condominiums to the west and east, and commercial/offices and planned residential (Rhonda Sideris project on Lot25a) to the north and west. Food, residential shops, and Athletic club all within walking distance. Development agreement with PSPOA results in more parking for Lot F, from existing 99 spaces to 105 spaces. 12 spaces are designed under the project and surplus parking with the additional six (6) from the Replat and the rest of parking lot F to accommodate one (1) spot per bedroom.
- With the connection to the Rail Trail, and location to public transportation bus route, the project promotes the community goals of less automobile usage and community resort feel of Park City. In addition, providing residential space as long-term rentals (12 month leases) for young professionals to live in Central Park City vs. options out towards Kimbal Junction.
- A positive contribution to the city through the addition of residential volume on the market for the City's work force. Project promotes the use of the Rail Trail for transportation to the main path artery to Main Street, and Park City Mountain Resort.
- Two different apartment configurations provide diversity for the potential tenants, with the goal of providing housing to young/new professionals in Central Park City.
- Project promotes sustainable development through best practices of design through green rooftop, and plans of energy efficient building and appliances. Furthermore, the location and proximity to alternate transportation limiting the need for automobile use via free bus and the Rail Trail link.

Lot 25b on Parking Lot F is in the General Commercial (GC) zoning designation with zero lot line development permitted. To optimize the Central Park Apartment project for the lot and development agreements (views, parking, flood plain, etc.), the design results in an "L" shape global plan. This allows the majority of the common space to face the Rail Trail and open space to the south. The project is within the F.A.R. limits (2.0), however with exception to the circulation column and storage spaces, all interior space begins on level two (the level connected to the Rail Trail). Therefore the building is four (4) stories on the northeastern corner, level 1 parking (on grade) and levels 2-4 residential, and three (3) stories along the northwestern wing, level 1 parking (on grade) and levels 2-3 residential.



Kirsten Whetstone

From: Ehlias Louis <ehlias.louis@mac.com>
Sent: Monday, March 16, 2015 10:08 AM
To: Kirsten Whetstone
Cc: Andrew Foster
Subject: Central Park City Condo Project (Affordable Housing Clarification)

Kirsten,

We had a meeting with Rhoda Stauffer in the Sustainable Department to better understand our requirements for providing affordable units in the Central Park City Condo project. Therefore we need to clear up our assumption that was incorrect in the application for the MPD. Detailed below is our response and understanding of our position:

- Per MPD requirement Section 15-6-5, Subsection J, **Affordable Housing:**
 - Central Park City Condo project has 10 units, therefore mandated by the Affordable Housing Resolution 25-12 we have to provide 1.5 Affordable Housing Units (AHU). Using the calculation formula provided in the Affordable Housing Resolution, we will need to provide 1,350 sq. ft.
 - These AHU units will be provided by Central Park City Condo Project by the allowable process outlined in the Resolution.
 - Our general thinking of how to provide the AHU is to either provide the required square footage on-site under deed restricted unit sales, or to pay the in lieu fee outlined in the Resolution, OR a combination of both.
 - If we elect to provide the square footage AHU via on-site deed restricted unit sales, we will not use the AHU square feet in our calculation to abide by the F.A.R. of 2.0 for the project. In other words, the project in whole could be over the 2.0 F.A.R. restriction, however as stated in Section 8 of the Affordable Housing Resolution 25-12, on-site AHU units do not count against density calculations for the project.

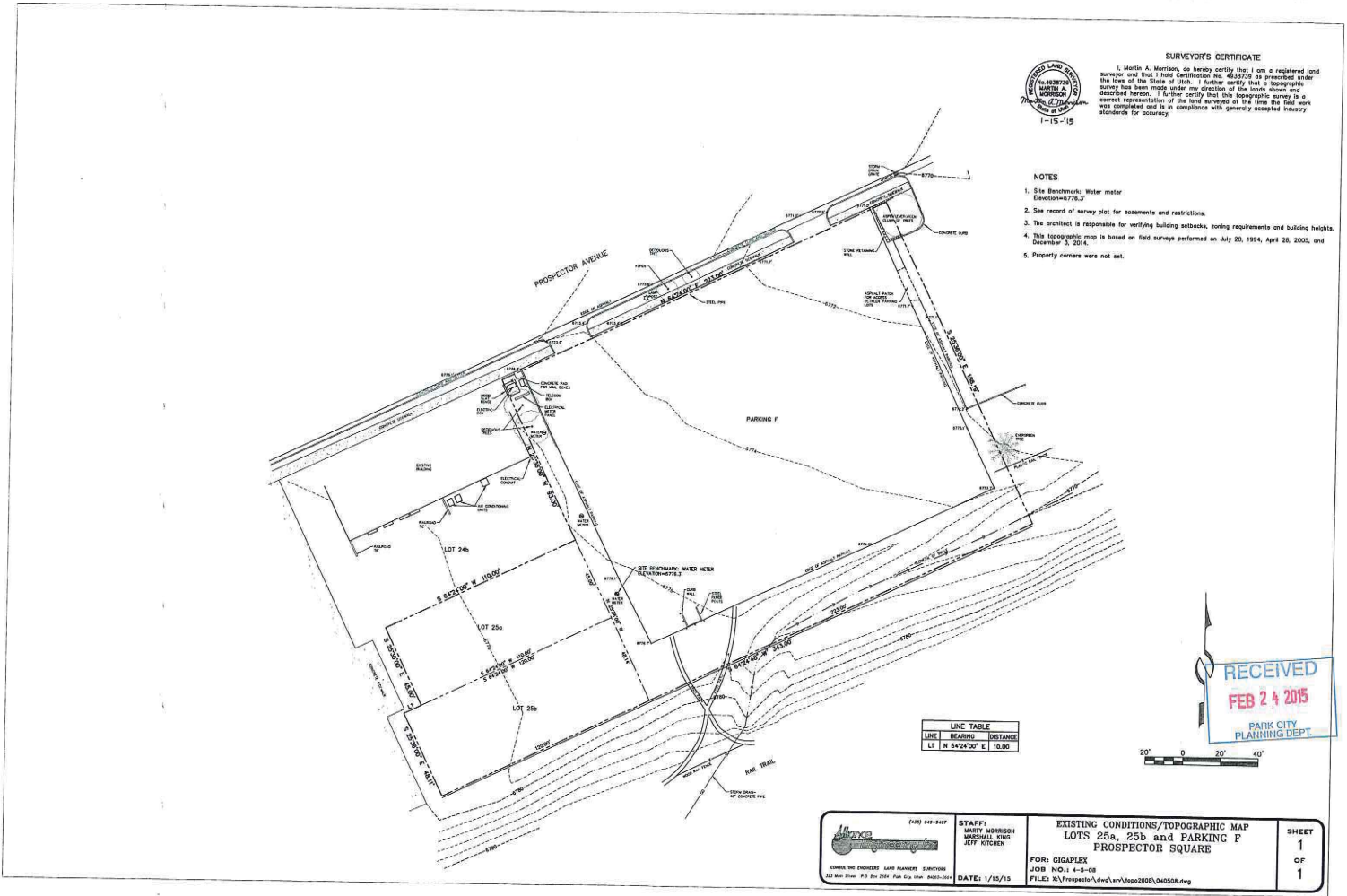
Please don't hesitate to contact either Andrew or me if you have any questions,

Kindly,

Ehlias

Ehlias Louis
Gigaplex Design
966 Rosemary St.
Denver, CO 80230
720.289.4443
ehlias.louis@mac.com

EXHIBIT B



SURVEYOR'S CERTIFICATE
 I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and hold a valid Certificate No. 4638739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the areas shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

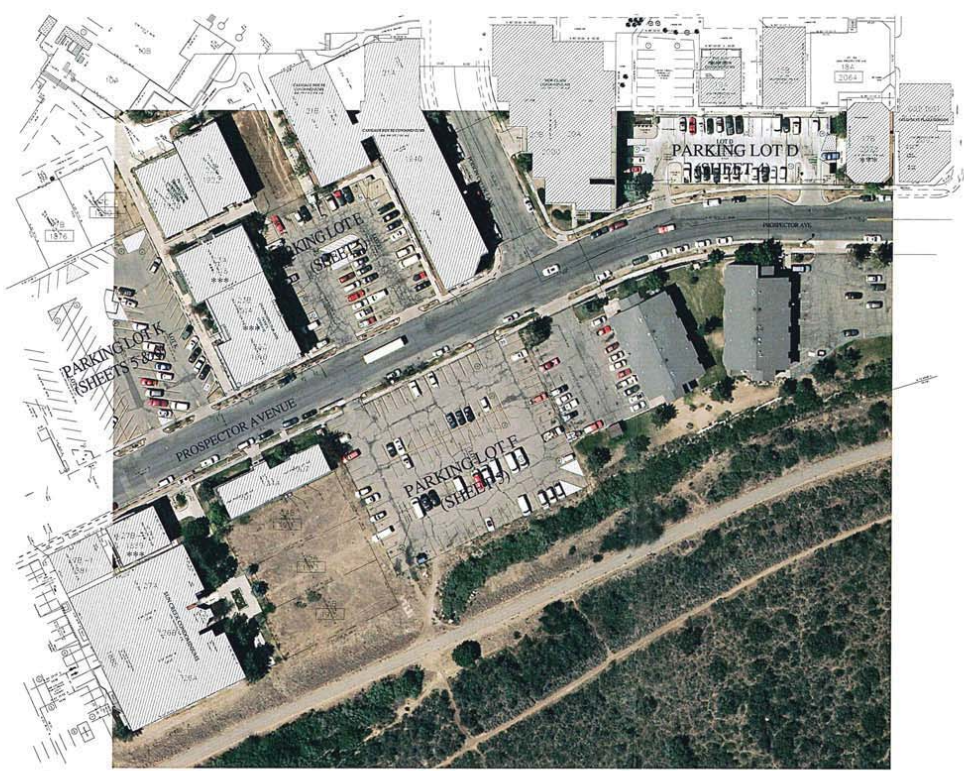
NOTES

1. Site Benchmark: Water meter Elevation=578.3
2. See record of survey plot for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on field surveys performed on July 20, 1994, April 28, 2005, and December 3, 2014.
5. Property corners were not set.

LINE TABLE		
LINE	READING	DISTANCE
1	IN BACKSTOP E	10.00



<p>(435) 948-2447 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 622 West 200th, P.O. Box 2000, Park City, Utah 84302-0200</p>	<p>STAFF: MARTY MORRISON MARSHALL KING JEFF KITCHEN</p>	<p>EXISTING CONDITIONS/TOPOGRAPHIC MAP LOTS 25a, 25b and PARKING F PROSPECTOR SQUARE</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 1/15/15</p>	<p>FOR: GIGALEX JOB NO.: 4-5-08 FILE: X:\Prospector\dwg\enr\topo2008\040508.dwg</p>	



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 architects
 1255 Bronson Drive,
 2nd level
 PO BOX 3360
 Park City, UT 84060
 P: 435-649-7000
 F: 435-649-6545
 info@gtgaplex.com

QUEEKSDRAW LLC
 1915 PROSPECTOR AVE LOT 258

date:
 12/15/14

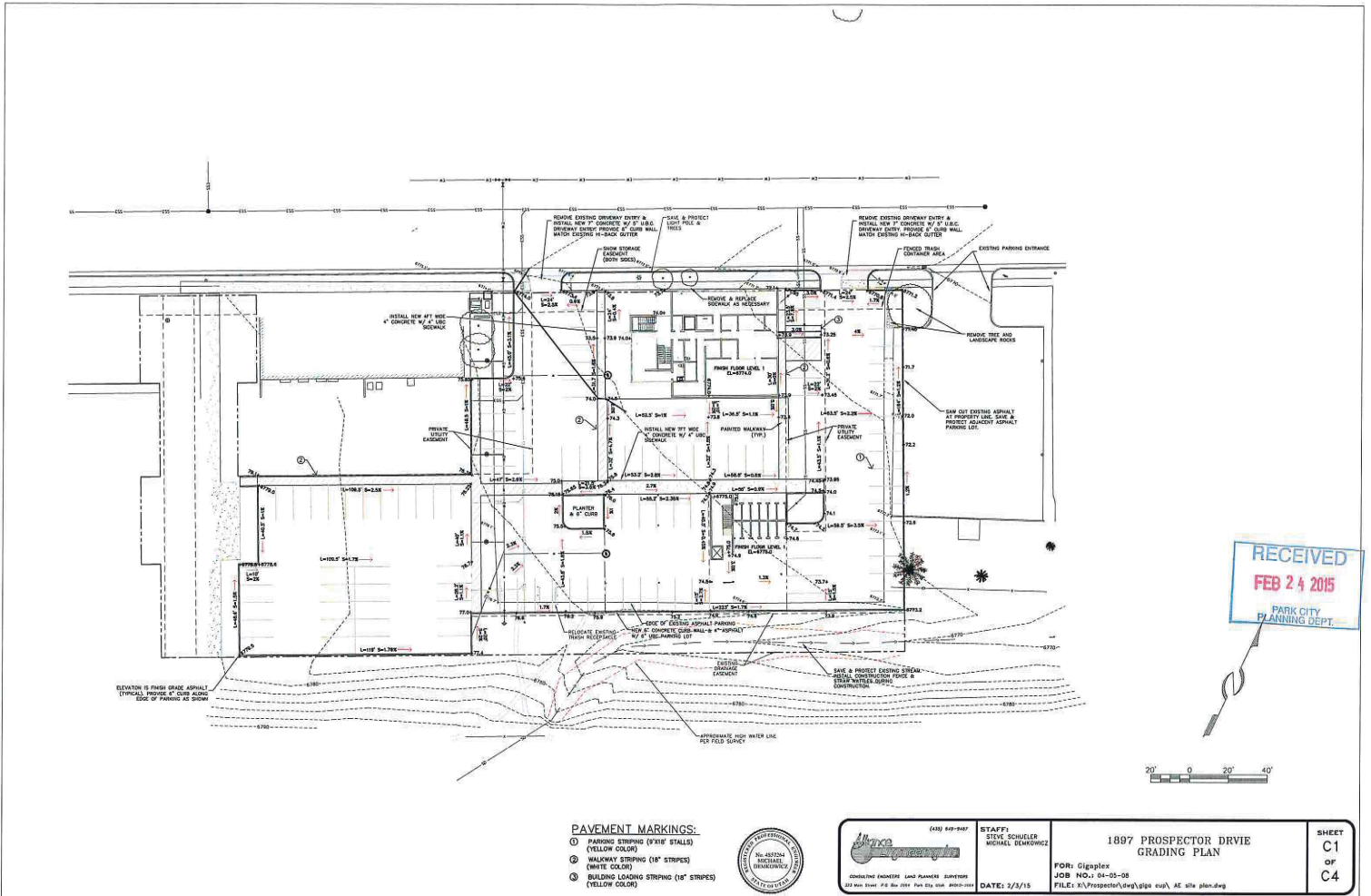
dwg title:
 EXISTING
 SITE

dwg #:
 A101

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⊕ EXISTING SITE
 1" = 40' @

EXHIBIT D



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- PAVEMENT MARKINGS:**
- ① PARKING STRIPING (9'X16' STALLS) (YELLOW COLOR)
 - ② WALKWAY STRIPING (16' STRIPES) (WHITE COLOR)
 - ③ BUILDING LOADING STRIPING (16' STRIPES) (YELLOW COLOR)



W&P ENGINEERS
 CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS
 222 WEST STATE, P.O. BOX 2024, PARK CITY, UTAH 84302-2024
 (435) 649-2887

STAFF:
 STEVE SCHUELLER
 MICHAEL GIERGIEWICZ

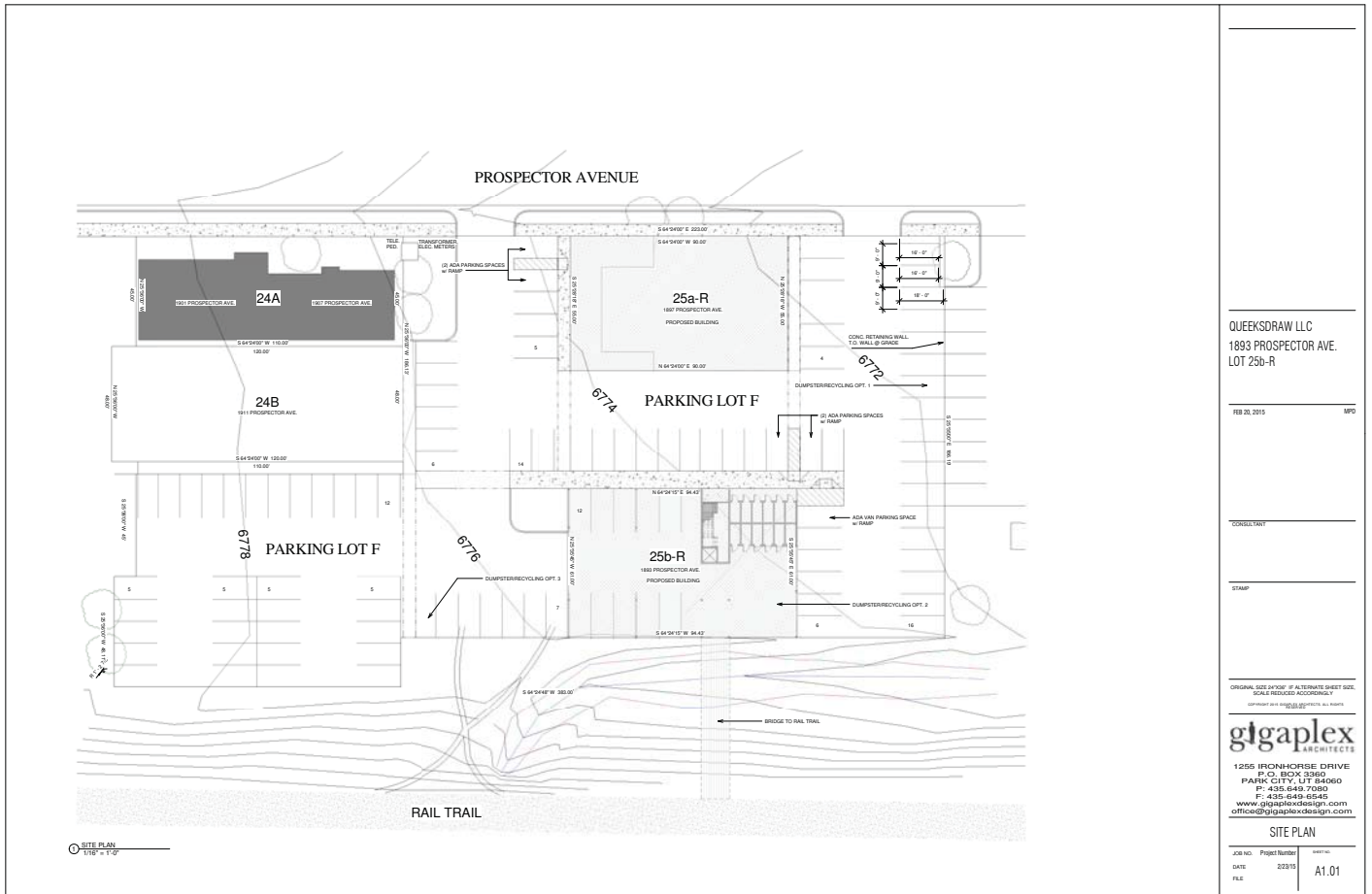
**1897 PROSPECTOR DRIVE
 GRADING PLAN**

FOR: Giggster
 JOB NO.: 04-05-08
 FILE: X:\Prospector\04\05\08\04 AE site plan.dwg

DATE: 2/3/15

SHEET
 C1
 OF
 C4

EXHIBIT F



QUEEKSDRAW LLC
1893 PROSPECTOR AVE.
LOT 25b-R

FEB 20, 2015 MPD

CONSULTANT

STAMP

ORIGINAL SIZE GROUP: "A" ALTERNATE SHEET SIZE.
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gtgaplex
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office@gtgaplexdesign.com

SITE PLAN

JOB NO.	Project Number	DATE	2/23/15	SCALE	A1.01
FILE					

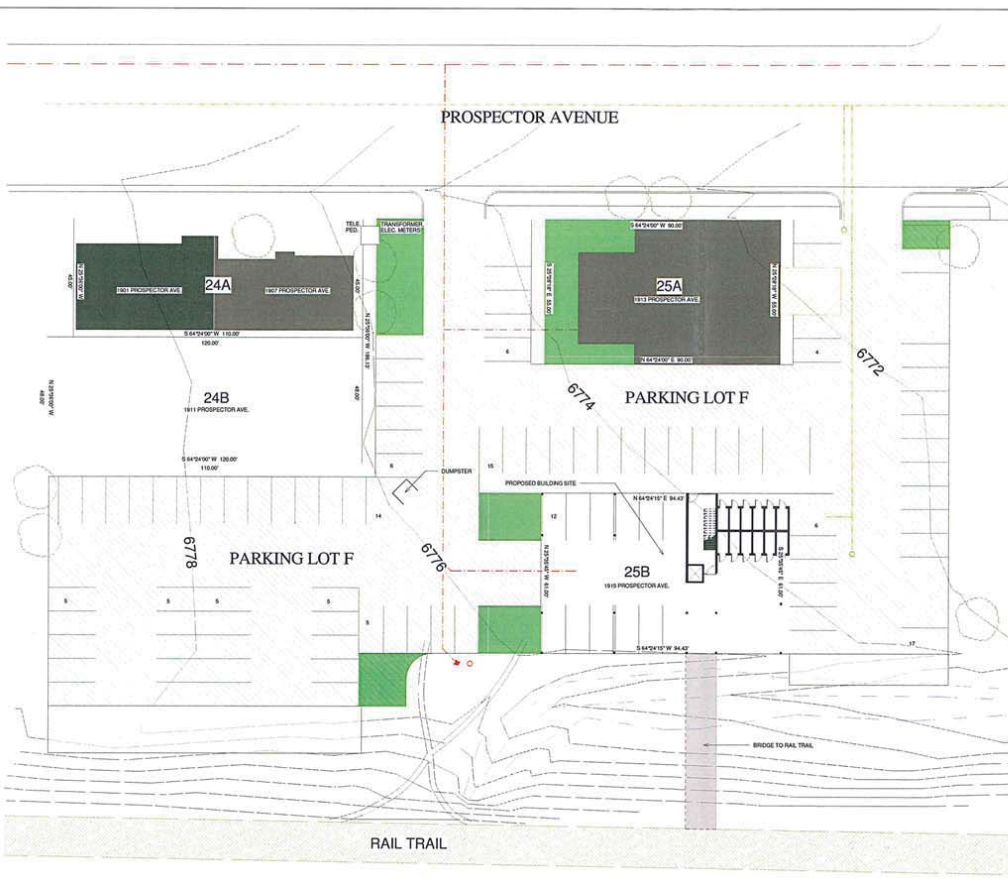
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 1255 Ingham Drive,
 2nd level
 PO BOX 1300
 Park City, UT 84060
 P: 435-649-7880
 F: 435-649-4545
 info@gtgaplex.com

QUEEKSDRAW LLC
 1915 PROSPECTOR AVE LOT 25B

date:
 12/15/14

dwg title:
 SITE PLAN

dwg #:
 A100



① SITE PLAN
 1/16" = 1'-0"

- SYMBOLS:
- PARKING LOT
 - LANDSCAPING
 - ▒ EXISTING BUILDINGS
 - EXISTING TREES
 - STREAM
 - ▨ RAIL TRAIL
 - ▭ LOADING ZONE
 - SEWER
 - FIRE WERELINE
 - FIRE HYDRANT
 - SNOW STORAGE
- * 8,760 Sq. Ft.
 ** 108 TOTAL PARKING SPACES

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EXHIBIT H



QUEEKSDRAW LLC
1893 PROSPECTOR AVE.
LOT 256-R

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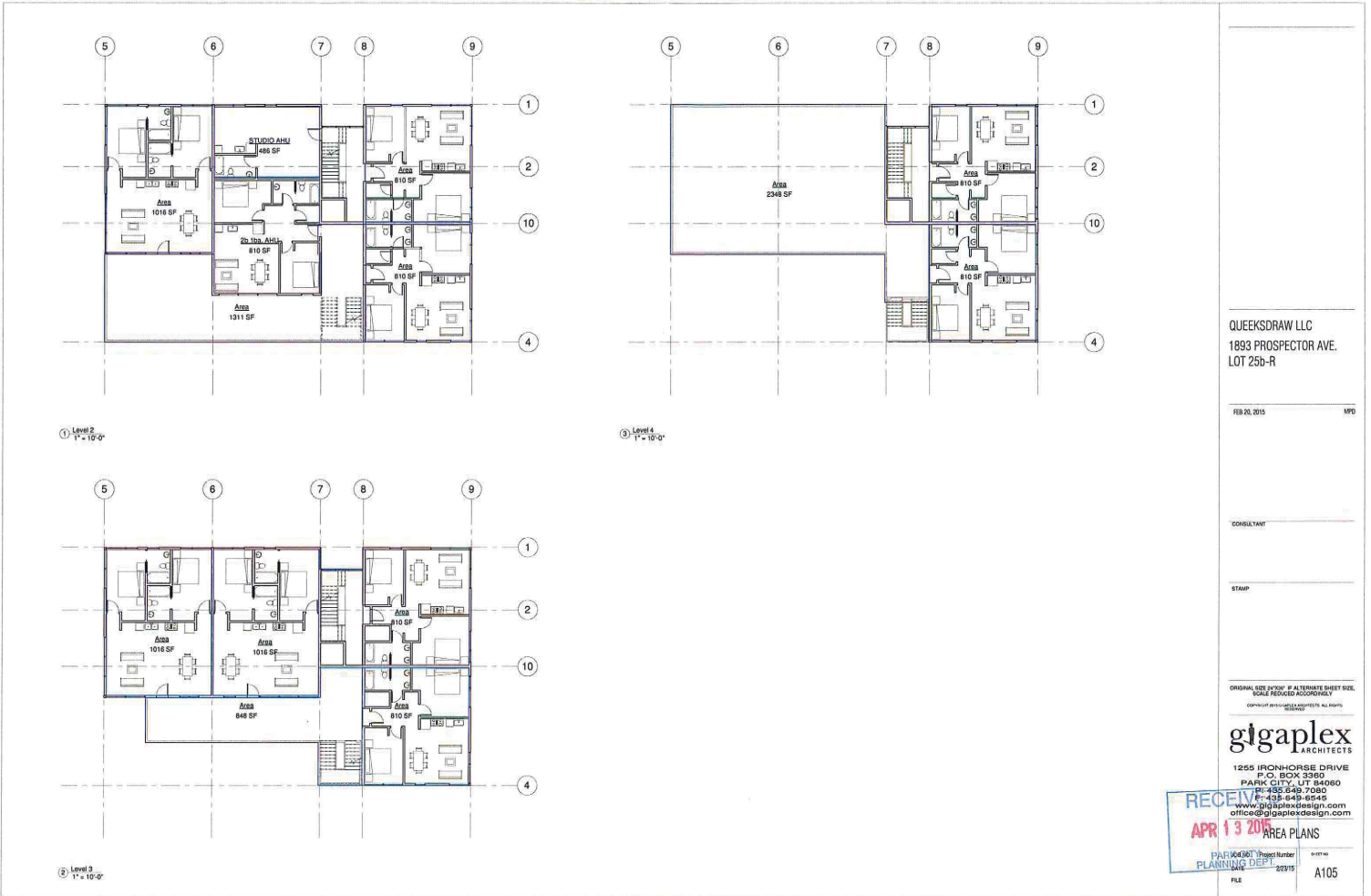
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LOT 25B-R

FEB 20, 2015 MPD

CONSULTANT

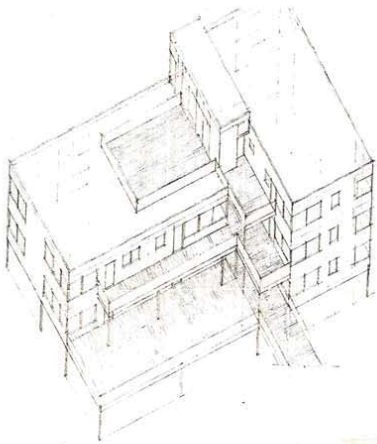
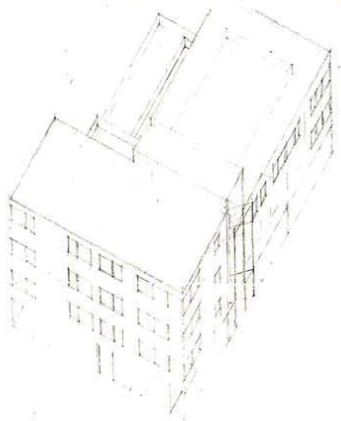
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gtgalex
ARCHITECTS

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AREA PLANS
PROJECT NUMBER
223715
FILE
A105



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 F: 435-649-6545
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QUEEKSDRAW LLC
 1915 PROSPECTOR AVE. LOT 22B

date:
 12/15/14

dwg title:
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dwg #:
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**PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.18**

TITLE 15 - LAND MANAGEMENT CODE**CHAPTER 2.18 - GENERAL COMMERCIAL (GC) DISTRICT**

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.18 - GENERAL COMMERCIAL (GC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.18-1. PURPOSE.

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City’s entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,

(E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,

(F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and

(G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

15-2.18-2. USES.

Uses in the GC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters

- (2) Lockout Unit¹
- (3) Accessory Apartment²
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting³
- (7) Child Care, Family³
- (8) Child Care, Family Group³
- (9) Child Care Center³
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture
- (13) Plant and Nursery Stock production and sales
- (14) Bed & Breakfast Inn
- (15) Boarding House, Hostel
- (16) Hotel, Minor
- (17) Hotel, Major
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office, Intensive
- (21) Office and Clinic, Medical
- (22) Financial Institution without a drive-up window
- (23) Commercial, Resort Support
- (24) Retail and Service Commercial, Minor
- (25) Retail and Service Commercial, Personal Improvement
- (26) Retail and Service Commercial, Major
- (27) Cafe or Deli

- (28) Restaurant, General
- (29) Hospital, Limited Care Facility
- (30) Parking Area or Structure with four (4) or fewer spaces
- (31) Parking Area or Structure with five (5) or more spaces
- (32) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Multi-Unit Dwelling
- (5) Group Care Facility
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁴
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office, off-site within an enclosed Building
- (12) Private Residence Club Project and Conversion⁸

¹Nightly rental of Lockout Units requires Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 Child Care Regulations

⁴See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (13) Financial Institution with a Drive-up Window⁶
- (14) Retail and Service Commercial with Outdoor Storage
- (15) Retail and Service Commercial, Auto Related
- (16) Transportation Service
- (17) Retail Drive-Up Window⁶
- (18) Gasoline Service Station
- (19) Restaurant and Cafe, Outdoor Dining⁷
- (20) Restaurant, Drive-up Window⁶
- (21) Outdoor Event⁷
- (22) Bar
- (23) Sexually Oriented Businesses⁸
- (24) Hospital, General
- (25) Light Industrial Manufacturing and Assembly
- (26) Temporary Improvement⁷
- (27) Passenger Tramway and Ski Base Facility
- (28) Ski tow rope, ski lift, ski run, and ski bridge
- (29) Commercial Parking Lot or Structure
- (30) Recreation Facility, Public
- (31) Recreation Facility, Commercial
- (32) Indoor Entertainment Facility

- (33) Master Planned Development with moderate housing density bonus⁹
- (34) Master Planned Developments⁹
- (35) Heliport
- (36) Temporary Sales Trailer in conjunction with an active Building permit for the Site.⁸
- (37) Fences greater than six feet (6') in height from Final Grade⁷

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-76)

15-2.18-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development activity must comply with the following minimum yards:

(A) **FRONT YARDS.** The minimum Front Yard is twenty feet (20') for all Main and Accessory Buildings and Uses. The twenty foot (20') Front Yard may be reduced to ten feet (10'), provided all on-Site parking

⁹Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁶See Section 2-18-6 for Drive-Up Window review

⁷Requires an administrative Conditional Use permit

⁸See Section 2-17-8 for additional criteria.

is at the rear of the Property or underground. The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty-feet (30') in width abutting the Street. See Section 15-2.20. The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3(I)

(B) FRONT YARD EXCEPTIONS.

The Front Yard must be open and free of any Structure except:

- (1) Fence, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
- (2) Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.
- (3) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.
- (4) Sidewalks, patios, and pathways.
- (5) Decks, porches, and Bay Windows not more than ten feet (10')

wide, projecting not more than three feet (3') into the Front Yard.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled. See Section 15-3-3 General Parking Area and Driveway Standards.

(7) Circular driveways meeting all requirements stated in Section 15-3-4.

(C) REAR YARD. The minimum Rear Yard is ten feet (10'). The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-1-2.18-3(I).

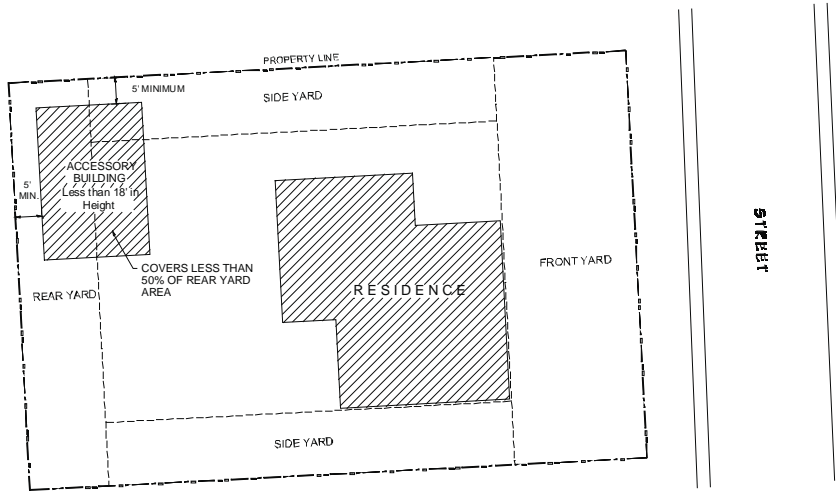
(D) REAR YARD EXCEPTIONS.

The Rear Yard must be open and free of any Structure except:

- (1) Bay Window or chimneys not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear Yard.
- (2) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.
- (3) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.
- (4) Window sills, belt courses, cornices, trim and other ornamental

features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structures must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



(6) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Buildings and meeting all landscaping requirements stated in Section 15-3-3.

(7) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(8) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(9) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(10) Enclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Rear Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.

(E) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10').

(2) Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main

Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

(5) The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3(I)

(F) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows and chimneys not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(3) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) Awnings over a doorway or window extending not more than three feet (3') into the Side Yard.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(8) Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths and steps connecting to a City stairway, trail, or path.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(11) Unenclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Side Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.

(G) **SNOW RELEASE**. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(H) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT**. The following requirements apply to specific Lots in the Prospector Square Subdivision:

(1) **AFFECTED LOTS**. Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 44, 45, and 46, and parking Lots A through K as shown on the Amended Prospector Square Subdivision Plat.

(2) **MAXIMUM FLOOR**

AREA RATIO (FAR). The FAR must not exceed two (2.0) for all Affected Lots as specified above. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio (FAR). Parking Lots A - K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping.

(3) **REDUCED SITE REQUIREMENTS.** In the Prospector Square Subdivision, Front, Side and Rear Yards may be reduced to zero feet (0') for all Affected Lots as specified above. Commercial Lots within the Frontage Protection Zone shall comply with FPZ setbacks per LMC Section 15-2-20. This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection.

(Amended by Ord. Nos. 04-11; 06-76; 13-23)

15-2.18-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 of greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC).

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski life and tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

(Amended by Ord. Nos. 06-76; 07-25)

15-2.18-5. ARCHITECTURAL

REVIEW.

Prior to the issuance of a Building permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-76)

15-2.18-6. CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require special Conditional Use permit (CUP) to consider traffic impacts on surrounding Streets. The Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Area.

15-2.18-7. SEXUALLY ORIENTED BUSINESSES.

The purpose and objective of this Section is to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses or their location in Areas deleterious to the City, and to prevent inappropriate exposure of such Businesses to the community. This Section is to be construed as a regulation of time, place, and manner of the operation of these

Businesses, consistent with the United States and Utah State Constitutions.

(A) **LOCATION OF BUSINESSES, RESTRICTIONS.** Sexually Oriented Businesses, are Conditional Uses.

No Sexually Oriented Business may be located:

- (1) within three hundred feet (300') of any school, day care facility, cemetery, public park, library, or religious institution;
- (2) within three hundred feet (300') of any residential zoning boundary; or
- (3) within three hundred feet (300') of any liquor store or other Sexually Oriented Business.

(B) **MEASUREMENT OF DISTANCES.** For the purposes of this Section, distances are measured as follows:

- (1) The distance between any two (2) Sexually Oriented Businesses is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which each Business is located.
- (2) The distance between Sexually Oriented Businesses and any school, day care facility, public park, library, cemetery or religious institution is measured in a straight line, without regard to intervening

Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the premises of the school, day care facility, public park, library, cemetery, or religious institution.

(3) The distance between Sexually Oriented Businesses and any residential zoning boundary is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the residential zone.

(C) **DEFINITIONS.** Terms involving Sexually Oriented Businesses which are not defined in this Chapter have the meanings set forth in the Municipal Code of Park City, Section 4-9-4.

15-2.18-8. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Permit. No permit may be issued unless the following criteria are met:

(A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of

rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking is on-Site at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(I) The Use complies with Section 15-1-

10, Conditional Use review.

15-2.18-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.18-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.**
Outdoor dining is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not

diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) No net increases in the Restaurant’s seating capacity without adequate mitigation of the increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations are subject to the following criteria:

- (a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak,

motorized scooter, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC.

Outdoor events and music requires an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City Noise Ordinance, Title 6.
- (c) Impacts on adjacent Residential Uses.
- (d) Proposed plans for music, lighting, Structures, electrical signs, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject to the following criteria:

- (a) The display is immediately available for purchase at the Business displaying the item.
- (b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an

alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian

circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(Amended by Ord. Nos. 05-49; 06-76)

15-2.18-10. VEGETATION PROTECTION.

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

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health

and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3(C) and Title 14.

15-2.18-11. SIGNS.

Signs are allowed in the GC District as provided in the Park City Sign Code, Title 12.

15-2.18-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D)
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6.



Planning Commission Staff Report

Subject: Central Park Apartments MPD
Author: Kirsten Whetstone, MS, AICP
Project Numbers: PL-14-02586 and PL-14-02584
Date: March 25, 2015
Type of Items: Pre-Master Planned Development and
 Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission holds public hearings and considers the applications for 1) a Pre-Master Planned Development and 2) a Conditional Use Permit for ten (10) residential units within a new building to be located at 1893 Prospector Avenue on an existing platted lot of record. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Note: The posted and mailed notice letters included both the pre-MPD and CUP information, however the published notice included only the pre-MPD and therefore Staff recommends review and action on the Pre-MPD with review and continuation to the next meeting following April 8, 2015, for the CUP.

Description

Applicant: Mr. Peabody LLC, Hank Louis, Ehlias Louis, CDR
 Development, owners
Location: 1893 Prospector Avenue
Zoning: General Commercial (GC)
Adjacent Land Uses: Residential condominiums to the west and east, Rail
 Trail and open space to the south, and
 commercial/offices to the north and west.
Reason for Review: Pre-Applications for MPDs require Planning
 Commission review and a finding of compliance with the
 Park City General Plan prior to submittal of a Master
 Planned Development application. Residential projects
 with 10 or more units require a Master Planned
 Development.
 Residential uses in the General Commercial (GC) zone
 require a Conditional Use Permit (CUP) with review and
 final action by the Planning Commission.

Proposal

The applicant requests review of applications for 1) a pre-Master Planned Development and 2) a Conditional Use Permit for a ten residential unit building proposed to be constructed on Lot 25b of the Gigaplat Replat, a replat of the

Prospector Square Subdivision reviewed by the Planning Commission and approved by the City Council in June of 2014. The Pre-MPD application is submitted for Planning Commission review prior to submittal of the full MPD application. The Conditional Use Permit (CUP) is required for residential uses in the General Commercial (GC) zoning district.

The pre-MPD/CUP proposal is for a ten unit, energy efficient, affordably priced, residential project located within the Prospector Square neighborhood. The project incorporates multi-level design elements, open and green common deck areas, pedestrian connections to the Rail Trail, covered parking located on the first level, no reduction of existing parking, good solar access and building design, and a site design that diminishes the visual impacts of the existing vast parking area that is Park Lot F (Exhibits A-H).

Each of the ten (10) units has two (2) bedrooms, one or two baths, a storage closet on the lowest level, and one (1) covered parking space (twelve (12) total covered parking spaces are provided under the building). The units range in size from 810 to 1,010 square feet.

The approximately 11,500 sf building complies with the Prospector Square Floor Area Ratio of 2.0 (11,520 square feet for the 5,760 sf lot area). The building is three and four stories in height and the applicant is requesting a height exception of approximately six feet six inches (6'6") for the eastern portion of the building with the remainder of the building less than the allowed zone height. A green planted roof garden and roof top deck provide outdoor space for the residents. An affordable housing mitigation plan will be submitted with the MPD application describing how the 15% affordable housing obligation (1.5 Affordable Unit Equivalents (AUE)) will be met.

Background

The property is located within the General Commercial (GC) zoning district subject to the Prospector Square overlay requirements. The subject property, located at 1893 Prospector Avenue, consists of a 5,760 square foot lot, amended Lot 25b of the Gigaplat replat, being a replat of Lots 25a, 25b, and Parking Lot F (Prospector Square) of the Prospector Square Supplemental Amended Plat. Amended Lot 25b is a vacant, undeveloped privately owned development lot.

Parking Lot F is owned by and utilized as a shared parking lot for Prospector Square Property Owners Association (POA). A total of 103 parking spaces will result upon completion of this project, including the 12 spaces located under the building. The applicant and POA have signed an agreement stipulating that upon completion of this project there will be a total of 103 parking spaces.

On June 5, 2014, the City Council voted to approve the Gigaplat replat that reconfigures Lots 25a, 25b and Parking Lot F of the Prospector Square Supplemental Amended Plat (Exhibit C). The final mylar plat is being circulated for signatures and has not yet been recorded at Summit County.

On June 25, 2014, the Planning Commission approved a Conditional Use Permit for residential uses within a mixed use building proposed to be constructed at 1897 Prospector Avenue, located on Lot 25a of the Gigaplat replat. A building permit application for the 1897 Prospector project was received by the City in February and the plans are currently under review. The owners of these two projects would like to coordinate construction of the two projects simultaneously in order to reduce construction impacts on the neighborhood. The two owners are responsible for reconstruction of Parking Lot F and coordinating of utility installation as well as providing an interim parking plan during construction. These items will be spelled out in the Construction Mitigation Plans for each individual building permit.

On December 15, 2014, Staff received an application for a pre-MPD for the ten residential units building located in the General Commercial zoning district. The application was considered complete on February 24, 2015. On February 24, 2015 the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District.

Purpose

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City's entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- (E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- (G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

Process

A requirement for any Master Planned Development (MPD) (or amendment to an MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the specific zoning district (GC zone). The Land Management Code (LMC 15-6-4(B)) describes the pre-Application process as follows:

“At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified application or the General Plan would have to be modified prior to formal acceptance and processing of the Application.”

Review of Conditional Use Permit with Pre-MPD

Staff is presenting the Conditional Use Permit application as a work session item simultaneously with the pre-MPD hearing to allow the Commission to review the request for residential uses in the GC zone within the context of the pre-MPD application discussion. The Conditional Use Permit plans requesting approval of residential uses within the GC zone include much of the same information reviewed with the pre-Master Planned Development.

Review of final MPD application

The final MPD application will be presented to the Commission at the next meeting following the April 8, 2015 meeting, provided that the Commission concurs with Staff that the pre-MPD complies with the General Plan and specific requirements of the GC Zone. MPD plans, including site plan and landscape plan details, architectural elevations and height exception analysis, a phasing plan, utility and grading plan, soils and mine hazard review, affordable housing mitigation plan, and other MPD requirements will be reviewed with the final MPD application.

Analysis and Discussion for Pre-MPD

The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and to give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application. Staff provided the GC Chapter from the Land Management Code (Exhibit I). The Commission should also refer to relevant Goals and Strategies, as well as the Prospector Neighborhood Section, of the General Plan (Exhibit J- Park City General Plan-not attached). Due to the level of detail required for the Conditional Use Permit and the relatively uncomplicated MPD proposal, the pre-MPD contains more detail than typical

preliminary concept plans.

GC Zoning

The purpose of the General Commercial (GC) District is listed above. The GC zone (Exhibit I) allows for a variety of land uses. Residential uses are permitted with a Conditional Use Permit approved by the Planning Commission. The applicant has submitted a Conditional Use Permit for residential uses within the GC zone for simultaneous review with the MPD application. Review of the Conditional Use Permit is outlined in this report and Staff finds that as conditioned, impacts of the proposed residential uses (primarily location and type of residential uses, traffic and parking) can be mitigated. Providing housing opportunities, as proposed with this application, in an area with employment opportunities and in close proximity to open space, trails, the bus system, shopping, recreation, schools, daycare, and dining, promotes the mixed land use concepts and vitality as allowed by the GC zoning and as identified in the new General Plan for this neighborhood.

General Plan

The proposed MPD for 10 residential units is located within the Prospector neighborhood, as described in the new Park City General Plan. Specific elements of the General Plan (Exhibit J) that apply to this project include the following: (*Staff analysis and comments in italics*)

Prospector Neighborhood- The property is located within the Prospector Neighborhood section of the General Plan. Uses contemplated for this neighborhood include a variety of retail commercial and residential uses to create a vibrant mixed use neighborhood.

The proposed MPD proposes energy efficient construction, green roofs, and connections to the trails and open space areas. The close proximity to employment, retail, dining, recreation, trails, schools, and the bus system support goals identified in the Prospector Neighborhood section of the General Plan.

Small Town- Goals include protect undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Goals also include encourage alternative modes of transportation.

This neighborhood is identified as a Development Node. The proposed MPD includes small, energy efficient residential units that support the desired mix use neighborhood concepts by providing smaller residential units that are in close proximity to employment, retail, dining, recreation, trails, schools, and the bus system. The elements of the proposed development support goals identified in the Small Town sections of the General Plan and maintain the general character of Park City.

Natural Setting- Goals include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

The proposed MPD is located on an infill property that is an existing platted development lot of record. The proposed MPD proposes energy efficient construction, green roofs, and connections to the trails and open space areas. The close proximity to employment, retail, dining, recreation, trails, schools, and the bus system support goals identified in the Natural Setting section of the General Plan. Additional information related to “green building” strategies for the proposed buildings will be addressed with the MPD application.

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

A primary reason for the proposed MPD is to provide energy efficient, smaller affordable housing units in close proximity to employment, retail, dining, recreation, open space, trails, and the bus system. The MPD creates a diversity of housing for Park City and contributes to the sense of community by providing housing for full time residents.

Discussion requested.

Does the Planning Commission find the proposed MPD complies with the General Plan? The Commission should discuss the pre-MPD concept plans, including the request for a height exception to 41’6” for a portion of the building, from the GC allowed height of 35’ (up to 40’ is allowed in the GC zone for pitched roofs), and provide direction to the applicant and staff. The remainder of the building is less than 35’ in height.

Analysis of the Conditional Use Permit

The proposal complies with lot and site requirements of the GC District as described below.

GC Zone	Permitted by LMC for Prospector Overlay of the GC zone 15-2.18-3 (I)
Lot Size	No minimum lot size. Lot is 5,760 sf
Building Footprint- Floor Area Ratio (FAR)	FAR must not exceed two (2). All Uses in the Bldg. except enclosed parking areas are subject to the FAR. Approximately 11,500 sf total of building floor area is proposed (FAR of 1.99). 6 units at approx 810 sf 4 units at approx 1,010 sf
Front/rear yard setbacks	Zero lot line development permitted.
Side yard setbacks	Zero lot line development permitted.

Building Height	Allowed Building Height is 35'. A 6'6" building Height exception to 41'6" is requested through the MPD for the fourth story at the eastern portion of the building. The remainder of the building is less than 35' in height. Building Height exceptions of LMC 15-2.18-4 apply. Building height will be verified at the time of Building Permit review.
Parking	Per Prospector Square Subdivision Overlay all parking on the Parking Lots A-K is shared parking for residential and commercial uses. Additional private parking for specific lots may be provided entirely within the individual lot boundary. There is a Parking agreement with PSOA to maintain a total of 103 parking spaces, including the 12 spaces provided under the building. The 10 residential units require a total of 12 parking spaces, 12 spaces are provided.
Architectural Design	All construction is subject to LMC Chapter 15-5- Architectural Design Guidelines with final review conducted at the time of the Building Permit.
Uses	All uses listed in 15-2.18-2 (A) Allowed Uses are permitted unless otherwise noted. All uses listed in 15-2.18-2 (B) Conditional Uses, including residential uses, require approval by the Planning Commission. Residential projects with 10 or more units require a Master Planned Development.

Residential Uses in the General Commercial (GC) zoning district are a Conditional Use subject to review of the following criteria (potential impacts) set forth in the LMC 15-1-10(E):

1. Size and location of Site:

The 11,500 sf three and four story building is proposed on a 5,760 sf lot within the Prospector Square area. There are six units at approximately 810 sf and four units at 1,010 sf. The units are designed to be smaller, more affordable dwelling units for full time residents. The Prospector Square area is characterized by individual businesses on small lots, as well as larger residential condominium buildings, and mixed use buildings with commercial

on the ground floor and offices and/or residential uses on the upper floors. Within the Prospector Square Overlay district of the GC zone, the maximum Floor Area Ratio (FAR) for all lots is two (2). The proposed building yields a Floor Area Ratio (FAR) of 1.99, which is within the maximum size allowed in the zone. The existing lot is sufficient in size for the proposed residential uses. The lot is ideally located for smaller residential uses. It is located approximately 104' back from the sidewalk along Prospector Avenue and is located adjacent to existing residential uses to the east and west and to the Rail Trail open space to the south. **No unmitigated impacts.**

2. Traffic considerations including capacity of the existing Streets in the area;

At times the streets and intersections in Prospector Square area are congested and development of this vacant lot has the potential to add traffic to this area. The lot is an existing platted lot that is part of the approved planned mixed use Prospector Square neighborhood. This is not unanticipated development.

Allowed development with a floor area ratio (FAR) of 2.0 has been anticipated since approval of the Prospector Square subdivision. The capacity of streets, intersections, and shared parking lots were designed with the Prospector Square planned area to accommodate build out of all the development parcels. This lot is one of the last five or six lots to develop.

The proposed building has an FAR of 1.99 which is within the anticipated Floor Area Ratio and allowed development parameters. Commercial buildings in Prospector Square most often include office uses on the second and third floors. Development on this lot includes only small (800 – 1,010 sf) residential units with no commercial or office uses. Allowing additional smaller, more affordable residential uses in an area of high employment opportunities and within walking distance of the bus lines, shops, restaurants, schools, and recreation amenities is one method of mitigating vehicular trips. **No unmitigated impacts**

3. Utility capacity;

Utilities necessary for this use are available at or near the site. Prior to recordation of the plat amendment for this property a utility plan and utility easements are required to be approved by the City Engineer and utility providers. Final utility plan will be reviewed by the City Engineer prior to issuance of building permits. Existing water service will need to be evaluated for fire requirements for the residential uses, and any required fire sprinkler systems. **No unmitigated impacts.**

4. Emergency vehicle access;

The proposed development will not interfere with existing access routes for emergency vehicles. **No unmitigated impacts.**

5. Location and amount of off-street parking;

The parking spaces located on Parking Lot F are intended for common use by all of the Prospector Square lots in the area. The parking lots were designed to accommodate all anticipated development on all of the Prospector Square lots. This CUP is proposed on an existing, platted lot within the Prospector Square master planned area.

The ten residential units require twelve (12) spaces according to the LMC (1 space up to 1,000 sf and 1.5 for up to 2,000 sf). Twelve covered parking spaces are provided on the main level. These are in addition to the shared spaces located on Parking Lot F. A total of 103 parking spaces will be provided upon reconfiguration of the Parking Lot in compliance with the Parking Agreement between the owner and the Prospector Square Owner Association (PSOA).

Parking demand for an 11,500 sf commercial/office building would be 35 spaces. Parking demand for a one story 5,760 sf restaurant would be 58 spaces. Parking demand (in terms of timing) for residential uses is generally opposite the demand for retail and office uses. The residential uses require significantly less parking than commercial/office/restaurant uses and residential demand times typically occur at different times of the day than retail/office uses.

Staff recommends a condition of approval that prior to issuance of a certificate of occupancy for the building; the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.

Staff also recommends as a condition of approval that the Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction. **No unmitigated impacts, as conditioned.**

6. Internal vehicular and pedestrian circulation system:
Internal vehicular and pedestrian circulation system includes existing sidewalks along Prospector Avenue, a Prospector Association walkway located to the west of the parking lot, and the Rail Trail bike path located to the south, with informal access that will not be altered. Circulation within the Parking Lot will be improved with the reconfigured parking lot. **No unmitigated impacts.**
7. Fencing, Screening, and Landscaping to separate the use from adjoining uses:
No outdoor storage of goods or mechanical equipment is proposed or allowed onsite. No fencing is proposed. Additional landscaping areas are proposed within Lot F to provide areas for trees and landscaping close to the building to buffer and soften the central portion of the parking lot and building. Landscaping on the south side of the building and on the green roofs will be provided for shade as well as to buffer the views from the Rail Trail. **No**

unmitigated impacts.

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

The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented more towards the Rail Trail than to Parking lot F or adjacent buildings and is well separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on existing units, or on the Rail Trail. Covered parking for the units is located on the first level, it is not underground parking. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.

Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for the eastern portion of the building to a height of 41'6". The remainder of the building is less than the allowed building height. The building would not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone. **No unmitigated impacts as conditioned.**

This design requires Planning Commission approval of the requested Height Exception as part of the MPD. Staff recommends a condition of approval for the CUP that Building Height shall be verified for compliance with the approved MPD plans prior building permit issuance.

9. Usable open space:

Not applicable there are no changes to the existing open space within the Prospector Square area associated with the residential uses or new building proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as community open areas for the units to share. **No unmitigated impacts.**

10. Signs and Lighting:

There are no signs or exterior lighting proposed for the building at this time. Any new exterior signs or lighting must be approved by the Planning Department for compliance with the LMC prior to installation. All exterior lighting on the terraces and porches will be down directed, shielded, and will not include bare bulbs. **No unmitigated impacts**

11. Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:

The physical design of the building, in terms of mass, scale, style, designs and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the

surrounding buildings. The proposed building is contemporary in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents. Textures, materials, and colors meet architectural design guidelines and will be reviewed for compliance with the Architectural Design Guidelines at the time of building permit submittal. The building is an allowed use in the zone and the CUP is for the residential uses. The smaller, more affordable residential units are compatible with the uses in the neighborhood. **No unmitigated impacts.**

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site;

The residential uses will not create noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site. **No unmitigated impacts.**

13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup area;

The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area. There are no loading docks associated with these uses. **No unmitigated impacts.**

14. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities;

The entire building will be owned by the applicants and units will be rented. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County upon approval. **No unmitigated impacts.**

15. Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1. Failure to comply with the Soil Ordinance is a Class B misdemeanor.

The site is located within a FEMA Flood Zone A. Along with requiring an elevation certificate, a study must be completed to show the effects of the development on the upstream and downstream sections of Silver Creek. Any significant impacts upstream or downstream will need to be mitigated.

The site is located immediately adjacent to a stream with wetlands. Wetland delineation may be required to identify any wetlands. Any excavation within

the stream banks will require a stream alteration permit from the State of Utah and possibly a 404 permit from the Army Corps of Engineers. **No unmitigated impacts, as conditioned.**

Department Review

This project has gone through an interdepartmental review at a Development Review Committee meeting and issues raised, namely regarding adequate water service to meet fire flow requirements, utility service locations, floodplain, and soils ordinance issues, have been addressed with the conditions of approval. No further issues were brought up at that time.

Notice

On March 11, 2015, the property was posted and notices of the public hearings for the Pre-MPD and CUP were mailed to property owners within 300 feet. Legal notice of the pre-MPD public hearing was published in the Park Record on March 7, 2015. The legal published notice did not include specific information about the CUP public hearing. Staff will provide legal published notice of both the CUP and the full MPD for concurrent review at the next meeting following the April 8, 2015 Planning Commission meeting.

Public Input

No public input has been received by the time of this report on either the CUP or the Pre-MPD.

Alternatives for the CUP

- The Planning Commission should hold a public hearing and provide Staff and the applicant with input on the Conditional Use Permit (CUP) and continue the discussion of the CUP to allow for proper legal published notice of the CUP for a public hearing to occur concurrent with the final MPD.

Alternatives for the Pre-MPD

- The Planning Commission may approve the Pre-MPD as conditioned or amended.
- The Planning Commission may deny the Pre-MPD and direct staff to make Findings for this decision.
- The Planning Commission may continue the CUP to a date certain and provide staff and the applicant with direction on additional information required in order to make a final decision.

Significant Impacts

There are no significant impacts to the City or neighborhood as a result of the pre-MPD or proposed Conditional Use Permit for residential uses.

Consequences of not taking the Suggested Recommendation

If the MPD is not approved then the applicant can either amend the project to include fewer than 10 residential units or modify the project to comply with the General Plan

goals. If the CUP is not approved the residential uses would not be allowed, however the building could be constructed for other allowed uses in the GC zone, such as retail, office, restaurant, property management, etc.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider the applications for 1) a Pre-Master Planned Development and 2) a Conditional Use Permit for ten (10) residential units within a new building to be located at 1893 Prospector Avenue. Staff has prepared the following findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Staff recommends review and action on the Pre-MPD with review and continuation to the next meeting following April 8, 2015, for the CUP to be reviewed concurrent with the final MPD.

Pre-MPD Application

Findings of Fact for pre-MPD application

1. On December 15, 2014, the Planning Department received a completed application for a pre- Application for a Master Planned Development (MPD) is located at 1893 Prospector Avenue.
2. The proposed MPD is for a ten unit residential building within the Prospector Neighborhood (Prospector Square).
3. Units range in size from 800 square feet to 1,010 square feet.
4. A phasing plan for this MPD is not necessary as the single building will be constructed in one phase.
5. The property is zoned General Commercial (GC) and residential uses require a Conditional Use Permit. The applicant has submitted an application for a Conditional Use Permit for residential uses to be reviewed simultaneously with this pre-MPD.
6. Access to the property is from Prospector Avenue, an existing public street. .
7. The site is described as Lot 25b of the Gigaplat replat of the Prospector Square Amended Subdivision plat. The lot contains 5,760 square feet.
8. A requirement for any Master Planned Development (MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the GC zone.
9. The Land Management Code (LMC 15-6-4(B)) describes the pre-MPD application process.
10. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.
11. The property is located in the Prospector neighborhood, as described in the new Park City General Plan. The proposed MPD proposes energy efficient construction, green roofs, and connections to the trails and open space areas. The close proximity to employment, retail, dining, recreation, trails, schools, and the bus system support goals identified in

- the Prospector Neighborhood section of the General Plan.
12. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.
 13. This neighborhood is identified as a Development Node. The proposed MPD includes small, energy efficient residential units that support the desired mix use neighborhood concepts by providing smaller residential units that are in close proximity to employment, retail, dining, recreation, trails, schools, and the bus system. The development is proposed on an existing development lot as infill development. The elements of the proposed development support goals identified in the Small Town sections of the General Plan and maintain the general character of Park City.
 14. Natural Setting Goals of the General Plan include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.
 15. The proposed MPD is located on an infill property that is an existing platted development lot of record. The proposed MPD proposes energy efficient construction, green roofs, and connections to the trails and open space areas. The close proximity to employment, retail, dining, recreation, trails, schools, and the bus system support goals identified in the Natural Setting section of the General Plan. Additional information related to “green building” strategies for the proposed buildings will be addressed with the MPD application.
 16. Sense of Community Goals of the General Plan include creation of diversity of housing, including affordable housing; provision of parks and recreation opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.
 17. A primary reason for the proposed MPD is to provide energy efficient, smaller more affordable housing units in close proximity to employment, retail, dining, recreation, open space, trails, schools, and the bus system. The MPD creates a diversity of housing for Park City and contributes to the sense of community by providing housing for full time residents.
 18. On March 25, 2015, the Planning Commission held a public hearing and discussed the pre-MPD for the residential project at 1983 Prospector Avenue.

Conclusions of Law for the Pre-MPD Application

1. The preliminary MPD plans for the 10 unit residential building proposed to be located at 1893 Prospector Avenue, within the Prospector Neighborhood and the General Commercial (GC) Zone, comply with the Park City General Plan and are consistent with the General Commercial (GC) zoning.

Conditional Use Permit

Staff has provided the following findings of fact, conclusions of law, and conditions of approval for the Planning Commission's review and discussion. Written and posted notice of the public hearing was provided per requirements of the Land Management Code. The published legal notice did not include the Conditional Use permit and therefore Staff recommends the Commission review, provide input and continue the public hearing for the CUP to the next meeting following the April 8, 2015 meeting where the CUP can be reviewed simultaneously with the full Master Planned Development Application.

Findings of Fact for the Conditional Use Permit

1. The subject property is located at 1893 Prospector Avenue.
2. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision overlay.
3. Residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission.
4. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision overlay.
5. The building consists of a total of approximately 11,500 sf of residential uses and the proposed FAR is 1.99.
6. Twelve (12) parking spaces are required for the proposed residential uses. Twelve covered parking spaces are proposed on the main level. Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F, there will be a total of 103 parking spaces, including the 12 spaces located under the building as per the Owner's parking agreement with the Prospector Square Property Owner Association.
7. No outdoor storage of goods or mechanical equipment is proposed.
8. There are no significant traffic impacts associated with the proposed uses as build out of these platted lots is anticipated.
9. The residential uses create a reduced parking impact from the allowed uses of retail and office which have a 34.5 parking space requirement as opposed to 12 parking spaces for the 10 residential units.
10. Any additional utility capacity, in terms of fire flows, will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. .
11. The proposed development will not interfere with access routes for emergency vehicles.
12. No signs are proposed at this time.
13. Exterior lighting will be reviewed at the time of the building permit review.
14. The proposal exists within the Park City Soil Ordinance Boundary.
15. The findings in the Analysis section of this report are incorporated herein.
16. The development is located in a FEMA Flood Zone A.

Conclusions of Law

1. The application satisfies all Conditional Use Permit review criteria for

residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)] and all requirements of the LMC.

2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use as conditioned is consistent with the Park City General Plan.
4. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. All signs associated with the use of the property must comply with the City's Sign Code.
3. No outdoor storage of goods or mechanical equipment is allowed on-site.
4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.
5. Review and approval of the final utility plans, including review to ensure adequate fire flows for the building, is required prior to building permit issuance.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Building Height will be verified for compliance with the approved MPD plans prior building permit issuance.
8. The Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction.
9. A stream alteration permit and/or 404 permit will be required for any work in the stream area,
10. An elevation certificate will be required showing the lowest occupied floor is at or above the base flood elevation,
11. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated,
12. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of the building.
13. As part of the final utility plan and prior to issuance of a building permit, the water system must be modeled to verify that adequate fire flows and pressures can be provided to this building.

Exhibits

- Exhibit A- Applicant's letter
- Exhibit B- Existing Conditions Survey
- Exhibit C- Gigaplat re-plat
- Exhibit D- Grading Plan
- Exhibit E- Utilities Plan
- Exhibit F- Site Plan

Exhibit G- Floor Plans

Exhibit H- Elevations

Exhibit I- LMC Section 2.18- General Commercial (GC) District

Exhibit J- Park City General Plan (not attached) - available at www.parkcity.org

EXHIBIT J MINUTES

Planning Commission Meeting
March 25, 2015
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consists of Lot 5 and the southerly half of Lot 6 of Block 5 of the Snyder's Addition to Park City. The Owner desires to unify the property into one lot of records by removing the existing interior lot line. The site is listed as a Landmark structure on the Historic Sites Inventory.

The Staff found good cause for this plat amendment as it will eliminate the existing interior lot line and create one legal lot of record from the 1-1/2 existing lots. The existing structure straddles the lot line between Lot 5 and Lot 6. Therefore this plat amendment would allow the structure to be one lot of record. Without the plat amendment any new development would be confined to Lot 5, as no new development would be permitted to straddle an interior lot line.

Planner Turpen noted that the property owner has submitted a Historic District Design Review application. The intent is to renovate the Landmark structure and have an addition.

The Staff recommended that the Planning Commission conduct a public hearing for the 1119 Park Avenue plat amendment and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, Conditions of Approval as found in the draft ordinance.

Chair Strachan asked why the prior owner did not apply for a plat amendment. Planner Turpen was unsure. She noted that the building was sold while improvements were being made to the building. Part of the HDDR will be to fix some of those issues. A Notice in Order was issued and the previous owner was fixing the structure as directed by the Notice in Order.

Dave Beckmina with Wasatch Engineering Contractors, represented the applicant. He believed the application was straightforward. The plat amendment would clean up the interior lot lines as required by the City. He did not believe the prior owner pulled the proper building permits and followed the normal process.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the subdivision plat amendment located at 1119 Park Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Worel seconded the motion.

and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue frontage of the property and shall be shown on the plat prior to recordation.

4. The applicant can either remove the existing chain link fence and wood slat fence from the properties of 1125 Park Avenue and 1120 Woodside Avenue, or enter into an encroachment agreement with the respective property owners prior to final recordation of this plat.

5. Modified 13-D sprinklers will be required,

6. An elevation certificate will be required for any major modifications verifying the lowest occupied floor is at or above base flood elevation.

2. **1893 Prospector Avenue – Pre-Mater Planned Development for 10 residential units.** (Application PL-14-02586)

1893 Prospector Avenue – Conditional Use Permit for 10 residential units in the GC Zone (Application PL-14-02584)

Planner Astorga noted that Kirsten Whetstone was the project planner and he would be reviewing the application in her absence this evening.

Planner Astorga reported that the application is for a Pre-MPD and conditional use permit. The request for ten units is the maximum threshold for a Master Planned Development. A conditional permit is required in the GC zone.

Planner Astorga commented on a noticing issue as noted in the Staff report. The posted and mailed notice letters included both the pre-MPD and the CUP information; however the published notice included only the pre-MPD. The Planning Commission could review and take action on the Pre-MPD; however, because the CUP was incorrectly noticed, the Staff recommended that the Planning Commission review the CUP this evening but continue it to the next meeting on April 8, 2015.

Planner Astorga stated that the primary purpose of the MPD application is to find compliance with the General Plan, as well as the purposes statements of the specific district, which in this case is the GC zone.

The property owner and the project architect were available to answer questions. Planner Astorga noted that the applicant had created a physical model and he encouraged the Planning Commission to leave the dais to look at the model.

The Staff recommended that the Planning Commission conduct a public hearing for both the Pre-MPD and the conditional use permit, consider approving the pre-master planned development, and review the CUP with a continuation to the next meeting.

Chair Strachan was reluctant to have the Planning Commission provide input on the CUP because it was noticed incorrectly. He believed that their comments could sway public input or that public input could change their thinking, and he preferred to have it clean and noticed properly before anyone comments. The Commissioners concurred.

Assistant City Attorney McLean stated that if the Planning Commission would like additional information regarding the CUP for the next meeting, they should provide that direction to the Staff or applicant this evening.

Ehlias Louis, representing the applicant, presented the project called Central Park City Condominiums, familiarized the Planning Commission with the project and walked through some of the MPD issues. Mr. Louis stated that the conceptual design is 10 units which requires an MPD approval process. It is a residential project in Prospector Square in Parking Lot F. The applicant thinks of it as an organic infill project on Parking Lot F that will provide a more logical arrangement for development in that area.

Mr. Louis stated that the purpose and goal is to provide housing in Central Park City. The lot is located next to the Rail Trail. The ten residential units would be located in Prospector Square in close proximity to food, employment, hotels, the athletic club, and transportation. The demographic would be young professionals who want to move into Park City. Mr. Louis showed the building site as it exists today. It is a large, square parking structure. They have worked out an agreement with the Prospector Square Property Owners Association to replat the lots. Planner Astorga noted that the replat was approved in May 2014. Mr. Louis stated that the current lot is 99 spaces and has a tarmac feel. The original lots did not provide much room for buffer zones with the other residential units.

Mr. Louis presented a slide showing how the plat looks currently. The lot being discussed this evening is the new Lot 25B, which is in the back next to the Rail Trail. He pointed out

how the reconfiguration of the parking lot provides an organic infill project that looks more like what they want in terms of developing the area. Mr. Louis stated that the project expands the parking from 99 parking spaces to 103 spaces. They propose to add landscaping that does not currently exist. He believed that reorganization of the parking lot provides true vehicle circulation versus an open square with no limits. It increases the pedestrian walkways, and where the two lots are located it provides ample buffer against the other residential buildings in the area.

Mr. Louis walked through some of the design concepts. A good livable building has natural light and great views. The building was designed in an L-configuration to capture natural light on every corner in either a bedroom or living space. Extensive decking is provided as communal space for the building residents to provide community and outdoor feeling. The project is connected to the Rail Trail by a bridge which makes it easy to access the Rail Trail for alternative transportation into the City. The design is a multi-level form to give more interest to the building itself. The plan is for green roofing.

Mr. Louis stated that the GC zone has a FAR of 2.0. The lot is 5,760 square feet, and the building area is 11,520 square feet. He noted that upon completion the project would be under that square footage. The configuration of the building is for six smaller, two-bedroom, one bath units; and four larger units of 1,000 square feet. The units calculate to 12 parking spaces, however, the parking in the area is the Prospector Square parking regulations, and the 103 spots around the building are all accessible for the residential units. Mr. Louis pointed out that due to the design of the building on stilts, there will be 12 individual parking spots underneath the building, but those will not be exclusive for the residents due to the parking regulations of Prospector Square.

Mr. Louis presented the elevations and the requested height. He believed the proposed design optimizes the site for the demographics and for the surrounding area. To make it all work within the FAR, they were asking for a flat roof height exemption of 41'6". As shown on the model and on the elevations its height would not be for the entire building. The configuration of the building garners the view of PC Hill and over to the Resort. To comply with the development agreement with the Prospector Square Owners Association to provide 103 parking spaces, the building is designed on stilts, which means that the residential units start on the second floor, or at the Rail Trail elevation.

Mr. Louis stated that the units will be market affordable in the \$400,000 range. The units are smaller, green design, and promote alternative transportation. He reiterated that the targeted demographic is young professionals. They believe it improves Parking Lot F and it gives a true circulation to the parking lot itself. The project adds pedestrian walkways, landscaping and it increases parking. Mr. Louis noted that they were currently working with the City regarding the affordable housing requirement for 15% of the square footage.

There are concept drawings showing how the affordable housing would work with this design. Their desire is to include the affordable housing units on site.

Commissioner Band asked if the twelve parking spots under the building would be unassigned. Mr. Louis answered yes, because they cannot be assigned due to the Prospector parking requirements.

Commissioner Thimm asked whether the request for additional building height was under the purview of their discussion this evening or under the CUP. Planner Astorga replied that the MPD allows the Planning Commission to grant additional height if they can make specific findings to allow it. He clarified that a height exception cannot create additional square footage. It would be tied to the future MPD application after the pre-MPD is approved.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan recalled that when Henry Sigg developed Lot G he had issues with connecting to the Rail Trail UDOT was the owner and there were also habitat protection issues. Hank Louis, representing the applicant, stated that they had letters from the DNR and the Army Corp of Engineers and everyone wants the connection.

Chair Strachan clarified that the issue for discussion was whether or not this project complies with the General Plan. He informed the applicant that the height may be a problem in the future. Based on his review of the GC zone, it would difficult to meet the criteria for a height exception with a flat roof. Chair Strachan was comfortable with the rest of the project and he welcomed it to the Prospector neighborhood because it was due for some infill.

Commissioner Joyce stated that he was trying to justify the height exception. He gave the applicant the challenge of proving whether or not they could justify the height exception. Commissioner Joyce was not convinced that having to put parking underneath the building to satisfy the agreement for 103 spaces was enough justification to support the Code criteria. Commissioner Joyce asked if keeping the affordable housing within the project included the ten units or if it would be additional units. Mr. Louis stated that currently there was a difference of opinion between the Planning Staff and the Prospector Square Property Owners Association. In his opinion, the ideal solution would be to include the affordable housing in the building, making the project 12 units, with two deed restricted full

affordable housing units per the Affordable Housing Resolution. However, there is a different of opinion of the requirement of affordable housing due to the Prospector Square overlay, and how much the LMC applies. Mr. Louis stated that the applicant was currently working through the process. He had asked Planner Whetstone and the City Housing Specialist, Rhoda Stauffer to provide their opinion so they can begin discussing it with the Prospector Square Property Owners Association.

Commissioner Worel stated that if the two affordable housing units were added, whether additional square footage would be added to the building, or whether the square footage would be taken from existing units. Mr. Louis replied that they would add square footage to accommodate the two units; however, per the Affordable Housing Code, the deed restricted units would not be counted in the FAR. Therefore, the project would still be under the FAR but the square footage of the global project would be increased.

Commissioner Joyce assumed that adding square footage without cutting into the square footage of the ten units would result in more height. Mr. Louis stated that it would extend the building but it would not be higher.

Commissioner Thimm understood that it would be additional fourth level space. Hank Louis stated that they would call it a third level. He noted that there was a flood plain issue and they were actually trading parking lot for parking lot or asphalt for asphalt on the ground level. He stated that architecturally they cut down the mass in order to alleviate the height situation. Without the height exception they could build a box, but he did not think that would be pleasing to anyone.

Chair Strachan pointed out that the applicant and the Planning Commission would be having those discussions during the MPD process.

Commissioner Thimm was concerned about the height and how it complies with the LMC. From the model and some of the images shown he thought it appeared to be a clean, contemporary design. Commissioner Thimm stated that the LMC purpose statement speaks about embracing the Resort feel, and he questioned how this very contemporary, clean line structure would meet that purpose. Mr. Louis stated that his first response to the Resort feel would be the actual use of the building itself versus the aesthetics of the building. The Resort feel is that people come to play. It is about recreation, being outdoors, active lifestyle and mountain lifestyle. Mr. Louis agreed that the design is contemporary, but that brings diversity to a community that spurs discussion and inspiration. The idea is to make sure that young professionals can live there and to promote the mountain living, outside lifestyle.

Commissioner Thimm stated that the same sentence in the LMC talks about creating distinct and diverse solutions. In terms of blending with the Resort feel, he asked if the applicant had talked about materials for the building exterior. Hank Louis replied that materials have been talked about, but they were not delving into it until they know whether or not they can even do this project. Mr. Louis stated that it would definitely be a Resort feel based on their interpretation. He recognized that their interpretation might be different from the Commissioners. Mr. Louis emphasized that they would definitely make it fit with the mountain community.

Chair Strachan stated that the discussion regarding modern contemporary buildings in Park City is an issue that the Staff and the Planning Commission have debated for many years. He thought it was an issue that the Staff should bring to the Planning Commission as a Work Session item. It is not fair to one particular applicant to voice that debate over a broader Park City in the context of a particular application. Chair Strachan felt it was important for the Planning Commission to determine where they stand on that issue so they can address when they are faced with specific applications that are modern and contemporary. In the last five years he has seen more and more contemporary designs come before them and it was time to have that discussion as a Planning Commission.

Planner Manager Sintz stated that the Prospect area is ripe for redevelopment and it does not have an identity. The City was working on a sense of place in this entire overall area. Ms. Sintz agreed that they were seeing a lot more different styles of architecture because people are getting tired of the standard model. She looks at this as a method of which Park City is on the cutting edge of defining new types of architecture for areas outside of the Historic District or areas that already have a context or defined restrictions. Ms. Sintz thought it was appropriate to relook at different architecture and building types that should be under broad consideration.

Commissioner Joyce pointed out that many of the contemporary designs being built have flat roof designs. He thought the Planning Commission should include height and different roof styles in their discussion to see if flat roofs make sense.

Commissioner Campbell felt that if the Planning Commission did not provide further direction that the project would languish for another fifteen years. He did not believe it was fair to send the applicant back with the nebulous that it might or might not be approved. The next generation of plans will be expensive and he thought the Planning Commission should give the applicant more specific direction.

Chair Strachan believed the Planning Commission would have provided that direction this evening if the noticing had been proper done and they could have had the CUP discussion.

Commissioner Campbell asked if the Planning Commission would agree to provide specific direction at the next meeting. The Commissioners agreed.

Commissioner Band thought it was nice to see an apartment building for the first time since the 1980s. She hoped they could find a way within the LMC to grant the height exception or make this project work because it is definitely needed in Park City. In terms of fitting in, she believed it fits well with the Carriage House across the street.

Commissioner Phillips liked this project and the idea of what they were creating. It is the live/work/play that they have all talked about and he hoped they could find a way to make it work because it would be good for Park City. He likes how it engages the Rail Trail and different modes of transportation. It fits the younger generation that will be living there. Commissioner Phillips stated that he personally would like to see more buildings engage the Rail Trail.

Commissioner Worel agreed with her fellow Commissioners. It is an exciting project and it is needed. She asked if the intent is to keep the units as apartments and not turn them into condos eventually. Ehlis Louis stated that the intention is sell them as condominiums. He clarified that if they were apartments the owner would hold and take revenue from the apartments. A condominium is where each unit is labeled as a separate tax ID so they could be sold individually under an HOA. Hank Louis hoped to have them as apartments and revenue property; however they were working on financial models to see how that would work. Commissioner Worel concurred with Commissioner Band that an apartment building was important in this town. She was excited when she thought this came before them as an apartment rather than condominiums.

Assistant City Attorney stated that whether the units are rentals or owned by individuals, the City cannot control or be involved in whether the developer rents the units or sells them. Commissioner Band understood that they were condominium units so they could be potentially be sold later on, but the plan is for the applicant to hold and rent them for a time. Hank Louis stated that it was what they would like to do. However, they intend to legally condominiumize the units from the beginning and it could be a hybrid. The units likely would be sold, but within a window of what would be affordable. Commissioner Band believed the correct term was attainable.

Commissioner Thimm thought this neighborhood could be characterized as eclectic and he thought this design fits nicely within that. He liked the attachment to the rail trail and the fact that it embraces views. He also like the fact that it was a four-sided building. As they press forward with materials, he suggested that they embrace what already exists at this location and what might be done in the future. Hank Louis stated that they were working closely with Alison Butz on how Prospector and Bonanza Park are moving forward.

MOTION: Commissioner Phillips moved to APPROVE the pre-MPD for Central Park Apartments located at 1893 Prospector Avenue. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Phillips to CONTINUE the CUP for Central Park Apartments located at 1893 Prospector Avenue to April 8, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact 1893 Prospector Avenue – Pre-MPD

1. On December 15, 2014, the Planning Department received a completed application for a pre- Application for a Master Planned Development (MPD) is located at 1893 Prospector Avenue.
2. The proposed MPD is for a ten unit residential building within the Prospector Neighborhood (Prospector Square).
3. Units range in size from 800 square feet to 1,010 square feet.
4. A phasing plan for this MPD is not necessary as the single building will be constructed in one phase.
5. The property is zoned General Commercial (GC) and residential uses require a Conditional Use Permit. The applicant has submitted an application for a Conditional Use Permit for residential uses to be reviewed simultaneously with this pre-MPD.
6. Access to the property is from Prospector Avenue, an existing public street. .
7. The site is described as Lot 25b of the Gigaplat replat of the Prospector Square Amended Subdivision plat. The lot contains 5,760 square feet.
8. A requirement for any Master Planned Development (MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the GC zone.

9. The Land Management Code (LMC 15-6-4(B)) describes the pre-MPD application process.

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

11. The property is located in the Prospector neighborhood, as described in the new Park City General Plan. The proposed MPD proposes energy in the Prospector Neighborhood section of the General Plan.

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

13. This neighborhood is identified as a Development Node. The proposed MPD includes small, energy efficient residential units that support the desired mix use neighborhood concepts by providing smaller residential units that are in close proximity to employment, retail, dining, recreation, trails, schools, and the bus system. The development is proposed on an existing development lot as infill development. The elements of the proposed development support goals identified in the Small Town sections of the General Plan and maintain the general character of Park City.

14. Natural Setting Goals of the General Plan include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

15. The proposed MPD is located on an infill property that is an existing platted development lot of record. The proposed MPD proposes energy efficient construction, green roofs, and connections to the trails and open space areas. The close proximity to employment, retail, dining, recreation, trails, schools, and the bus system support goals identified in the Natural Setting section of the General Plan. Additional information related to "green building" strategies for the proposed buildings will be addressed with the MPD application.

16. Sense of Community Goals of the General Plan include creation of diversity of housing, including affordable housing; provision of parks and recreation

opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.

17. A primary reason for the proposed MPD is to provide energy efficient, smaller more affordable housing units in close proximity to employment, retail, dining, recreation, open space, trails, schools, and the bus system. The MPD creates a diversity of housing for Park City and contributes to the sense of community by providing housing for full time residents.

18. On March 25, 2015, the Planning Commission held a public hearing and discussed the pre-MPD for the residential project at 1983 Prospector Avenue.

Conclusions of Law – 1893 Prospector Avenue – Pre-MPD

1. The preliminary MPD plans for the 10 unit residential building proposed to be located at 1893 Prospector Avenue, within the Prospector Neighborhood and the General Commercial (GC) Zone, comply with the Park City General Plan and are consistent with the General Commercial (GC) zoning.

3. **1345 Lowell Avenue – Amendments to Master Planned Development and Mountain Upgrade Plan; and Conditional Use Permits – Proposed Interconnect Gondola between Canyons and PCMR & Snow Hut on-mountain restaurant expansion (Application PL-14-02600)**

Chair Strachan recused himself and left the room. Vice-Chair Joyce assumed the Chair.

Planner Astorga noted that the Planning Commission would be reviewing the MPD Development Agreement and the Mountain Upgrade Plan, as well as a conditional use permit at Park City Mountain Resort for the Interconnect and expansion to the Snow Hut. He reported that the Planning Commission had an extensive discussion regarding this application on February 25, 2015.

Planner Astorga showed the updated rear or west elevation of the Snow Hut as requested by the Planning Commissioner at the last meeting. Commissioner Thimm stated that he had raised the issue at the last meeting and he appreciated the revisions that responded to his suggestion to wrap it around. He believed that making it a four-sided building was a great response. Commissioner Thimm stated that keeping the base of the building as snow piles up against it was logical and he appreciated the applicant's efforts.

EXHIBIT K

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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 – Cardinal Park Subdivision – Plat Amendment

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the front of the property along Park Avenue.
4. A note shall be added to the Plat Amendment to be approved in a form by the City Attorney which shall indicate that the any provisions regarding lot size regarding Lot 1 shall be governed by the rights and restrictions of their corresponding zoning Districts and for purposes of lot area shall not be added collectively.
5. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
6. The applicant shall submit the report by a certified arborist per LMC § 15-2.3-15 and that the loss of significant mitigation shall be replaced on a like per like basis.
5. **1893 Prospector Avenue – Master Planned Development for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square (Application PL-15-02698)**

Planner Whetstone stated that this project has two applications. One is a master planned development and the second is a conditional use permit. The property is located in

Prospector Square on one of the vacant lots at 1893 Prospector Avenue. There is currently development occurring at 1897 Prospector Avenue. Planner Whetstone stated that a plat amendment called the Giga plat amendment that was approved and recorded and that property is under construction for the Park City lodging on the bottom floor and four residential rental units for employees. Planner Whetstone stated that the lot subject to this application is along the Rail Trail.

Planner Whetstone stated that the MPD is a request to approve a Master Planned Development because there are ten or more units and because the applicants have requested a height exception, which is allowed through the MPD portion of the Land Management Code. She noted that the MPD is reviewed through the criteria in Section 15-6-5 as outlined in the Staff report.

Planner Whetstone stated that the conditional use permit was for residential uses in the GC zone. She explained that the GC zone does not allow single-family or duplexes, but it does allow multi-family that requires a conditional use permit. This particular project is a request for 11 residential units with 12 parking spaces on the lower level but not underneath the ground. The structure is proposed to be on stilts with parking underneath.

Ehlias Louis with Gigaplex Architecture introduced the project architect, Andrew Foster, and Brandon and Mike Schoefield with CDR Development.

Planner Whetstone stated that the Staff report identified some of the criteria for review of the Master Planned Development. She noted that one of the requirements of an MPD is for the Planning Commission to review a pre-MPD for compliance or consistency with the General Plan and the goals of the General Plan that would be applicable in this area, as well as the purposes of the GC zone. The Planning Commission reviewed the pre-MPD on March 25th and found that the concept plans were consistent with the General Commercial Zone and the General Plan concepts.

Planner Whetstone stated that the applicant submitted a full MPD application for 11 residential units. The Staff had reviewed the application against the criteria on pages 226-227. However, one item for discussion was the requested height exception. Page 228 of the Staff report outlined the five criteria for granting a height exception. Planner Whetstone stated that the applicant may request an exception and the Planning Commission may consider an increase in height based on the five criteria.

Planner Whetstone reported that the applicant was requesting a height increase of 6'6". The zone height is 35 and allows an additional five feet for a pitched roof. She noted that the proposed design has a flat roof and the proposed building height is 41'6".

Planner Whetstone reviewed the five criteria for a height exception. Criteria #1 is that the increase in height does not result in additional density or additional floor area. She stated that the lot is in the Prospector Square Overlay and has a density that is based on the floor area ratio or two times the lot area. Under that formula the applicant would be allowed 11,520 square feet. The design as proposed is 11,279 square feet. The floor area includes the required affordable housing. Planner Whetstone explained that the applicant originally proposed ten units; however, with an MPD they are required to meet a housing obligation which is why the MPD is for 11 units. She noted that the affordable housing plan was still being reviewed. The question was whether the affordable housing requirement would be satisfied with two units, which would make the project 9 market units and 2 affordable units; or if it would be satisfied with 1 affordable unit allowing for 10 market units. Planner Whetstone stated that the City Housing Authority was scheduled to hear this on May 28th.

Planner Whetstone reviewed the site plan. She noted that in Prospector Square it is zero lot line development due to the way the development area was platted.

Planner Whetstone noted that the applicant was only requesting the height exception for the eastern roof, which is 30% of the total roof area. The height exception allows for more articulation and open roof areas.

With the exception of the height and a resolution on the affordable housing, the Staff found that the project complies with the criteria for an MPD. The Staff requested that the Planning Commission discuss the height exception, conduct a public hearing and consider approving this application according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report.

Ehlias Louis, representing the applicant, provided a global overview statement on how the design concept came about. He stated that due to the replat they had a development agreement with the Prospector Square HOA, which allowed them to do the replat but to include the parking that existed. In order to do that they agreed to build their building on stilts to preserve the amount of parking required. Mr. Louis stated that with the FAR of two, the easiest solution was to build the building on stilts. The first floor would be the actual dimensions of the lot and with a FAR of 2 they could build two of those and have a perfect rectangle. However, from the standpoint of an architect, a rectangle did not add to the flavor of the target market they were looking with the feel they wanted to provide to the residents. Therefore, they looked at what would make sense. The target market is young professionals and even though the units are small they wanted to take advantage of corner views with natural light coming in. Mr. Ehlias pointed out that rather than a rectangle the building would be L-shaped. Again, to create a community feel because it was a zero lot line, they added as much deck space as possible for the residents. However, in order to

provide the amount of livable space that is allowed in the FAR, the most interesting rendition was a design with a third level residency on the eastern side, which pushes the height above the 35' foot height restriction.

The applicants had prepared a 3-D model to demonstrate their vision of an interesting building with a modern design that provides diversity on the Prospector Avenue corridor. It allows them to bring over the bridge to increase the alternate transportation uses of a resort lifestyle for young professionals. Mr. Louis stated that the design challenge was having 10 units coming to an MPD and using the LMC to request a height exception for the eastern side.

Mr. Louis stated that Gigaplex Architects and their partnership are big proponents of the affordable housing initiative in Park City. The requirement is to add 15% of the square footage into the building and they were happy to do so. He pointed out that there were options to delay the affordable housing to a future development or to pay an in-lieu fee. They also had the ability add the affordable housing on-site in the building, which was their preferred approach. Mr. Louis stated that in order to add 1350 square feet to this building, they changed the number of units from ten to eleven to include a studio and a small apartment. He believed they have designed a great solution to what they think is the spirit of the LMC and the MPD for a project like this. It is interesting, it invites questions, it is a modern design, it has open space, it is communal, and it abides by all of the development agreements to move the lot.

Mr. Louis remarked that the main goal was to provide both affordable units within the building rather than pay an in-lieu fee. That approach affords the ability to add more square footage and density to the complex itself. He noted that they were not going to ask for the extra 13,000 square feet on this building to accommodate the deed restricted units. Therefore, the envelope of the building that the Commissioners saw with the pre-MPD stays the same. The result is less market rate square footage, which they were willing to do to put the affordable units in the building.

Mr. Louis stated that they really like their proposed design and believe it is the best solution for the market they were targeting, as well as the greater community in general.

Commissioner Worel thought the 3-D model was helpful to see the difference in building heights. She asked if the other structures on the model were approved under a different LMC and why one structure had a 44.7 foot height. Mr. Louis stated that it was the Suncreek Apartments. He did not believe there has been new residential development in that area for ten or fifteen years. For that reason he was unable to speculate what the LMC allowed at that time. Mr. Louis remarked that they did their due diligence to compare

heights in the area to give the Commissioners an idea of how the requested height exception would fit with what already exists.

Commissioner Phillips pointed out that the applicant was asking for a height exception for one portion of the building; however, other portions of the roof were below the 35' allowed height. He thought it was safe to assume that the average roof height was at or below the maximum allowed.

Planner Whetstone noted that the height of the building under construction at 1897 Prospector as shown on the 3-D model was actually the height of the penthouse and did not need a height exception. The actual height of the main building is 35'. Mr. Louis agreed that the main building is 35'. He clarified that penthouse did not require a height exception because it is a pop-out for circulation and not habitable space.

Chair Strachan opened the public hearing.

Charlie Wintzer stated that he had not intended to speak on this application. However, as someone who typically speaks out against height exceptions this is the first time he has heard a great cause for it. It is in the right location, it is up against the hillside, the uses are right, and the building fits the neighborhood. Mr. Wintzer encouraged the Planning Commission to grant the height exception.

Lincoln Calder, a 30 year resident of Park City spoke in favor of the project. He is a local realtor and given his age and peer group he works with a lot of younger buys with moderate budgets. Mr. Calder stated that currently there is no product in Park City that appeals to young professional buyers at a moderate price. There is an affordable housing option, but young professionals are not interested in deed restricted housing with a price appreciation cap. They want their primary residence to be an investment for a better future. Currently, the young professionals only have the choice of buying at Kimball Junction or other areas within the County. Mr. Calder pointed out that if the City wants a diverse community in terms of income, age and occupation, this project appeals to that group. He thought the City would gain more by granting a small height exception.

Chair Strachan closed the public hearing.

Commissioner Campbell liked the proposed project. He was nervous about setting a precedent by granting the height exception. However, he concurred with Mr. Wintzer that this was the best case for granting height because it is low impact to the neighbors and adds a lot of positives. Commissioner Campbell referred to the comment about young professionals moving to Kimball Junction. He noted that those same people come to Park City on Friday night and they all drive. He could see the people living in this building

walking to restaurants and the grocery store. Commissioner Campbell thought this project was exactly what they need in Park City.

Commissioner Worel appreciated the models. She thought the project was creative and she liked how they included the heights of the surrounding projects to give them a better perspective. Commissioner Worel pointed out that if they had designed a pitched roof the allowed height would be 40'. Therefore, they were only talking about 1'6" more than what was allowed. Commissioner Worel liked the project and thought it was well-done.

Commissioner Phillips liked how the project engages the Rail Trail. In his opinion this project fits the definition of live/work/play. This proposal was one of the best he has seen in his time on the Planning Commission. He thought they should encourage this type of development as a model for other areas of town being redeveloped. Commissioner Phillips suggested the possibility of having a future discussion about allowing additional height in Bonanza Park for these same reasons.

Chair Strachan echoed the comments of his fellow Commissioners. He remarked that the Planning Commission needed to make findings as to why the height exception was appropriate. He thought the evidence was the 70/30 split and that overall the building height was below the 35' maximum.

Commissioner Campbell had concerns with specifying the 70/30 split. If they approve the height exception based on the average height being below the maximum, the next applicant could have a design with an average below the 35' maximum, but it may not meet the other criteria.

Chair Strachan clarified that the Planning Commission needed to have some evidence on the record as to why the height exception was appropriate for this project. The question is whether the additional height increases the volume. If 70% is lower and only 30% is higher, then the dwelling volume is not increased by the height exception.

Assistant City Attorney McLean commented on a potential problem she had just noticed as she was reading through the Code. Under the MPD Section, there are different ways that an MPD applies. She noted that prior to 2013 an MPD was required for any residential project with ten or more lots or ten or more units. However, in 2013 that was changed to ten or more residential unit equivalents. A residential unit equivalent is defined as 2,000 square feet, which is less than what was being proposed. Ms. McLean clarified that in this case the MPD did not appear to be required and there were no commercial uses proposed.

Assistant City Attorney McLean stated that another section talks about when an MPD is allowed but not required. She read from subsection 2, "The Master Planned Development

process is allowed but is not required when the property is not part of the original Park City Survey or Snyder's Addition to the Park City Survey.....and the proposed MPD is for an affordable MPD consistent with Section 15-6-7 herein." Ms. McLean was unsure whether that was the intent and she wanted the opportunity to look at the amended ordinance when this was suggested to see if there was a typo and that the "and" was supposed to be an "or" for affordable housing.

Assistant City Attorney McLean apologized for not catching this situation sooner, but when she first saw this project she thought the MPD was required because there were more than ten units. She found her mistake when she was reading the Code for another project. Ms. McLean stated that legally she was uncertain whether the City could permit this to be an MPD. She preferred to take the time to research it further to make sure that it was an allowable application.

Planner Whetstone suggested that Ms. McLean look at Section 1, Allowed but not Required, because that was where it fell under when it was discussed with the former Planning Director. Ms. McLean believed there was consensus that the MPD was not required under Item A. Subsection 1 that Planner Whetstone referenced states that, "The Master Planned Development process is allowed but is not required in the historic residential and historic residential HR1 and HR2 zones, only when the HR1 or HR2 zone properties and combined with adjacent HCB or HRC zoned properties. Height exceptions will not be granted for master planned development in those and other zones." Ms. McLean could not see what Planner Whetstone relied on when talking with the former Planning Director.

Chair Strachan clarified that the applicant may not need an MPD and the plat amendment was already approved. Ms. McLean explained that they might not need an MPD, and an MPD may not be allowed or available to them under the Code. She understood that part of the reason for seeking an MPD was the ability to request a height exception. She thought it looked like a great project and again apologized to the applicants and the Commissioners for raising the issue this late in the process. However, she was not comfortable having the Planning Commission vote on something that may not be allowed by Code.

Commissioner Campbell asked if there was another mechanism to allow for a height exception besides the MPD. Ms. McLean could not find another mechanism in the GC zone if the space is habitable.

Commissioner Worel wanted to know how much parking was required for the entire area. Mr. Louis stated that 103 spaces were required by the development agreement with the Prospector Square Property Owners Association. Without parking under the proposed building 12 spaces would be lost, reducing the parking to 91 spaces.

Planner Whetstone noted that there was also a flood plain issue. Mr. Louis stated that the flood plain issue was currently being studied by Gus Sherry. Mr. Louis has been working with Mr. Sherry and Matt Cassel. Mr. Sherry had not completed his study but he did not believe there would be an issue with the flood plain. Mr. Louis remarked that the flood plain was one reason for the stilts concept. They could not build habitable units below the base flood elevation.

Mr. Louis stated that the MPD process was started on December 15th and they were unaware that it would take this long. They understood the process, but they were now on a limited time-frame because of the Park City Lodging building that is under construction. Mr. Louis preferred to have a yes or no answer from the Planning Commission. If the answer is no, unfortunately they would lose the affordable units and possibly the bridge, and they would be forced to build a box with larger condos. Mr. Louis reiterated that they could not afford to wait much longer to start building.

Commissioner Worel asked if the Planning Commission could approve the MPD conditioned on legal findings. For example, if Ms. McLean found that the MPD could move forward the applicants could begin work without coming back to the Planning Commission. If the MPD is not legal then the applicant would know to pursue a different approach.

Assistant City Attorney McLean was hesitant to have the Planning Commission to take an action on something that did not appear to be permissible from the evidence she found this evening. She preferred to continue this item to the next meeting to allow time to see if there was something that could be done to help the applicant. Ms. McLean believed the Staff and other have the mindset that ten units or more requires an MPD; however, that requirement changed in 2013. She recognized that there were a number of benefits for this MPD and she was sorry that neither she nor the Staff had caught the mistake before this.

Assistant City Attorney McLean took a few minutes to pull up the ordinance from 2013 and found that the word "and" was not a typo. She was hoping that the ordinance language would say "or" but it did not. She reiterated her recommendation to continue this item to the next meeting to allow for more research. If it is allowable, the Staff had the findings ready to move forward with an approval.

Assistant City Attorney McLean suggested that the Planning Commission could take action on the CUP this evening because the outcome of the MPD would not affect the CUP. Mr. Louis stated that if they could get approval for the CUP they could at least begin designing the rectangular building, which is what they would most likely build if they could not get the height exception.

MOTION: Commissioner Worel moved to CONTINUE the Central Park City Condos – Master Planned Development for a new building containing 11 residential units on Lot 25B of the Giga Plat replat of Parking Lot F at Prospector Square to May 27, 2015. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

6. **1893 Prospector Avenue – Conditional Use Permit for residential uses in the General Commercial (GC) zone for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square (Application PL-14-02584)**

Chair Strachan opened the public hearing.

There were not comments.

Chair Strachan closed the public hearing.

Chair Strachan stated that based on the MPD discussion, he was comfortable approving a conditional use permit based on the findings of fact, conclusions of law and conditions of approval found in the Staff report. The Commissioners concurred.

MOTION: Commissioner Phillips moved to APPROVE the Conditional Use Permit for residential uses for Central Park City Condominiums based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1893 Prospector Avenue - CUP

1. The subject property is located at 1893 Prospector Avenue and consists of Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat.

2. The Gigaplat replat was approved by City Council on June 5, 2014. The final mylar was recorded on May 1, 2015.

3. Lot 25b is a vacant, undeveloped privately owned development lot.

4. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision Overlay.
5. On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums project located in the General Commercial zoning district. The application was considered complete on February 24, 2015.
6. On February 24, 2015, the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable unit, bringing the total number of residential units to eleven.
7. On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the May 13, 2015 meeting.
8. In the General Commercial (GC) zoning district, residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission. Retail and offices uses are allowed uses in the GC zone.
9. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision Overlay.
10. The building consists of approximately 11,279 sf of residential uses and circulation area. The proposed FAR is 1.96. There are seven units at approximately 810 sf, three units at 1,017 s, and one studio unit at 500 sf. The units are designed to be smaller, attainable market rate dwelling units for full time residents. At least one and potentially two units will be deed restricted affordable unit depending on the Housing Authority's approval.
11. Allowing smaller residential uses in an area of high employment opportunities and within walking distance of the bus lines, shops, restaurants, schools, and recreation amenities is one method of mitigating vehicular trips of residential uses.
12. The capacity of streets, intersections, and shared parking lots were designed with the Prospector Square planned area to accommodate build

out of all the development parcels. There are no significant traffic impacts associated with the proposed uses as build out of these platted lots is anticipated with the Prospector Square Subdivision approval. Office and retail uses are allowed to be constructed on this lot without approval of a Conditional Use Permit.

13. Utilities necessary for this use are available at or near the site. Prior to recordation of the plat amendment for this property a utility plan and utility easements will be approved by the City Engineer and utility providers.

14. Any additional utility capacity, in terms of fire flows and residential fire sprinklers will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. Necessary utilities and upgrades shall be installed as required by the City Engineer.

15. The proposed development will not interfere with access routes for emergency vehicles.

16. The residential uses create a reduced parking impact from the allowed uses of retail and office. Parking demand (in terms of timing) for residential uses is generally opposite the demand for retail and office uses.

17. There are 91 existing parking spaces within Parking Lot F. Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F, there will be a total of 103 parking spaces, including the 12 spaces located under the building, as per the Owner's parking agreement with the Prospector Square Property Owner Association. All 103 parking spaces are intended to be shared parking per the parking agreement.

18. Internal vehicular and pedestrian circulation system includes existing sidewalks along Prospector Avenue, a Prospector Association walkway located to the west of the parking lot, and the Rail Trail bike path located to the south, with informal access that will not be altered. Circulation within the Parking Lot will be improved with the reconfigured parking lot.

19. A pedestrian bridge connection to the Rail Trail is proposed from the building. The Rail Trail is owned by State Parks and certain permits and/or encroachment agreements will be necessary in order to construct the bridge. The bridge will not be constructed if necessary agreements and easements are not secured.

20. No outdoor storage of goods or mechanical equipment is proposed.

21. No fencing is proposed.

22. The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented towards the Rail Trail and is separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on any existing units, or on the Rail Trail.

23. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.

24. Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for 30% of the roof for the eastern portion of the building to a height of 41'6". The remainder of the building roof (70%) is less than the allowed building height. The building would not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone.

25. No changes to the existing open space within the Prospector Square planned area are proposed with the residential uses. The new building is proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as open areas for the units to share.

26. The physical design of the building, in terms of mass, scale, style, design and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the surrounding buildings. The proposed building is contemporary and distinct in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents.

27. No signs are proposed at this time. All signs are subject to the Park City Sign Code.

28. Exterior lighting will be reviewed at the time of the building permit review.

29. The residential uses will not create noise, vibration, odors, steam or other

mechanical factors that might affect people and property off-site.

30. The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area.

31. There are no loading docks associated with this use.

32. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County.

33. The proposal exists within the Park City Soil Ordinance Boundary.

34. The development is located in a FEMA Flood Zone A.

35. The development is located adjacent to a stream with wetlands.

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

Conclusions of Law – 1893 Prospector Avenue – CUP

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)] and all requirements of the LMC.

2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.

3. The use as conditioned is consistent with the Park City General Plan.

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

Conditions of Approval 1893 Prospector Avenue - CUP

1. All standard conditions of project approval shall apply to this project.

2. Any signs associated with the use of the property must comply with the City's Sign Code.

3. No outdoor storage of goods or mechanical equipment is allowed on-site.

4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.
5. Review and approval of the final utility plans for 1893 Prospector are required prior to building permit issuance.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Building Height shall be verified for compliance with the approved MPD plans prior building permit issuance.
8. The Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of any required interim parking during construction.
9. Prior to issuance of a building permit for construction of the proposed pedestrian bridge connection to the Rail Trail all required permits and/or encroachment agreements shall be obtained from the State Parks property owner and the City.
10. A stream alteration permit and/or 404 permit will be required for any work in the stream area.
11. An elevation certificate will be required showing that the lowest occupied floor is at or above the base flood elevation.
12. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated.
13. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of the building.
14. As part of the final utility plan and prior to issuance of a building permit, the water system must be modeled to verify that adequate fire flows and pressures can be provided to this building and whether water line upgrades are required.
15. All exterior lighting on the terraces and porches shall be reviewed by the

Planning Department with the Building Permit application and shall be subdued, down directed, shielded, and with no exposed bare bulbs.

16. All conditions of approval of the Master Planned Development for 1893 Prospector Avenue apply to this Conditional Use Permit.

7. **Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and green roof definition and application in HR-L Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions Chapter 15**

Nightly Rentals in the HR-L East District

Planner Astorga stated that the Planning Department initiated this request based on many discussions the Staff has had with residents in the HR-L East District. He explained that he was calling it HR-L East because there are two sections in town with HR-L zoning. One is known as the McHenry neighborhood and the other one is by King Road and Sampson Avenue. Because of the proximity to PCMR, the Staff decided not to include the HR-L West district in this discussion. Therefore, only the McHenry neighborhood was being addressed this evening.

Planner Astorga noted that the first page of the Staff report had the definition of a nightly rental. In addition, there were conclusions of law for each conditional use permit and the 15 mitigating review criteria for the CUP. Planner Astorga stated that another relevant point was the parking requirement for a nightly rental, which is triggered by the seventh and eighth bedroom. He explained that a house with six bedrooms has the same parking requirements as the dwelling, which are two spaces, and that has always been a major issue. Planner Astorga remarked that nightly rentals are allowed everywhere in Park City with the exception of the HR-L District, which requires a conditional use permit. They are also prohibited in the SF District where there are some exceptions throughout.

Planner Astorga stated that the Planning Department felt it was time to review nightly rentals to see where the Planning Commission stands on the issues. The Staff will come back on June 24th with a more appropriate analysis. As indicated in the Staff report, the intent is to survey all of the residents in the HR-L District regarding their thoughts on nightly rentals. Planner Astorga noted that if the City decided not to allow nightly rentals they would be creating a legal non-conforming use. The Staff would also come back with a thorough General Plan analysis. Planner Astorga asked the Planning Commission whether other studies or analyses should be conducted.

15-6 -2. APPLICABILITY.

(A) Required. The Master Planned Development process shall be required in all Zoning Districts except in the Historic Residential-Low Density (HRL), Historic Residential (HR-1), Historic Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) for the following:

- (1) Any Residential project with ten (10) or more Lots.
- (2) Any Residential project with ten (10) or more Residential Unit Equivalents (20,000 square feet).
- (3) Any Hotel or lodging project with ten (10) or more Residential Unit Equivalents (20,000 square feet).
- (4) Any new Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial project with 10,000 square feet or more of Gross Floor Area.
- (5) All projects utilizing Transfer of Development Rights Development Credits.
- (6) Affordable Housing MPDs consistent with Section 15-6-7 herein.

(B) Allowed but not required.

- (1) The Master Planned Development process is allowed, but is not required, in the General Commercial (GC) and Light Industrial (LI) Zoning Districts, for
 - (a) Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents; or
 - (b) Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents; or
 - (c) Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial projects with less than 10,000 square feet of Gross Floor Area.
- (2) The Master Planned Development process is allowed, but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 zoned Properties are combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC and HCB Zoning Districts. See Section 15-6-5 (F) Building Height.
- (3) The Master Planned Development process is allowed, but is not required, when the Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an Affordable Housing MPD consistent with Section 15-6-7 herein.

(C) Not Allowed. The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above or as specifically required by the City Council as part of an Annexation or Development Agreement.

Planning Commission Staff Report



Subject: Alice Claim aka Alice Lode
Subdivision & Plat Amendment

Project Number: PL-08-00371

Author: Christy Alexander, AICP, Planner II

Date: July 8, 2015

Type of Item: Legislative – Subdivision & Plat Amendment

Status Update and Summary Recommendation

Please refer to the June 10, 2015 minutes (below) in which this item was continued for the applicant to submit comments to the Commission by June 24, 2015. Applicant did not submit any comments by that date. Applicant submitted a letter on June 30, 2015 requesting a continuation to July 22, 2015. Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue and consider granting the Applicant's request to continue to the July 22, 2015 meeting with a firm deadline that all comments from the Applicant must be submitted to staff by 12 noon on July 13, 2015.

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: King Development Group, LLC ("Applicant" or "King Development")

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

Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)

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

Reason for Review: Planning Commission review and recommendation to City Council

Background

Please reference prior staff reports for the history of this application.

At the June 10, 2015 Planning Commission meeting, the Applicant presented and discussed the revised site plan dated May 18, 2015, as depicted in the copies attached as exhibits in that meeting's staff report. The minutes from the June 10, 2015 meeting are attached as Exhibit A to this report.

At the June 10, 2015 meeting the Commission focused on the following concerns:

- The Planning Commission and the City Council have the responsibility to control and shape growth.
- Proposed lots are in the HR-1 District and this proposal should follow the requirements of the HR-1 zoning. The size and layout did not feel like HR-1.
- Too many downsides to the current proposal and there were not enough benefits to meet good cause.
- The proposal of house sizes is 60% to 80% larger than what exists in the HR-1 District in the surrounding streets.
- How detailed all the public comment was that evening and how specific they were in their reasoning.
- The end result is that this parcel is in the HR-1 District but it did not meet the purpose statement for the HR-1 District.
- Health and safety are huge issues.
- The development should either look like HR-1 or the applicants should apply for a rezone. The Planning Commission could not approve this project without setting a precedent.
- There were so many “ifs” that they were trying to draft conditions of approval for such as DEQ approvals, sewer lines, engineer and other issues.
- Many things still needed to be done over and above a simple CUP or a plat amendment or subdivision.
- Tasking the applicant with information gathering at this point.
- Some of the specific plans and studies that still needed to be done.
- The Commissioners were clear on their position and Chair Strachan suggested continuing to a date certain to allow the applicant time to revise the plan per their comments. Another option would be for the Staff to make findings for denial and the applicant could appeal that decision to the City Council.
- Commission preferred that the applicant come back with a proposal that could actually work.
- The cut and fill needed to be minimized and the layout needed to be more compatible with the HR-1 zone.
- Issue goes back to good cause for the density. They are allowed to build one house and they were asking for nine.
- Rather than deny the application they preferred a continuance to give the applicants the opportunity to come back with a more acceptable plan.

The Applicant requested a continuance to the July 8th meeting to allow the Applicant time to respond to the comments and concerns they heard that evening. The Minutes state:

Chair Strachan asked what the applicant intended to come back with at the next meeting. Mr. Cahoon replied that they would provide written response to the comments and concerns. At this point they had no intention of moving lots or reconfiguring the layout.

The Applicant however, did not submit any written comments by the required deadline of June 24, 2015.

The Applicant however submitted a request on June 30, 2015 (Exhibit D) to continue the item to the July 22, 2015 meeting in order to have additional time to submit comments, work on the alternative access and have agreed to a firm submittal date of July 13, 2015 at noon.

The Planning Commission also made several comments at the June 10, 2015 meeting that they had more comments but they would defer those comments until they saw the Applicant's response. Staff recommends that the Planning Commission be prepared to submit those comments on the record at the July 22, 2015 meeting which staff will use as a basis to prepare draft findings of fact and conclusions of law to support the Planning Commission recommendation.

If the Applicant fails to submit any new info by the July 13, 2015 deadline, the Planning Commission still needs to submit all comments which they deferred at the June 10, 2015 meeting, discuss the application, and direct staff to make findings at the July 22, 2015 meeting.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

This application is for a major subdivision and plat amendment as defined in 15-7.1-3(A) (2). A major subdivision requires a Preliminary Plat and a Final Plat although the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval. Staff is recommending the hearings be combined and a final Subdivision Plat is considered. The approval or denial of this subdivision and plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any retaining walls over 6 feet will require a CUP. Any new structures may require a Steep Slope CUP and all will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- Grant the continuance, as conditioned, to the July 22, 2015 meeting; or
- The Planning Commission may forward a negative recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment and direct staff to make Findings of Fact and Conclusions of Law for this decision; or
- The Planning Commission may forward a positive recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment as conditioned on the June 10, 2015 draft ordinance or amended; or

- The Planning Commission may continue the discussion on the subdivision and plat amendment to a date certain and provide specific direction to the applicant and/or staff to provide additional information necessary to make a recommendation on this item.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue and consider granting the Applicant's request to continue to the July 22, 2015 meeting with a firm deadline that all comments from the Applicant must be submitted to staff by 12 noon on July 13, 2015..

Exhibits

Exhibit A – Minutes from the June 10, 2015 Planning Commission meeting

Exhibit B – June 10, 2015 PC Staff Report

Exhibit C – The proposed May 18, 2015 Alice Claim Subdivision and Plat Amendment

Exhibit D – Letter dated June 30, 2015 from Applicant's attorney, Brad Cahoon, requesting a continuance to the July 22, 2015 meeting

EXHIBIT A

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 10, 2015

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Manager Kayla Sintz, Kirsten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander Planner; Makena Hawley; Planning Technician; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

May 13, 2015

The Planning Commission lacked a quorum of members who had attended the May 13, 2015 Planning Commission Meeting. The minutes were continued to the next meeting

MOTION: Commissioner Phillips moved to CONTINUE the minutes of May 13, 2015 to the next meeting. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

May 27, 2015

Commissioner Joyce moved to APPROVE the minutes of May 27, 2015 as written. Commissioner Thimm seconded the motion.

VOTE: The motion passed. Commissioner Strachan abstained since he was absent from the May 27th meeting.

PUBLIC INPUT

There were no comments.

5. The applicant shall submit to the City Planning Department a three year review of the Club including parking impacts.

3. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment** (Application PL-08-00371)

4. **Alice Claim south of intersection of King Road and Ridge Avenue – CUP for retaining walls up to 10’ in height.** (Application PL-15-02669)

Commissioner Phillips recused himself and left the room.

Assistant City Attorney McLean requested that the Planning Commission take public comment on both items at the same time and discuss the applications together since the Subdivision and Plat Amendment and the CUP were intertwined. However, two separate actions were required.

Planner Christy Alexander noted that the Planning Commission held a site visit and work session on October 8th, 2014. The applicants came back to the Planning Commission in March and April, at which time the Commissioners continued it to allow the applicant to work through the issues.

Planner Alexander outlined the main concerns raised at the April 8th meeting, which included 1) more clustering; 2) change in layout; 3) site suitability with the slopes; 4) possible geo-tech issues and stability issues on the steep slopes; 5) further terracing and mitigation and landscaping of the retaining walls; 6) reducing cut and fill; 7) the need for so many retaining walls; 8) reducing disturbance on each lot; 9) compatibility with the HR-1 zone; 10) Lot 7 concerns; 11) defining open space conservation easement and access. Planner Alexander stated that the applicant heard the concerns and tried to find a better way to layout the subdivision and mitigate the concerns. The applicant submitted revisions to the site plan as noted in the Exhibits. The applicants would explain the revisions during their presentation this evening. Planner Alexander noted that the Planning Commission had major concerns with Lot 7 due to the steepness of the slope, as well as it being a unique position and closer to the ridge, as well as the proposal to bring up the roadway to create a bridge over the City property with extremely large retaining walls. She pointed out that Lot 7 was completely removed from the site and moved to where Lot 5 was located, and the lots were clustered closer together. That revision significantly changed the retaining wall layout. Planner Alexander noted that there was no longer a need for the road which eliminated the bridge. The applicants were also proposing three 10’ retaining walls at the access that would terrace back 4’ in between each wall as required by Code to allow for vegetation landscaping. The retaining walls in between Lot 2 and 3 and above Lots 5

and 6 were also changed. Therefore, all of the retaining walls in that location would be 6' and under, which does not require a CUP. The only retaining walls required under the CUP are the three 10' walls at the access.

Planner Alexander noted that the neighbor on the corner spoke at the last meeting and he was willing to negotiate an easement to allow access over his property. At this time an agreement has not been negotiated and the applicant was unsure when that would occur. The applicant was asking to put both access ways on the plat in case the plat is approved before the negotiations are finalized. Planner Alexander noted that the Staff would not allow that because only one possibility can be shown on the plat. If the negotiations go through, the Staff believes that access would create a better route and would lessen the need for large retaining. The Staff favored bringing the access over the easement. If the Planning Commission chooses to approve the plat and an easement agreement is reached prior to the plat going to the City Council, Staff requested that the Commissioners allow the applicants to move forward with the preferred access route at the City Council level.

Planner Alexander remarked that regarding the need for more clustering, changing the layout and compatibility with other nearby HR-1 zones within the City, the applicants had proposed to limit the footprints to 2500 square feet. As noted in the HR-1 zone and considering the size of the lot, she did not believe 2500 square feet was limiting the footprint enough. She stated that if the Planning Commission wanted to forward a positive recommendation, they could still require the footprint to be limited even further. The Staff recommended that the homes be limited to two stories to reduce the visibility from cross canyon and other places within Old Town. They also recommended a 25' height maximum.

Planner Alexander noted that the two-story limitation was mentioned in the Staff report but it was not stated in the conditions of approval. The 25' height was laid out in the Conditions but not two-stories. If the Planning Commission decides to forward a positive recommendation on the plat, she recommended revising Condition of Approval 17 to read, "All homes within the HR-1 District in this subdivision shall be limited to a building height maximum of 25 feet from existing grade **and a maximum of 2 floors...**". Planner Alexander noted that currently a 35' interior height is allowed in order to allow homes to stack up on the hillside. Because the Staff did not want to allow the floors to be stacked, she recommended adding "**exterior maximum of 30 feet.**"

Planner Alexander stated that the building pad areas shown on the site plan were listed in the conditions of approval; therefore, the building pads would have to remain in those locations.

Planner Alexander commented on issues with conditions of approval. Condition #32 states, "All Site and Public Improvements shall be completed prior to plat recordation, or if the Applicant submits a finalized and engineered design the Applicant may petition the Planning Commission to allow the Applicant to submit an adequate financial Guarantee for all Site and Public Improvements prior to the expiration of the plat approval."

She also noted that Condition of Approval #3 states, "Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings or retaining walls within this subdivision". Planner Alexander pointed out that Conditions #3 and #32 do not comply with one another. The applicant would be allowed to do the retaining walls before the plat is recorded and she requested revising Condition #3 to remove "**or retaining walls**", and a sentence, "**completion and approval of final HDDR applications are required prior to building permit issuance for any construction of retaining walls within the subdivision**". Planner Alexander revised Condition #32 to read, "**Building permits for the grading and retaining walls will be permitted prior to plat recordation, so long as a bond for site restoration and revegetation is put in place**".

Planner Alexander stated that the City Engineer had reviewed the geo-technical report and felt that it met City standards. The site is on bedrock and the soils are the same as other areas within the City that were developed. Planner Alexander pointed out that the mine was filled in as noted in the letter from the applicant's engineer. It would also be noted on the plat with a restriction that no construction can occur within ten feet of the mine site.

Regarding the concerns for terracing and mitigation and landscaping of the retaining walls, Planner Alexander reiterated that all terracing of retaining walls would have to be four feet and set apart horizontally in order to allow for vegetation and landscaping. The height of the retaining walls was lowered. Planner Alexander stated that the Staff was unclear about the limit of disturbance on the lots, but the applicant has informed the Staff that the proposed LODs are the lot lines. It will be noted that the building pads cannot be changed from what was proposed on the site plan and on the plat.

Planner Alexander stated that the open space conservation easement will be dedicated as open space and transferred to a third party in the future.

Planner Alexander requested that the Planning Commission allow the applicant time for their presentation and then open the public hearing.

Chair Strachan asked if the changes to the conditions of approval were revisions to conditions contained in the Staff report, or whether there were new conditions of approval. Planner Alexander clarified that it was only revisions to Conditions 3, 17 and 32. Planning

Manager Sintz noted that story is a defined term in the LMC and she recommended that they use the word “stories” rather than “floors”.

Commissioner Thimm stated that Condition of Approval 30 talks about maintaining a 10’ setback from the mine opening; however, the soils report recommends filling mine openings. He questioned why they were diverging from what the soils report recommended. Planner Alexander replied that the Engineer noted that the mine has been filled.

Greg Brown with DHM Design thanked the Staff for their efforts in helping to revise the plan. He appreciated their time and energy. Mr. Brown introduced Jerry Fiat, with King Development, Brad Cahoon, Legal Counsel; Sheldon Baskin and David Cagen with King Development; Marc Diemer with DHM Design; Kathy Harris, the environmental consultant, Joe Tesch, Legal Counsel, and Peter Duberow with Stantec Engineering.

Mr. Brown gave a power point presentation on the four applications which included the subdivision, the plat amendment, a rear yard setback variance for the Estate Lot, and the CUP application for the entry retaining wall.

Chair Strachan thought the variance was a Board of Adjustment matter. Assistant City Attorney McLean explained that the applicant was requesting a setback reduction which is allowed per the LMC and it was a matter for the Planning Commission because it was not an actual variance.

Mr. Brown noted that in October 2014 they came before the Planning Commission for a work session. The concerns raised at that time related to open lands, the amount of site disturbance, and further mitigating the entry wall. The Staff was asked to compatibility studies with the surrounding neighborhoods. There was also a lot of concern and discussion regarding the Estate lot location. On April 8th the applicants presented suggestions they had for solving some of the problems. They significantly reduced the lot size of the HR-1. Mr. Brown noted that the lot lines were reduced and the .1 acre proposed is the minimum they can go with a 2500 square foot footprint per the LMC. Mr. Brown pointed out that the lots are small enough now that to build the house the disturbance would be within the lot line. Mr. Brown stated that terracing and landscaping were shown at the last meeting and they would show additional terracing and landscaping to mitigate the retaining walls. He noted that the building size and height in the HR-1 District was further restricted based on the Staff recommendation, and the applicant agreed to the 25’ building height for the HR-1 District. Mr. Brown stated that the Estate Lot was relocated from the steep land to the flatter bottom. He presented a plan showing the new location of the Estate Lot. It is lower on the site and the amount of site disturbance is reduced.

Mr. Brown stated that the applicants heard a variety of suggestions at the April 8th meeting and he summarized them into 9 points. The first was site suitable. They were concerns regarding slopes and geo-technical issues in terms of buildability. Marc Diemer with DHM Design had submitted a letter that responded to the 11 criteria items in LMC Section 15-7.3 that talks about the restrictions to development due to the character of the land. The letter was attached to the Staff report as Exhibit L on page 351.

Mr. Brown reviewed the 11 criteria and summarized why they believe they meet the criteria.

1) Flooding - The FEMA mapping stops below the site. There has never been evidence of flooding and the engineer does not believe there is a flood problem. The houses will not have basements and the homes will be located above the drainage channel.

Mr. Brown pointed out that the FEMA map is part of the conditions of approval and the FEMA map will be updated prior to recording the plat. The FEMA map will define the exact location of the flood plain.

2) Improper Drainage – The drainage channel was reconstructed as part of the remediation project. It has been in for six years and does a very good job of carrying the runoff.

3) Steep Slopes – A geo-tech report was included in the Staff report. There were no issues identified in the geo-tech report that prohibits development on this site.

4) Rock Formations – There is an outcrop within the Estate Lot; however, the new Estate Lot location pulls it further away from the rock outcrop. More separation, the road, and the ditch further provides a safety zone.

5) Mine Hazard - The mine was filled during the remediation project. Per the requirement, once filled the setback can be reduced to ten feet.

6) Potentially toxic waste - The remediation project program in 2008 removed and capped the hazardous waste on this project specifically for residential development.

7) Adverse earth formations or topography. The geo-technical report concludes that there are no potential hazards existing on the site.

8) There are no wetlands on the site.

9) Geologic hazards. The geo-tech report provides guidance for construction. Any special construction techniques would be covered by construction detailing.

10) Utility easements. The applicants have been working with the City Engineer and City Staff to make sure the easements were accounted for. Part of the entry road is on City property and easements would be placed for access and utilities. Access easements for the City to access the water tank would be addressed on the plat. The City Engineer has final review and signs the plat to make sure he agrees. That must be done before they can move forward.

11) Ridgelines – Per the City ridgeline map there is not a ridgeline on the site. There was significant discussion at the last meeting about Lot 7, which would have been the lot closest to any ridgeline above. Lot 7 has been relocated and it is now further away from anything that might have been perceived as a ridgeline.

Mr. Brown noted that the relocation of Lot 7 eliminates the driveway through sensitive lands, as well as the retaining wall and the bridge. The home will be accessed from a road that was already in the design. The amount of roadway was reduced and the lots are more clustered, which reduces the overall disturbance within the project.

Mr. Brown presented the current plan which showed where the lots were plotted out in the HR-1 zone and how the lots sizes were reduced and moved down the hill to increase the open space. He pointed out that the spur road to Lot 7 was eliminated when the lot was moved.

Mr. Brown showed samples of the retaining walls and landscaping. Relocating Lot 7 reduced the need for such a large wall. The retaining walls for lots 2, 3, 4 and 5 were lowered. The homes were reconfigured to reduce the site walls and the buildings will be used to retain a lot of slope. The walls were stepped down to six feet to reduce the number of 10' walls. The only walls over 6' will be at the project entry. They had looked at reducing the entry walls to 6' but it would further impact the evergreen trees on the site. The only retaining walls that needed a CUP were the ones at the entry. The remaining retaining walls would be 6' maximum height stacked stone walls with landscape beds in between. Mr. Brown presented photograph examples of similar rock walls around town.

Mr. Brown noted that the Staff had recommended that they increase the landscape by 20% with a minimum tree size of 10'. However, the applicant would like to propose an average tree size of 10' to create a variation of 6' to 14' trees. He requested the ability to work with Staff to see whether or not there could be some flexibility on the percentage of required landscaping. Mr. Brown was concerned about replacing a stone wall with a wall of trees.

Mr. Brown stated that another item of concern was clustering and the layout. He showed a before and after plan identifying the changes that were made. He remarked that a quick calculation showed that the impact to the site is less than 25% of the development area.

Mr. Brown recalled that there was significant discussion at the last meeting regarding compatibility. He presented a graph of some of the zoning in the area and noted that this site is next to a HRL zone. HRL zone roads and houses tend to follow the contours of the land, which is their goal with this development. Mr. Brown stated that the adjacent zoning is HRL zoning and Estate. The applicants see this site as a transitional area between Old Town and the open space beyond. Mr. Brown reviewed a zoning map and pointed to the HRL zone. He noted that the roads that access their site come through the HRL zone. Mr. Brown thought the design for their development should look more like the HRL zone because they were the adjacent neighbor. He felt that forcing a higher density or more of an HR-1 look was inappropriate on a site like this.

Mr. Brown referred to an analysis in the Staff report comparing house sizes in the neighborhood. They had done their own compatibility study and determined that their proposal was more in line with the HRL zone behind them. He presented a list of the 14 houses that were used in the comparison. Of the 14 houses, the average lot size was $\frac{1}{4}$ acre. Their proposed lot size is .18. The average house size is 4,933 square feet and they were requesting 5,000 square feet. Mr. Brown believed their project was compatible with the neighborhood directly adjacent to them.

Mr. Brown noted that currently the plat shows all of the open space parcels and the no disturbance zone in the Estate lot. The plat note states, "No development is allowed in open space parcels for non-disturbance areas." Mr. Brown stated that the goal for the open space is to either deed the open space itself or an easement to a third party conservation organization. Mr. Brown presented a diagram showing the amount of open space on the site and how the lots are clustered down in the lower area.

Mr. Brown remarked that the Planning Commission had talked about putting more teeth in the conditions of approval. He stated that following Planning Commission and City Council approvals all of the conditions must be met. Only then will the Staff and the agencies approve and sign the plat. He pointed out that the lots cannot be sold until the plat is recorded. Mr. Brown believed the process provided enough teeth for the conditions.

Mr. Brown stated that the applicants were also willing to restrict lot sales until the site infrastructure is complete. They have been working with Staff to make sure the conditions are as clear as possible and that both sides are protected.

Mr. Brown commented on Planner Alexander's reference about the unclear limits to the disturbance. He believed they had reduced the lots tight enough around the building footprint that the lot line would be the limit of disturbance line. Mr. Brown commented on

the Woodside Drive option that was mentioned by Planner Alexander. The applicants wanted to have both options shown on the plat, because if an agreement is reached to use Woodside Drive for access it would already be pre-approved. However, since legally both options cannot be on the plat, the applicants would like to create a finding or condition of approval that would allow the City Council to change the access. They would like the process to be as streamlined as possible.

Mr. Brown indicated the small piece of HRL land on the north side of the project that would be deeded to the City. He noted that Sampson Avenue and King Road currently come through the parcel. The Staff report talks about the land being dedicated as a right-of-way. The applicants suggested creating a right-of-way for the existing road, and the remainder of the parcel would become open space with a landscape easement to do landscape improvements. A slope on one side of the road needs stabilization and they would like the ability to do that work.

Mr. Brown commented on the timing of the expirations and their desire to simplify the process. He noted that it relates to Conditions 2, 10, 15 and 32. The applicants would like the plat and the CUP to expire one year from the date of City Council approval unless the extension is granted as allowed by Code. All approvals must be in place before plat recordation. The applicants were willing to a title restriction stating that the lots could not be sold until the infrastructure was in place. The infrastructure would be bonded prior to the issuance of the site improvement building permits. Mr. Brown believed the infrastructure would take longer than one year and he thought two years was a more practical time frame.

Mr. Brown noted that a Finding of Fact talks about the City water line running through the property. He clarified that the City water line was changed and it now runs through the City's property. The prescriptive easement on the road for those utilities is no longer needed. Mr. Brown stated that Finding #13 talks about the FEMA mapping and it implies that the lots are in the flood zone. He wanted to make sure it was clear that the mapping needed to be extended to determine whether it was in the flood zone. Mr. Brown pointed out that language in Finding #14 talks about the front side and rear setbacks and the Estate lot being reduced from 30' to 10'. He stated that the applicant was only asking for the rear setback to be reduced to 10'. The side and front setbacks would remain at 30'. Mr. Brown remarked that Finding #23 talks about the limits of disturbance being the property lines of Lots 2 through 9 and they found that to be appropriate. Finding #25 addresses the compatibility analysis that was done by Staff. The applicant requested adding a sentence stating that "The applicant has demonstrated that the houses nearby the site on King Road, upper Norfolk, Sampson and Ridge Avenue are 4,933 square feet average and the lots are an average of 0.25." Finding #34 states that existing lots 1-7 and 36-40 will be dedicated as right-of-way and open space with a landscape easement.

Mr. Brown referred to Condition #10, which goes back to their concern of having a standard process of plat recording, rather than trying to start some of the construction before the plat is recorded. Mr. Brown requested a change to Condition #15 to read, "All homes within the subdivision shall be limited to the June 10, 2015 LMC required footprint, or 2500 square feet, whichever is lower". He noted that the language as written does not have a date. If the LMC was ever changed they would be affected by the change instead of being locked into the current LMC requirement. Mr. Brown requested that Condition #32 be revised to address the timing of having all the approvals in place, recording the plat and putting in the public improvements.

Mr. Brown referred to Finding of Fact 11b in the conditional use permit and revised the language to read, "If changes occur the applicant will apply for a modification to the CUP." On 11c, he requested flexibility to work with the Staff on a final landscape plan. Mr. Brown revised Condition #10 to state that the CUP will expire one year from the date of recording the plat with the allowance for the one year extension." He explained that their goal would be to have the CUP and the plat in lockstep together. Mr. Brown understood that the Staff had concerns, but he thought it would simplify the tracking and processing if they had to come back for an extension.

Planner Alexander read Finding of Fact #4, "The City Water tank on land owned by the City is adjacent to the subject property on the south end, and a city-owned parcel bisects the subject property. The City Water line does not run within the City owned property but rather is located within a prescriptive easement on the subject property." She asked Roger McLain, the Water Department representative, to clarify the water line location.

Mr. McLain stated that last year the Water Department relocated the existing water line through that section on to the City property. The work was done in conjunction with the Judge raw water pipeline. The section of line that goes up through the existing Alice Claim property up to the tank was abandoned. Mr. McLain remarked that the easement for access to the tank would remain in place because it was not related to the water line. He clarified that the easement has not been vacated but the pipeline was relocated. Mr. McLain suggested that it could be cleaned up during the platting effort to make sure that access to the tank is maintained.

Assistant City Attorney McLean noted that the applicant had said that the City water line was completely on City property. She asked if they also have a recorded easement for water infrastructure. Mr. McLain stated that the new water lines are on City property within that portion of the project. It then conveys down into some of the existing easements and rights-of-way through the adjacent subdivision project down to King Road. Ms. McLean asked when he expected the old water line would be abandoned. Mr. McLain stated that

the water line has physically been abandoned but the line was left in place. He noted that it follows the existing tank access easement and both have gone hand in hand. Mr. McLain believed the priority at this point would be to maintain the tank access easement. With the relocation of the water line he could not see any problems with the road relocation.

Mr. Fiat explained that there is a recorded easement against the property for the access. The recorded easement runs up the existing road all the way to the water tank. In addition, the City took a portion of land which they thought was where the water line ran at one point; however, the water line ran somewhere else. Therefore, the old water line became a prescriptive easement. Mr. Fiat remarked that last year two new water lines were put in down the center of the City property. The water lines currently run from the water tank all the way out to King Road on to City property. The access to the water tank is a recorded easement. He believed the discussion related to the prescriptive easement for the water line that was abandoned, and they were not looking to remove that water line.

Mr. McLain stated that the existing tank access road easement does not follow the proposed roadway through the project. It runs from King Road straight up through the first two lots. Mr. McLain recommended that those be cleaned up at the time of platting. Mr. Brown stated that the new plat grants reciprocal access for the City, the applicant, the users and the public to use the City's property as a road; and the service road continues to be used by the City. He pointed out that there is also recreation access for bike use.

Commissioner Thimm asked if the water line was actually in Alice Court and within an easement that was already in place. Mr. Fiat replied that the water line is in City-owned property.

Chair Strachan asked Mr. McLain what he still needed. Mr. McLain replied that the Water Company needs the easement connection for the tank access road off of the proposed Alice Court as it jogs over on to the existing wishbone piece which ties into the existing access road up through the property. He believed it would be simple to clean up the existing access road from the south end.

Assistant City Attorney McLean revised Finding #4 to read, "A City water tank and land owned by the City is adjacent to the subject property on the south end and a City-owned parcel bisects the subject property." She clarified that the old water line is not within the City property. Commissioner Joyce pointed out that the old line was abandoned and it is no longer relevant. Ms. McLean further read, "The City water line does run within the City-owned property." She asked if Mr. McLain wanted a sentence regarding the tank access. Mr. McLain stated that the tank access was in a separate recorded easement and the access would have to be relocated with the plat. Ms. McLean believed that should be

addressed as a condition of approval. Planner Alexander noted that it was already addressed in Condition #28.

Mr. Fiat presented a larger version of Exhibit A as shown in the Staff report. Mr. McLain showed how the existing access road comes up off the driveway and through the lots up to the tank. He believed the Exhibit showed the new road alignment which would come off of the City property up to the tank. The applicant pointed out the old abandoned line on Exhibit A. They also pointed out how the plat granted an easement for City and public access to that area where the old public water line was located. They also pointed out the new water line and clarified that it was under City property.

Commissioner Joyce commented on the discussion from previous meetings regarding traffic patterns, stop signs and fire turns around the entrance where Sampson and King come together. He had visited the site earlier that day and it was difficult to envision a large truck making the U-turn on to King Road or making a left turn into the subdivision. Commissioner Joyce was concerned because of the steepness where the retaining walls were proposed to be cut. He asked if the City Engineer was comfortable with how the current plat was drawn, and whether there was sufficient room for emergency access. A second issue was that Commissioner Joyce could not think of anywhere else in the City where there was a hodgepodge of interconnected streets. If there is a place, he wanted to know if it works.

City Engineer Cassel stated that there is such a low volume of traffic that it currently works. However, if another drive would be added and they change around how the intersection dynamically works, they need to look at improving it as part of this project. Mr. Cassel noted that the applicant has been working towards that goal. It is a matter of maneuverability, but more importantly a health and safety issue in terms of access for emergency vehicles in and out of the development. Mr. Cassel stated that he and the applicants have been working on ways to make the intersection function a little better. He noted that due to the slopes and unique configuration, it would never be a perfect intersection. However, he expects them to mitigate the problems and get to a point where everyone is comfortable with how it works.

Commissioner Joyce wanted to know who would approve the intersection for fire and safety. Mr. Cassel replied that everyone participates. When something calls for City Engineer approval it is done with immense feedback from the Fire Department, Building Department and the Water Department. They make sure that all the issues are considered.

For many reasons, Commissioner Joyce preferred that they require moving the retaining wall back and up, and that it should be resolved sooner rather than later when it is

recorded on a plat. Mr. Cassel stated that he has been looking at the available alternative for the drive; whether it remains in the current location shown, or whether it moves over to the current dirt road access. He could not see any fatal flaws in any of the alternatives. They all work, but they all need minor tweaking. He agreed that an important element is making sure that the vehicles can make the corners and the turns and that the vehicles do not tip over. He noted that a number of dump trucks have tipped over at that intersection as they come down from King and take the corner. Mr. Cassel reiterated that the goal is to look at the whole intersection in an effort to make it better. At this point he could see nothing that would keep the added drive and the intersection from working.

Commissioner Joyce stated that he was trying to evaluate the retaining wall CUP and the fact that making it work might require noticeable changes to the retaining wall. Mr. Cassel stated that if the Commissioners wanted to add a condition stating that the road could not creep up any higher or change the height of the retaining wall, he believed they could work within that framework.

Commissioner Thimm had read through the geo-tech report and he found no red flags in terms of the soils report.

Commissioner Joyce understood that the mine was filled; however, the geo-tech report talks about the change in setback if it is filled and capped with concrete. He asked if the mine was capped as well as filled. Mr. Fiat replied that the mine was filled with granular material and impacted. There is no concrete cap. He noticed the mine has not settled in six years and it is very solid.

Commissioner Thimm commented on the 10' trees. He is used to looking at Konifers in terms of height and deciduous trees in terms of caliper. He asked if they intended to mix them. Mr. Brown stated that they typically buy multi-stemmed deciduous trees such as Aspen Trees by height. He noted that the single stem Aspen trees are generally sold as a two or three inch caliper. Mr. Brown stated that the rationale for discussing tree height was due to the fact that the wall is 10' high and trying to find something tall enough to soften the wall.

Chair Strachan referred to the slide that shows how they intend to landscape the right-of-way from the existing gravel road that comes off King. He asked Mr. Brown to explain the exact plan for making it look the way they want. He asked if it would be bark and trees or whether there would be actual disturbance. Mr. Brown stated that there was no plan to landscape the right-of-way. Commissioner Joyce understood that in his presentation Mr. Brown was talking about the plats that would be deeded over to the City along King Road and Sampson Road. Planning Manager Sintz agreed. The applicant wanted the ability to have a landscape easement at the entrance.

Mr. Brown stated that a landscape plan had not been done. He noted that the Staff report suggests that it is a right-of-way. The applicant preferred to define the actual right-of-way where the road is and call the rest of it open space with a landscape easement over it. Mr. Fiat explained that when the water lines came in they did not re-vegetate and control the erosion, and the entire bank along King Road is eroding. They were happy to give that land away; however, they first want to stabilize the soil and landscape it because it was left in terrible condition.

Chair Strachan recalled a slide during the applicant's presentation requesting a condition of approval that would streamline the process at the City Council level if the preferred access is negotiated with the neighbor. He asked Mr. Brown to bring up the slide so he could read the exact language that was being proposed.

Assistant City Attorney noted that Finding #6 talks about the access. She suggested adding Finding 6.5 to state that "If the Woodside Gulch access is possible, it would be the preferred access." Ms. McLean explained that under the Code there could not be applications at once. If negotiations are ongoing she understood why they wanted to streamline the process; and she recommended making findings as to whether or not they would support that access.

Chair Strachan asked Mr. Brown if they would build a culvert above Estate Lot 1 if the lot was not there. Mr. Brown replied that they need the culvert where the Alice Claim Court comes up and T's because the stream has to get under that section of road. The culvert would be shorter. Mr. Fiat stated that originally all of that section was in a culvert and when they started to clean it he liked the idea of a stream and the stream was put in. Mr. Brown noted that there is a snow storage area where the road T's and the pipe puts the stream under the snow storage area. He pointed out that it does extend up into the Estate zone a little ways.

Chair Strachan opened the public hearing for the plat amendment and the CUP.

Planner Alexander had forwarded eight letters of public comment to the Planning Commission and to the applicant.

Tom Gadek stated that this is an urban wildland interface. He thought a 10' retaining wall was a lot. In addition, five 6' retaining walls add up to 30'. Mr. Gadek remarked that the pictures of five stacked 6' walls with a house on either side were four or five levels. He noted that a 2500 square foot footprint was not typical in the neighborhood and it is large. Mr. Gadek felt a larger issue than emergency vehicles getting in were people getting out in the event of an emergency. He lived in Oakland, California and in 1991 there was a fire

and eleven people were killed on a road similar to Ridge. There were 25 houses and everybody tried to get out at once and it congested. A policeman was there but 11 people died. Mr. Gadek felt this was a defining point whereby to judge what the future will be on other developments in the area. He noted that Ridge Road is 12' wide with no shoulders. It is impossible to turn a car around or for two cars to pass each other. Mr. Gadek stated that since it is an interface, the construction materials should be burn resistant and a house should resist burning for 45 minutes or longer. Mr. Gadek stated that the Wildfire World details the fire in Oakland with recommendations for the future. The key point was the lesson to resist making concessions on initial development patterns, lot configurations, road alignments, and infrastructure standards. Emergency ingress and resident egress are critical and should not be compromised. Mr. Gadek stated that once the neighborhood is populated they are locked in. This was the chance to think it through.

Elizabeth Cohen, a resident of Upper Daly stated that everyone who goes up Daly and goes to Ridge turns around in her driveway. Ms. Cohen wanted to understand why so many lots were being included in the subdivision. She had read the definition of good cause and believed this project was the opposite of the definition. She had concerns about the size of the development, particularly since it was so close to town and the interface with open lands. Ms. Cohen noted that good cause for a subdivision is to provide positive benefits and mitigate negative impacts. She did not believe this project provided any positive benefits to the community and to the immediate areas surrounding the proposed development. It does not provide public amenities and it creates density issues. Ms. Cohen did not think the development promotes excellent and sustainable design. She had concerns about whether or not Best Design Practices would be used. Ms. Cohen remarked that the development would not further the health and safety of the community. She thought Mr. Gadek made a good point because she had not thought about everyone trying to get out in an emergency. In terms of historic character, Ms. Cohen did not think the proposal fits with the rest of the Daly/Ridge area. A lot of the potential impacts have not been addressed and she asked if there was a plan in place handle increased traffic to the area. She was concerned about water and sewer and whether the pressures would be high enough. She was also concerned about the ecological impacts to streams and sensitive areas. Ms. Cohen was concerned about the precedent this project would set for future development in the area. She asked if there was a plan in place to limit growth or have it be the kind of growth that Park City needs.

Ruth Meintsma, a resident at 305 Woodside, stated that Charlie Wintzer was out of town and he had asked her to read a letter into the record that he had written.

"Re: Alice Claim. Dear Commissioners, I am sorry that I am unable to attend tonight's meeting. The subject at hand is very important to the future of Old Town and Park City. We can all see from the hole being dug at the roundabout that things can get out of hand

very quickly, and time needs to be taken at the planning stage to preserve the character and scale of Old Town that we all love and for which we all have so much pride. Remember at this time there is only one lot of record. If this subdivision is passed there will be nine lots of record with nine times the entitlements and impacts. With only difficult lots left more time is needed to get them right. You have my comments from the last meeting. Because I've been out of town I was unable to read the latest packet to see what changes, if any, have been made. Here is one part of the Code that may give you some guidance. At your last meeting I gave you several points that must be considered, but I think this section sums it up and asks good questions. LMC HR-1, 15-2.2-6. Development on Steep Slopes must be environmentally sensitive to hillside areas carefully planned to mitigate adverse effects on neighboring land and improvements and consistent with the Historic District Guidelines. Once a lot is platted you only have the conditional use permit process to work with, and one can always find a way to argue that they mitigate the impacts. In creating a lot of record, you establish rights for the property owner to have legal access and an approved location. Now is the time to consider these things and determine if these proposed lots work. The Commission should look at each lot for things like access, terracing and retaining, building location, cuts and fills, building form and scale and building height. It is especially important to look at these from the LMC specific vantage points, including the cross-canyon view. Also remember, in HR-1 the building pad is the lot area minus the setbacks. The Commission can reduce the lot sizes so they know exactly where the buildings will go. This is where a site visit will show you the impacts of this project on the hillsides, ridgelines, neighboring lands and neighbors, Old Town and Park City as a whole. You have the tools in the LMC, Historic District Guidelines, and the Street Master Plan to get the project Park City deserves. Thank you for your time and service. Charlie Wintzer”.

Linda Wright a resident on Daly stated that she had four issues regarding Alice Claim . The first was safety and she believed others had covered that issue. She was particularly concerned about emergency vehicles getting in and the residents getting out. The second issue was precedent because if this gets approved it will set a precedent for similar types of building on steep slopes in the area. This type of development in the surrounding areas of Old Town could also be disruptive and dangerous. The third issue was open space. It is beautiful up there all year around and she wanted to know why it could not be open space rather than platted lots. The fourth issue was wildlife. A lot of birds, deer, elk and moose travel that area development would disrupt their natural habitat.

Tom Bennett stated that he was an attorney representing Lee Gurnstein and Sherry Levington, the owners of a home at 135 Ridge Avenue. Mr. Bennett wanted to confirm for the record that Mr. Gurnstein has met with the developers about the possibility of working out an arrangement for what sounds like the preferred access to this property. He clarified that the parties have not been successful in coming to an agreement but there have been

discussions. On behalf of Mr. Gurnstein, Mr. Bennett stated that the objections and comments Mr. Gurnstein has made in the past are still in effect, and at this point nothing has changed his view of the project. Mr. Bennett noted that the issue of access came up and whether they could consider two possibilities at the same time in this approval. He stated that in looking at the conditions of approval that have been drafted, he believed a number of those conditions appear to be significant items. Mr. Bennett was interested in knowing how that would play out in the future if there was an approval this evening. He thought some of the conditions might result in the need to make significant modifications to the subdivision, which could leave Staff to determine whether it needed to come back to the Planning Commission or go straight to the City Council. Mr. Bennett suggested that the Commissioners consider the magnitude of some of the conditions and how they might impact changes in the future before a plat is ready to come before the City Council, and whether it is important to consider approval now or defer it until some of the issues in the conditions have been resolved in more detail.

Brooke Hontz, a resident on Daly Avenue and a former Planning Commissioner, handed out a letter that she requested to be included in the minutes as part of the record. Ms. Hontz summarized some of the points in her comments. The entire letter can be found at the end of the Alice Claim portion of the Minutes. Ms. Hontz requested that her letter and the eight letters received by Planner Alexander be attached to the record to demonstrate the full information that was provided moving forward.

Ms. Hontz mentioned a letter she submitted at the last meeting because she believed that good cause had still not been established. She commended the changes that were presented this evening; however, she felt there was still no substantial movement to meet the LMC or address the concerns voiced by the Planning Commission and the public. She pointed out that most of the changes benefit the development and the developer. They cost less and reduce impact, but it is a benefit for the project. Ms. Hontz reviewed an Exhibit to explain her comment. She believed there was very little reduction of anything, particularly density. Ms. Hontz requested that the Planning Commission continue the application to a date certain and direct Staff to create findings of denial to be finalized at the next meeting. Ms. Hontz read into the record the definition of good cause. "Providing positive benefits and mitigating negative impacts determined on a case by case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, address issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City, and furthering the health, safety and welfare of the Park City community." Ms. Hontz stated that the discussion points in her letter establish several reasons why good cause is not met in this case. The first is density. This is one metes and bounds parcel governed by two underlying land use zones. As Commissioner Joyce asked at the last meeting, how did they get to nine lots? Ms. Hontz stated that the

simple answer is that the applicant asked for nine lots. Ten lots triggers the MPD Code, which no one wants to go through unless they see a significant financial return and have the appropriate space to do so. She noted that the Planning Commission has never discussed whether or not nine was a reasonable number. However, public input has described many reasons why it was not an acceptable density. Ms. Hontz remarked that currently there is one lot and it needs to be proved via good cause and meeting the General Plan and the LMC that this nine lot subdivision actually works. She believed there has been ample testimony to show that it doesn't. Ms. Hontz thought they were forcing the design to fit the land. A second issue is creating lots that are unbuildable. Ms. Hontz noted that in order to make this work the frontages and setbacks have to be reduced. A third issue is geo-technical issues. She was pleased that some of the Commissioners were able to review the report. She had submitted a GRAMMA request so she could review it herself and respond. Her concern was that it may be too late. Another issue was water delivery. She noted that information contained in the Staff report and on page 2 of her letter, places the burden of the applicant to make the water system work for fire flows and the State required pressures as a condition of approval. Ms. Hontz pointed out that the City already wants to charge the residents living in Old Town and at higher elevations an additional charge to pump the water up to them. She could not see how or why there was good cause to place more uphill demand on a system that is currently not being paid for appropriately. By not dealing with this now they would be setting the City up for failure if the applicant cannot get the water service for the newly subdivided lots. Ms. Hontz stated that even if they agreed with the pressures proposed, the levels of service may still not be good enough for the end user. She remarked that water and sewer providers are not supposed to be telling developers "no". They are supposed to be providing the parameters for a "yes", which still might not make a good cause finding.

Mr. Hontz stated that the fifth issue was significant concern that still remains about the sewer as outlined in the Staff report. Issue number six was the road width. Ms. Hontz stated that the only reason King, Ridge or Daly should be widened would be for the public health, safety and welfare. These streets do not need to be widened unless density is added to what is already allowed. Nine lots under the scope of good cause negatively impacts the public. For example, widening Ridge to 25' it would cut into existing platted lots, triggering eminent domain and taking of the lots by the City. It would result in a huge cost to the citizens, lawsuits over the taking, and a massive and expansive retaining wall on the uphill side of Ridge. The seventh issue was the streets Master Plan. Ms. Hontz quoted from the Streets Master Plan, "It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are assured." The question again is why they were making roads bigger just to allow an applicant to go from one lot to nine lots. She stated that the cumulative impacts of what this project would do to the surrounding lots are even greater than the negative impacts it provides. Issue eight was access. Ms. Hontz thought Commissioner Joyce's comments regarding traffic were

accurate. She was concerned as to who would pay for the modifications to the public roads that come together. Again, it would only need fixing if they put in the nine lots. Ms. Hontz thought it was ludicrous to develop a new driveway into a site, and she was thankful that the people represented by Tom Bennett were still holding out. Emergency was the ninth issue. Ms. Hontz read, "The requirements of emergency access while important for life, health, safety and welfare also demonstrate the unsuitable nature of development in this area where the home sites are placed." She questioned why they were developing in an area that creates a huge burden on emergency services, and making new roads to service development that does not meet the good cause standard. Mr. Hontz referred to Exhibit G and identified platted Ridge Avenue. It is a ridge by definition and she encouraged the Commissioners to walk it. Issue ten is clustering. Ms. Hontz agreed with the Staff analysis in the Staff report that details their significant concerns with the lack of clustering, and that the lot layout does not echo the surroundings nor the HR-1 purpose requirements. Ms. Hontz stated that this was the time to solve the issue by denying the lot layout and configuration. It does not fit the established zoning and the applicant should apply for a rezone if they wanted this configuration. Issue eleven is the restrictions due to the character of the land. Ms. Hontz believed the modifications shown in the presentation this evening address some of the issues. However, as verified in the Staff report, steep slopes, potentially toxic waste and ridgelines still remain as issues that cannot be resolved after the applicants receive a certificate of compliance. Issue twelve – Sensitive Lands. Ms. Hontz stated that the documents required for the Sensitive Lands Ordinance is an enormous amount of information. She had not yet reviewed the documents because she had GRAMA request it. She hoped the Commissioners had read the documents. Issue thirteen is traffic. Ms. Hontz stated that based on IT trip generation, nine lots generate 90 vehicle trips per day on King, Daly and Ridge. That number does not count home services, deliveries, cleaning services, garbage, etc. With the existing lots, Ms. Hontz estimated over 190 trips per day up King or Daly, and that amount is significant.

Ms. Hontz stated that her letter included conclusions of law that she would like the Planning Commission to support. She requested that the Planning Commission consider continuing the application with direction to Staff for denial. Ms. Hontz understood that there was a development right on the property, but it should not be this density or design.

Chair Strachan referred to Ms. Hontz's letter and asked how she came up with the basis for the sentence "It is feasible to assume 390 additional vehicle trips per day. Ms. Hontz replied that it was a crystal ball, but she counted the platted lots and made assumptions because the platted lots cannot be built right now because they are HR-1 size and not HRL. She had divided 390 by ten trips per day. Chair Strachan asked if the ten trips per day was based on her knowledge that people take ten trips per day. Ms. Hontz realized that it sounded ludicrous but she believed it was an acceptable number. She took her information from the Institute of Traffic Engineers Manual Chart of Trips Per Day. Chair

Strachan asked if Ms. Hontz had used any other resource besides the IT Manual. She replied that she just counted lot numbers on the plat. She also made assumptions on the number of lots that were previous applications that had not been approved. Ms. Hontz clarified that she was not trying to be excessive or conservative. She was only trying to make her best guess based on what has been done in the past.

Sanford Melville, an Old Town resident, commented on the Alice Mine shaft. Mr. Melville stated that last Fall he wrote a “way we were” column for the Park Record on the Alice Mine. When he saw this huge development being proposed for the area it spurred his curiosity. Ms. Melville shared some of the history of the Alice Mine based on his research. The claim was initially filed and work was started in the early 1890s. Work continued until 1912. No shipments were made from the property and no Ore in commercial quantities were found. The mine was abandoned and filled in at some later date. Mr. Melville stated that in the course of his research he came across an interesting landmark book on the Geology and Ore Deposits in the Park City District. He read language from 1912. “A shaft which descends immediately beside the road was reported to have reached a depth of 500 feet. From the bottom a drift was stated to have been driven northwest to a north south fisher which opened for 200 feet along its strike, and a drift pushed 400 feet beyond the fisher cutting a baron zone.” Mr. Melville thought they could be reasonably certain that there was a substantial shaft there and significant underground work. Mr. Melville referred to page 322 of the Staff report, Finding of Fact #38, which states, “The existing mine shaft on the property is currently filled as stated on the site plan dated May 18th, 2015. Mr. Melville noted that the Staff report did not say when it was filled, who filled it, how it was filled, what materials were used, and what standards were used.

Mr. Melville referred to page 325 of the Staff report, Condition #30, “Any structures built near the existing mine shaft shall be set back at least 10’ if the shaft is filled up to the ground surface with soil or gravel.” He understood that the shaft is currently filled and there is a 10’ setback from the shaft. Mr. Melville referred to page 384 of the Staff report, which is the October 2014 geo-tech engineering report. He read, “The shaft and adit represent a public safety hazard and a potential for property damage resulting from ground subsidence. In our opinion, the opening should be closed to prevent accidental entry and potential subsidence. Typically mine openings are closed by backfilling and capping with concrete. Closure should be performed in accordance with Utah Division of Oil & Gas and Mining Abandoned Mine Reclamation Program Guidelines. Structures should not be located over the closed shaft and adit.” Mr. Melville noted that the engineer was very specific and he thought this should be a finding of fact and probably a condition of approval. Mr. Melville stated that a substantial subsidence was experienced in the open shaft at Daly West recently. There is a precedent in Park City for shafts that are backfilled to subside. In May 2011 the American Flag Mine was filled but subsided and the hole is very intimidating. He recalled ten years ago when the Silver King Consolidated Shaft

collapsed in the middle of the Claim Jumper run at PCMR. Skier had been skiing over the shaft for decades and it eventually collapsed. Mr. Melville did not believe they should take lightly the issue of a mine shaft and every effort should be made to cap it properly.

Mr. Melville could not think of any instances in the Park City area where residential housing has been built in such close proximity to a mine shaft. He is a retired engineer but he has no expertise in mining and geology. However, in his engineering experience he learned that when dealing with hazardous situations that can endanger the public, you have to look at what could possibly go wrong and how it could be mitigated.

Jim Doilney stated that he has been a Park City resident for 41 years and he has lived the last twelve years on Sampson Avenue next to Alice Claim. He commended Mr. Fiat and his team for their hard work, but stated that hard work does not grant entitlements. Mr. Doilney requested that the plan be revised to reduce the number of lots, limit homes sizes and cluster the homes per the HR-1 purpose statement, "encourage historically compatible structures that contribute to the character and scale of the historic district, and maintain existing residential neighborhoods." He saw nothing in the application that honors that point. Mr. Doilney stated that nine lots were granted to avoid MPD status. The non-MPD maximum should only be granted if there are compelling community benefits. He pointed out that no community benefits were being offered. Relative to the home size, Mr. Doilney stated that he only followed one number presented by the applicant, which was the square footage of the house at 50 Sampson Avenue, and it was wrong. His house as measured by the City is 3,000 square feet, not the 5,000 square feet that was stated. Mr. Doilney was unsure whether anything else the applicant presented was incorrect, and he was unsure whether the City had enough Staff to verify it. He stated that the average footprint in the Sampson/King/Daly areas was 1475 square feet, not 2500 square feet. In his opinion, 2500 square feet will not blend in with the neighborhood. His Sampson subdivision plat restricts homes to 3,000 square feet of living area. He could not understand why someone getting new entitlements on a newly created subdivision should be granted rights that he was not granted on his platted lot. Mr. Doilney stated that clustering homes must be required appropriate to the HR-1 zone and the neighborhood character. Mr. Doilney requested that the Planning Commission instruct the Staff to prepare a negative recommendation. He would not be opposed if the applicants came back with a reasonable plan that respects the historic HR-1 guidelines, but he could not support the current plan and it would never be approved in Summit County.

Carol Sletta a resident at 135 Sampson stated that she has lived in her house for 35 years. She supported the comments from her neighbors who spoke this evening and thought they did a wonderful job of expressing all the concerns regarding this project. Ms. Sletta hoped the Planning Commission would take a hard look at this project and what it would mean to Historic Park City.

Chair Strachan closed the public hearing.

Commissioner Thimm appreciated the passion expressed by the public not only this evening but dating back to October. He remarked that a lot of work has gone into developing this project. He went back and looked at the various plans that were submitted and became exhibits to the Staff report. Commissioner Thimm thought the plan had evolved in a positive way. It is better clustered than previously shown. Removing the southern extension of the ground and the bridge was a major improvement. He appreciated the idea of changing the configuration of the houses and creating a design where the houses define a street edge. It is an importance principle of planning that often gets neglected. Commissioner Thimm likes how the homes were situated to follow the contours rather than going against them. He liked the idea of using the buildings to take up grade rather than the long retaining walls. The walls between Lots 2 and 3 were evidence of a better design. Commissioner Thimm stated that limiting the building height to 25' was an important concession. As he walked up and stood on each of the building sites, it appeared that 25' was a logical response to the height. Commissioner Thimm was concerned about the size of the homes. He had looked at the footprints of these houses and compared them to the footprints on adjacent sites in the neighborhood. He was not convinced that 5,000 square feet was the proper size and suggested that a smaller size would work better on this site. He suggested that a 4,000 square foot maximum was more reasonable. Commissioner Thimm referenced his earlier question about whether the mine shaft was actually filled in accordance with the soils report, and he was unsure whether that finding was ever made. Commissioner Thimm did not like how the retaining walls at the entrance were in a straight line. He would prefer an organic form and possibly the northerly walls turned to follow the contours. He suggested reconfiguring the entrance walls for a better visual effect.

Commissioner Joyce appreciated the solution for Lot 7 since he was the most vocal about it at the last meeting. Relocating the lot was a definite improvement. Commissioner Joyce stated that as he reviewed the project beginning from October, he struggled with what he was looking at. This parcel is good for building at one house and developing the proposed plan would be adding density and adding development rights. He noted that Summit County was trying to stop adding density until they get a handle on growth. He understood that they are not bound by the County; however, the Planning Commission and the City Council have the responsibility to control and shape the growth. Commissioner Joyce stated that he stopped trying to nit-pick the plan and instead tried to determine what it was that was making him uncomfortable. He came to the realization that it was in the HR-1 District and this proposal should follow the requirements of the HR-1 zoning. He liked what they did in terms of clustering the lots, but the size and layout did not feel like HR-1.

Commissioner Joyce stated that if they were looking at a plan that comes off the existing road, that did not have 30' retaining walls with all the cuts, and the houses would have 1600 square foot footprints, he might be able to support it. He felt there were too many downsides to the current proposal and there were not enough benefits to meet good cause. Commissioner Joyce also questioned the proposed house size and he thought the City provided footprints were more reasonable. He pointed out that the proposal was 60% to 80% larger than what exists in the HR-1 District in the surrounding streets. Commissioner Joyce stated that if the Planning Commission reaches the point of refining the findings and conditions, as well as issues with the plan, he would like the opportunity to work through his list of nit-pick items. However, at this time he could not support a positive recommendation on the current proposal.

Commissioner Band stated that she also had several pages of notes and she did not believe she needed to go through them since most were addressed in public comment. She noticed how detailed all the public comment was this evening and how specific they were in their reasoning. Commissioner Band stated that the end result is that this parcel is in the HR-1 District but it did not meet the purpose statement for the HR-1 District. She did not like the configuration of the lots and health and safety are huge issues. Commissioner Band noted that there are design options for the site and she thought they needed to look carefully at how it could be developed appropriately. She agreed with Commissioner Joyce that there was no reason to nit-pick because the subdivision was not viable for many reasons.

Commissioner Campbell remarked that the developer had a vested right to build one dwelling. Park City is going to grow and he agreed that the Planning Commission has the responsibility to manage the growth. Commissioner Campbell could not support the proposal while it is in the HR-1 zone. In his opinion, the development should either look like HR-1 or the applicants should apply for a rezone. Short of those two options, the Planning Commission could not approve this project without setting a precedent.

Chair Strachan echoed Commissioners Joyce, Band and Campbell. Chair Strachan did not believe this application was ready for action because there were so many "ifs" that they were trying to draft conditions of approval for such as DEQ approvals, sewer lines, engineer and other issues. He pointed out that the Planning Commission had not done a site visit and they had not seen the SLO analysis. Many things still needed to be done over and above a simple CUP or a plat amendment or subdivision.

Commissioner Joyce commented on some of the specific plans and studies that still needed to be done. However, but he was hesitant to ask the applicant to proceed with those plans because this project was not compatible with the HR-1 zone and nothing would change. Chair Strachan pointed out that the SLO is an overlay zone and the Planning

Commission would have to see that analysis regardless. He agreed with Commissioner Joyce about tasking the applicant with information gathering at this point.

Commissioner Thimm stated that his earlier comments were the nit-picky issues, but he agreed with his fellow Commissioners that the project did not look and layout as HR-1.

Commissioner Campbell requested that the Planning Commission give the applicant some choices and direction as opposed to stalling their development. Chair Strachan believed the Commissioners were clear on their position and he suggested continuing to a date certain to allow the applicant time to revise the plan per their comments. Chair Strachan remarked that if it was continued to a date uncertain it would have to be re-noticed. Another option would be for the Staff to make findings for denial and the applicant could appeal that decision to the City Council.

Commissioner Joyce stated that the applicant had put a lot of work and money into this project and he did not want to have to deny it. He preferred that the applicant come back with a proposal that could actually work. Commissioner Joyce stated that the cut and fill needed to be minimized and the layout needed to be more compatible with the HR-1 zone. Another issue goes back to good cause. They are allowed to build one house and they were asking for nine. Commissioner Joyce noted that there needs to be good cause for the density, but the good cause could not be financial gain for the developer. Rather than deny the application he preferred a continuance to give the applicants the opportunity to come back with a more acceptable plan.

Brad Cahoon, Legal Counsel for the applicant, requested a short break to give the applicant time to consider the options. The request was granted.

The applicants returned and requested a continuance to a date certain to allow the applicant time to respond to the comments they heard this evening. The Commissioners agreed to a continuance.

Chair Strachan asked what the applicant intended to come back with at the next meeting. Mr. Cahoon replied that they would provide written response to the comments and concerns. At this point they had no intention of moving lots or reconfiguring the layout.

Assistant City Attorney McLean was unclear on why they were requesting a continuance if the applicant did not intend to change the design to meet the comments made by the Planning Commission. Chair Strachan stated that the reason would be to give the applicant a forum and the opportunity to respond, and to give the Commissioners the opportunity to review their response.

The decision was made to continue to the July 8th meeting to allow the applicant time to prepare their response and for the Staff to analyze the information.

Assistant City Attorney McLean suggested that the Staff also prepare findings for denial based on statements made this evening. If the Planning Commission decided to further consider the proposal, the findings would not be used. However, if there is no common ground and the Planning Commission chose to deny the application, the action could be taken on July 8th based on the prepared findings for denial.

MOTION: Commissioner Band moved to CONTINUE the Alice Claim King Road and Ridge Avenue Subdivision and Plat Amendment July 8, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Band moved to CONTINUE Alice Claim King Road and Ridge Avenue Conditional Use Permit for retaining walls until July 8, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Letter submitted by Brooke Hontz

6/10/15

Alice Claim aka Alice Load Applications in front of the Park City Planning Commission Arguments for Denial.

On April 8, 2015 the first Planning Commission with public comment on this iteration of the Alice Claim project was held. There were numerous comments made by multiple individuals during the public input. Additionally, Planning Commissioners made comments regarding the site plan, layout, density and other concerns. During that meeting I asked specifically if my letter could be included into the minutes, so a record of what was said into the microphone and on paper was provided for historical reference. My recorded comments appear, but my letter does not appear as part of the minutes. I would be fine including submitted written public comment as part of the packet, but as we don't get to see what is submitted until the Friday before these meetings, it is too late to submit comments on the plan discussed here at the meeting. Public comment is important to the process and should be included into the record. I respectfully request that my letter tonight along with all of the written public correspondence submitted regarding the project since the last meeting and up through today be included in the meeting minutes so there is a true record regarding the issues with this project.

One of the reasons why I bring up the testimony provided at the last meeting is because none of it has been addressed in the staff report or by the applicant with changes to the subdivision plat; including the Planning Commission's comments regarding the large density on the site and the location of the lots. Good Cause has not been established.

Please consider tonight all of the concern expressed by the surrounding neighborhood and the facts presented at the last meeting that still haven't been addressed, plus new information provided to make a decision to continue the application to a date certain and direct staff to create findings of denial to be finalized at that next meeting.

There are multiple facets of this project that need to be considered for approval. One of the most important elements is that you need to make findings that say there is good cause to approve the subdivision. The definition of good cause from the Park City Land Management Code: 1.112 GOOD CAUSE. Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and nonconformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Through the discussion points provided below, the Planning Commission cannot find Good Cause in this instance for the following reasons:

1) **Density** - "addressing issues related to density section of good cause. This is one metes and bounds parcel governed by two underlying land use zones. As Commissioner Joyce put it at the last meeting, "How did we get to 9 lots?" The simple answer is because the applicant asked for 9. At 10 lots, it triggers the MPD code which no developer wants to go through unless they get a significant financial return. There has never been a discussion by the Planning Commission if this is a reasonable number; although public input has described (for dozens of reasons to follow below) why it is not an acceptable density. There is one lot right now. It needs to be proved via good cause and meeting the general plan and land management code that this 9 lot subdivision actually works and there has been ample testimony provided that it does not.

2) **Creating Lots that are unbuildable:** Per the Staff report, it is still likely that through steep slopes, actual site geotech findings, and other details this 9 lot subdivisions creates lots that could not be built under current Land Management Code Standards; requiring each lot and home to come back to another City Board for a hardship or a variance.

3) **Geotechnical Issues:** Although the geotech report provides some information, in the Staff report is states that not all of the lots have been tested and each lot will need a study in order to develop. The geotechnical aspect of burdening the hillside with construction that

may or may not be correctly designed is a huge concern for this development, and people around it. The Commission in the past has believed a higher standard was warranted for this site and this standard was supported by the Utah office of the Ombudsman.

4) **Water Delivery:** The information in the Staff report regarding the water supply issues places the burden of the applicant to make the water system work for fire flows and state required water pressures as a condition of approval. We all heard last week that the City wants to charge those of us in Old Town and higher elevations an additional charge to pay to pump water "up" to us. While I have a problem with that concept as a separate issue, I also don't see how or why there is good cause to place more uphill demand on our system that currently isn't being paid for appropriately. I'll say it again, in some cases it seems logical to allow someone to sort out water delivery details post subdivision approval. In this case it is ludicrous. Before the subdivision and CUP can move forward a solution that works for the applicant and water provider needs to be determined, including costs. The effects of the design may impact where homes go, sizes, number of bathrooms, etc. By not dealing with this now you are setting the City up for failure if the applicant feels they cannot get water service they need to serve the newly subdivided lots. Do you agree with the pressures that are proposed - level of service they suggest may still not be good enough for the end user. As you know, the water and sewer providers are not supposed to tell a developer "NO", they are supposed to provide the parameters for a yes, which might not work as part of the "good cause" finding.

"Staff was previously informed by the Park City Water Department, that all of the Alice Claim property proposed for development may not be serviceable by the current City water system due to low water pressure. The low water pressure is due to the small elevation difference between the proposed development's elevation and the Woodside Tank's elevation. The Applicant was informed about this issue and is responsible for modeling the water service to the development and if it is still insufficient they will need to provide a remedy. The Applicant has prepared a water model addressing the limitations of the current water system on the proposed development (including factors such as the ability to meet: acceptable water system pressures and fire flow requirements to each home site (indoor and outdoor pressures are not adequate), the Fire Marshal's site specific requirements, and Division of Drinking Water regulations). Proposed Lots 1-4 and 8 as shown on the proposed plat are likely the lots most affected. The Applicant was to confirm the elevation of each of the proposed building sites to determine the affected sites and either redesign the project accordingly, or work with the Water Department to determine the best solution. At the time of this report, the Water Department, Fire, Building and Engineering have received a revised letter from the Applicant's engineer addressing the previously submitted Water Model that will meet the City's requirements. With the change of location of Lot 7, the Water Department believes this will make the situation better than before. Any revisions to the previously submitted

model will need to meet acceptable water pressure flows in order for the subdivision to meet water requirements. This is listed as a specific condition of approval. The Assistant Fire Chief also required that the Applicant provide water modeling to demonstrate the available pressure for the fire sprinkler system design for Lots #2 and 7 which the Applicant has demonstrated can be achieved." From Staff Report.

5) **Sewer:** There remain significant concerns about sewer that are contained in the staff report. Similar to water, the City should not approve this subdivision prior to the applicant working out a solution with SBWRD and the City Engineer. Some of the solutions proposed may require eminent domain, which SBWRD's board has said they will not consider. Other solutions may require elements of design which the City Engineer has said in the past that he will not approve. The complexities of this site are significant and deserve answers that the LMC and Subdivision regulations require the City to follow.

"Staff was informed by the Snyderville Basin Water Reclamation District that the Applicant has only met with them briefly prior to the April 8, 2015 meeting besides almost 10 years ago when the application was first submitted to discuss utility location and placement within the proposed roadways. The Sewer District has concerns regarding the placement of the sewers in relation to the retaining walls and in relations to other utilities. This will need to be remedied before the proposed plat can be signed by SBWRD prior to plat recordation and is listed as a specific condition of approval. The Applicant is aware of the Sewer Districts concerns and will work to obtain a Line Extension Agreement upon approval of the plat. The sewer design could affect the entire layout of the subdivision and if any changes are made to the layout of the subdivision upon SBWRD's approval, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review. Nothing has changed in respect to the Sewer District since the last meeting on April 8, 2A75." From the Staff Report.

6) **Discussion on Road Width:** A significant discussion should be held with the Planning Commission to discuss whether Ridge Avenue should remain a substandard quaint historic street, as is described in our the streets master plan, Visioning Documents, our General Plan, and the purpose statements of BOTH zones; or if it should be a wider, faster road simply to serve new development. The only reason King, Ridge or Daly should be widened would be for the public health safety and welfare - emergency situations serving NEW development – not existing. We don't need any of these streets widened unless you add density on top of what is allowed. 9 lots, under the good cause scope, negatively impacts the public. If that reason to not widen these roads is not enough, if Ridge Ave is widened to 25 feet, it would cut into the existing platted lots - triggering eminent domain and taking of

the lots by the City, a huge cost to the citizens of the City, likely lawsuits over the taking, and a massive and expensive retaining wall on the uphill side of Ridge.

7) **Streets Master Plan:** All roadways near the proposed subdivision are substandard streets. The Streets master plan says that "Roadways which are severely substandard pose real life and safety hazards, which should receive top priority. The most pressing problems exist in the old part of town. It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are assured". Again, why are we making roads bigger simply to allow an applicant to go from L lot to 9. The cumulative impacts of what this project will do to the surrounding lots are even greater than the negative impacts it provides.

8) **Access:** Right-of-way - The proposed King Road r-o-w, versus the existing private driveway, is not a good solution to provide access to the site and is another reason why "good cause" cannot be supported. The city defines Right-of-way as:

1.222 RIGHT-OF-WAY. A strip of land, dedicated to public Use that is occupied or Intended to be occupied by a Street crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use.

It does not mandate that it provide street access to a private property. The proposed layout creates a 5th point of convergence of 4 existing non-standard streets and creates the need for excavation, vegetation removal and a large retaining wall. Just because an agreement can't be made with the nearby Woodside Gulch private owner doesn't mean the City has to allow access to develop on very steep slopes from a road right-of-way.

Furthermore, the proposed project does not meet the purpose of the HRL zone, notably the first purpose as listed in LMC Section LS-2.L-L(A), which states: "Reduce density that is accessible only by substandard Streets so that Streets are not impacted beyond their reasonable carrying capacity..."

9) **Emergency:** The requirements of emergency access; while important for life, health, safety and welfare, also demonstrate the unsuitable nature of development in the area where the home sites are placed. Why are we developing in an area that is creating a HUGE burden on our emergency services and making new roads simply to service development that does not meet the good cause standard? The fire requirements further the impervious surface required, remove more vegetation and show a future secondary access that should never be approved as dictated by our existing Streets Master Plan. Please see the City Map showing the cumulative impacts of this development on Emergency services and Exhibit G.

Summary of Secondary Access - Ridge Avenue is the "secondary access" named in the staff report, and will be needed by all residents of the area during certain periods of the year for egress.

- Ridge Avenue is a road built outside its platted location.
- Ridge Avenue currently has one home that uses the road for primary access and is a substandard street that is extremely narrow and acts currently as a secondary access to King Road.
- Ridge Avenue is a narrow street that is often covered by debris and mud during the year, especially during runoff in the winter and spring.
- Snow removal on Ridge Avenue may be difficult or delayed during winter months.

- Hazardous vehicle and pedestrian conditions exist on Ridge Ave when snow and/or slippery conditions are present.
- The Streets Master Plan indicates that Ridge Avenue, in the section where the proposed subdivision is located, should be widened by 7.5 feet however the City does not own the land on either side of the road to enlarge it and would need to spend taxpayer money to support the private developers need to widen the road.
- Ridge Avenue should remain narrow to protect the pattern of development in Old Town while also protecting public health, safety and welfare by keeping traffic limited and speed low and as specified in the Streets Master Plan.
- Built Ridge Avenue is adjacent to a very steep cliff and the reasonably anticipated detrimental effects of more traffic on the road cannot be substantially mitigated by the application to achieve compliance with Public Safety and Welfare standards.

10) **Clustering:** I agree with Staffs analysis that details their significant concerns with the lack of clustering and that the lot layout does not echo the surroundings nor the HR-1 purpose requirements. Now is the time to solve this by denying this lot layout and configuration. This density and layout are not conforming to the code; and the density is more than the site can support. Per Good Cause, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City - the current layout does not work.

"A comparison of clustering of the surrounding neighborhoods had also been provided (Exhibit J from the April 8, 2015 staff report). This exhibit shows that the adjacent HR-L District and homes are clustered much more close together and the similar HR-7 District adjacent to that to have even smaller lot sizes, house sizes and are clustered even closer together than the adjacent HR-L District and the proposed plat which is also within the HR-

7 District. Instead of clustering the homes closer together, the Applicant proposes that the homes will be no more than two (2) stories with no limitation to the height other than the LMC limits and up to 5,000 sq. ft. (maximum total floor area) in size (including basement and garages) and up to 2,500 ft. in footprint; however very few homes within the Historic Districts compare to house size and lot size as is proposed by the Applicant. Staff's opinion is that the layout of the homes". From the Staff report.

11) Restrictions due to the Character of the Land: Land Management Code Section 15-7.3-1(D) shall apply, and states: "Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger." PG L88 of 4/8115 Staff Report.

No information has been provided by the applicant to address the concerns of the very steep and steep slopes; which are numerous and have been brought up by this planning commission and by at least the previous 2 Commissions. Please be sure to address these issues now so that you don't create a project that is not viable by LMC standards.

According to Brent Bateman (Utah's Office of the Property Rights Ombudsman), who I believe gave the Planning Commission some training recently, related to steep slope development there can be "a compelling countervailing public interest" if analysis deems the proposed development unsafe.

12) Sensitive Lands: Has the Commission reviewed all the documents required per the SLO requirements and if so, do you agree with their analysis? Are there other studies you would like to see completed? I have to GRAMA request that information to be able to even see if it was submitted; much less with appropriate responses. Part of what needs to be completed for the lot within the SLO zone is a Site Suitability Analysis.

As part of the site suitability analysis I would like to see more information on access. In 2006 the applicant was asked to move the location for access away from what appears to be the proposed access due to the creation of major retaining and steep grade. I agree with the Planning Commission's recommendation from 2006 which did not support creating

an alternative access at platted Sampson creating more cuts, fills and visual impacts. It is also unclear why the applicant would want, or PCMC would support an awkward access just a few feet from the existing drive. Would these nightmare roads become part of the City's snow removal and ongoing maintenance responsibility? We keep revisiting the limitations of our Old Town "sub-standard" roads such as King, Sampson, Daly, and Ridge; yet we seem to make no progress on mitigating the impacts of new (or existing) development.

This proposed subdivision will likely set precedent for all the remaining platted, yet undeveloped, lots throughout Old Town. I am very concerned with the prospect of the last pieces of the wildland interface going the way of development based on a map drawn without topography and sight unseen from the East Coast in the late 18@'s. I believe we can create better places and do better planning in Park City in 2009 than to rely on maps and codes that no longer fit the place we have become.

13) **Traffic:** Using Traffic Engineers traffic generator numbers from ITE trip generation manual 9th edition, 9 lots with one single-family residential home per lot will generate 10 trips per day. That means 90 more vehicle trips just from the occupants alone - not counting UPS/Fed Ex, Garbage, Home Services, Cleaning, etc. That's a lot of traffic for a one and a half lane substandard road with a long steep grade and no outlet. This traffic has to go to the end of a dead end and add additional traffic to our roads which residents of Park City found to have unsatisfactory levels of service this winter. Assuming this subdivision would open the door and access to other lots in the area; it is feasible to assume 390 additional vehicle trips a day up and down King, Ridge and Daly.

Conclusions of Law

1. There is no good cause for this plat amendment given the arguments raised and discussed above including that it does not meet the Subdivision Code 15-7-3 Policy (b) as discussed above. Policy B states: Land to be subdivided or resubdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, re-subdivided, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

2. It is unknown at this time whether appropriate sewer service or adequate water service can be provided to the proposed lots.

3. Per specific reasons stated above, the plat amendment is not consistent with the Park City Land Management Code, the General Plan, and the Streets Master Plan. See LMC

15-7-3. Policy (c) the proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City.

4. The Subdivision Plat does not meet the purpose statements of the Subdivision regulations, including:

(A) To protect and provide for the public health, safety, and general welfare of Park City.

(B) To guide the future growth and Development of Park City, in accordance with the General Plan.

(C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump Areas, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial Development of all parts of the municipality.

(E) To protect and conserve the value of land throughout the municipality and the value of Buildings and improvements upon the land, and to minimize the conflicts among the Uses of land and Buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(G) To provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and Buildings, and to provide for the proper location and width of Streets and Building lines.

(H) To establish reasonable standards of design and procedures for Subdivisions, Resubdivisions, and Lot Line Adjustments, in order to further the orderly layout and Use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(I) To insure that public facilities are available and will have a sufficient capacity to serve the proposed Subdivision, Resubdivision, or Lot Line Adjustment,

(J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise Use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land,

(K) To preserve the natural beauty and topography of Park City and to insure appropriate Development with regard to these natural features, and

(L) To provide for open spaces through the most efficient design and layout of the land, including the Use of flexible Density or cluster-type zoning in providing for minimum width

and Area of Lots, while preserving the Density of land as established in the Land Management Code of Park City.

5. Land Management Code Amendments regarding applicability of Master Planned Developments, Chapter 6. (Application PL-15-02803)

Commissioner Phillips returned to the meeting.

Chair Strachan thought the Planning Commission should discuss the over-arching issue of whether it is a good or bad idea to look at height exceptions outside of the MPD context before hearing the Staff presentation. He believed the policy needed to be addressed before moving forward. Assistant City Attorney McLean understood how the MPD discussion could morph into that discussion, but that specific piece was not noticed on the agenda. Ms. McLean recommended that the Planning Commission discuss the MPD and direct the Staff to come back with amendments regarding that particular policy. Chair Strachan did not believe the policy discussion was outside of the agenda because the two were connected.

Commissioner Joyce stated that he was absent from the meeting where one project had applied for an MPD and a height exception. It was determined that a mistake had been made and that an MPD was not allowed, but no one had caught the mistake until that evening. He understood that this LMC amendment came about as a solution for that project. Commissioner Joyce understood that the root problem was that the applicant designed a good project that was supported by everyone. The requested height exception affected a portion of the building and the only way the height exception could be granted was through the MPD process. He stated that there are times when the Planning Commission sees value in providing a height exception within a limited set of restrictions. Commissioner Joyce felt they were about to throw away the entire MPD process, which is designed for large projects such as Park City Heights and the Hospital.

Commissioner Campbell thought Commissioner Joyce was making it more complicated. He pointed out that the threshold got bigger not smaller over the past few years and the intent is to turn it back. He clarified that they were not forcing anyone into an MPD.

Commissioner Joyce asked if they wanted to create a hurdle where if someone wanted a height exception, the only solution would be to go through the entire MPD process with all the associated requirements. Commissioner Campbell believed the amendment would give the Planning Commission more flexibility. Commissioner Joyce was concerned about the hurdle for the small developer, and the project that started this discussion was a perfect example. He was also concerned about creating a solution for one project. Commissioner Campbell suggested that they solve the problem for one project this evening, and ask the

EXHIBIT B

Planning Commission Staff Report



Subject: Alice Claim aka Alice Lode
Subdivision & Plat Amendment
Project #: PL-08-00371
Author: Christy Alexander, AICP, Planner II

Date: June 10, 2015
Type of Item: Legislative – Subdivision & Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue 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: King Development Group, LLC (“Applicant” or “King Development”)
Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

The Applicant is proposing that the Planning Commission consider the application of a nine (9) lot Preliminary and Final subdivision on 8.65 acres and a Plat Amendment on 0.38 acres, located at approximately the intersection King Road and Sampson Avenue within the City’s Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO). One lot is within the Estate (E) District and is 3.01 acres in size. The other eight (8) lots are within the Historic Residential (HR-1) District and range in size from 7,714 square feet to 7,910 square feet. Because there are less than ten (10) lots being proposed, the Master Planned Development criteria don’t apply.

The current plan will also include a plat amendment that will remove existing lot lines on contiguous platted lots encumbered by the existing King Road and Sampson Avenue. If approved, the property will be dedicated to the City as right-of-way.

Background

On May 23, 2005, the City received a completed Plat Amendment application for the Alice Claim Subdivision (also known as "Alice Lode"). The Alice Claim is located within the Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO) zoned property south of the King Road, Sampson Avenue, Woodside Gulch and Ridge Avenue intersection. The property is comprised of 8.65 acres and includes platted lots and a "metes and bounds" parcel.

Contiguous to this site are Historic Residential Low (HRL) zoned lots under the same ownership. The two contiguous lots which are owned by the same owner are Lots 1 and 2 of the Ridge Avenue Subdivision. Lot 1 is improved with a contemporary house, Lot 2 is vacant. The applicant is requesting that these two lots not be part of this subdivision.

The rest of the contiguous Lots are within the Park City Survey (Lots 1-7 and 36-40, Block 77) and are mostly encumbered by existing King Road and Sampson Avenue; thus rendering portions of them undevelopable. The Applicant is requesting the Planning Commission consider the proposed subdivision for the nine (9) proposed lots and a plat amendment for the existing encumbered Lots 1-7 and 36-40, Block 77.

This area, historically known as Woodside Gulch, has some mining history and served as an early access to the Silver King Mine further up the gulch. The City owns an adjacent and bisecting parcel of land where a City-owned potable water tank and water lines are located. The City-owned parcel includes a 30 foot wide strip of land extending from the water tank site to the existing Ridge Avenue Subdivision bisecting the Applicant's proposed subdivision property. The City-owned strip of property contains a raw water pipeline and a potable water transmission line which extends from the water tank to the Ridge Avenue Subdivision. The raw water line and the potable water line continue through the Ridge Avenue Subdivision to King Road within an existing driveway and a public utility easement. A second existing potable water transmission line, which is scheduled to be abandoned upon completion of the new potable water line on City-owned property, extends through the subject property. Additionally, access to the existing water tank and pump station is via an existing unpaved access roadway across the subject property. The access is provided by a recorded grant of easement which will be slightly modified (see Subdivision Layout within Exhibit A).

Please reference the October 8, 2014 Staff Report for the brief subdivision timeline and brief timeline of events related to the Alice Claim property Voluntary Clean-Up Program (VCP).

The applicant has submitted a Draft Site Mitigation Plan to the Utah Department of Environmental Quality, but a Site Management Plan and Environmental Covenant have not been completed. The VCP is still active and the site has not been given a completion letter from the UDEQ. The Applicant will need to receive a final Certificate of Completion for remediated soils from the UDEQ prior to building permit approval. **This has been listed as a condition of approval.**

A summary of the Commissioner's concerns and items requested at the October 8, 2014 Work Session can be referenced in the April 8, 2015 Staff Report.

At the April 8, 2015 Planning Commission meeting, the Applicant presented and discussed the revised site plan dated March 15, 2015, as depicted in the copies attached as exhibits in that meeting's staff report. The minutes from the April 8, 2015 meeting are attached hereto as Exhibit M.

At the April 8, 2015 meeting the Commission focused on the following concerns:

- Need for more clustering/Change layout
- Site suitability with slopes/Possible geotechnical issues/Buildability
- Further terracing, mitigation and landscaping the retaining walls
- Reducing cut and fill and need for so many retaining walls.
- Reduce disturbance on each lot
- Compatibility with HR-1 zone
- Lot 7 concerns
- Request for staff to evaluate building on steep slopes
- Define Open Space conservation easement
- Access

On May 4, 2015 the applicant submitted updates and an amended site plan to their application in response to the April 8th hearing. They updated the site plan, plat, open space and trails, retaining walls and responded to some of the items the Commission requested. Additional Revisions and amendments were submitted on May 18, 2015 which amended the May 4, 2015 submittal in response to staff comments and questions. The attached exhibits show the most up to date submittals and are what the applicant wishes to be reviewed for their application. Staff did not have adequate time to review the May 18, 2015 submittal in time for the May 27, 2015 Planning Commission and therefore decided to continue the item to the June 10, 2015 meeting for proper review.

With the May 4, 2015 submittal, the applicant slightly changed the layout of the subdivision to bring Lot 7 off of the very steep slope and clustered closer to Lot 6 (Exhibits E & G). This change in layout eliminated the need for a drive and the bridge which crossed the City property. It also allowed the Drive B to Lots 2-7 to cross a smaller change in elevation, creating less of a need for high retaining walls. All retaining walls surrounding Lots 2-7 (Exhibit J) will now be 6' and under and allow for further terracing and landscaping to visually mitigate the impacts of the walls. The

applicant also further terraced the retaining walls at the entry to be 3 walls at 10' each (Exhibit I), and providing for further landscaping to mitigate the visual impacts of the walls. The applicant also submitted a Geotech report (Exhibit N) and a geotechnical consultants letter (Exhibit O) in regards to the existing mine shaft which the City Engineer reviewed and indicated that the report showed no issues with site suitability with slopes and buildability of the land for both the mine and the soils.

Purpose of “HR-1” and “E” Zoning Districts

The purpose of the Historic Residential HR-I District is to:

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

The purpose of the Estate (E) District is to:

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

Analysis

Estate Lot

The zoning for Lot 1 is Estate and is subject to the following criteria:

Regulation	Permitted	Proposed
Height	No Structure may be	Maximum height is

	erected to a height greater than twenty-eight feet (28') from Existing Grade.	twenty seven eight (28') and no home can exceed this requirement; Applicant has not proposed the height for the estate lot home at the time of this report.
Lot size and density	Lot 1 (Estate): The minimum lot size is three (3) acres. The Planning Commission may reduce the minimum Lot size during review of a subdivision plat to encourage clustering of Density.	Lot 1: 3.01 acres Proposed maximum footprint area (square feet) by the Applicant: Lot 1 (Estate): 2500 sf
Lot width	The minimum Lot Width is one hundred feet (100')	Approximately 120 feet wide.
Front setback	30' for Estate Lot	Applicant is requesting a reduction of the setbacks for Lot 1 within the Estate zone to be 15' for front setback. Planning Commission would need to grant that request based on discussion above.
Rear setback	30' for Estate Lot	Applicant is requesting a reduction of the setbacks for Lot 1 within the Estate zone to be 10' for rear setback. Planning Commission would need to grant that request based on discussion above.
Side setbacks	30' for Estate Lot	Applicant is requesting a reduction of the setbacks for Lot 1 within the Estate zone to be 10' for both side setbacks. Planning

		Commission would need to grant that request based on discussion above.
Parking	Two (2) off-street spaces required for each dwelling	Two (2) spaces proposed.

The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is thus subject to the regulations of LMC 15-2.21. The lot has Steep Slopes (15%-40%), Very Steep Slopes (greater than 40%) and a Stream Corridor. A Slope Analysis map was provided by the Applicant (See Exhibit P: Sensitive Lands Analysis) showing the various slope categories. The following steps need to and have been completed:

LMC 15-2.21-2(A) **SENSITIVE LANDS ANALYSIS.** Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, wild land interface, and wildlife habitat Areas, and provide at time of Application a Sensitive Land Analysis. Every annexation must provide a Sensitive Land Analysis. *The Applicant has submitted this as Exhibit P and meets the LMC requirements.*

LMC 15-2.21-2(C) **SITE DEVELOPMENT SUITABILITY DETERMINATION.** Staff shall review the Sensitive Land Analysis, apply the applicable Sensitive Land Overlay (SLO) Regulations, Sections 15-2.21-4 through 15-2.1-9, and shall prepare a report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land. Staff has determined that the Applicant meets all regulations based on the location of the buildable area being at the low point of the canyon where Lot 1 is proposed, the maximum footprint of 2,500 sf that will not be benched or terraced, retaining walls are addressed within the concurrent CUP and not located near or on Lot 1, the development will have no adverse impact on adjacent properties, the density is compatible with that of adjacent HR-1 properties within the proposed subdivision, Staff has placed a condition of approval that the Applicant **will be required at HDDR application review for the home on Lot 1 to adopt appropriate mitigation measures such as landscaping, screening, etc. to buffer the adjacent properties from the Developable Land.**

The previously proposed location of the house on Lot 1 was on Steep (15% - 40%) and Very Steep Slopes (greater than 40%). After the October 2014 Planning Commission meeting, the Applicant revised the site plan to bring the home on Lot 1 much further down the hillside, as the Commissioners suggested and to meet Code by being off the Very Steep Slopes, and closer to Lots 7 and 8. As proposed Lot 1 is now on a slope of 31% which is only considered Steep and not Very Steep and is the same slope on the May 18, 2015 plans as it was for the April 8, 2015 meeting. Within the SLO, 100% of the Very Steep Slopes shall remain as Open Space (LMC

15-2.21-4(I), no vegetation can be disturbed within fifty (50) vertical feet in elevation of Very Steep Slopes, and no Development can occur within fifty (50) feet, map distance, of Very Steep Slopes unless the Planning Commission makes findings as listed in LMC 15-2.21-4(A): All of the Very Steep Slopes found on Lot 1 now as proposed remain as open space, no vegetation is proposed to be disturbed within 50 vertical feet in elevation of Very Steep Slopes and no development is proposed within 50 feet distance. The home on Lot 1 is approximately 135 feet away from the Very Steep Slopes and the private drive running across Lot 1 is approximately 60 feet away from the Very Steep Slopes.

The Estate Lot in accordance with the May 18, 2015 submittal is lower on the hillside and the Applicant is requesting a reduction in the setback requirements for this lot, from the Planning Commission, to a 15' front, 10' both sides and 10' rear setback from the required 30' front, 30' side and 30' rear setbacks for this District. As per LMC 15-2.10-3 (C) The Planning Commission may vary required yards in Subdivisions. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures. The Applicant meets these requirements and proposes approximately 68' between structures. Staff recommends granting these reductions in setbacks so that the home on Lot 1 can be placed further down the hillside as shown on the current proposed site plan thus avoiding the Very Steep Slopes.

The applicant has proposed a no disturbance area of the Estate District lot of 2.62 acres, which is 87% of the total 3.01 acre Estate District lot. As per LMC 15-2.21-4 (H): the following Open Space and Density regulations apply:

- (1) 75% of the steep slope area must remain as open space; the applicant proposes 87% and the building pad is illustrated on the site plan.
- (2) 25% of the Steep Slope area may be developed in accordance with the underlying zoning subject to the following conditions:
 - a. The maximum density on developable land within a steep slope area is governed by the underlying zoning and proof that the proposed density will not have a significant adverse visual or environmental effect on the community. *The applicant proposes limiting the footprint to the same size of 2,500 sf to be consistent with the footprints of the other 8 HR-1 lots within the subdivision.*
 - b. The developable land in the steep slope area is that area with the least visual and environmental impacts, including the visual assessment, and considering the visual impact from key vantage points, potential for screening location of natural drainage channels, erosion potential, vegetation protection, Access, and similar site design criteria. *The applicant has proposed development on the lowest and least steep portion of the lot, and based on the building pad and allowed height the proposed location will have the least impacts.*
 - c. The applicant may transfer up to 25% of the densities from the open space portion of the site to the developable land. *The applicant does not propose this transfer.*

- d. The applicant must prove that the development will have no adverse impact on adjacent properties
 - i. The density is compatible with that of adjacent properties. The density of the estate lot is proposed to be the same as adjacent HR-1 properties within the subdivision in regards to footprint size. The height, however, will not be limited as it will be in the HR-1 zone.
 - ii. The architectural detail, height, building materials, and other design features of the development are compatible with adjacent properties. *This will be mitigated during the HDDR process and will need to be part of the CC&Rs for the HOA.*
 - iii. The applicant has adopted appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features to buffer the adjacent properties from the developable land. *This will be mitigated during the HDDR process and will need to be part of the CC&Rs for the HOA.*

The Applicant proposes to deed this open space to a third party. No dedication has occurred at the time of this report. This open space will still remain part of the lot if it is deeded to a third party land conservancy and therefore would have to be a conservation easement. While there is no requirement that the open space be deed in an easement to a third party, staff recommends placing a note on the plat which requires the area outside of the building pad area remain open space with no disturbance or structures.

The stream corridor is also protected within the Sensitive Lands Overlay as provided in the LMC:

LMC 15-2.21-6(C) "No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within wetlands and Stream Corridors and their respective Setbacks, except as may be expressly allowed herein."

The setbacks required per LMC 15-2.21-6(F) for stream corridors are a minimum of fifty feet (50') outward from the Ordinary High Water Mark. There is no exception to this 50' setback in the LMC other than Hardship Relief under LMC 15-2.21-2(D) which states: If the Applicant demonstrates that the regulations would deny all reasonable Use of the Property, the Planning Commission may modify application of these (SLO) regulations to provide the Applicant reasonable Use of the Property.

The proposed subdivision creates a driveway for Lot 1 within the fifty foot (50') setback area from the stream corridor within the Estate zone with Sensitive Lands Overlay. In the January 23, 2015 submittal, the Applicant proposed to culvert the stream underground so as to divert from the 50' setback requirement. The culvert will address this problem as the stream will no longer be above ground within 50' of the home on Lot 1 (see Exhibit A). This proposal, like any change to the stream, will

require a Stream Alteration Permit from the State of Utah and may require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality. The Stream Alteration Permit and the installation of the culvert pursuant to that permit will be required prior to plat recordation. If the Applicant does not obtain the Permit or install the culvert to thereby remove the stream setback violation the plat will not be able to be recorded and any approvals shall be null and void. The applicant would then need to submit a new application with a design that meets the 50' setback requirements. Any amendments to the Voluntary Clean-up Program remediation will be required prior to any Building Permit approvals. **These items have been listed as conditions of approval.**

Historic Residential Zone

The zoning for the Lots 2-9 is HR-1 and is subject to the following criteria:

Regulation	Permitted	Proposed
Height	27 feet above existing grade, maximum. 35 feet above existing grade is an exception permitted for a single car garage on a downhill lot upon Planning Director approval.	Maximum height is twenty seven feet (27') and no home can exceed this requirement; Applicant is proposing 2 stories max; Staff is proposing height limit of twenty five feet (25') max for a 2 story home which will be listed as a condition of approval.
Lot sizes:	Footprint based on lot area based on LMC requirements at time of application.	Proposed maximum total floor area of each home is 5,000 square feet (including basement and garages). Proposed maximum footprint area (square feet) by the Applicant: 2500 sf
Lot 2: 0.18 acres	Lot 2: 2500.3 sf	Lot 2: 2500 sf
Lot 3: 0.18 acres	Lot 3: 2500.3 sf	Lot 3: 2500 sf
Lot 4: 0.18 acres	Lot 4: 2500.3 sf	Lot 4: 2500 sf
Lot 5: 0.18 acres	Lot 5: 2500.3 sf	Lot 5: 2500 sf
Lot 6: 0.18 acres	Lot 6: 2504.7 sf	Lot 6: 2500 sf
Lot 7: 0.18 acres	Lot 7: 2535.8 sf	Lot 7: 2500 sf
Lot 8: 0.18 acres	Lot 8: 2500.3 sf	Lot 8: 2500 sf
Lot 9: 0.18 acres	Lot 9: 2500.3 sf	Lot 9: 2500 sf

Front setback	Depends on lot depth; ranging from a minimum 10' to 15';	
Rear setback	Depends on lot depth; ranging from a minimum 10' to 15';	
Side setbacks	Depends on lot width; ranging from a minimum 3' to 10' and 6' to 30' total;	
Parking	Two (2) off-street spaces required for each dwelling	Two (2) spaces proposed for each dwelling
Final Grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.	
Roof Pitch	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.	

Based on the analysis above, the average lot size (excluding the Estate Lot) is 0.18 acres (7,714 square feet); the average allowed maximum footprint is 2,500 square feet. Based on analysis for other nearby developments (Exhibit S in the April 8, 2015 staff report), the proposed lot size and footprints would far exceed the vast

majority of those within the nearby developed areas (King Road, Sampson Avenue and Ridge Avenue). For example the average lot size on nearby Sampson Avenue is 0.13 acres and the average footprint is 1,314 square feet. Due to the footprint of the homes proposed to be nearly twice the size of the average footprints in the nearby neighborhoods, staff's opinion is that the footprints as proposed do not comply with the HR-1 Purpose Statement, specifically the following:

(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,

In order for the homes to be more compatible with such large footprint, Staff concurs with the applicant's stipulation to placing conditions of approval on the plat that the homes shall be limited to 5,000 square feet maximum total floor area including basement and garages, two stories, and no more than 25 feet maximum building height from existing grade. Staff recommends if the homes are allowed the larger footprint than what is average in the surrounding neighborhoods, then the overall square footage, height and stories should be limited. All homes in the proposed subdivision will need to go through a full Historic District Design Review process and Steep Slope CUP applications if necessary. Applicant stipulates to these conditions.

Access

Currently, legal access to the property is proposed to be gained through the platted but un-built King Road right-of-way. This access point is approximately 50 feet west (off-set) of the King Road – Ridge Avenue intersection where King Road turns north. Ideally, the primary access would be through the existing Woodside Gulch right-of-way, thus avoiding the need to build a new road, however this access isn't possible because legal access has not been secured over the private property at 135 Ridge Avenue. The Applicant states that the King Road right-of-way access (north access) would create a driveway gradient of 14% versus 14.2% for the Woodside Gulch road. The proposed northern access would also require tiered retaining walls (upwards of 10 feet in height) on the western side as the road would cut into the toe of the slope would protect the existing mature trees. Without access over the private property at 135 Ridge Avenue, the Applicant's only proposed access is using the platted King Road right-of-way.

At the April 8, 2015 meeting, the adjacent neighbors stated that they would be interested in working towards an agreement to use the existing access. This has not been resolved at the time of this report and therefore the Applicant desires to move forward as proposed. The Code requires a Conditional Use Permit from the Planning Commission, which is being heard concurrently with this Subdivision application, for any retaining walls over 6 feet in height.

The proposed access to the Alice Claim Subdivision is at a point, although offset, where essentially four existing roadways meet, King Road, Sampson Avenue,

Woodside Gulch, and Ridge Avenue. The proposed Alice Court would be a fifth point of access in the existing intersection.

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

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

With the May 4, 2015 revision to the site plan, Drive B up to Lots 2-7 is no longer as steep an access and associated retaining walls required to service a single home have become smaller in height and can be terraced at 6' heights. The drive and bridge up to the previous location of Lot 7 has been eliminated altogether.

Slope

According to the Slope Analysis provided by the Applicant (Exhibit P), 2.7% of the land located in the HR-1 zone is under 15% slope, 21.7% is 15-40% slope (defined as a Steep Slope), and 75.6% is over 40% slope (defined as a Very Steep Slope). Below is a table of the average slopes of each lot as revised by the May 4, 2015 submittals:

Lot 1	31%
Lot 2	48%
Lot 3	50%
Lot 4	44%
Lot 5	48%
Lot 6	50%
Lot 7	43%
Lot 8	47%
Lot 9	26%

The proposed building pad areas on proposed Lots 2, 3, 4, 5, 6, 7, and 8 are all on Very Steep Slopes (over 40%). The Applicant has shown on the plat the limits of disturbance as a diagonal line from the proposed footprints to the proposed lot lines which have not been limited since the last meeting and are not legible, Staff recommends a condition of approval that the Applicant clarify the LOD lines to be able to quantify the square footage. Only the proposed building pad area on Lot 9 (and the estate lot, lot 1) is on slopes less than 30%. All of the lots, except the Estate Lot are outside the SLO, however the following Subdivision regulations (LMC 15-7.3-1(D)) should be discussed by the Planning Commission:

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

The Applicant has provided information regarding the mitigation of potential hazards due to the Steep and Very Steep Slopes. Staff had previous concerns on developments over 40% slopes with the soils and massing of homes. The Geotech report reviewed by the City Engineer demonstrated that the soils are acceptable and staff believes the Steep Slope CUPs will mitigate the massing of homes on such a steep slope and the Planning Commission will have full review of those applications just as they have previously with other lots that steep within the HR-1 District. Staff had initial concerns for existing mine hazards that may be open as a historic mine shaft exists on this property to which the Applicant submitted Exhibit O demonstrating that the mine shaft is filled. Any structures near the mine shaft shall be setback 10' if the mine shaft is filled, which the current plans and engineer's letter show that it is filled. The mine shaft needs to be shown on the plat. The City Engineer has reviewed the Geotech report (which addressed the site holistically considering all steep slopes and not individual home locations) and mine shaft conditions report (which is just about the mine) and indicates that the report shows the ground is stable, with bedrock below. The City Engineer found that the report reflects that the ground conditions, existing mine shaft, and slopes are safe to build upon. He will be at the Planning Commission meeting to answer any questions from Commissioners in this regard. Prior to Building permit approval the applicant will be required to submit Geotech reports for individual home sites which meet the City Engineer's approval. After the City Engineer review of the Geotech report and sensitive lands analysis, and future review of each home by the Planning

Commission for Steep Slope CUPs, staff recommends allowing the applicant to develop on such steep slopes with the conditions of approval listed in the ordinance.

The Applicant took the Planning Commission's concerns at the April 8, 2015 meeting into consideration and moved Lot 7 off of the previously proposed Very Steep Slope to a less steep part of the subdivision and clustered it adjacent to Lot 6.

In regards to ridgelines, staff's determination is that the location of Lots 8 and 9 are not on a ridgeline. Primarily, the City Ridgeline Map does not define the locations of Lots 8 and 9 as a ridgeline. The attached City ridgeline map (Exhibit Q) shows a ridgeline (shown as a broad-brush orange line at a distant scale) that ends well before reaching these lot locations, to the best of our ability to interpret this scale map. We feel that a more reasonable site-specific interpretation of the ridgeline's extent is that it stops much farther to the South (and upslope) from Lot 8. On site, it is clear that lots 8 and 9 are situated down near the toe of this slope and could not be visually interpreted as a ridgeline – either on site or from cross-valley vantage points.

In the revised site plan and Plat, the applicant has lowered Lots 8 and 9 further, and removed Lot 7 from the higher slope altogether.

Beyond this City map, the LMC addresses ridgelines in several areas, although a Ridgeline is never specifically defined in the code. Section 15-7.3-1D of the LMC states that development of ridgelines may be potential safety concerns, but the applicant has demonstrated in their previous 'build-ability' submittal that no such safety concerns exist on this site. Section 15-7.3-2D states that ridges should be protected from development that would be visible on the skyline from the designated Vantage Points. The LMC definitions list 11 vantage points. The applicant had reviewed these vantage points with previous planning staff and had been asked to do photo simulations from those points that might have a view of the site. Those photo simulations have been included in previous submittals and as Exhibit R in this packet.

Clustering

The General Subdivision Requirements (LMC 15-7.3-2(E)) Open Space reads:

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

The Applicant has provided an existing vegetation plan with the larger conifers to remain as discussed in previous years (Exhibit L: Vegetation Cover from the April 8, 2015 staff report). Outside of the stream channel, the disturbance from previous mining activities and the recent remediation, most of the rest of the site has stands

of oak, maple and aspen in addition to areas of smaller shrubs and grasses. The Applicant has provided a Visual Analysis Study (Exhibit I from the April 8, 2015 staff report).

A change to the home location on the Estate lot was proposed in response to the Planning Commission's prior feedback that the most developable portion of the site is at the bottom of the canyon where utilities, emergency vehicle access, and the least amount of disturbance of the land is best achieved. A comparison of clustering of the surrounding neighborhoods had also been provided (Exhibit J from the April 8, 2015 staff report). This exhibit shows that the adjacent HR-L District and homes are clustered much more close together and the similar HR-1 District adjacent to that to have even smaller lot sizes, house sizes and are clustered even closer together than the adjacent HR-L District and the proposed plat which is also within the HR-1 District.

Instead of clustering the homes closer together, the Applicant proposes that the homes will be no more than two (2) stories with no limitation to the height other than the LMC limits and up to 5,000 sq. ft. (maximum total floor area) in size (including basement and garages) and up to 2,500 ft. in footprint; however very few homes within the Historic Districts compare to house size and lot size as is proposed by the Applicant. Staff's opinion is that the layout of the homes is not as compatible to the historic density and clustering of homes within the nearby HR-1 and HR-L districts as it could be. The Planning Commission also had similar concerns with the proposed lack of clustering homes closely together. For this reason, the applicant brought Lot 7 down and adjacent to Lot 6 to be more clustered. With the footprints as proposed, Staff recommends and has placed conditions of approval that the building height should be limited to 25 feet, homes limited to two stories and maximum total square footage be limited to 5,000 square feet, so as to lower the height of the homes as they are spread out wider than other homes within the nearby HR-1 and HR-L zones.

Water Delivery Issue

Staff was previously informed by the Park City Water Department, that all of the Alice Claim property proposed for development may not be serviceable by the current City water system due to low water pressure. The low water pressure is due to the small elevation difference between the proposed development's elevation and the Woodside Tank's elevation. The Applicant was informed about this issue and is responsible for modeling the water service to the development and if it is still insufficient they will need to provide a remedy. The Applicant has prepared a water model addressing the limitations of the current water system on the proposed development (including factors such as the ability to meet: acceptable water system pressures and fire flow requirements to each home site (indoor and outdoor pressures are not adequate), the Fire Marshal's site specific requirements, and Division of Drinking Water regulations). Proposed Lots 1-4 and 8 as shown on the proposed plat are likely the lots most affected. The Applicant was to confirm the

elevation of each of the proposed building sites to determine the affected sites and either redesign the project accordingly, or work with the Water Department to determine the best solution. At the time of this report, the Water Department, Fire, Building and Engineering have received a revised letter from the Applicant's engineer addressing the previously submitted Water Model that will meet the City's requirements. With the change of location of Lot 7, the Water Department believes this will make the situation better than before. Any revisions to the previously submitted model will need to meet acceptable water pressure flows in order for the subdivision to meet water requirements. **This is listed as a specific condition of approval.**

The Assistant Fire Chief also required that the Applicant provide water modeling to demonstrate the available pressure for the fire sprinkler system design for Lots #2 and 7 which the Applicant has demonstrated can be achieved.

Sewer Utility Issue

Staff was informed by the Snyderville Basin Water Reclamation District that the Applicant has only met with them briefly prior to the April 8, 2015 meeting besides almost 10 years ago when the application was first submitted to discuss utility location and placement within the proposed roadways. The Sewer District has concerns regarding the placement of the sewers in relation to the retaining walls and in relations to other utilities. **This will need to be remedied before the proposed plat can be signed by SBWRD prior to plat recordation and is listed as a specific condition of approval.** The Applicant is aware of the Sewer Districts concerns and will work to obtain a Line Extension Agreement upon approval of the plat. The sewer design could affect the entire layout of the subdivision and if any changes are made to the layout of the subdivision upon SBWRD's approval, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review. Nothing has changed in respect to the Sewer District since the last meeting on April 8, 2015.

Good Cause

Planning Staff finds there is good cause for this subdivision with the appropriate items described in the analysis being incorporated as conditions of approval. There may be future geographical visual impacts to the City as a result of this application with respect to additional site stabilization, proposed retaining walls, and other unforeseen issues related to development within steep slope areas that can be addressed at the time of Steep Slope CUP applications.

Department Review

Staff took the project back before the Development Review Committee on September 9, 2014, February 10, 2015, March 24, 2015, and May 12, 2015. Engineering continues to express concerns with the site access, SBWRD continues to express concern with lack of sewer lateral design but the applicant will need to

continue to work with them until all requirements are satisfied in order for SBWRD to sign the plat. Each of these concerns however have been incorporated into conditions of approval. Planning's concerns are appropriate clustering of homes within the HR-1 district and visual impacts of such tall retaining walls in a historic residential district which the applicant has taken an attempt to mitigate.

Notice

The property was posted on February 11, 2015 and notice was mailed to property owners within 300 feet in accordance with requirements of the LMC on February 11, 2015. Legal notice was also published in the Park Record on February 6, 2015 and on the public notice website in accordance with the requirements of the LMC on February 9, 2015.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

This application is for a major subdivision and plat amendment as defined in 15-7.1-3(A) (2). A major subdivision requires a Preliminary Plat and a Final Plat although the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval. Staff is recommending the hearings be combined and a final Subdivision Plat is considered. The approval or denial of this subdivision and plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any retaining walls over 6 feet will require a CUP. Any new structures may require a Steep Slope CUP and all will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the subdivision and plat amendment to a date certain and provide specific direction to the applicant and/or staff to provide additional information necessary to make a recommendation on this item.

Significant Impacts

There are no immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction

Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A geotechnical report has been previously submitted and reviewed. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site. Most, if not all of the lots in the HR-1 zone will require Steep Slope Conditional Use Permits. Each home, including the home within the "Estate" zoning designation, will require a Historic District Design Review prior to home design and construction.

Consequences of not taking the Suggested Recommendation

The parcels would remain as is and no construction could take place.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue 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 Plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity & Zoning
- Exhibit D – Aerial
- Exhibit E – Revised Site Plan
- Exhibit F – Revised Utility & Grading Plan
- Exhibit G – Comparison of Old and Revised Site Plans
- Exhibit H – Revised Open Space & Trail
- Exhibit I – Revised Retaining Wall Illustrations & Site Sections
- Exhibit J – Sample of 6' and 4' Retaining Walls Illustration
- Exhibit K – PC Concerns Response Letter
- Exhibit L – Buildability Response Letter
- Exhibit M – Minutes from April 8, 2015 Planning Commission Meeting
- Exhibit N – Geotech Report
- Exhibit O – Mine Claim Geotechnical Consultants Letter
- Exhibit P – Sensitive Lands Analysis
- Exhibit Q – City Ridgeline Map
- Exhibit R – Photo Simulations
- Exhibit S – April 8, 2015 PC Staff Report
- Exhibit T – October 8, 2015 PC Staff Report

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE ALICE CLAIM PLAT AMENDMENT AND SUBDIVISION PLAT, LOCATED AT THE INTERSECTION OF KING ROAD, RIDGE AVENUE, WOODSIDE GULCH AND SAMPSON AVENUE (APPROXIMATELY), PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Alice Claim Subdivision located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), have petitioned the City Council for approval of the Alice Claim Subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 25, 2006, January 28, 2009, February 25, 2009, April 8, 2015, May 27, 2015, and June 10, 2015 to receive input on the proposed subdivision;

WHEREAS, on June 10, 2015 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on July 9, 2015 the City Council held a public hearing on the proposed Alice Claim Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Alice Claim Subdivision plat.

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

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

Findings of Fact:

1. The plat is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts and Sensitive Lands Overlay (SLO).
2. The proposal includes nine (9) lots on 8.65 acres which will not be allowed to be subdivided further.

3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does not run within the City owned property, but rather is located within a prescriptive easement on the subject property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner cannot secure legal access through the Woodside Gulch water tank access easement used by the City. The new roadway would require excavation and retaining walls up to and possibly in excess of ten feet (10') in height.
7. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant previously applied for this permit and will need to amend their existing Stream Alteration Permit from the Army Corp of Engineers. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.
8. The property, which was once the site of the Alice Load Mine, was previously the site of mining activities, which have since undergone recent remediation.
9. A Voluntary Clean Up of the property was initiated by the Applicant.
10. Most of the remainder of the site has mature stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.
11. A culvert for the stream is proposed for Lot 1 primarily in order to meet the 50' setback regulations from streams within the Estate and SLO lot, otherwise the culvert would not be necessary.
12. The applicant has proposed retaining walls in 3 locations up to 10' in height that will be reviewed under a concurrent CUP.
13. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 7, 8, and 9 at a minimum appear to be in the streams flood plain.
14. The applicant requests a setback reduction from the Planning Commission for Lot 1 to a 15' front, 10' side and 10' rear setback from the required 30' front, 30' side and 30' rear setbacks for this Estate District lot in order to allow the buildable area to be lower on the hill side and off of the Very Steep Slopes.
15. Water Service is available and as proposed can meet required water pressure to all of the proposed development sites (proposed Lots) within the development. The applicant will be responsible to propose acceptable mitigation should the water model or utility plans be further revised.
16. The utility plan does not show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer.
17. A Debris Flow Study has not been completed for the stream to determine if a debris basin is required.
18. Existing trails are shown on the plat and granted a public easement.
19. Proposed utilities have not been engineered to meet City Engineer's approval but shall be prior to plat recordation.

20. All roads are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future.
21. Because the Estate lot is directly adjacent to the HR-1 zone, the architectural detail, height, building materials and other design features of the development of the Estate Lot must show compatibility with adjacent properties when reviewed under the HDDR application process.
22. The homes within the HR-1 District in this subdivision are proposed to be a maximum of 5,000 square feet total including basement and garages, the footprints of all homes within the subdivision are proposed to be a maximum of 2,500 square feet as stipulated to by the Applicant in order to minimize the visual effects of the homes on the steep slopes.
23. Building pads are shown in Exhibit A. Limits of disturbance as shown on Exhibit A are not legible and need to be revised. All other property as open space should be protected by 3rd party conservation easement to maintain the land.
24. All homes within the HR-1 District in this subdivision are proposed be limited to a building height maximum of 25 feet from existing grade and all other building height exceptions found within the LMC continue to apply, as stipulated to by the Applicant in order to reduce the visual impacts of the homes on the steep slopes.
25. The footprints of the proposed homes are larger than those in nearby streets. The average footprints on Daly Avenue are 1,465.44 square feet, on King Road are 1,342.31 square feet, on Sampson Avenue are 1,619.58 square feet, and on Ridge Avenue are 2,076.72 square feet.
26. Applicant does not have an approved Sewer Service Plan. Sewer Service must be designed to service the proposed development sites in accordance with the Snyderville Basin Water Reclamation District's requirements. The applicant will be responsible to determine this with Snyderville Basin Water Reclamation District prior to plat recordation.
27. Proposed drives with utilities that are not private driveways are required to be 20' wide and are shown as such on the plat. The drive grades are proposed to be 14%. Drives must be 10% in order to be eligible to be converted to public ROWs.
28. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
29. The proposed lots range in size from 3.01 acres within the Estate District and .18 acres (7,714-7,910 square feet) within the HR-1 District.
30. A geotechnical report has been reviewed by the City Engineer for the overall site but individual geotechnical reports have not been submitted for each lot.
31. The applicant owns other adjoining properties within the Historic Residential Low-Density (HRL) District. Two of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.
32. The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is subject to the regulations of LMC 15-2.21.
33. The proposed building pad areas on proposed Lots 2, 3, 4, 5, 6, 7, and 8 are all on Very Steep Slopes (over 40%). Only the proposed building pad area on Lot 9 (and the Estate lot, Lot 1) is on slopes less than 30%. Lot 1 is 31%, Lot 2 is 48%, Lot 3 is 50%, Lot 4 is 44%, Lot 5 is 48%, Lot 6 is 50%, Lot 7 is 43%, Lot 8 is 47%, and Lot 9 is 26%.

34. The existing encumbered Lots 1-7 and 36-40, Block 77 will be dedicated to the City as right-of-way upon plat recordation as they current have a road over them.
35. The proposed location of the house on proposed Lot 1 is on Steep Slopes (15% - 40%) and not on Very Slopes (greater than 40%), and also more than 50' away from Very Steep Slopes and is thus not subject to review under LMC 15-2.21-2(A) and (C).
36. The lots are positioned as proposed to avoid ridgelines and allow for drives that contour with the topography in order to meet the required grades.
37. Very few homes within the Historic Districts compare in size to the total square footage, footprint and lot size as is proposed by the Alice Claim Subdivision. The layout of the homes is not as compatible to the historic density and clustering of homes within the nearby HR-1 and HR-L districts as it could be designed to meet the smaller average footprint size of other nearby HR-1 districts.
38. The existing mine shaft on the property is currently filled as stated on the site plan dated May 18, 2018.
39. The Applicant has shown on the plat the limits of disturbance as a diagonal line from the proposed footprints to the proposed lot lines which have not been limited since the last meeting and are not legible. The applicant will be required to show this on the plat.
40. The application for the Alice Claim subdivision was deemed "complete" by the Planning Department on May 23, 2005.
41. Between 2006 and 2009, the Planning Commission conducted three work sessions to discuss the project and visited the property during two site visits.
42. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.
43. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.
44. The Applicant submitted further revisions to the plat to address the City's concerns on March 16, 2015.
45. On April 8, 2015 the Planning Commission held a public hearing for this project and continued the item to May 27, 2015 to give the applicant sufficient time to submit revisions to the layout and clarify the concerns brought up by the Commissioners.
46. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on May 4, 2015.
47. The Applicant submitted further revisions to the plat to correct discrepancies in the May 4, 2015 submittal on May 18, 2015.
48. On May 27, 2015 the Planning Commission held a public hearing for this project and continued the item to June 10, 2015 in order to give staff sufficient time to review the changes submitted on May 18, 2015.
 In order to ensure all site improvements are made the applicant must either complete all Site Improvements prior to plat recordation, or if that is not possible, provide adequate financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City.

Conclusions of Law:

1. There is good cause for this subdivision and plat amendment.

2. The subdivision and plat amendment are consistent with the Park City Land Management Code and applicable State law regarding subdivisions and plat amendments.
3. Neither the public nor any person will be materially injured by the subdivision or plat amendment.
4. Approval of the subdivision plat and plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council. If the plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.
3. Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings or retaining walls within this subdivision.
4. The architectural detail, height, building materials, and other design features of the development of the Estate Lot must show compatibility with adjacent properties when reviewed under the HDDR application process and will need to be part of the CC&Rs for the HOA. The applicant must adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features to buffer the adjacent properties from the developable land of the Estate Lot when reviewed under the HDDR application process and will need to be part of the CC&Rs for the HOA.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. Snow storage of roads and private drives must be addressed and approved by the City Engineer throughout the development prior to plat recordation. Snow storage sites cannot discharge immediately into the stream.
7. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the proposed plat can be signed by SBWRD. If the sewer lateral design requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and a an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.

8. The submitted water model will need to be revised with the submitted updates to the layout and receive written approval from the Water, Building, Engineering and Fire Departments in order for the subdivision to meet water requirements prior to plat recordation. If the water system requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
9. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
10. All state requirements must be met, state permits must be obtained and the culvert must be fully installed prior to plat recordation and owned and maintained by the HOA.
11. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 8, and 9 at a minimum appear to be in the streams flood plain. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.
12. A Stream Alteration Permit from the State will be required for the culvert along with the Flood Plain Study to identify the culverts upstream and downstream impacts prior to plat recordation. The Stream Alteration Permit and Flood Plain Study must be completed and approved prior to Planning and Engineering approval.
13. The culvert inlet shall be at least 50' away from any structure on Lot 1 and the culvert shall be owned and maintained by the HOA.
14. A Debris Flow Study must be completed prior to plat recordation for the stream to determine if a debris basin is required.
15. All homes within this subdivision shall be limited to the LMC required footprint maximums or 2,500 sf, whichever is lower and building pads shall be as shown in Exhibit A.
16. Limits of disturbance as shown on Exhibit A shall be clarified on the plat prior to plat recordation to be able to quantify the square footage upon which shall remain in place and no changes shall be made. All other property shall be restricted as open space and/or protected by 3rd party conservation easement.
17. All homes within the HR-1 District in this subdivision shall be limited to a building height maximum of 25 feet from existing grade and all other building height exceptions found within the LMC continue to apply.
18. The maximum total floor area of all homes within the HR-1 District in this subdivision shall be limited to 5,000 sf including basement and garages.
19. The utility plan will need to be revised to show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer prior to plat recordation.
20. Any roads over 10% grade will not be eligible to be converted to public ROWs in the future.

21. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking.
22. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.
23. The Applicant will need to receive City Council's approval to give them an access over the City's property for Alice Court and where they may cross water lines, storm drainage, sewer, etc. This will need to occur prior to plat recordation.
24. Applicant must still provide recommendations to the City Engineer for which scenario most satisfies turning movements and minimizes conflicts and implement the recommendations prior to plat recordation.
25. The Applicant will need to receive, from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant's property prior to building permit approval.
26. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.
27. The applicant will need to receive CUP approval for the proposed retaining walls over 6' prior to plat recordation.
28. The applicant shall obtain an easement for use of city property for Alice Court drive prior to plat recordation.
29. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
30. Any structures built near the existing mine shaft shall be setback at least 10' if the shaft is filled up to the ground surface with soil and/or gravel and 40' setback if the shaft is not filled. The mine shaft shall be shown on the plat and the setback noted.
31. If the site plan is substantially altered, as determined by the Planning Director, due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
32. All Site and Public Improvements shall be completed prior to plat recordation or if the Applicant submits a finalized and engineered design the Applicant may petition the Planning Commission to allow the Applicant to submit an adequate financial Guarantee for all Site and Public Improvements prior to the expiration of the plat approval.
33. City utility maintenance access is required across the drives for Lots A & C.
34. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.
35. Individual geotechnical reports will be required for each lot prior to issuance of a building permit.
36. All mature trees that will be lost due to the subdivision, retaining walls, addition of drives and building pads, shall be approved by the Planning Department and be replaced in kind or with three smaller trees as close to the original location as possible within 1 year of tree removal.

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

PASSED AND ADOPTED this ___ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR
ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT C

ALICE CLAIM

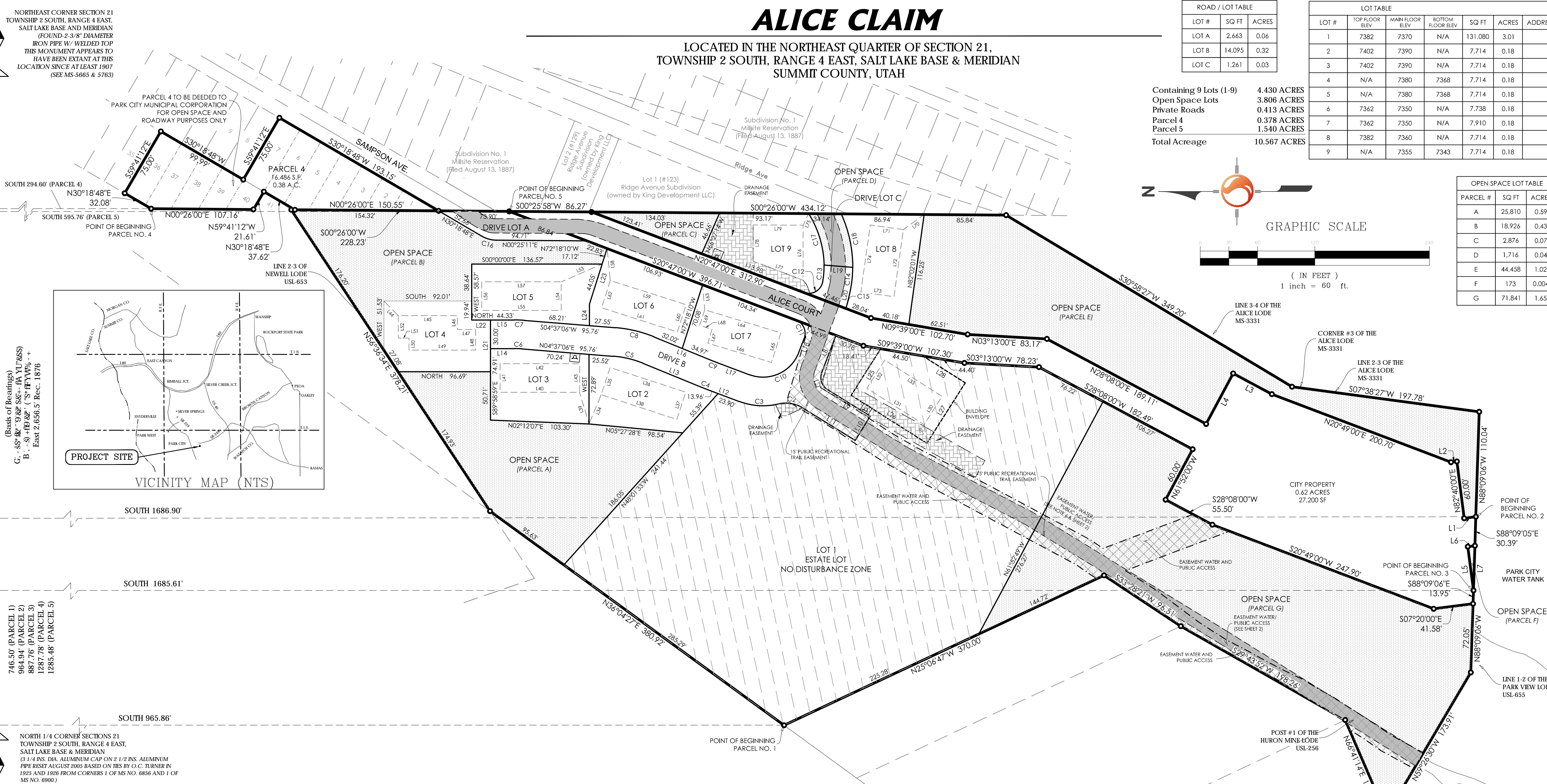
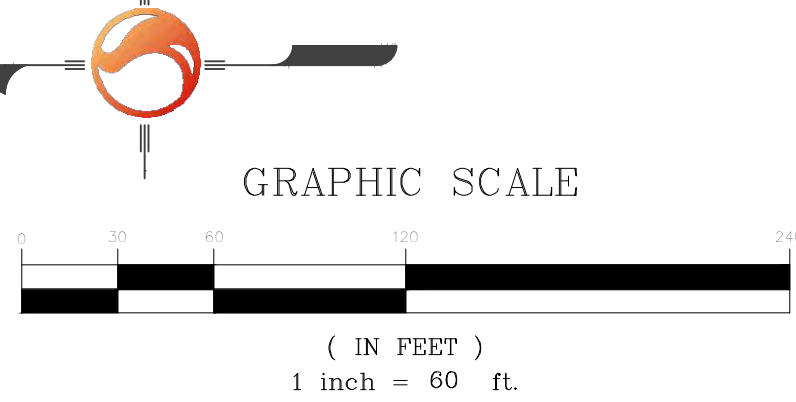
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN SUMMIT COUNTY, UTAH

ROAD / LOT TABLE with columns: ROAD / LOT #, SQ FT, ACRES

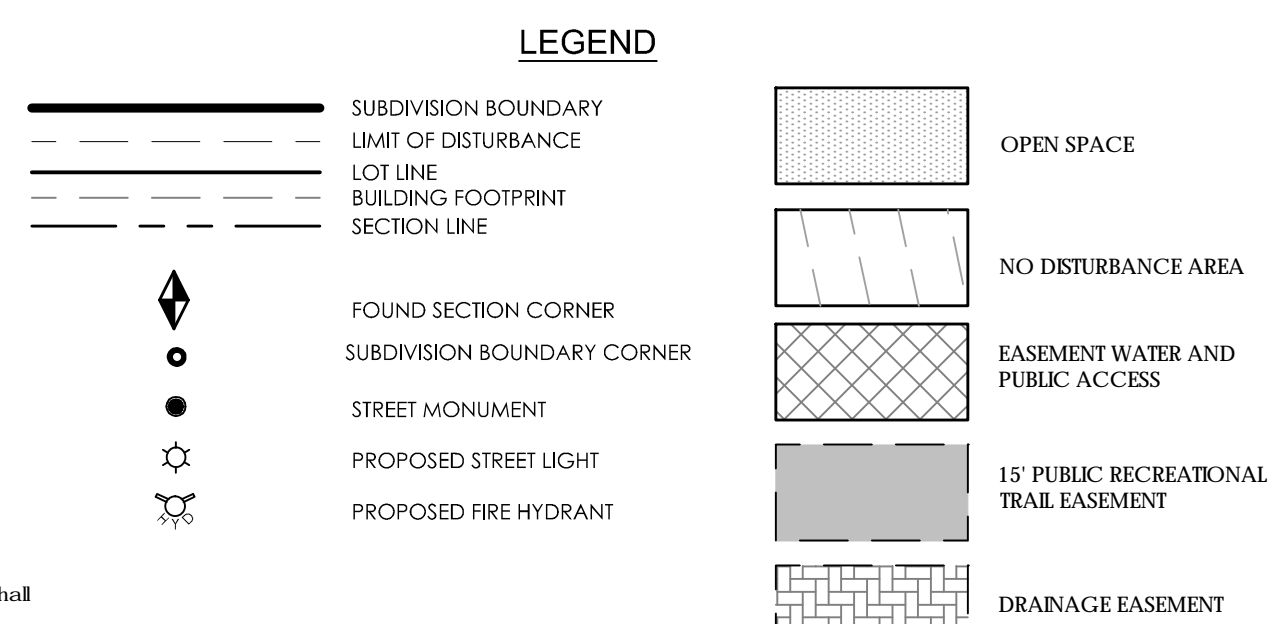
LOT TABLE with columns: LOT #, TOP FLOOR ELEV, MAIN FLOOR ELEV, BOTTOM FLOOR ELEV, SQ FT, ACRES, ADDRESS

Containing 9 Lots (1-9) 4.430 ACRES
Open Space Lots 3.806 ACRES
Private Roads 0.413 ACRES
Parcel 4 0.378 ACRES
Parcel 5 1.540 ACRES
Total Acreage 10.567 ACRES

OPEN SPACE LOT TABLE with columns: PARCEL #, SQ FT, ACRES



PLAT NOTES: 1. THE MAXIMUM GROSS BUILDING SQUARE FOOTAGE IN THE HR-1 ZONE IS RESTRICTED TO 5,000 SQUARE FEET, INCLUDING GARAGE SPACE...



WATER SYSTEM NOTES: 1. 5" ZYK cZ @ SSI da Usg VVb Uddc j YX Z h d Y VVf...

LINE TABLE with columns: LINE #, LENGTH, DIRECTION. Multiple tables for different line segments.

CURVE TABLE with columns: CURVE #, RADIUS, LENGTH, DELTA, CHORD BEARING, CHORD DISTANCE.

CORPORATE ACKNOWLEDGMENT: STATE OF UTAH COUNTY OF UTAH s.s. On the day of A.D., 20 personally appeared before me...

MUNICIPAL ACKNOWLEDGMENT: STATE OF UTAH COUNTY OF UTAH s.s. On this day of A.D., 20 personally appeared before me...



Project information table with columns: Project Number, PM, Filename, Plot Date, Designed By, Drawn By, Checked By, Date, SRV, Date, GAC, Date.

OWNER/SUBDIVIDER: KING DEVELOPMENT GROUP L.L.C. P.O. BOX 244 PARK CITY, UTAH 84060

SNYDERVILLE BASIN SEWER DISTRICT MAYOR APPROVED AND ACCEPTED BY THE SUMMIT COUNTY PLANNING COMMISSION THIS DAY OF A.D., 20.

PARK CITY ENGINEER APPROVED AS TO FORM THIS DAY OF A.D., 20.

APPROVAL AS TO FORM: I, HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

SURVEYOR'S CERTIFICATE: I, Gregory A. Cates, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 161226 as prescribed under the laws of the State of Utah...

BOUNDARY DESCRIPTION: A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

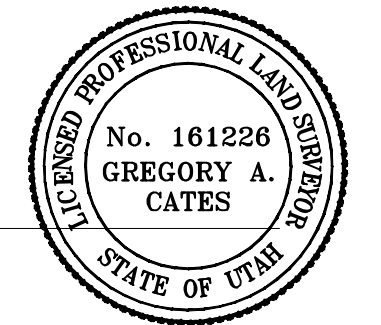
Containing 310,925 square feet or 7.138 acres. Parcel No. 2: A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Containing 65,741 square feet or 1.509 acres. Parcel No. 3: A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Containing 173 square feet or 0.004 acres. Parcel No. 4: A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Containing 16,486 square feet or 0.378 acres. Parcel No. 5: A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

OWNER'S DEDICATION: Know all men by these presents that the undersigned owner(s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as ALICE CLAIM do hereby dedicate for perpetual use of the public all parcels of land, right-of-ways and easements as shown on this plat as intended for Public use.

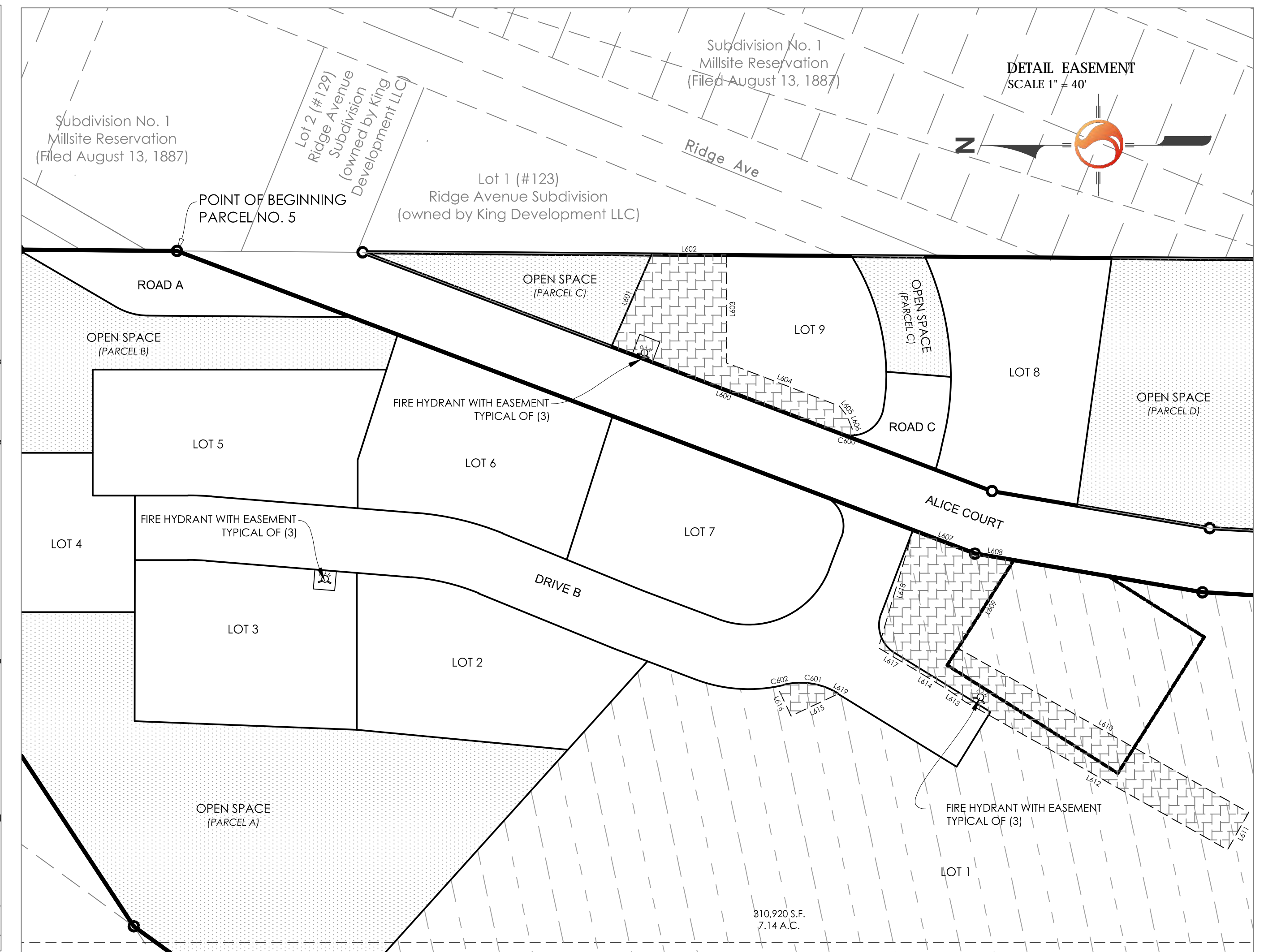
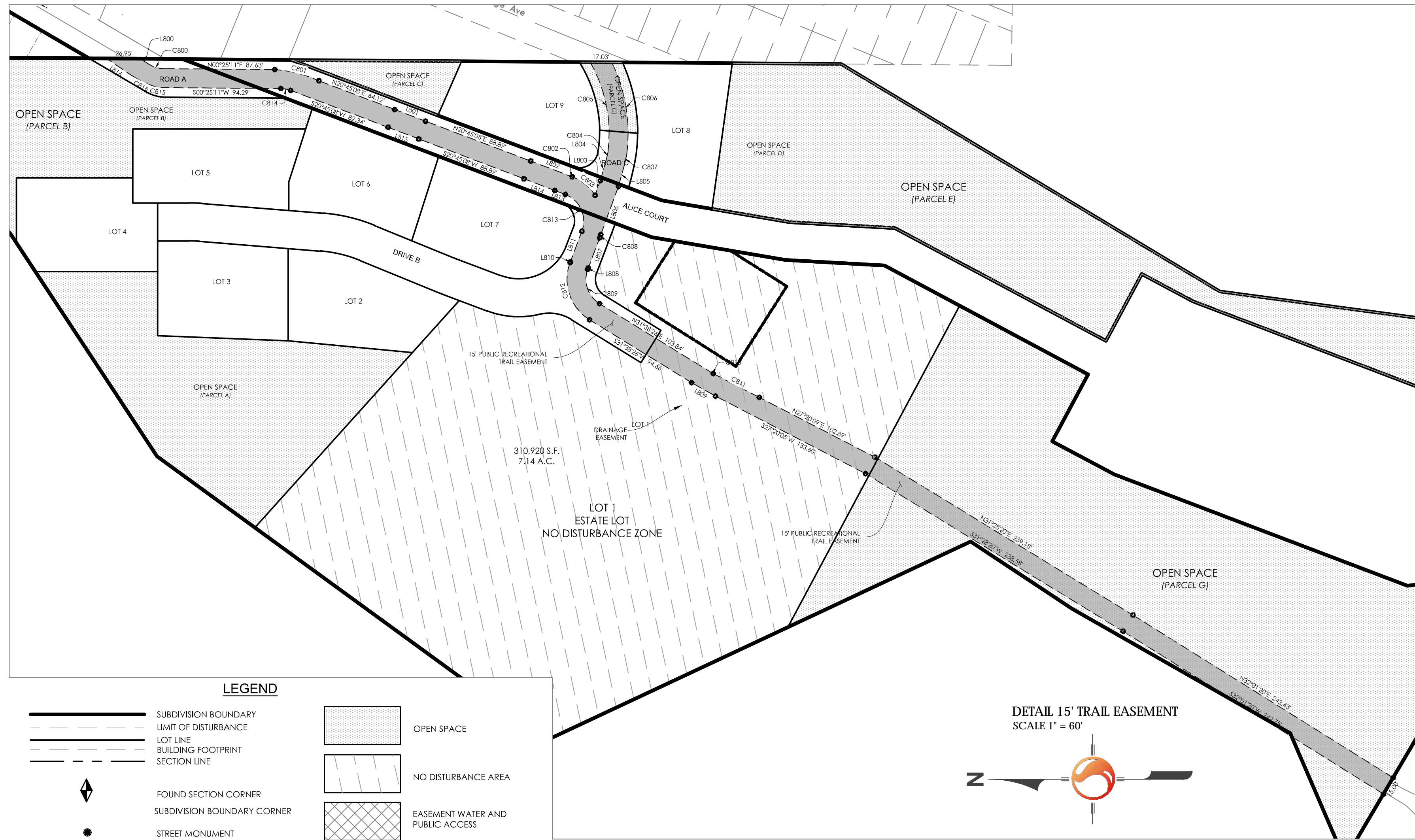


RECORDED # STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF: DATE: TIME: BOOK: PAGE: FEES: COUNTY RECORDER

SHEET 1 OF 2

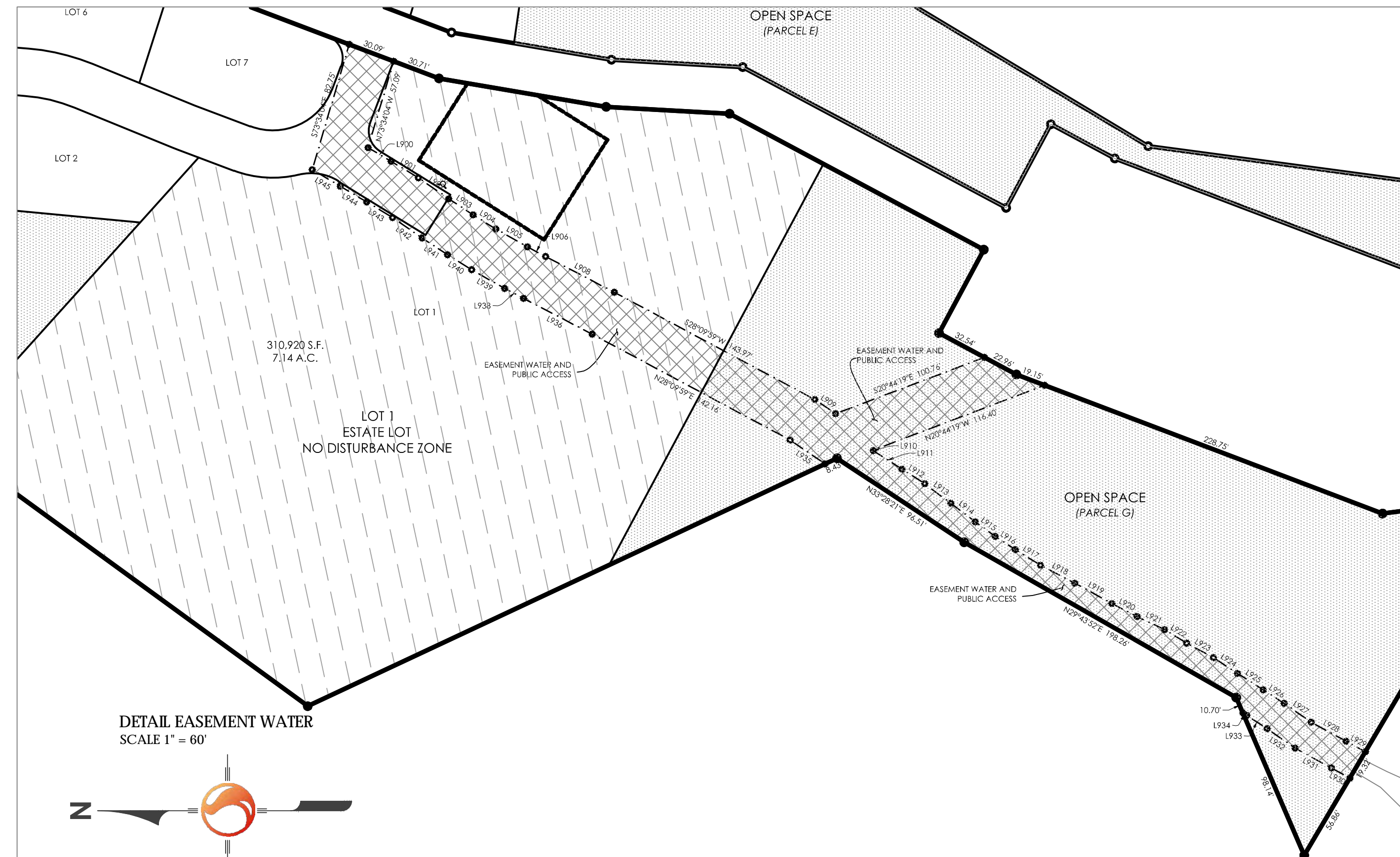
ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



LEGEND

	SUBDIVISION BOUNDARY		OPEN SPACE
	LIMIT OF DISTURBANCE		NO DISTURBANCE AREA
	LOT LINE		EASEMENT WATER AND PUBLIC ACCESS
	BUILDING FOOTPRINT		15' PUBLIC RECREATIONAL TRAIL EASEMENT
	FOUND SECTION CORNER		DRAINAGE EASEMENT
	SUBDIVISION BOUNDARY CORNER		
	STREET MONUMENT		
	PROPOSED STREET LIGHT		
	PROPOSED FIRE HYDRANT		



TRAIL EASEMENT CURVE TABLE

CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C800	22.50	13.29	33°48'54"	N17°20'08"E	13.00"
C801	99.91	36.18	20°44'58"	N14°21'23"E	35.99"
C802	22.50	0.19	0°38'18"	N20°33'34"E	0.19"
C803	37.51	23.65	36°50'34"	N38°47'23"E	23.36"
C804	34.50	4.81	7°59'35"	N78°42'39"W	4.81"
C805	112.94	73.83	37°21'17"	S78°53'55"W	72.52"
C806	127.94	75.04	33°34'29"	N80°49'20"E	73.97"
C807	49.50	6.91	7°59'35"	S78°22'39"E	6.90"
C808	37.50	2.72	4°09'47"	S71°11'44"E	2.72"
C809	22.50	31.07	79°06'42"	N71°11'47"E	38.66"
C810	22.50	1.69	4°17'29"	N29°29'41"E	1.68"
C811	71281.01	40.97	0°01'59"	N27°19'57"E	40.97"
C812	37.50	51.78	79°06'42"	S71°11'47"W	47.76"
C813	22.50	35.34	9°00'00"	S65°45'08"W	31.82"
C814	22.50	7.98	20°19'37"	S10°35'09"W	7.94"
C815	17.50	4.99	16°20'52"	S08°35'36"W	4.98"
C816	68.50	20.90	17°29'04"	S25°30'33"W	20.82"

TRAIL EASEMENT LINE TABLE

LINE #	DIRECTION	LENGTH
L800	N34°15'05"E	7.04'
L801	N20°45'08"E	26.00'
L802	N20°45'08"E	34.76'
L803	N49°52'36"W	12.22'
L804	N74°22'51"W	18.45'
L805	S74°22'51"E	19.04'
L806	S69°32'36"E	40.55'
L807	S69°14'52"E	25.52'
L808	S69°14'52"E	1.00'
L809	S29°26'03"W	21.89'
L810	N49°14'52"W	1.00'
L811	N49°14'52"W	26.52'
L812	S20°45'08"W	8.97'
L813	S20°45'08"W	26.00'
L814	S20°45'08"W	26.00'
L815	S20°45'08"W	26.00'
L816	S34°15'05"W	23.70'

WATER / PUBLIC EASEMENT ACCESS LINE TABLE

LINE #	DIRECTION	LENGTH
L900	S30°45'30"W	16.99'
L901	S31°08'34"W	20.18'
L902	S34°45'48"W	23.30'
L903	S33°18'11"W	18.82'
L904	S31°18'11"W	16.98'
L905	S29°32'43"W	22.92'
L906	S27°58'15"W	13.06'
L908	S27°29'25"W	49.01'
L909	S34°23'17"W	15.89'
L910	S35°10'15"W	0.42'
L911	S32°48'37"W	21.66'
L912	S32°59'40"W	17.04'
L913	S32°59'40"W	26.64'
L914	S33°12'29"W	19.50'
L915	S36°13'27"W	15.53'
L916	S33°14'29"W	15.22'
L917	S31°54'37"W	18.84'
L918	S27°34'03"W	24.46'
L919	S28°44'42"W	26.82'
L920	S27°24'41"W	17.87'
L921	S25°23'29"W	19.31'
L922	S31°29'39"W	16.49'

WATER / PUBLIC EASEMENT ACCESS LINE TABLE

LINE #	DIRECTION	LENGTH
L923	S28°30'29"W	19.27'
L924	S33°14'48"W	18.16'
L925	S32°29'59"W	19.30'
L926	S32°54'37"W	15.83'
L927	S34°51'19"W	20.81'
L928	S28°32'44"W	25.17'
L929	S28°43'47"W	13.98'
L930	N28°43'47"E	13.33'
L931	N28°33'46"E	26.21'
L932	N34°51'18"E	21.55'
L933	N30°48'57"E	15.44'
L934	N42°09'59"E	2.84'
L935	N48°20'17"E	26.07'
L936	N27°39'25"E	48.93'
L938	N27°58'15"E	13.60'
L939	N29°23'43"E	23.94'
L940	N31°51'42"E	17.94'
L941	N33°18'11"E	19.28'
L942	N34°45'48"E	22.72'
L943	N31°08'34"E	19.13'
L944	N35°45'55"E	19.49'
L945	N30°51'57"E	20.43'

DRAINAGE EASEMENT CURVE TABLE

CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C600	15.00	6.98	26°40'12"	N40°59'54"E	6.92"
C601	33.00	26.00	43°08'32"	S09°04'10"W	25.33"
C602	70.00	3.17	2°35'38"	S12°12'19"E	3.17"

SHEET
2 OF 2



Stantec Consulting Services Inc.
3995 S 700 E Ste. 300
Salt Lake City, UT
84107-2640
Tel. 801.261.0090
Fax. 801.266.1671
www.stantec.com

Project Number	PM
205303057	JRJ
Filename	Plot Date
03057v_1b.dwg	01/22/15
Designed By	Drawn By
JRJ	SRV
Checked By	Date
GAC	01/22/15
Scale	Date Issued
1" = 60'	Date

ALICE CLAIM
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

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

V:\2015\Utility\205303057\working\survey\3057_LB_02.dwg
5/16/2015 9:17 AM, JRM

EXHIBIT D

Snell & Wilmer
L.L.P.
LAW OFFICES

Gateway Tower West
15 West South Temple
Suite 1200
Salt Lake City, Utah 84101-1531
801.257.1900
801.257.1800 (Fax)
www.swlaw.com

Bradley R. Cahoon
(801) 257-1948
bcahoon@swlaw.com

DENVER
LAS VEGAS
LOS ANGELES
LOS CABOS
ORANGE COUNTY
PHOENIX
SALT LAKE CITY
TUCSON

June 30, 2015

Mark D. Harrington, Esq.
mark@parkcity.org
Park City Attorney
P. O. Box 1480
Park City UT 84060

Re: *Alice Claim Subdivision & Plat Amendment and Conditional Use Permit Applications, PL-08-00371, PL-15-02669*

Dear Mark:

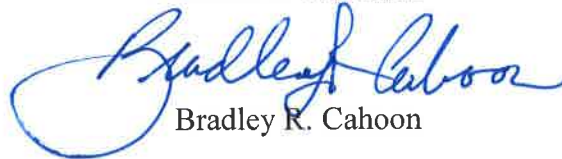
I write on behalf of King Development Group, LLC to document my telephone conversation earlier today with you, acting Planning Director Kayla Sintz, and Assistant City Attorney Polly Samuels McLean. After discussing King Development's forthcoming submittal in response to public comments and Planning Commissioner comments at the June 10, 2015 hearing on the matter captioned above and King Development's continuing negotiations with its neighbor for use of the historic road, we all agreed that there was good cause to set a new submittal date of July 13, 2013 and continue the hearing on this matter to July 22, 2015 before the Planning Commission.

Mark D. Harrington, Esq.
June 30, 2015
Page 2

If you or the Planning Commission disagrees with any of the foregoing, please respond immediately. I appreciate your cooperation and professional courtesy on this matter.

Very truly yours,

SNELL & WILMER



Bradley R. Cahoon

cc: Nann Worel, Planning Commission Chair nann.worel@parkcity.org
Polly Samuels McLean, Assistant City Attorney pmclean@parkcity.org
Kayla Sintz, Acting Planning Director kayla.sintz@parkcity.org
Christy Alexander, AICP, Planner II christy.alexander@parkcity.org
King Development Group, LLC
Joseph Tesch, Esq. joet@teschlaw.com
DHM Design

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Alice Claim - Conditional Use Permit
for Retaining Walls up to 10' in Height
Project Number: PL-15-02669
Author: Christy Alexander, AICP, Planner II
Date: July 8, 2015
Type of Item: Administrative – Conditional Use Permit

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing for the proposed CUP for 3 retaining walls up to 10' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, and consider granting the Applicant's request to continue to the July 22, 2015 meeting with a firm deadline that all comments from the Applicant must be submitted to staff by 12 noon on July 13, 2015 pursuant to the reasons listed in the Subdivision and Plat Amendment Staff Report being heard contemporaneously with this application.

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: King Development Group, LLC ("Applicant" or "King Development")
Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

The Applicant is requesting approval of a Conditional Use Permit (CUP) for retaining walls up to 10' in height to stabilize cut and fill slopes for roadway and house construction. The walls are proposed to be real blonde sandstone veneer. The wall at the entry of the proposed Alice Claim Subdivision will be the most visible to surrounding neighborhoods and are proposed to be screened with landscaping that is proposed to soften the visual impacts of the stone walls.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

The Planning Commission takes final action on Conditional Use permit applications. Approval or denial of a conditional use permit may be appealed to the City Council according to LMC Section 1-18. Prior to building permit issuance, approval of a Historic District Design Review application is required and any conditions of approval of the CUP, if approval is granted, must be met.

Alternatives

- Grant the continuance as conditioned to the July 22, 2015 meeting, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may approve the Conditional Use Permit conditioned or amended, or
- The Planning Commission may continue the discussion on the Conditional Use Permit 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.

Recommendation

Staff recommends the Planning Commission conduct a public hearing for the proposed CUP for 3 retaining walls up to 10' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, and consider granting the Applicant's request to continue to the July 22, 2015 meeting with a firm deadline that all comments from the Applicant must be submitted to staff by 12 noon on July 13, 2015 pursuant to the reasons listed in the Subdivision and Plat Amendment Staff Report being heard contemporaneously with this application.