

**PARK CITY MUNICIPAL CORPORATION
 PLANNING COMMISSION
 CITY COUNCIL CHAMBERS
 May 25, 2016**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF May 11, 2016

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

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| <p>Land Management Code (LMC) amendments- Various administrative and substantive amendments to the Park City Development Code. Chapter 1- regarding procedures, appeals, extensions, noticing, stayed and continued applications, revised applications, and standards of review (for Conditional Use Permits, plats, and other applications); Chapter 2- common wall development process (in HR-1, HR-2, HCB, PUT and CT Districts), exceptions to building height (horizontal step and overall height) for Historic Sites, and consistent language regarding screening of mechanical equipment (GC, LI, and other Districts); Chapter 5- landscape mulch and lighting requirements reducing glare; Chapters 2 and 5- add specifications for height of barrel roofs; Chapter 6- include information about mine sites in MPD applications; Chapter 11- historic preservation procedures; Chapter 15- definitions for barrel roof, billboard, intensive office, recreation facility, publicly accessible, and PODs; and other minor administrative corrections for consistency and clarity between Chapters and compliance with the State Code.</p> <p><i>Public hearing and continuation to June 8, 2016</i></p> | <p>PL-16-03115 35 <i>Planner Whetstone</i></p> |
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REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

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| <p>1409 Kearns Boulevard – Conditional Use Permit application for a drive-up coffee kiosk within the Frontage Protection Zone Overlay of the General Commercial District.</p> <p><i>Public hearing and possible action</i></p> | <p>PL-16-03144 37 <i>Planner Scarff</i></p> |
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| <p>7700 Stein Way – Stein Erickson Lodge – Conditional Use Permit application for outdoor events.</p> <p><i>Public hearing and possible action</i></p> | <p>PL-16-03146 79 <i>Planner Hawley</i></p> |
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| <p>7815 Royal Street – The Chateaux Deer Valley – Conditional Use Permit application for outdoor events.</p> <p><i>Public hearing and possible action</i></p> | <p>PL-16-03147 95 <i>Planner Hawley</i></p> |
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| <p>220 King Road, Second Amended Lot 2, Phase 1 Treasure Hill Subdivision – Plat Amendment requesting two (2) lots from one (1) lot of record.</p> <p><i>Public hearing and possible recommendation to City Council on June 30, 2016</i></p> | <p>PL-16-03098 109 <i>Planner Astorga</i></p> |
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| <p>Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use</p> | <p>PL-15-02669 139</p> |
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A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

Permit for Retaining Walls six feet (6') in height or more.
Public hearing and possible action

*Planner
Astorga*

Alice Claim Gully Site Plan, south of intersection of King Road and Ridge Avenue –
Alice Claim Subdivision and Plat Amendment.
Public hearing and possible recommendation to City Council

PL-08-00371 139
*Planner
Astorga*

123 Ridge Avenue, Alice Claim Gully Site Plan property swap - Ridge Avenue Plat
Amendment.
Public hearing and possible recommendation to City Council

PL-16-03069 139
*Planner
Astorga*

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PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 11, 2016

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Bruce Erickson; Francisco Astorga, Planner; Tricia Lake, Assistant City
Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:30 p.m. and noted that all Commissioners
were present except Commissioner Joyce who was excused.

ADOPTION OF MINUTES

April 27, 2016

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

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson introduced Assistant City Attorney Tricia Lake, who was
sitting in for Assistant City Attorney McLean this evening.

Planning Director Erickson reported on issues regarding transportation planning. He noted
that the Transportation Department has been talking to the Rotary, the Chamber, the
HCPA and others. They are going before the City Council and will probably come to the
Planning Commission in a few weeks with a report on the transportation plan, and the
Capital Improvement Plan to accomplish those. The Staff was moving forward on

incorporating the plan into the LMC as an item in the moderate category. Director Erickson clarified that the Planning Commission would have the opportunity to provide a recommendation because it is Capital Budget as well as policy changes for Transportation Demand Management.

Commissioner Phillips disclosed that he worked on the house at 220 King Road and knows the owners, but he did not believe it would affect his decision on the item when it comes before the Planning Commission. He noted that the item was being continued to the next meeting.

Commissioner Phillips disclosed that he has worked on small jobs for Mark Fischer in the past. He was not currently involved with Mr. Fischer and had no plans to work with him in the future. Commissioner Phillips did not believe his working relationship with Mr. Fischer would impact his decision on the Bonanza Park item on the agenda.

Commissioner Phillips disclosed that he has an office in the Bonanza area.

CONTINUATIONS - (public hearing and continue to date specified)

1. 220 King Road, Second Amended Lot 2, Phase 1 Treasure Hill Subdivision – Plat Amendment requesting two (2) lots from one (1) lot of record.
(Application PL-16-03098)

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

MOTION: Commissioner Band moved to CONTINUE 220 King Road, Second Amended Lot 2, Phase I Treasure Hill Subdivision plat amendment to May 25th. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. Land Management Code (LMC) amendments- Various administrative and substantive amendments to the Park City Development Code. Chapter 1- regarding procedures, appeals, extensions, noticing, stayed and continued applications, revised applications, and standards of review (for Conditional Use Permits, plats, and other applications); Chapter 2- common wall development process (in HR-1, HR-2, HCB, PUT and CT Districts), exceptions to building height (horizontal step and overall height) for Historic Sites, and consistent language regarding screening of mechanical equipment (GC, LI, and other Districts); Chapter 5- landscape mulch and lighting requirements reducing glare; Chapters 2 and 5-

add specifications for height of barrel roofs; Chapter 6- include information about mine sites in MPD applications; Chapter 11- historic preservation procedures; Chapter 15- definitions for barrel roof, billboard, intensive office, recreation facility, publicly accessible, and PODs; and other minor administrative corrections for consistency and clarity between Chapters and compliance with the State Code.
(Application PL-16-03115)

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

MOTION: Commissioner Thimm moved to CONTINUE the LMC Code Amendments to May 25, 2016. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 844 Empire Avenue – Plat Amendment creating one (1) lot of record from the lot and portions of Lots at 844 Empire Avenue (Application PL-15-03034)

Planner Francisco Astorga introduced Tom Goff, the applicant representative.

Planner Astorga reported that the Planning Commission reviewed the request for a plat amendment at 844 Empire Avenue on March 23rd. At that time it was continued to a future date to allow the Staff and the applicant to address a number of concerns. City Engineer Matt Cassel was present to answer questions.

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

Planner Astorga stated that the outstanding items that were addressed in March related to the road dedication, the building footprint, and the intersection redesign and improvements as outlined on pages 44 and 45 of the Staff report.

Planner Astorga reported that the Planning Staff worked closely with the City Engineer and the Legal Department regarding specific Utah Transportation Code language as cited on page 44 of the Staff report. The language indicates that the roadway is dedicated and abandoned to the use of the public when it has continuously been used as a public

thoroughfare for a period of ten years. The City has evidence indicating that Crescent Tram has been used for longer than ten years. Therefore, per the LMC subdivision regulations outlined on page 45, "Land reserved for any road purposes may not be counted in satisfying yard or area requirements contained in the Land Management Code."

Planner Astorga stated that the property owner owns 932 square feet of the Crescent Tram right-of-way. Therefore, the lot area changes should that be dedicated and officially formalized to the City. The issue is that once the 932 square feet is removed, it further reduces the building footprint.

Planner Astorga remarked that the next point outlined on the page 45 of the Staff report is that the LMC simply indicates that the maximum building footprint is a function of the lot area. He explained that if that 932 square feet is formalized and dedicated to the City as part of the public thoroughfare, they would not be able to count that square footage in the building footprint. Planner Astorga pointed out that the Code does not provide another option.

Planner Astorga stated that the last item for discussion was the intersection redesign improvements. He explained that the intersection as it currently exists works for moving traffic up and down Crescent Tram. The problem is that the City Engineer is not able to grant the property owner access off Crescent Tram. The only vehicular access that the City Engineer is able to grant is either through Empire or unbuilt platted 9th Street. Planner Astorga stated that it would be more difficult for the property owner to gain access off of 9th; however, it is not impossible. The most logical place to put a driveway would be off Empire. If that is the case, that intersection would have to be redesigned to accommodate the driveway for the future remodel/improvement of 844 Empire Avenue. For that reason, the property owner would have the burden of paying the entire cost of the intersection redesign.

Planner Astorga stated that if the applicant indicates that they no longer want to have any type of vehicle access, that would be acceptable to the City. Because the site is deemed historic and a valid compliant structure, on-site parking is not required for a single-family dwelling.

Tom Goff, representing the applicant, stated that the City Engineer was requiring that they come in off of Empire. Mr. Goff noted that recent improvements with the hydrant and other water utility improvements on the 9th Street side have made it almost impossible to access off of Empire without having to move the hydrant. If they dedicate the land and lose the square footage in the house, they would no longer own the land but were still required to pay for the improvements that were done by the City previous to this application. Mr. Goff

stated that the applicant would like the City to either pay for the improvements or at least contribute towards the cost.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Thimm recalled a number of questions that were raised at the March meeting regarding the land, the roadway and what happens when it becomes dedicated. He felt those questions had been addressed in the Staff report. Commissioner Thimm had questions with regards to improvements, the fire hydrant and limited access. He asked if there was a precedent in terms of establishing who is responsible for City property such as a fire hydrant.

City Engineer Matt Cassel explained that the applicant was being requested to redo the intersection because there is not a lot of space. Space was kept available for future stairs, but at this time it does not appear that the stairs will ever go in and the City is considering allowing the applicant to use that space. Mr. Cassel stated that the City does not usually participate in a private driveway being tied into the road when road modifications are necessary to make it work. He noted that fire hydrants are located where they are best utilized and per State requirements. If a hydrant needs to be moved because of driveways, retaining walls or other needs of the homeowner, it is their responsibility to move that hydrant.

Commissioner Thimm clarified that there was precedent within the City for the applicant to have that responsibility. Mr. Cassel answered yes, the City does not participate in those types of modifications.

Commissioner Suesser referred to the comment about the stairs never going in and asked if that has definitely been determined. Mr. Cassel stated that since the time he came to Park City in 2008 they have tried to maintain a corridor to put stairs in the 9th Street right-of-way from Norfolk to Empire and continuing up from there. At one time it was considered as part of the Walkability Plan but it has since been taken out. He did not believe the stairs would ever go in because so many other utilities have been located in that corridor and there is not enough room for the stairs without moving those utilities at great expense.

Commissioner Suesser asked if it was possible for the owner to access the property. Mr. Cassel stated that the City actually sees the access off Empire, but the owner can also use

three or four feet of space on 9th Street beyond where the lot line ends to put in the driveway.

Planner Astorga explained that if the applicant chose to go through 9th Avenue for a private driveway, it would be subject to a conditional use permit to be reviewed by the Planning Commission.

Commissioner Suesser asked if it would interfere with possibility of putting in the stairs in the future. Mr. Cassel replied that if the driveway went in on 9th Street, the owner would have to sign an encroachment stating that if City facilities would go in at any time in the future, the owner would have to move the driveway at his expense.

Chair Strachan understood that there would not be an issue if the applicant was to build within the entitled setbacks and not build a driveway. Mr. Cassel replied that he was correct.

Commissioner Band asked if this application was pending when the improvements were done on Empire. Planner Astorga answered no. This application was submitted in December. Mr. Cassel pointed out that Empire was completed three years ago.

Commissioner Campbell believed that most of his concerns from the last meeting had been addressed, and he understood that the road was being dedicated. Commissioner Campbell noted that the City was taking land from the left-side of the property and the City owns property on the right. He thought it would be fair for the City to give the applicant some of its property on the right since they were taking away some of his property on the left. Commissioner Campbell assumed it was not a precedent that the City was interested in establishing. He was interested in knowing how the road has cut across this property and how long it has been there.

Commissioner Band assumed that the original property would have been compensated for the road. Mr. Cassel stated that 803 Norfolk was looking to move forward. That property owner has indicated that in 1974 they went out of town and when they came back the City was putting in a road. Mr. Cassel remarked that after ten years it becomes a prescriptive right, and based on State Code it is no longer private land even though the owner still pays the taxes. Mr. Cassel explained that this was a formal dedication of something that actually occurred a long time ago without anything in writing. He pointed out that the unfortunate situation is that the owner has been paying taxes on a community piece of property for almost 30 years.

Mr. Cassel stated that if the Planning Commission was interested in Commissioner Campbell's suggestion for the City to give back some of the land on the right, they could go

through a vacation process and see whether the City Council would entertain that idea. He noted that the City Council consistently expects to see some benefit to the community. If the trade is one acre for one acre he did not believe it would be considered. Mr. Cassel pointed out that it would not be a fair trade because the community already has use of the road.

Commissioner Campbell stated that if he was the owner he would be more concerned with the idea that he could put in a driveway and build a garage and at some point the City could shut down his access. In his opinion, that would be worse than paying to move the fire hydrant. Mr. Cassel stated that the encroachment agreement leads them down that road, but it could possibly be negotiated if the Commissioners thought the City should give more leeway. Commissioner Campbell understood the reasoning from the standpoint of the City and the need to access public utilities, etc. However, his concern was the possibility of an owner spending money to build a garage that might eventually become inaccessible. He would like the City to consider some type of negotiation where the City could give some land to ensure that the applicant could build a driveway that could not be rendered unusable. Mr. Cassel reiterated that the Planning Commission could make that a condition of approval in their recommendation, but it was a City Council decision. At this point he needed to follow through on the encroachment agreement. Only the City Council can waive certain sections of that agreement.

Commissioner Suesser liked the idea of negotiating for the City to pick up the cost of moving the fire hydrant. She preferred to restrict the driveway access off Empire and not permit access from 9th because they should not further impede the City right-of-way. Commissioner Suesser would like to see the walkability ideas further implemented in Old Town. She recommended removing that language from the condition.

Chair Strachan clarified that Commissioner Suesser was referring to Condition of Approval #5, and that her suggestion was to strike the portion allowing the owner to put in drive access on platted but unbuilt 9th Street. Commissioner Suesser replied that he was correct.

Commissioner Band understood that the applicant would not need the 9th Street access if they have access off Empire. She believed that Empire was the ideal solution; however, it would be quite expensive to move the improvements.

Director Erickson remarked that the comments regarding the fire hydrant and other issues were appropriate. Their comments would be reflected in the Minutes of this meeting and would be delivered to the City Council. He did not believe the Planning Commission has authority under the LMC to make that request as a condition of approval.

Commissioner Band supported the idea of the City participating in the cost of moving the hydrant to accommodate access on Empire Avenue.

Commissioner Thimm asked for the width of the yet to be improved right-of-way for 9th Street. Mr. Cassel replied that it was 30 feet.

Commissioner Suesser asked Planner Astorga to point to the location of the fire hydrant. Marshall King with Alliance Engineering, who had prepared the survey, indicated the approximate location.

Commissioner Campbell understood that there was a minimum required distance from an intersection to a driveway. He noted that once on to Empire, in order to meet the required distance from the legal intersection for the driveway they would already be off of their property. Mr. Cassel explained that it was one reason for allowing the owner to use part of 9th Street. Since it is at the corner, half of the driveway would be on 9th Street and the other part would be in front of their property on Empire. The three or four feet on 9th Street will help shift the driveway to help achieve the separation from the intersection. Mr. Cassel stated that the separation from the intersection is 10 feet drive to drive and a little more to offset from an intersection. He pointed out that it would still be much safer than accessing off of Crescent Tram.

Commissioner Phillips agreed with Commissioner Suesser. He thought the Staff report was well done and addressed the issues from the last meeting. Commissioner Phillips stated that aside from this project, he thought the Planning Commission needed to have a discussion on building footprints that do not max out on property lot lines. Had they found a way to give the applicant additional square footage, he would have argued that it was important to have articulation around the side of the building. Recognizing that it did not apply at this point it was not an issue for this application.

Commissioner Thimm agreed with Commissioner Campbell with respect to the volume of land and the option of looking at the cost of the hydrant as issues for the City Council to consider.

Chair Strachan stated that any property along Crescent Tram is a difficult piece of property, and this one might be the most difficult. He understood that the applicant was between a "rock and a hard place", but so was the Planning Commission against the Land Management Code. Chair Strachan noted that the applicant still had a 3400+ footprint which should result in substantial living space. He believed the owner had the opportunity to negotiate with the City Council and the Staff on how to approach access off of Empire. Chair Strachan would like for the Planning Commission to have more say and for the

fairness scale to be more balanced; but they are bound by the Land Management Code and their purview is clear.

Commissioner Phillips asked if the building application would come back to the Planning Commission as a CUP. Planner Astorga replied that the Planning Department has entertained a few HDDR pre-applications. A formal Historic District Design Review has not been submitted. He did not believe this project would require a Steep Slope Conditional Use Permit; however, it would depend on the extent of the remodel and how much area outside of the existing footprint would be amended. If they choose to go through 9th Street a recommendation from the City Engineer, that would be a conditional use permit. At this point Planner Astorga did not believe it would come back to the Planning Commission.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the plat amendment for the parcel located at 844 Empire Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed 4-1. Commissioner Suesser voted against the motion.

Findings of Fact – 844 Empire Avenue

1. The property is located at 844 Empire Avenue.
2. The property is in the Historic Residential-1 (HR-1) District.
3. The subject property consists of all of Lot 12, most of Lot 13, and a portion of Lot 14, Block 14, Snyder's Addition to the Park City Survey.
4. The site is listed on Park City's Historic Building Inventory as a significant site.
5. The proposed Plat Amendment creates one (1) lot of record from the existing three (3) parcels, one (1) full lot and two (2) partial lots consisting of a total of 4,174 square feet.
6. A portion of the property is encumbered by the Crescent Tram Road which has been used since the late 1800s and was paved in the early 1970s.
7. The City requests that the property owner formalize the dedication to the City that portion of the Crescent Tram prescriptive easement area that is on subject property. This area consists of 932 square feet.

8. The proposed lot would be 3,242 square feet.
9. A single-family dwelling is an allowed use in the District.
10. The minimum lot area for a single-family dwelling is 1,875 square feet.
11. The proposed lot meets the minimum lot area for a single-family dwelling.
12. The minimum lot width allowed in the District is twenty-five feet (25').
13. The proposed lot is approximately thirty one feet (31') wide.
14. The proposed lot meets the minimum lot width requirement.
15. Per LMC § 15-4-17 the Planning Director has determined the following setbacks:
 - a. From 9th Street, platted un-built ROW, front yard, ten feet (10') minimum. This is the historic front of the structure.
 - b. From Empire Avenue, front yard, ten feet (10') minimum.
 - c. From Crescent Tram, front yard, ten feet (10') minimum.
 - d. From the south neighbor, rear yard, ten feet (10') minimum. This side is opposite of the historic front of the house.
 - e. From the east neighboring property, side yard, five feet (5') minimum.
16. The existing historic structure does not meet the minimum setbacks along the north side, platted un-built 9th Street ROW, as the structure was built on the property line.
17. The existing historic structure does not meet the minimum setbacks along the shared property line with the neighboring site on the south as it is approximately eight and a half feet (8.5').
18. The existing historic structure does not meet minimum setbacks along the Crescent Tram ROW dedication as it is approximately five feet (5') from the new property line after the dedication.
19. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures; however, additions must comply with building setbacks.
20. The concrete retaining wall encroaches across the north property line over the 9th Street ROW.

21.The proposed lot area consisting of 3,242 square feet yields a maximum Building Footprint of 3,151.0 square feet.

22.LMC § 15-7.3-4(l)(2) Widening and Realignment of Existing Roads indicates that where a subdivision borders an existing narrow road for realignment or widening, the Applicant shall be required to improve and dedicate at his expense such Areas for widening or realignment of such roads.

23.LMC § 15-7.3-4(l)(2) indicates that land reserved for any road purposes may not be counted in satisfying yard or Area requirements contained in the Land Management Code.

24.Utah Code, Transportation Code, Right-Of-Way Act § 72-5-104 declares that a highway (street or road, not including an area principally used as a parking lot) is dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten (10) years.

25.Crescent Tram has continuously been used as a public thoroughfare for much longer that the required ten (10) years.

26.LMC § 15-2.2-3(D) indicates that the maximum Building Footprint is calculated according the following formula for Building Footprint: $MAXIMUM FP = (A/2) \times 0.9A/1875$, where FP = maximum Building Footprint and A= Lot Area.

27.The proposed lot area shown on the attached requested Plat Amendment displays that the proposed lot is to contain 3,242 square feet, which would yield a maximum Building Footprint of 1,351.0 square feet.

28.In order to provide a future vehicular access to 844 Empire Avenue, the City Engineer has indicated that the existing intersection at Empire Avenue and Crescent Tram needs to be re-designed and improved.

29.The current site does not have vehicular access.

30.The future vehicle access is for the sole benefit of 844 Empire Avenue.

31. All of the costs associated of the re-design and improvements are the burden of the property owner.

32.The intersection currently works as-built, without vehicular access to 844 Empire

Avenue.

33. The City Engineer has indicated that a vehicular access can only be accommodated off Empire Avenue or through platted un-built 9th Street.

34. The City Engineer is not willing to support vehicular access directly off Crescent Tram.

35. The City's Historic Site Inventory designated the site in the significant category.

36. Historic Structures that do not comply with Off-Street parking and driveway location standards are valid Complying Structures.

37. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment.

38. There is good cause for this Plat Amendment as the lot line going through a historic structure will be removed, 932 square feet will be dedicated to the City for the Crescent Tram road for public use, the requested Plat Amendment will not cause undo harm to adjacent property owners, and all requirements of the Land Management Code can be met.

39. The proposed lot area of 3,242 square feet is a compatible lot combination as the entire Historic Residential-1 District has abundant sites with these approximate dimensions in this neighborhood.

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

Conclusions of Law – 844 Empire Avenue

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

Conditions of Approval – 844 Empire Avenue

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 foot (10') wide public snow storage easement will be required along the Empire Avenue front of the property.
 4. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
 5. Drive access to the site shall be from Empire Avenue or through platted un-built 9th Street in a location approved by the City Engineer.
 6. The concrete retaining wall built over the north property line shall be resolved prior plat recordation. The applicant bears the burden of proper approvals for the retaining wall, which may include an encroachment agreement with the City through the City Engineer's office, or relocation/removal of the retaining wall, subject to compliance with applicable Design Guidelines for Historic Sites through a Historic District Design Review application.
2. **1401 & 1415 Kearns Blvd., 1415, 1635, 1665, 1685, & 1705 Bonanza Dr., 1420 & 1490 W Munchkin Rd., – Bonanza Park East Master Planned Development (MPD) Pre-Application determination in the General Commercial (GC) District. Project consists of a mixed-use development containing commercial space on the first floor and office or residential uses on the upper levels. Project includes surface parking and one level of underground parking. (Application PL-15-02997)**

Planner Astorga reported that the City received an application for the Bonanza Park North East Master Planned Development Pre-application determination in the General Commercial District and listed as various sites as shown on page 65 of the Staff report. The eight parcels and lots are in the form of three separate LLCs, all controlled by Mark Fischer.

Planner Astorga reviewed the site plan on page 102 of the Staff report to orient the Commissioners to the exact sites that are part of the Master Planned Development. The sites are the Maverick Gas Station, the Park City Clinic, the Skis on the Run, Switchback Sports, the Old Miners Service Car Wash, Anayas Market, the Storage Units that are accessed off Munchkin, Silver King Coffee, and the Kimball Arts Center.

Planner Astorga stated that the master plan has a total square footage of 281,490 square feet. The square footage is broken up into residential space which is approximately 39%, office at 22% and commercial retail at 18%. A hotel is also proposed at approximately 20% of the 281,490 square feet. He noted that the breakdown of the different buildings and uses was found on page 66 of the Staff report outlining the footprint, number of stories, setbacks and other information.

Planner Astorga stated that the LMC requires that any MPD must go through the pre-application process where the Planning Commission reviews the pre-MPD and determines compliance with the General Plan and the specific zoning district before the applicant moves forward with the full MPD. Planner Astorga explained that per the LMC the preliminary review should focus on the General Plan and the public should have the opportunity to comment on the preliminary concepts so the applicant can address the concerns.

Planner Astorga remarked that if for some reason the Planning Commission cannot find compliance with the General Plan and the zoning district, the applicant has the ability to modify their application or they can move forward and submit specific applications to amend the Zoning Code and the General Plan. Planner Astorga stated that it was a standard procedure allowed by the City; however it does not occur often.

Planner Astorga noted that the applicant was prepared with a presentation this evening. Following the presentation and public hearing, he requested that the Planning Commission discuss several items that the Staff believed could be addressed at this time.

Craig Elliott, the project architect, provided a brief history of the project and the process to reach this point. He then presented the design concepts and the reason for some of the design decisions.

Mr. Elliott stated that in 2001 he and Mr. Fischer began discussions with the City regarding redevelopment of the area, particularly in the East corner. As time evolved it developed into what is known as the Bonanza Park District. He had outlined the District in orange, which consisted of the Kearns Boulevard, Park, Bonanza Drive, and Ironhorse all the way down to Deer Valley Drive. Mr. Elliott clarified that he and Mr. Fischer were not working on the entire zoning area. Mr. Elliott outlined several different redevelopment projects that

occurred throughout the area from 2001 to 2009. He stated that in 2009 they started working on a project that was tied to this overall parcel, which is the Empire Avenue affordable housing project. It started with the CUP process through the City and it evolved through the planning process to represent the project that was completed just prior to the 2015 season. Mr. Elliott noted that it was designed to be assigned as part of the affordable housing obligations for the property for the Bonanza Park area. He pointed out that it is rare for a developer to build affordable housing before the main project. He stated that Rail Central also has 24 units associated with this project, which were built with the expectation of being assigned to this in the future.

Mr. Elliott stated that in 2009 they restarted the MPD review process with the City and Staff. They looked through a series of site suitability areas and carved out the east corner, which is bound by Kearns and Bonanza; however, nothing moved forward with their discussions with the Planning Staff. Shortly after the General Plan rewrite was started and within that rewrite the Bonanza Park District was formally acknowledged. In 2011 they submitted another MPD pre-application for a larger swath in Bonanza Park. In that submittal they offered to process the project in line with the General Plan rewrite. After three months a public meeting open house and presentation was held at the Yard to discuss the application that was submitted to the City. The area included the parcels where the Yard is, the corner of Bonanza and Kearns, and also included at the time was Powder Corp, PCMR parcel off of Bonanza. The represented massing was an idea of how the massing might fit on the site at the time.

Mr. Elliott stated that by 2015 they had been through Bonanza Park, Form Based Code, and a number of other things, and they were will in the same position from the standpoint of the Planning Code. Therefore, they went back to the straightforward MPD process.

Mr. Elliott presented photos of the area being discussed this evening showing the existing conditions, pedestrian walkways, parking and driveways, various buildings and the pavement associated with these properties. He pointed out the other negatives associated with the area that does not represent the best of Park City.

Mr. Elliott stated that in October 2015 they submitted their MPD pre-application and they were excited to finally be able to talk about it after all these years.

Mr. Elliott presented the concept of the proposed project. The “pork chop shaped” parcel was reduced to just the northeast. He showed the underlying building and infrastructure, as well as the larger portion of the District. He focused on the northeast corner of the parcel. He commented on the amount of land that is dedicated to the automobile. Driveways and parking were 52% of the total site. Building footprint was 20% and the open space was 28%. Mr. Elliott pointed out that more than half of that was associated with the

Doctor's Clinic Building. He indicated the boundaries of the parcels, which he believed was important because it comes into play when they do the analysis of the sites.

Mr. Elliott explained the site suitability analysis process, which is a process required to understand the maximum development possible with the underlying code.

Mr. Elliott presented the site plan and noted that the yellow color represented the building areas and building heights. The dark blue or purple color represented the building massing that is allowed under the General Commercial Zone. He noted that they were proposing approximately 281,000 square feet, which is less than 65% of the maximum building area in the site suitability analysis. The minimum open space requirement is 30%. This concept proposes 48% open space of the site. The area dedicated to driveways and parking is about 24%. Basically, they doubled the open space and cut in half the area on surface that is required for cars. The proposed footprint is 27% of the total site, which is only an 8% increase over the existing building footprints.

Mr. Elliott talked about site circulation, which is where they started in understanding the principles of the master plan. They looked at it from a vehicular access point and from the standpoint of pedestrian/bike access points. Red arrows indicated the ten existing access points to the property. The proposed project cuts those access points in half and reduces the access points to two locations along Kearns, two locations along Bonanza Drive, and one access point on Munchkin Road. After the analysis of the access points they did an analysis of how vehicles move on the site. Mr. Elliott stated that their proposal dramatically reduces chaos for a vehicle moving through into the site. The intent is take this from an outwardly focused project on to arterial streets, and turn it into an inwardly focused pedestrian centric space with commercial and retail mixed uses that are accessed off of street-like corridors. Mr. Elliott noted that the two arrows shown on the top and bottom were access points to the underground parking underneath the project.

Mr. Elliott reviewed the pedestrian and bike access that was also done, which showed that currently the pedestrian and bike access is relatively close high speed traffic and high volume traffic. It also showed that there are no connections directly to any of the buildings that are pedestrian focused. Every access goes through a parking lot. He explained how the proposed project would be pedestrian and bike centric. He indicated a larger star which represented a plaza to be used as a gathering space with water features and a bandstand. The smaller star represented deli and restaurant type that spill out into the gathering area.

Mr. Elliott stated that the other parts of the MPD process and the General Plan requirements talk about buffers to adjoining neighborhoods. He noted that essentially the neighborhood is completely surrounding the property with the exception of the Kearns

Boulevard side. He indicated the buffer zone. There is a 30-foot no build zone and a buffer zone that is required. The average building along the entire buffer zone is approximately 60 feet from the property line. They envision that space to be much like the extension across from the high school with open space, pathways and landscaping. It works as a visual buffer and increases the quality of the space along Kearns.

Mr. Elliott stated that they are also required to look at utilities. They had not dug too deep into water and gas utilities, but they dealt extensively with Rocky Mountain Power and the process over the last 15 years. Mr. Elliott indicated the existing overhead power distribution. He noted that the project was designed to allow those overhead lines to remain in place, with the expectation that they will not be there forever.

Mr. Elliott commented on building design and he described their thought process. Their expectation is for this area to become a vibrant community location. It has the opportunity to provide live/work spaces and to provide services that do not exist today. As a mixed-use project it would have multiple levels. They were proposing buildings that range from three stories to five stories with a parking level below. There would be retail and commercial on the main level, parking below, and a mix of office and residential spaces on the upper levels. Mr. Elliott presented slides of places in town that already have that configuration and have been successful.

Mr. Elliott reviewed a 3-D massing of what the proposed project entails. He presented street view images from the interior of the project. The intent was to show how these spaces interact and how the buildings interact on the site.

Chair Strachan opened the public hearing.

Steve Onesco, a resident in the Prospector area, expressed concerns with the proposed project. Mr. Onesco thanked Mr. Elliott for showing the slides because it made him realize that the green hills seen in the first few slides would not be seen if this project occurs. He thought the closing slides also suggested that the residents would be blocked from seeing the sites that they appreciate as residents of Park City because the three or four story buildings would impact their sightline. Mr. Onesco cautioned the Planning Commission to be careful of presentations because the cars depicted were so small in relation to the stories, that it appeared each floor would only be one or two cars tall, when in reality that would not be the case. He thought the slides were misleading in the sense that the building would be huge in height. Mr. Onesco thought the comment that the coverage would go from 20% to 28% was misleading because it was more like a 40% increase than an 8% increase. Mr. Onesco felt that three to four stories was inappropriate for a residential area, and he views this project as part of the Prospector Residential area. He did not believe the City Council enforces the setbacks that exist on the books for the

Prospector Area. New building comes right out to the sidewalks and it is impossible for children to ride bikes on the sidewalks. He was concerned that this project would represent more of the setback issue. Mr. Onesco appreciated architectural renderings, but he was more interested in seeing models or renditions of air, light and noise pollution, and sight blight. He would like the opportunity to put together a power point presentation that accentuates the negative aspects. He believed the proposed hotel would bring more laborers to Quinn's Junction because they could not afford to live in town and it would generate more traffic driving into town. Skier traffic coming down the hills during the winter would impact with the traffic in and out of this large new development. Mr. Onesco stated that he is very sensitive to light pollution because it is contrary to the mountain environment they like to promote. He named buildings in Park City where the lights are overwhelming in terms of obscuring the night sky. He suggested at the very minimum to have a consultant report on how this project would affect the night sky so the community can understand what impacts to expect. Mr. Onesco commented on noise pollution and the constant drone of HVAC units currently in Prospector. He has complained to City Code Enforcement about the excess decibels. It disrupts the entire neighborhood and there are no longer peaceful walks through town. Mr. Onesco believed the pedestrian walkways being proposed were a token offer of compensation. They will not be used if they are not lighted because of safety concerns; and if they are lighted it will add to light pollution. He did not find that to be an acceptable tradeoff. Mr. Onesco stated that currently in Prospector he cannot count all the stars in the Big Dipper, and he was afraid they would lose more of the night sky and more of the day sightline of the green hills and views if this project moves forward.

Ruth Gezelius offered important points if they were to see redevelopment on this parcel. With this level of commercial and residential density they need to seriously take into account where the transit pick up would be from this site. In this particular location it would lend itself to consider Bonanza versus SR248, which is an outgoing transit lane at this point. Ms. Gezelius stated that her second point in relation to transit and parking on this particular site is that basically they have underestimated the amount of parking places they really need for delivery trucks and commercial vehicles in commercial developments. Where they have permanent tenants in residential uses on upper levels, they have also underestimated the number of parking spaces and storage areas that are required to make a parcel livable. Ms. Gezelius noted that many people in this area of town rely on public transportation to go to the supermarket. She also urged the Planning Commission to take very seriously the issue of height exceptions. Over the years the City has been restrictive and stringent regarding giving anyone height restrictions; and people in the Historic District have been asked to take height reductions that have been onerous for many people. They have only allowed height exceptions that were either on a historic commercial street or for large public buildings, such as the ski lodges and existing historical structures such as the

Library. Ms. Gezelius did not believe it was possible within the City limits to accommodate everyone who wants to be here and everything they want to build.

Clay Stuard stated that he had submitted written comments and he would only highlight what was written. Mr. Stuard assumed this MPD would be a long process and he understood the fact that this was a difficult site to plan with real constraints. He applauded some of the design features that were incorporated into the plan. However, six out of seven buildings are four or five stories high in a district that allows three stories. For him personally, that is an overwhelming negative for the plan from the very beginning. Mr. Stuard believed the applicant's request for additional height was based upon a distorted interpretation of the LMC and the General Plan. It does not make sense because the underlying assumptions are not commercially viable to reach their maximum square footage number. Mr. Stuard was unsure where the applicants would take this and what direction the Planning Commission would provide, but if it stays in its current form it should be rejected outright.

Lee Whiting, the President of the Claim Jumper Condominium Association stated that the Claim Jumper residents are affected by development in the area. He noted that the following evening the City Council would be discussing the potential purchase of a parcel that, in his, opinion should be related to this application. The solutions that they seek for the City with respect to congestion, transportation and access need to be integrated. Mr. Whiting hoped there would be some level of linkage established between these proposals and that the City Council and the Planning Commission not deal with these matters in isolation. Mr. Whiting commented several items in the Staff report that he felt would affect the Claim Jumper. One is a pre-existing agreement with UDOT for signaling Homestake and the intersection of Homestake and 248/Kearns in the event that denser development occurs to the East, which is the parcel being considered this evening. Along with that, the agreement states that there would be access restrictions, which appears to be the case, and he urged the Planning Commission to pay attention to tying that together with the UDOT agreement. Mr. Whiting referred to the proposal being discussed by the City Council, and noted that in the real estate purchase contract there appears to be an easement being granted for the extension of Munchkin road to Homestake Road, which affects the flows in this area. That was an integration issue that the Claim Jumper Condos oppose because it would greatly increase traffic in the area. Mr. Whiting clarified that Claim Jumper was also against the idea of having a transit center across the street. They preferred the previous proposal, which was a 21 townhome development with good setbacks; and it limited the congestion and traffic in their area, which is primarily residential. Mr. Whiting stated that pedestrian access is a concern with the limited ingress/egress to this substantial development, pedestrian warnings on sidewalks and other things to promote safety should be considered if this project moves forward. Mr. Whiting asked about the parking ratios, which was directly tied to the proposed 1,000

spaces for the proposed transit parking and affordable housing plan that is part of the parcel purchase discussion. He asked if this project is adequately parked and whether the idea of selling the parcel and the City absorbing the cost of providing parking was an externalization of costs from what might be the responsibility of the density of the development. Who pays for the parking and how is a significant question. Regarding the height restriction, Mr. Whiting thought it was a topographical argument. The photos Mr. Elliott presented showing the images across town and the heights on the building on Main Street are greatly impacted by the surrounding topography. If you stand on Marsac or Rossi Hill or the upper levels of Park Avenue and Empire you can look over the tops of those buildings and still see the beautiful mountains. He believed a responsible study of elevations and projections and from what vantage points the entry corridor is affected by the massing should be considered. Mr. Whiting noted from the Staff report that the Staff was requesting significant discussion on some of the issues.

Bill Coleman thought there were many good things about this project given the recent history of the area. He commented on the history going back to 1970 when there was a higher height restriction. Mr. Coleman stated that they need to solve the issue of density, and the finest way to solve it is with height variation at the very least. He liked the idea of a village that has people living in so it is animated. Mr. Coleman did not believe that currently exists in Prospect, even though they tried to have a village plaza going through. It was intended well but it never happened right. Part of how this could work so easily now compared to before is the exercise the City went through with the Form Based zoning because they took the best of that and put it on paper. Mr. Coleman understood that some people's sensitivities are somehow offended by very easy things, but he thought this was a great opportunity to use this long process to address of the important issues, including height and night lighting. Resolving the issues in the best way possible is the art or compromise. Mr. Coleman stated that getting housing into this part of the commercial district is imperative and he was unsure how it could be accomplished without additional height. He would not be opposed to allowing even more height. He would look for a zone that allows for more height in the Homestake and Claim Jumper areas if they ever decide to redo those units. Mr. Coleman believed that higher density should come in the form of height, and this area is the perfect place for it. He understood it was a balance act but this plan was a great springboard and he hoped the Commissioners would see it that way.

Alex Butwinski, a Park Meadows resident, agreed with Mr. Coleman. This is the last piece of property that could be developed with any cohesive plan, and he believed this project was a great start. Mr. Butwinski stated that he has never been afraid of height. He suggested that the people concerned about the view should stand on Sidewinder and look to the west and consider what already blocks their view. The further they go away from the height the less the impact is on the hillside looking up. He was confident Mr. Fischer and Mr. Elliott would work on showing that representation as the process moves along.

Mike Sweeney referred to the first speaker's comments about noise pollution. Mr. Sweeney does sound testing and explained that if a dba is increased by three, it would double the sound level. Based on that formula, the meeting this evening was being conducted at approximately 60-65 dba. If they keep multiplying by three they would figure out how many times louder this is than the 50 dba, which is the requirement that must be met after 10:00 p.m. per the sound ordinance.

Mr. Onesco corrected some misperception. He stated that decibels is the way to measure sound; however, a quiet room is typically 20 decibels, which is the sound he believed they were hearing in this room. A noisy classroom or gymnasium or a police whistle would be 80 decibels. A turbo jet airplane is 150 decibels. Mr. Onesco remarked that 50 decibels was not occurring in this room and he believed Mr. Sweeney was inaccurate. He suggested that the Planning Commission consult the experts to find out what the noise would be during construction. He reiterated that there was significant noise pollution in Prospecter without this project. He assumed the hotel would have HVAC and other amenities that will require a constant drone of noise in the neighborhood. Mr. Onesco offered to share his information on decibels after the meeting if they were interested.

Chair Strachan closed the public hearing.

Chair Strachan clarified that the 281,000 square feet proposed was 65% of the maximum building area the developer believes they are entitled to. Mr. Elliott stated that it was 65% of the maximum building area that is quantified by the Code. He has met with the Staff multiple times over the past ten years to ask how it should be calculated, and that number was based on the direction he was given over the years. Chair Strachan asked if 65% included the open space requirement. Mr. Elliott explained that the maximum building area is just the space inside the building. They were proposing 65% of the maximum. The open space they were showing was different because the open space is a footprint calculation, whereas the building areas is a multiple level calculation.

Chair Strachan requested that Mr. Elliott go through the footprint calculations as he perceived them. Mr. Elliott stated that the buildable area of the footprint was 150,000 square feet based on the setbacks and the underlying zone. Chair Strachan asked what percentage of that number they were looking to build.

Director Erickson thought it was better to ask the applicant to come back with the calculations to make sure it is accurate. Chair Strachan clarified that he would not hold the applicant to the number, but he thought it would be helpful if the Planning Commission understood the applicant's position on how the number is calculated and whether they would be using a percentage of 150,000 square feet or the entire square footage. Mr.

Elliott replied that it would be a small percentage of the 150,000 square feet. He was working the calculation to give them a number.

Planner Astorga referred to the site suitability analysis on page 103 of the Staff report and noted that the applicant was building up to the 30 foot frontage protection zone. The Code allows that subject to a conditional use permit. Therefore, the applicant was assuming that the Planning Commission would be willing to grant a conditional use permit for five sites that would allow him to build up to that 30 foot line.

Chair Strachan believed a number of assumptions would be made that may or may not pan out as reality unfolds. Mr. Elliott stated that when they made the submittal in 2011 the City Council hired an architect in town to do an analysis of the proposed square footage. He noted that this proposal was very similar.

Mr. Elliott stated that based on his quick calculation of the total buildable area the percentage was approximately 41%.

Commissioner Band stated that the purpose of the pre-MPD is to determine compliance with the General Plan and the Zoning District LMC. She believes the documents contradict each other on some points, and on other points it asks for things that are not required in the pre-MPD application. Regarding compliance with the General Plan, Commissioner Band noted that the overriding goal for this neighborhood per the General Plan is to create new housing opportunities while maintaining existing affordable units. That language was contained on page 168 of the General Plan, Volume 2. She read General Plan Goal 3, "Encourage alternative modes of transportation", which also matches Part B of the GC Zone to allow commercial uses that orient away from major traffic thoroughfares to avoid traffic congestion. Commissioner Band pointed out that it was also noted in 1C and 3A of the General Plan. She thought the presentation this evening showed how they were trying to mitigate traffic and curb cuts. She agreed with public comment regarding the bus, and the need to heavily look at connectivity and walkability because traffic is a top priority in the City. Having curb cuts on Kearns and Bonanza with this kind of density will add significantly more traffic. Commissioner Band stated that any plan put forward should have foot, bike, and bus alternatives spelled out, curb cuts minimized, mitigation plans for vehicular traffic and an emphasis on full connected street if possible.

Commissioner Band read Goal 5 of the General Plan, "Applicant should state Green Building Practices". She stated that the Planning Commission could not judge for compliance with the General Plan without that information. She noted that the General Plan, in general and for the zone, 3.3 calls for sustainable redevelopment. Also, 15.6, Part 1, Part J of the LMC states that, "An MPD should encourage mixed-use, walkable and sustainable development and redevelopment that provide innovative and energy efficient

design, including innovative alternative to reduce the impacts of the automobile on the community". In reference to Goal 7, the applicant should provide information about residential specifics because the Planning Commission could not judge for compliance with the General Plan without that information.

Commissioner Band stated that even though the GC zone allows both hotels and nightly rentals, the General Plan encourages nightly rentals to be limited and hotels to be in the resort zone, per 7B and C. Commissioner Band stated that in her opinion the City does not need another hotel, particularly in that location. She noted that a local hotel owner, who is also a City Council member, told her that Park City has the lowest year-around occupancy of any resort town. Park City is in the mid to low 30 percent range when most resorts run 60-80%. The problem is not the number of visitors, but the fact that there are 200-300 more beds than comparable resort towns.

Commissioner Band stated that when Form Based Code was being discussed she was on record for saying that the residential zones should remain residential. The General Plan would like this area to be a live/work/play neighborhood, and she was opposed to allowing nightly rentals. She pointed out that even without nightly rentals, many of the homes being sold in neighborhoods are going to second home owners, and people are losing their neighbors. Other than changing the LMC she was unsure how that issue could be addressed.

Commissioner Band commented on height and density. She noted that the General Plan Natural Setting, Goal 4B, is to buffer entry corridors from development and protect mountain vistas. The Frontage Protection Zone purpose in the LMC 15-2.20.1(a)(b)(c)(d) is to preserve Park City's scenic view corridors, preserve and enhance rural resort character of Park City's entry corridors, provide significant landscaped buffer between development and highway uses, minimize curb cuts, driveways and access points to highways. Commissioner Band stated that when the Planning Commission considers giving height and Frontage Protection Zone exceptions, it is because the City will get more than it is giving. Commissioner Band noted that she is not afraid of height and she has previously said that on the record. She also liked the design that was presented this evening. However, if they allow going into the Frontage Protection Zone and allow height, the City needs something in return.

Commissioner Band stated that based on presentation for this project they would lose a coffee shop, an art center, a car wash, and a local market. They would get a hotel that is not needed, more traffic and more density.

Commissioner Band read from LMC 15.6 – Master Planned Developments, "MPDs should result in a net positive contribution of amenities to the community, provide a variety of

housing types and configurations, provide the highest value of open space for any given site, and redevelopment should maintain compatibility with the surround neighborhood. Commissioner Band stated that she was not willing to go into the Frontage Protection Zone or allow height exceptions without serious guarantees that there would be a lot of deed restricted housing.

Commissioner Band was very sympathetic with the applicant who has spent many years waiting for the City to get new zoning in place to build. She also recognized that it was frustrating to be dealing with a General Plan that contradicts the zoning in some places. However, while some of the specifics do not line up, the overriding goals of the LMC and the General Plan to reduce curb cuts and traffic, protect view corridors, and keep the sense of small town when dealing with new projects were clear and the City should definitely get a net gain.

Commissioner Suesser agreed with Commissioner Band. In addition, she would like the project to focus on providing more residential space. She did not believe Prospector needed more office space because much of the existing office space in that area is empty. Commissioner Suesser had concerns with the amount of surface parking that was evident in the presentation. She also agreed with the comments questioning the need for another hotel in that area.

Commissioner Campbell asked which document would prevail when the LMC and the General Plan contradict one another. Assistant City Attorney Lake replied that the LMC would be the governing document. Commissioner Campbell stated that this project was large enough that he personally would like the guiding principle to be the General Plan. Page 180 of the new General Plan talks about Prospector Square being the City's first mixed use and mixed housing neighborhood. It is a great idea but it will never happen if the City keeps rejecting whatever plan comes in. Commissioner Campbell preferred to give the applicant some positive guidance. He noted that the City Council talks about affordable housing being the most important issue, but without added density they will never achieve it. Commissioner Campbell was more than willing to trade density for affordability. If Mr. Fischer is bold enough to build the number of units they were talking about for this project it would help keep the prices in check. Commissioner Campbell favored following the General Plan and adding density to keep down the cost of housing. In his opinion, that is the only model that will work. In terms of blocking views, he would like to know whose views it blocks. He referred to Commissioner Band's concern about the entry corridor, but he does not consider anything past the High School as the entry corridor because by then you are already in town. Commissioner Campbell did not believe they needed to worry too much about blocking the views from people driving their cars along Kearns. He was much more interested in finding ways to get people out of their cars. For that reason, he could care less about adequate parking. If they want people to use

alternatives other than cars they need to make using a car more difficult. Commissioner Campbell emphasized that the City needs a place where people can live and walk to restaurants and walk to work. He thought this proposal was the best they have seen and if it works other people will do it.

Commissioner Phillips stated that when he looks at this project he sees open space and some definite “gets” for the City. Height will be a big discussion and he is also on record as not being fearful of height. Commissioner Phillips remarked that having space in between the buildings is helpful because it gives views between them, as opposed to areas in Prospector where the buildings are built to maximum height all the way around. Commissioner Phillips believes the General Plan indicates this area as a place for density. He likes a lot of the design aspects. He also liked the interior parking and other things they talked about in the Form Base Code discussion. He favored the walkability and he believed that less curb cuts would definitely help with traffic on the two major congested roads. Commissioner Phillips stated that he did have concerns, but he liked what they were starting with he was hopeful that this project was something they could all work through and add to the City. He was not opposed to additional height with some “gets”, but he was leery of having it in the Frontage Protection Zone because it is more visible at that point. If it is set back the height becomes less visible. He clarified that he was not opposed to building in the Frontage Protection Zone, but he was concerned about putting height there. Commissioner Phillips referred to public comment regarding light pollution and noted that it was an issue that he has been thinking about as well. Whatever ends up being built, he would like the common spaces that have to be lit for code purpose and public safety to face inside the development as opposed to facing the major streets.

Commissioner Phillips pointed out that height will be one of the bigger topics for discussion with the community and he requested that Mr. Elliott provide better visuals. He would personally like visuals from the viewpoint of the Wells Fargo corner looking into this area, and what it would look like. Commissioner Phillips suggested that Mr. Elliott show the visual of what the project would look like if it was built to Code and within the requirements of the zone, versus the visual of having space looking through these buildings. He believed what could be built would be very plain and not what anyone wants, but people do not understand and showing the difference would be helpful to the community. Commissioner Phillips asked Mr. Elliott for better visuals of shots down the view corridors. In terms of finding compliance with the General Plan and the codes, it was difficult at this point to make that determination but he understood that it was something they would be working through. Commissioner Phillips felt there were a lot of good things with this project.

Commissioner Thimm agreed with most of the comments from his fellow Commissioners. As he looked at the Staff report and listened to the presentation he thought a lot of good

things were happening. Bringing a mix of uses into a parcel and allowing them to co-mingle and work together was a good urban solution. Commissioner Thimm remarked that using building and sidewalks to start to define street edges was better than parking lots. He was concerned about the amount of height being put right on the edge of Kearns Boulevard and asked if there was a way to move the height to the center. Commissioner Thimm clarified that he was not concerned with the height in terms of the amount of area because five acres is a significant amount of land. He would like the Planning Commission to consider building up as they continue to look at this project. Commissioner Thimm noticed that everything was presented and based upon square footage. He was curious as to how many units are anticipated, how many keys for the hotel, and the number of jobs anticipated for the amount of square feet of office space. He believed that bringing Class A office space into this area would be a positive. Commissioner Thimm stated that the General Plan talks about bringing in limited residential, but it does not define the term "limited residential". He believed this project puts residential where it needs to be because it creates people places at the ground floor and builds up from there.

Commissioner Thimm understood the concern that Commissioner Campbell has consistently expressed regarding number of parking spaces. However, he applauds the idea of putting the vast majority of parking under the project. Commissioner had concerns with putting the parking lot right on the street edge and the statement it makes driving on Bonanza. He understood there would be a landscape buffer, but he suggested that they look at whether it could be tucked back and behind. Commissioner Thimm stated that the presentation help him better understand what is being done to reinforce hiking and biking trail connections. He asked that some thought be given to the creation of appropriate bike parking areas within the edges of the active spaces and at entries and to the site. He also suggested adding a bike repair area. Commissioner Thimm commented on sustainability goals and what type of platform might be utilized for this project. He was struck by the idea of LEED for Neighborhood Development which was mentioned in the Staff report. He believed LEED ND was a logical platform. Commissioner Thimm stated that LEED at a certified level or silver level was fairly easy. He noted that Park City is trying to develop the notion of stepping depend what is easy, and for that reason he encouraged the idea of looking towards a LEED gold level of certification. It would be more difficult but it would make the right statement for some of the precepts within the General Plan, as well as the community goals.

Commissioner Thimm asked for the number of affordable housing units that have been built. Mr. Elliott replied that there were 12 units at Empire and 22 single room occupancy units at Rail Central. Commissioner Thimm understood from the presentation that those units were the affordable housing for this site. Mr. Elliott stated that it was a small portion. Commissioner Thimm thought there should be a commitment to have some affordable

housing on this site. Mr. Elliott replied that there would be on-site affordable housing.

Director Erickson clarified that the Affordable Housing Resolution of 2015 requires that 20% of the affordable housing residents are housed on site.

Commissioner Thimm encouraged a commitment to public art in the plaza spaces. It helps to create an environment where people want to live, and it increases the ability of a space to thrive. Commissioner Thimm recalled that solar was mentioned in the presentation. He had concerns with the south sun and the way it would relate to the plaza spaces, especially with Building F at three stories and Building G at four stories. He questioned whether it would allow enough light to come into the plaza space. He commented on the benefits that take place for plaza spaces and the extension of usage time when the sun is allowed to come in and warm up the space. Commissioner Thimm asked if a traffic impact study was done for this project considering the density. Mr. Elliott answered no, but a study would be done as this project moves forward. Commissioner Thimm was not concerned about blocking view sheds, and he did not mind the notion of framing views. He would like to take a closer look at the buffer zone and where it starts to encroach into the area of needing a CUP within 100 feet of the Frontage Protection Zone, and whether five stories was appropriate in that location. That was his biggest concern at this point.

Commissioner Thimm referred to the connection between Kearns and Bonanza Drive and the ability to drive straight through as a shortcut. He questioned whether that was the best solution from the standpoint of traffic calming. He liked the idea of having a good strong bicycle access path through there but it needs to be safe. Commissioner Thimm thought the issue of the shortcut becoming a thoroughfare and creating an unsafe condition needed to be addressed. In general, Commissioner Thimm thought this plan was well thought out.

Chair Strachan stated that this project takes Park City and the Bonanza Park area into a completely different world. He was not suggesting that it did not comply with the General Plan, but the proposal is ambitious and unique. There needs to be design features that make it very attractive to the City. As it stands now, they do not know enough to judge. They have only seen pictures and in his view it is radically different from anything they have ever seen. Chair Strachan remarked that it would be an educational process through a series of many meetings, and the applicant needs to make the Planning Commission and the community comfortable with a very modern and very contemporary design that Park City has never seen before, particularly at this scale.

Chair Strachan focused on what he believed would be the primary issues. He noted that height would be the driving factor. He agreed with Commissioner Thimm that the height along the roads is inappropriate. It needs to be stepped and centered. Only then could

they have a gradual interplay with the other buildings that are likely to be built at some point in the future. Chair Strachan was opposed to creating a walled experience for travelers going through. He thought the pictures of Lower Main Street that Mr. Elliott showed in the presentation is a walled experience for walkers, bikers and drivers. That is not the model the General Plan embraces, and it is not the model that best serves this site. Chair Strachan was not opposed to tall buildings in the right place, but it should not be next to the road. He believed that if the applicant could move the height to different places, the Commissions would likely be more receptive to a height exception if it was off the road.

Chair Strachan agreed with public comment that the transit hub that the City appears to be moving towards must be tied into this project. The applicant needs to work with the City and incorporate it into their plan. If the two move forward on mutually exclusive pathways and never connect it would be a lost opportunity of the highest order. Chair Strachan requested that the applicant show how they intend to incorporate the transit hub when they come back for each meeting. He understood the City's plans were tentative at this point, but he suggested that they incorporate any information on what the City plans to do. Chair Strachan stated that bike paths should not go through parking lots and hard right angles never work for bike paths. The bike path shown in slide 61 of the presentation would not be a practical use for bikes. It may work for pedestrians, but in his experience pedestrians follow the bikes because bikes takes the shortest distance between two points. Chair Strachan remarked that it also needs to connect into the Rail Trail.

Chair Strachan remarked that as the Staff pointed out, many things need to be discussed in terms of the General Plan. The public expressed their concerns and comments and he left it to Mr. Elliott and Mr. Fischer's experience to sift out which comments need to be addressed. They need to provide the evidence that the Planning Commission needs in order to make a finding that it complies with the General Plan. Chair Strachan did not believe this project was a non-starter or out of the realm of possibility, but it will be a long process and they have a long way to go.

Director Erickson commented on the suggestion to tie in the potential purchase of property. He referred to bullet point #2 on page 96 of the Staff report and noted that two sections of the LMC require the applicant to deliver all properties owned by the applicant, which includes the Emporium and other parcels which may affect transportation and circulation in that district. He stated that if the Planning Commission was going to find for compliance with the General Plan, they should consider whether this property needs to be in compliance with the LMC to bring other properties owned by the applicant into this MPD process. This would include the potential sale of property, the gateway property and the Boneyard because all of these circulation elements need to be considered on a General Plan scale as they move forward. He emphasize that this could not be considered in isolation.

Chair Strachan agreed with Director Erickson; however, that gives the applicant an almost unworkable requirement. He believed the applicant is entitled to phase their project and he was not sure they could force them to bring forth a global plan on the idea of all or nothing. He understood that the City would like to see that connection, but the applicant owns the property and can propose whatever they want.

Director Erickson offered to review the LMC language. He thought there may be a way to address General Plan issues on a larger scale and site specific issues inside the application submitted. Chair Strachan believed the LMC speaks to that. The advantage is having a small handful of owners, and he would leave it to those owners to not allow one of them to ruin it for the rest by building non-connectable projects. Chair Strachan was less concerned about that issue, but he appreciated that the Staff was taking a broader, larger connectivity view. He urged the applicant to participate in all of those conversations. Chair Strachan recognized that Mr. Fischer has been developing in Park City for a long time and he trusted his experience and judgment to follow the Planning Director's direction.

Mr. Elliott stated that they have been working with transportation and intend to continue doing so. In the previous application they were told that they could not be processed together because they were not connected. Mr. Elliott thought there might be a disconnect between their understanding and the direction that was previously given. Commissioner Band asked if Mr. Elliott would like to process them all together. Mr. Elliott explained that at this point they decided to move forward with the corner because they do not know what will happen with the other parcels until they know what happens at the rear of the property.

Director Erickson stated that the City was moving forward to try and meet the transportation and the trip demand reduction goals. They have an agreement with UDOT to not approve any new accesses on SR248, and to reduce the number of accesses on to 248 to just Homestake Road. He noted that all the other accesses into the property come into play as they move forward looking at General Plan compliance for this parcel. Director Erickson was not concerned about the other land use issues. The primary concern were housing issues and transportation issues, particularly on Bonanza and SR248. Chair Strachan believed that was the right focus.

Mr. Elliott stated that this was submitted as a pre-application, understanding that there are a lot of complexities. He was trying to figure out what level of detail they needed to provide in the pre-application versus the MPD application. He stated that is has been a balancing act and the intention is not to show specific things. They were trying to find the right approach. He requested that they be able to focus on the General Plan issues for the next

meeting in terms of their approach and get direction from the Planning Commission to make specific adjustments in the MPD application.

Chair Strachan understood the concern and noted that it was a balancing act that is done with every pre-application. The Commissioners were asking for more detail but neither the General Plan nor the LMC is clear on what detail needs to be provided. Chair Strachan stated that from his general experience, the pre-applications that provide the greater amount of detail are usually the easier ones to get through. Hearing Mr. Elliott say that certain issues will be addressed when they reach the point of the actual MPD causes concern for both the Planning Commission and the public because it is all based on trusting that they will comply with the General Plan without knowing any specifics. Chair Strachan urged the applicant to be as specific as possible in terms of the issues the Commissioners outlined in their comments this evening.

Commissioner Band stated that she personally would like to see as much detail as possible in the pre-MPD process, and she thought the applicant would want to provide that detail so they would know what might not be acceptable before they get too far into the process. Mr. Elliott clarified that his struggle was how much interior detail they wanted to see. He believed that was part of the discussion about housing. He would not be able to say how much housing would be provided and the type of housing until he designs the interior of the building. He was trying to figure out what balance he could provide to get the right information to make the Planning Commission comfortable with the General Plan obligations. Mr. Elliott was comfortable with trusting the process and the process of design, taking it from the macro scale to the micro scale. The issue was finding the right balance for the pre-application.

Chair Strachan remarked that the key is to show where exactly they would put the affordable housing because that is the number one question. At a minimum, that needs to be specified. He noted that Mr. Elliott gave percentages of the different uses and it would be helpful to know where those uses are going to be on the site. Chair Strachan did not believe it was important to have detailed interior design.

Planner Astorga noted that the specific he was looking for were outlined on page 96 of the Staff report. As an example, the first challenge was that the specificity of each commercial use was not indicated, and he was unable to run the affordable housing formula to determine how many units would be required in the project. He was comfortable working with the percentages of uses to start running the formula to get a better idea of what the requirement would be. Chair Strachan thought it was incumbent upon the applicant to provide the Staff the information necessary to run the formulas and analysis.

Director Erickson stated that the Planning Department would work with the applicant to get more specifics on what they can deliver specifically. He believed that the attributes of the site and conformance with the General Plan were driven by external circulation, internal circulation and affordable housing compliance. Chair Strachan concurred. Director Erickson stated that height, volume and the other site designs that were mentioned could move from there.

Mark Fischer, the applicant, thanked the Planning Commission for their time and attention this evening. He stated that the goal is to create a fantastic projects. In terms of the global comment, it was his reason for developing all nine parcels. Mr. Fischer believes his proposal is global and they have gone to great expense and time to do it this way. He urged the Planning Commission to consider that the plan being presented is a global plan because the other parcels are clearly separate and not contiguous. Mr. Fischer was willing to take whatever direction is given by the Planning Commission and the Planning Department, but he wanted to clarify that this project is an attempt to do what he considers a global application by including the contiguous parcels. Mr. Fischer asked the Planning Commission not to assume that the Kimball Arts Center and other great amenities are not part of these buildings. They should assume that they are.

Mr. Fischer stated that he had written down all of the public comments and the Commissioners comments and he intended to address all of them.

After discussing potential dates to schedule the next meeting, the applicant was comfortable coming back on June 22nd.

MOTION: Commissioner Band moved to CONTINUE Bonanza Park East MPD to June 22nd, 2016. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 8:08 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report

Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: May 25, 2016
Type of Item: Legislative – LMC Amendments

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and **continue to June 8, 2016**, on the Land Management Code (LMC) Amendments regarding various administrative and substantive amendments as generally described below, to allow Staff time to prepare the code redlines and analysis.

Description

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

Approximate Location: City wide

Proposal: Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

Executive Summary

Planning Staff is in the process of reviewing the Land Management Code (LMC). This review includes various administrative and substantive items to align the LMC with the adopted General Plan and to address issues and inconsistencies that have come up. Staff is also preparing amendments to align the LMC with changes made to the State Code. This item was continued on May 11th to May 25th. Staff requests a continuation to June 8, 2016 to allow additional time for Staff to review the proposed amendments.

Planning Commission Staff Report



Subject: Silver King Coffee Kiosk
Author: Ashley Scarff, Planning Technician
Project Number: PL-16-03144
Date: May 25, 2016
Type of Item: Administrative – Conditional Use Permit

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the Planning Commission review the proposed Conditional Use Permit application for the continued operation of and small addition to an existing coffee kiosk with drive-up windows within the General Commercial District with Frontage Protection Zone Overlay located at 1409 Kearns Boulevard, conduct a public hearing, and consider approving the Conditional Use Permit based on the findings of fact, conclusion of law, and conditions of approval found in this staff report, including a two (2) year expiration of the use.

Description

Applicant: Ben Buehner
Location: 1409 Kearns Boulevard
Zoning: General Commercial (GC) District with Frontage Protection Zone (FPZ) Overlay
Adjacent Land Uses: Commercial to east, south, and west; cemetery to north
Reason for Review: Conditional Use Permits (CUPs) require Planning Commission review and final action.

Proposal

The applicant requests to continue operating, and add a small addition to, an existing coffee kiosk with drive-up windows within the General Commercial (GC) District with Frontage Protection Zone (FPZ) Overlay. Any construction within the FPZ requires a Conditional Use Permit (CUP). A drive-up window also requires a CUP within the GC District.

Background

On March 31, 2016, the City received a building permit application for the construction of a 100 square foot (sf) addition to the existing Silver King Coffee Kiosk at 1409 Kearns Boulevard. The current structure is located within the GC District with FPZ Overlay. Any construction within the FPZ requires a CUP, and drive-up windows also require a CUP within the GC District.

In the course of reviewing the building permit application for the small addition, staff found that the first CUP permitting initial construction and operation of the drive-up coffee kiosk was approved via Planning Commission final action on April 27, 2011, and conditioned with an expiration date three (3) years from that final action, or April 27,

2014. Because the first CUP was allowed to lapse without any type of extension action taken and has been expired for approximately two (2) years, Planning staff required the applicant to apply for a CUP to re-establish his permit to operate the drive-up coffee kiosk in its current location. In addition, per Land Management Code §15-2.20-4, all construction activity occurring within the portion of the FPZ between 30 feet (30') and 100 feet (100') of the nearest right-of-way line (Kearns Boulevard) requires a CUP; thus, the proposed addition to the existing kiosk also requires a CUP.

As was the case during the first CUP request in 2011, the applicant has indicated that he would like to continue utilizing the site for a short term use due to the property owner's desire to redevelop the area in the near future. The property owner has authorized the applicant to pursue this CUP request so that the land can continue to be utilized concurrently with the master planning of the Bonanza Park area, which the owner has submitted a pre-Master Planned Development (pre-MPD) application for. Staff recommends a condition of approval that the use shall expire within two (2) years of Planning Commission final action to ensure that this temporary use does not become permanent. In the future, the City desires to reduce the number of vehicular access points along Kearns Boulevard, including the one used to access the drive-up coffee kiosk.

The existing coffee kiosk is sixteen feet (16') by ten feet (10') and sits on a concrete pad that measures twenty-two feet (22') by ten feet (10'). The proposed addition will add 100 square feet (sf) to the structure, and the applicant indicates that it will serve as storage and working space. The height of the existing structure is approximately eighteen feet (18'), which will not be exceeded with the new addition. The coffee kiosk is located approximately eighty feet (80') from the front property line along Kearns Boulevard.

The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance. The applicant proposed a temporary capping concept with his 2011 CUP request that included the installation of eight inches (8") of recycled asphalt millings on a six inch (6") untreated base course with 96 percent (96%) compaction required on site, which the City's Environmental Coordinator and Planning Director found to be adequate given the applicant's short term use of the site and the property owner's plans to redevelop the site in the near future. The 2011 CUP approval also included a condition that the applicant apply a seal every year to the milling to make it more impermeable and allow the City Engineer to inspect the site on a yearly basis, making sure that the millings are not detrimental to the environment and remain in satisfactory condition.

Because the redevelopment has taken longer than originally anticipated, the City's Environmental Coordinator recommends conditions of approval for this CUP to ensure that the property owner submits a mitigation plan for bringing the *entire property area included in the Bonanza Park redevelopment project* into compliance with the Soil Ordinance within six (6) months of Planning Commission approval, begins efforts to bring the entire property area into compliance with the Soil Ordinance within two (2)

years of Planning Commission approval, and achieves full compliance with the Soil Ordinance within four (4) years of Planning Commission approval.

In addition, Planning Department staff finds that the driveway and parking area has fallen into disrepair, and recommend a condition of approval with the current CUP that the applicant return the driveway and parking area to good condition per LMC § 15-3-3(B). Staff also recommends a condition of approval that the applicant improve and maintain the required thirty foot (30') wide landscaped buffer area that abuts Kearns Boulevard, per Land Management Code § 15-3-3-(D)(5).

Analysis

No structure is allowed in the FPZ within thirty feet (30') of the nearest highway Right-of-Way, Kearns Boulevard. All construction activity, including permanent signs, in the setback area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line, Kearns Boulevard, requires a CUP and is subject to all applicable review criteria as stated in LMC § 15-1-10. The existing kiosk is eighty feet (80') from the right-of-way. Drive-up windows within the GC District also require a CUP.

The Planning Commission must consider whether or not the proposed Conditional Use of continued operation of and small addition to the drive-up coffee kiosk mitigates impacts of and addresses criteria listed in Land Management Code § 15-1-10. Planner Astorga provided this analysis in his staff report presented at the April 27, 2011 Planning Commission meeting (Exhibit A), and it was reviewed by all Commissioners in attendance on that date. Conditions at the site remain the same, and no additional impacts are anticipated with the small addition to the kiosk.

Department Review

This project has gone through an interdepartmental review. Any issues raised have been addressed via conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on May 11, 2016. Legal notice was also published in the Park Record on May 11, 2016, and on the public notice website in accordance with the requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may approve the continued operation of and addition to the drive-up coffee kiosk within the Frontage Protection Zone as conditioned or amended; or
- The Planning Commission may deny the continued operation of and addition to the drive-up coffee kiosk within the Frontage Protection Zone and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion of the continued operation of and addition to the drive-up coffee kiosk within the Frontage Protection Zone.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The applicant would not be able to continue the operation of the Silver King Coffee Kiosk, and the structure would remain vacant or be demolished until the proposed redevelopment of the site is approved for construction.

Recommendation

Staff recommends the Planning Commission review the proposed Conditional Use Permit application for the continued operation of and addition to an existing coffee kiosk with a drive-up window within the General Commercial District with Frontage Protection Zone Overlay located at 1409 Kearns Boulevard, conduct a public hearing, and consider approving the Conditional Use Permit based on the findings of fact, conclusion of law, and conditions of approval found in this staff report, including a two (2) year expiration of the use.

Findings of Fact:

1. The property is located at 1409 Kearns Boulevard.
2. The kiosk is located eighty-feet (80') from the Kearns Boulevard right-of-way.
3. The property is in the General Commercial (GC) District and within the 100' Frontage Protection Zone (FPZ) Overlay.
4. Any construction within the FPZ Overlay requires a Conditional Use Permit (CUP). No construction is permitted within the first thirty-feet (30') of the right-of-way.
5. A drive-up window requires a CUP within the GC District.
6. On April 27, 2011, the Planning Commission approved a similar CUP request by the same applicant for the initial construction of the coffee kiosk with drive-up window within the GC District with FPZ Overlay, with an expiration date three (3) years from date of approval.
7. The CUP lapsed on April 27, 2014 without any requests for extension, but the applicant continued to operate the business.
8. Planning Staff became aware of this oversight on March 31, 2016, when the City received a building permit application for the construction of a 100 square foot (sf) addition to the existing drive-up coffee kiosk.
9. Planning Staff is requiring the applicant to seek a CUP to continue operation of the existing drive-up coffee kiosk in its current location.
10. In addition, all construction activity occurring within the portion of the FPZ between 30 feet (30') and 100 feet (100') of the nearest right-of-way line requires a CUP; thus, the proposed 100 sf addition to the kiosk also requires a CUP.
11. The applicant requests to utilize the site as a short term use due to the property owner's desire to redevelop the area in the near future.

12. The property owner has authorized the coffee kiosk business owner to pursue this CUP request so that the land can continue to be utilized concurrently with the master planning of the Bonanza Park area.
13. The business owner currently leases the land from the property owner.
14. The existing coffee kiosk measures sixteen feet (16') by ten feet (10'), and sits on a concrete pad that is twenty-two feet (22') by ten feet (10').
15. The proposed addition measures ten feet (10') by ten feet (10') and will add 100 sf to the structure.
16. The height of the existing building is approximately eighteen feet (18'), which will not be exceeded with the addition.
17. The existing structure is compatible in mass, bulk, orientation and location with adjacent structures due its size and design.
18. The proposed addition will be built with the same building materials to reflect similar aesthetics.
19. The applicant previously submitted a UDOT approval letter which allows the connection onto Kearns Boulevard (SR 248).
20. The existing structure and drive-thru are within hundred feet (100') of the right-of-way making access sufficient for emergency vehicle access.
21. The existing kiosk is designed to offer its services to pedestrians as well as those in vehicles.
22. All necessary utility permits were secured prior to initial construction of the kiosk.
23. The existing structure has a small covered area for loading and unloading.
24. The business uses the trash container shared by other businesses located on the same lot south of the coffee kiosk adjacent to the storage units.
25. The site is not within the Sensitive Land Overlay Zone.
26. The site is relatively flat land and requires no slope retention.
27. The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance.
28. The temporary capping method required with the original CUP has been found adequate subject to the applicant continuing to add a sealant to the millings each year, making it more impermeable, and allowing the City Engineer to inspect the site on a yearly basis to make sure that the millings are not detrimental to the environment, or by changing the material to asphalt, concrete, or other paving material per the Soils Ordinance.
29. The City's Environmental Coordinator has included conditions of approval to ensure that the property owner submits to the Planning Department a mitigation plan for bringing the entire area included in the Bonanza Park redevelopment project into full compliance with the Soils Ordinance within six months (6 months) of Planning Commission approval of this CUP, and fulfills actions outlined in that plan within four (4) years of Planning Commission approval of this CUP.
30. The applicant stipulates to the conditions of approval stated herein.

Conclusions of Law:

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

3. The proposed use will be compatible with surrounding structures in use, scale, mass, and circulation;
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 Project Conditions shall apply.
2. This approval will expire two (2) years from the Planning Commission approval.
3. The applicant shall add a sealant to the proposed milling (temporary capping proposal) each year to make it more impermeable. The City Engineer will inspect the site on a yearly basis making sure that the millings are not detrimental to the environment. The applicant may change the material to asphalt, concrete, brick or other paving material per the Park City Soils Ordinance.
4. Per Land Management Code § 15-3-3(B), parking areas and driveways must be hard-surfaced, maintained in good condition, and clear of obstructions at all times. The applicant must make any repairs necessary to return the kiosk driveway and parking area to a condition that meets this requirement.
5. The property owner shall submit a mitigation plan to the Planning Department within six (6) months of CUP approval to address bringing the entire property area included in the Bonanza Park redevelopment project into full compliance with the Soil Ordinance.
6. The property owner shall *begin* efforts to bring the entire property area included in the Bonanza Park redevelopment project into compliance with the Soil Ordinance within two (2) years of this CUP approval, and shall *completely fulfill* actions outlined in the mitigation plan within four (4) years of CUP approval, bringing the entire property area into full compliance with the Soil Ordinance.
7. The City Engineer may review the traffic flow if problems arise that are not mitigated. The City Engineer may require the CUP to be reopened for review by the Planning Commission.
8. Per Land Management Code § 15-3-3-(D)(5), the FPZ Overlay requires a minimum landscaped buffer of thirty feet (30') in width, abutting the street (Kearns Boulevard). The applicant must improve and maintain the 30' landscaped buffer area along the front of the property line.

Exhibits

- Exhibit A – April 27, 2011 Planning Commission Staff Report & Exhibits
- Exhibit B – April 27, 2011 Planning Commission Meeting Minutes
- Exhibit C – April 27, 2011 CUP Action Letter
- Exhibit D – Description and Plans for Proposed Addition

Planning Commission Staff Report



Application no: PL-10-01121
Subject: Drive-up Coffee Kiosk
Author: Francisco Astorga
Date: April 27, 2011
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staffs recommends the Planning Commission hold a public hearing for Conditional Use Permit for a drive-up coffee kiosk within the Frontage Protection Zone located at 1409 Kearns Boulevard, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in this staff report, including a three (3) year expiration of the use.

Description

Applicant: Ben Buehner
Location: 1409 Kearns Boulevard
Zoning: General Commercial (GC) District with Frontage Protection Zone (FPZ) Overlay
Adjacent Land Uses: Commercial to east, south, and west; cemetery to the north
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

The applicant requests to build a small drive-up coffee kiosk within the Frontage Protection Zone (FPZ) in the General Commercial (GC) District. Any construction within the FPZ requires a Conditional Use Permit (CUP). A drive-up window also requires a CUP within the GC District.

Background

On March 31, 2011 the City received a complete CUP application for construction of a small coffee kiosk with a drive-up window. The property is located at 1409 Kearns Boulevard in the General Commercial (GC) District within the Frontage Protection Overlay Zone. (Exhibit A – Vicinity Map) The site is currently undeveloped. The applicant has indicated that they would like to utilize the site for a short term use due to the property owner's desire to redevelop the area.

The applicant desires to utilize the site to build a small coffee kiosk with a drive-up window. The property owner has authorized the coffee kiosk business owner to pursue this CUP request so that the land can be utilized concurrently with the master planning of the Bonanza Park area. Staff recommends a condition of approval that the use shall expire within 3 years of approval.

The proposed coffee kiosk is sixteen feet (16') by ten feet (10') and will be placed on a concrete pad. The proposed concrete pad is twenty-two feet (22') by ten feet (10'). The height of the proposed building is approximately eighteen feet (18'). The proposed coffee kiosk is located sixty feet (60') from the front property line.

The applicant proposes to maintain the existing concrete pad connection to Kearns Boulevard. They request to install eight inch (8") recycled asphalt millings on 6" untreated base course with 96% compaction required. They proposed to maintain thirty feet (30') minimum width of two-way driveway and thirteen feet (13') lanes at one way drive-thru coffee kiosk window. The slope of driveway is not to exceed five percent (5%).

Analysis

Hours of operation are anticipated to take place seven (7) days a week from 6am to 6pm. They intend to provide coffee, tea, etc, along with limited food items.

No structure is allowed within the FPZ within thirty feet (30') of the nearest highway Right-of-Way, Kearns Boulevard. All construction activity, including permanent signs, in the setback area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line, Kearns Boulevard requires a CUP and is subject to all applicable review criteria as stated in LMC § 15-1-10. Applicant is proposing to place the kiosk sixty feet (60') from the right-of-way. The drive-up window also requires a conditional use permit.

Conditional Use Permit Criteria

The Planning Commission must review each of the following criteria in Land Management Code Section 15-1-10 when considering whether or not the proposed Conditional Use for construction of the kiosk and drive-up window mitigates impacts of and addresses the following items:

(1) Size and location of the Site.

No unmitigated impacts.

The entire parcel is 25,755 square feet in size. The size of the proposed concrete pad housing the structure is two hundred (200) square feet. The approximate size of the drive-thru area is 7,800 square feet. The site plan also identified a parking and snow storage location of approximately 1,286 square feet. The site is located on Kearns Blvd. (Highway 248) between a church and a clinic. See Exhibit B – Site Grading, Drainage & Utility Plan.

(2) Traffic considerations including capacity of the existing Streets in the Area

No unmitigated impacts.

The site is located on Kearns Blvd. (Highway 248). The City Engineer reviewed the site plan and required the applicant to submit an approval letter from the Utah Department of Transportation (UDOT) due to the fact that Highway 248 is a state road and any access to SR-248 requires UDOT approval. The applicant submitted

the UDOT approval letter (see Exhibit C). It is not expected that the proposed coffee kiosk will draw more traffic to the area.

(3) Utility capacity

No unmitigated impacts.

The applicant has been in contact with the several utility companies to coordinate water, gas, electrical, and sewer connections. Staff finds that the site should not have any issues due to the site being a buildable lot. As standard procedure the applicant will have to secure all the necessary utility permits to connect to the desired services.

(4) Emergency vehicle Access

No unmitigated impacts.

The proposed structure and drive-thru are within hundred feet (100') of the right-of-way making the access sufficient for emergency vehicle access.

(5) Location and amount of off-Street parking

No unmitigated impacts.

The proposed coffee kiosk is meant to provide services thru the proposed drive-thru only. No client parking is necessary. The site plan has indentified a small area south of the proposed kiosk as employee parking. Due to the size of the kiosk the applicant has indicated that the site will have no more than two (2) employees working at a time.

(6) Internal vehicular and pedestrian circulation system

No unmitigated impacts.

The proposed landscape plan shows the location of several 3'x 6' wooden planters throughout the drive-thru area. The proposed kiosk is not designed to service to pedestrians.

(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses

No unmitigated impacts.

The applicant proposes some landscaping to take place north of the proposed structure as shown on the submitted landscape plan. The proposed landscaping shall be in compliance with the Soil Ordinance related to landscaping care. The applicant does not proposed any fencing or screening at this time.

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots

No unmitigated impacts.

The proposed structure is much smaller than all of the other structures in the area. Due to the size of the proposed kiosk staff finds no issues with the mass, bulk, orientation and location of the proposed building on the site. (See Exhibit D)

(9) Usable Open Space

No unmitigated impacts.

The site does not contain any usable open space. The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance. The property owner plans on submitting a soils mitigation plan that will be in full compliance with the Soils Ordinance, in conjunction with the long range plans of the site. Refer to #15 below.

(10) Signs and lighting

No unmitigated impacts.

No free-standing signs have been proposed at this time. The site is limited with the regulation of the FPZ which prohibits any structures on the first thirty feet (30'). The applicant desires to place wall signs on the proposed structure. Even though no applications have been submitted related to signs the applicant understands that the signs shall have to comply with the Park City Sign Code. Lighting has not been requested at this time. However, any lighting is required to meet requirements of LMC

(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing

No unmitigated impacts.

The proposed small structure will be compatible in physical design, mass, scale, style, design, and architectural detailing to the built commercial development on Kearns Blvd. The structure is small and the architecture has a mining motif.

(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site

No unmitigated impacts.

The applicant does not expect any issues that might affect people other than what is currently found in a commercial area. The site will need to comply with the Park City Noise Ordinance.

(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas

No unmitigated impacts.

The applicant expects minimum deliveries and service vehicles. No large semi-trucks are anticipated. The structure is designed to have a small covered area for loading and unloading. The business will use the trash container shared by other businesses located on the same lot south of the proposed coffee kiosk adjacent to the storage units.

(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities

No unmitigated impacts.

The ownership of the property is a limited liability company. The business owner will lease the land from the LLC.

(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.

Mitigated impacts

The site is not within the Sensitive Land Overlay Zone. The site is relatively flat land and requires no slope retention. The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance.

The Environmental Coordinator and Planning Director met with the applicant to discuss his temporary capping concept, which includes maintaining the existing concrete pad connection to Kearns Boulevard; installing eight inch (8") recycled asphalt millings on 6" untreated base course with 96% compaction required.

Due to the short term range of the drive-up coffee kiosk and the property owner's plans to redevelop the site the Environmental Coordinator and Planning Director found the temporary capping proposal as adequate subject to adding a yearly sealer maintenance program (seal every year) to the proposed milling making it more impermeable and allowing the City Engineer to inspect the site on a yearly basis making sure that the millings are not detrimental to the environment and remain in satisfactory condition. The Alternative to this proposal would be to change the material to asphalt, concrete, or other paving material per the Soils Ordinance; however given the temporary nature of this proposal and given the property owner's (Mark Fischer) agreement to commit to a complete remediation proposal for this site within five (5) years as part of this current pre-Master Planned Development (MPD) application.

Summary

Staff recommends allowing the applicant to build the drive-up coffee kiosk as proposed and conditioned so that the land may be utilized in short range instead of sitting vacant until the property owner redevelops the site. A lot of discussion has taken place in the last year dealing with re-development of Bonanza Park area and the pre-MPD application has been submitted for review.

Staff recommends adding an expiration date of this approval not to exceed three (3) years from the Planning Commission approval to ensure that this short range improvement does not become a long range structure.

Drive-up Criteria

Drive-up windows require a CUP to consider traffic impacts on surrounding streets (LMC § 15-2.18-6). As part of that CUP, 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.

The current placement of the structure allows the placement of four (4) standard size vehicles to sit in cue. Staff recommends changing the location of the proposed coffee

kiosk structure to the back drive which would put the structure approximately eighty feet (80') from Kearns Blvd. This condition allows for additional room to accommodate a total of eight (8) vehicles to site in cue. The recommended vehicle circulation plan (which includes shifting the location of the structure) is an appropriate method of avoiding vehicles from spilling onto Kearns Blvd. and is in compliance with standard planning practices.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may approve the construction of the drive-up coffee kiosk within the Frontage Protection Zone as conditioned or amended; or
- The Planning Commission may deny the construction of the drive-up coffee kiosk within the Frontage Protection Zone and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the construction of the drive-up coffee kiosk within the Frontage Protection Zone.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The site would remain as is and the coffee kiosk would not be able to be built on site.

Recommendation

Staffs recommends the Planning Commission hold a public hearing for Conditional Use Permit for a drive-up coffee kiosk within the Frontage Protection Zone located at 1409 Kearns Boulevard, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in this staff report, including a three (3) year expiration of the use.

Findings of Fact:

1. The property is located at 1409 Kearns Boulevard.
2. The property is in the General Commercial (GC) District within the Frontage Protection Zone (FPZ) Overlay.
3. The property is in the Bonanza Park area.
4. The site is currently undeveloped.

5. The applicant requests to build a small drive-up coffee kiosk structure with a footprint/floor area of 160 square feet.
6. Any construction within the Frontage Protection Zone Overlay requires a Conditional Use Permit.
7. A drive-up window is Conditional Use Permit within the General Commercial District.
8. The applicant requests to utilize the site as a short term use due to the property owner's desire to redevelop the area in the near future.
9. The property owner has authorized the coffee kiosk business owner to pursue this Conditional Use Permit request so that the land can be utilized concurrently with the master planning of the Bonanza Park area.
10. The proposed coffee kiosk is sixteen feet (16') by ten feet (10').
11. The proposed concrete pad is twenty-two feet (22') by ten feet (10').
12. The height of the proposed building is approximately eighteen feet (18').
13. The applicant submitted a UDOT approval letter which allows the connection onto Kearns Boulevard (SR 248).
14. As standard procedure the applicant will have to secure all the necessary utility permits to connect to the desired services.
15. The proposed structure and drive-thru are within hundred feet (100') of the right-of-way making access sufficient for emergency vehicle access.
16. The proposed kiosk is not designed to offer its services to pedestrians.
17. The proposed landscaping shall be in compliance with the Soils Ordinance related to landscaping care.
18. The proposed structure is compatible in mass, bulk, orientation and location with adjacent structures due to the size and design of the proposed structure.
19. The proposed structure is 220 square feet and the architecture has a mining motif.
20. The structure is designed to have a small covered area for loading and unloading.
21. The business will use the trash container shared by other businesses located on the same lot south of the coffee kiosk adjacent to the storage units.
22. The business owner will lease the land from the property owner.
23. The site is not within the Sensitive Land Overlay Zone.
24. The site is relatively flat land and requires no slope retention.
25. The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance.
26. The temporary capping proposal has been found adequate subject to adding a sealant to the proposed milling making it more impermeable and allowing the City Engineer to inspect the site on a yearly basis making sure that the millings are not detrimental to the environment or by changing the material to asphalt, concrete, or other paving material per the Soils Ordinance.
27. Staff recommends changing the location of the proposed coffee kiosk structure to the back drive which would put the structure approximately eight feet (80') from Kearns Blvd. allowing additional room to accommodate a total of eight (8) vehicles.
28. The applicant stipulates to the conditions of approval stated herein.

Conclusions of Law:

1. The application complies with all requirements of the LMC;

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

Conditions of Approval:

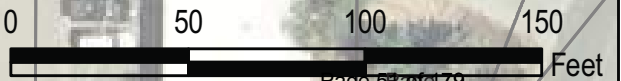
1. This approval will expire three (3) years from the Planning Commission approval.
2. A building permit is required prior to construction of the kiosk and site improvements.
3. All landscaping and site improvements shall be installed prior to issuance of a certificate of occupancy.
4. No occupancy or use of the kiosk may occur until a certificate of occupancy is issued by the Building Department.
5. The applicant shall add a sealant to the proposed milling (temporary capping proposal) to make it more impermeable. The City Engineer will inspect the site on a yearly basis making sure that the millings are not detrimental to the environment. The applicant may change the material to asphalt, concrete, or other paving material per the Park City Soils Ordinance.
6. The applicant shall change the location of the proposed coffee kiosk structure to the back drive which would put the structure approximately eight feet (80') from Kearns Blvd.
7. The applicant shall submit a letter of commitment from the property owner reiterating future commitment to clean up the site with his long range plans dealing with the full compliance with the Soil Ordinance prior to the City issuing a certificate of occupancy.

Exhibits

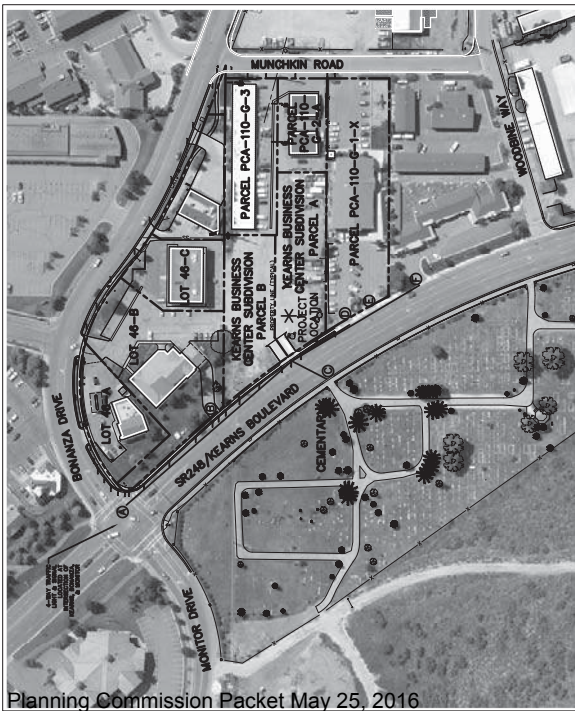
- Exhibit A – Vicinity Map
- Exhibit B – Site Grading, Drainage & Utility Plan
- Exhibit C – UDOT approval letter
- Exhibit D – Floor Plan & elevations



1409 Kearns Boulevard Vicinity Map

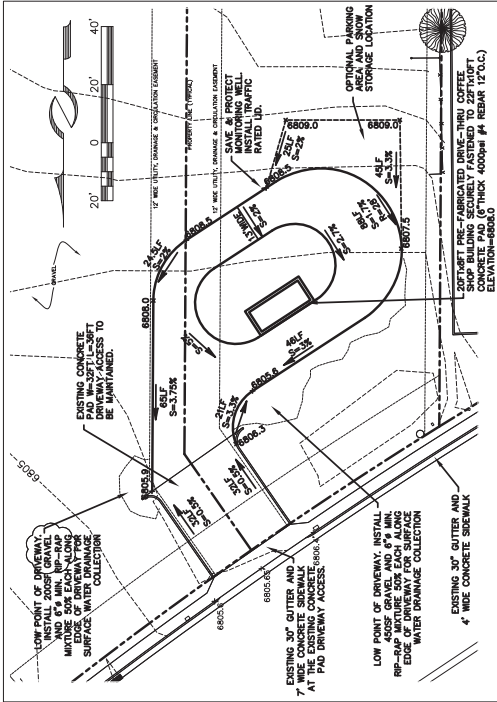


SITE PLAN

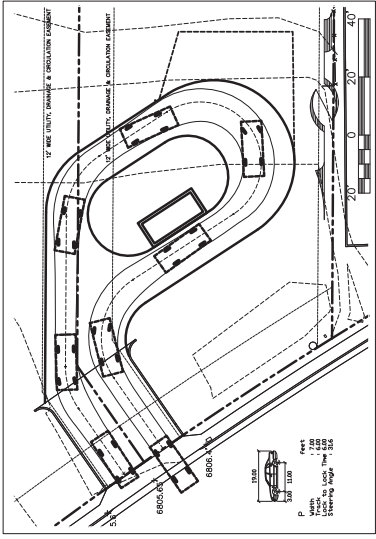


DISTANCE TABLE FROM PROPOSED DRIVEWAY ACCESS TO
 A INT. OF KEARNS(SR248)/BONANZA/MONITOR = 380FT
 B PARK CITY CLINIC EMERGENCY DRIVEWAY (ONLY) = 160FT
 C EASTERN CHURCH DRIVEWAY ACCESS (SR248) = 120FT
 D EASTERN CHURCH DRIVEWAY ACCESS = 165FT
 E WESTERN CHURCH DRIVEWAY ACCESS = 165FT
 F BUSINESS CENTER DRIVEWAY ACCESS = 255FT

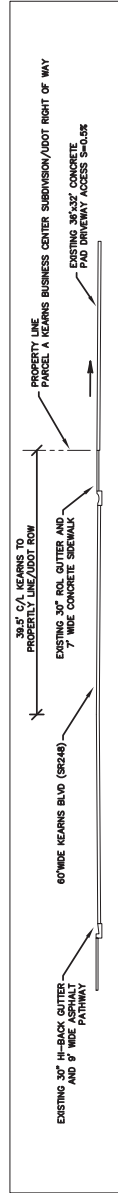
GRADING & DRAINAGE PLAN



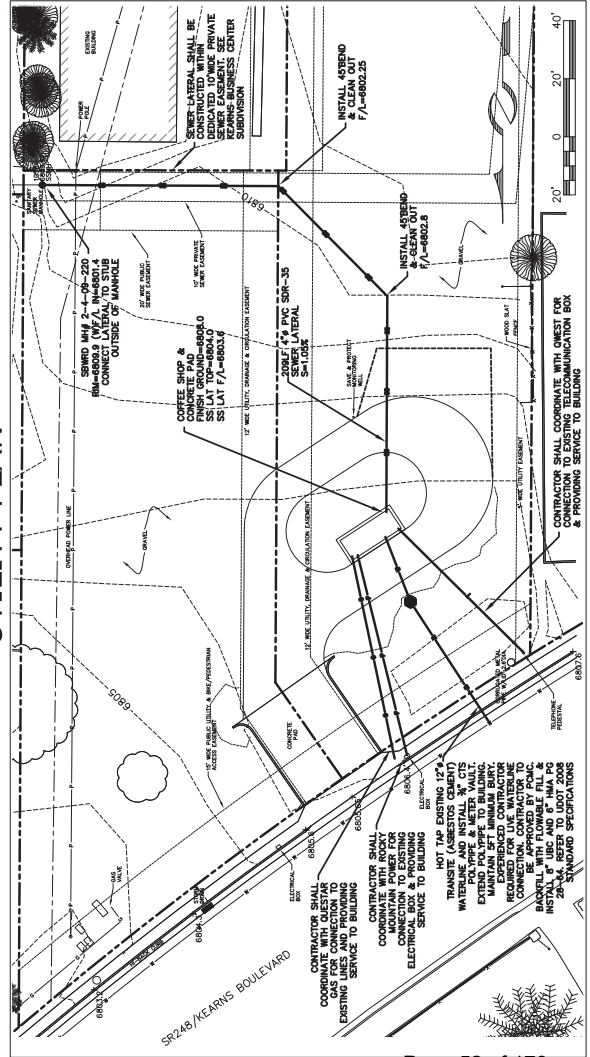
VEHICLE CIRCULATION PLAN



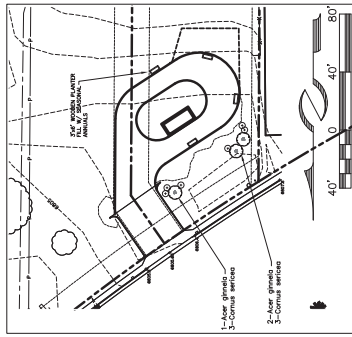
DRIVEWAY PROFILE



UTILITY PLAN



LANDSCAPE PLAN



DRIVEWAY NOTE: CONCRETE TO KEARNS SOLUTIONS INSTALL 4" REINFORCED ASPHALT 4" BELLINGS ON 4" WIRE REINFORCED CONCRETE AND ONE COURSE OF 1/2" SAND. SEE SECTION 408 FOR DESIGN REQUIREMENTS. SUB-BASE WITH COMPACTION TEST. MAINTAIN 30" MINIMUM WIDTH OF TWO-WAY DRIVEWAY AND LEFT LANES AT ONE-WAY DRIVE-THRU COFFEE SHOP. SLOPE OF DRIVEWAY SHALL NOT EXCEED 5%.

TRAFFIC NOTE: CONFORM TO PARK CITY MUNICIPAL CORPORATION (POMC) DESIGN STANDARDS, CONSTRUCTION SPECIFICATIONS, AND STANDARD DRAWINGS 2007.

SEWER LATERAL NOTE: COORDINATE WITH ROCKY MOUNTAIN POWER, QUESTAR GAS, AND OTHER TELECOMMUNICATIONS FOR SERVICES TO BUILDING. 36" MINIMUM BURY REQUIRED.

SEWER LATERAL NOTE: CONFORM TO SNO-VERMONT DISTRICT (SNVD) DEVELOPMENT PROCEDURES, DESIGN STANDARDS, AND CONSTRUCTION SPECIFICATIONS FOR WASTEWATER FACILITIES MAY 17, 2010. THE SLOPING DEPARTMENT, POC SHALL BE ON-SITE TO INSPECT CONSTRUCTION. 72" DIAMETER NOTICE IS REQUIRED PRIOR TO CLEANOUT REQUIREMENTS. SECTION 408 FOR PFC BEDDING AND BACKFILL REQUIREMENTS, AND SECTION 410.8 & 410.9 FOR INSPECTION CONSTRUCTION. CONTRACTOR SHALL COORDINATE ALL WORK WITH SNVD. SNVD SHALL BE ON-SITE TO INSPECT CONSTRUCTION. 72" DIAMETER NOTICE IS REQUIRED PRIOR TO WORK ON SEWERLINE. 48" MINIMUM BURY REQUIRED.

WATER LINE NOTE: CONFORM TO PARK CITY MUNICIPAL CORPORATION (POMC) DESIGN STANDARDS, CONSTRUCTION SPECIFICATIONS, AND STANDARD DRAWINGS 2007.

SECTION 7 & 8 DETAILS: 702-A, 703-AB, 703-AB, 703-AB FOR BEDDING/BACKFILL, TRENCH AND WATER SERVICE CONNECTIONS SHALL BE ON-SITE TO INSPECT CONSTRUCTION. 72" DIAMETER NOTICE IS REQUIRED PRIOR TO WORK ON WATERLINE. 60" MINIMUM BURY REQUIRED. SEE POC SPECIFICATIONS, CUT PAVEMENT, BACKFILL WITH ASPHALT PATCH, REPAIR HIGH BACK CONCRETE GUTTER (TYPE B) PER UDOT STANDARD DETAIL ONE AND REPAIR SEWERLINES WITH 6" UNREINFORCED BASE COURSE AND 4" MINIMUM 4000PSI CONCRETE REPAIR.

SITE GRADING, DRAINAGE, & UTILITY PLAN
 KEARNS BUSINESS CENTER SUBDIVISION
 PARCEL A - 1409 KEARNS BLVD

FOR: BEN BURNER
 JOB NO.: 3-11
 FILE: X:\Proposals\veg\coffee shop_pcb-3-11-3-11-3-11-design.dwg

DATE: 3/9/11

STAFF: DEBOWICZ
 STEVE SCHUELER

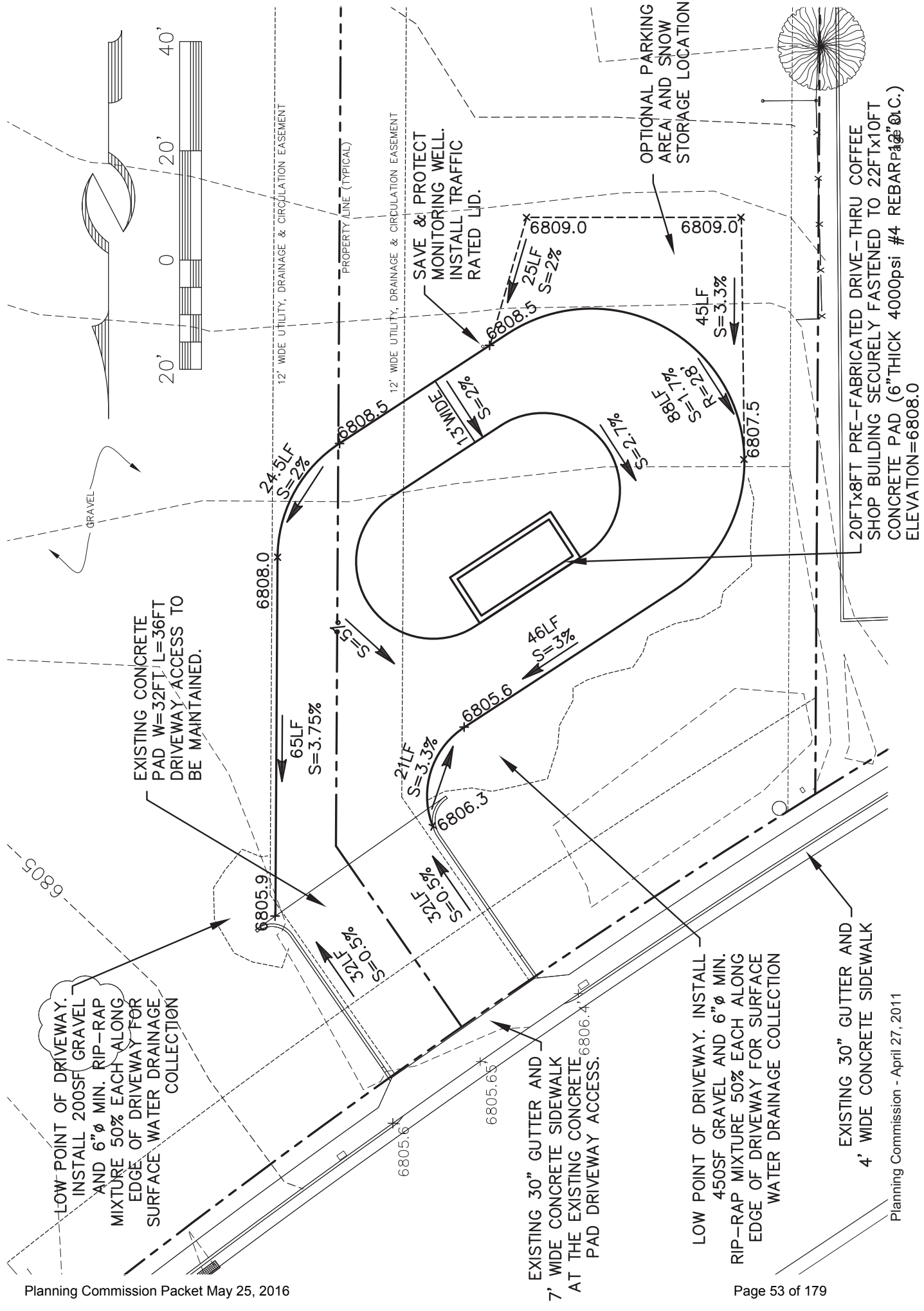
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 MICHAEL DEBOWICZ
 322 Main Street, P.O. Box 2648, Park City, Utah 84060-2648
 (435) 948-4447

REGISTERED PROFESSIONAL ENGINEER
 MICHAEL DEBOWICZ
 STATE OF UTAH

SHEET 1 OF 1

GRADING & DRAINAGE PLAN

Exhibit B



LOW POINT OF DRIVEWAY. INSTALL 200SF GRAVEL AND 6"Ø MIN. RIP-RAP MIXTURE 50% EACH ALONG EDGE OF DRIVEWAY FOR SURFACE WATER DRAINAGE COLLECTION

EXISTING CONCRETE PAD W=32FT L=36FT DRIVEWAY ACCESS TO BE MAINTAINED.

EXISTING 30" GUTTER AND 4' WIDE CONCRETE SIDEWALK AT THE EXISTING CONCRETE PAD DRIVEWAY ACCESS.

LOW POINT OF DRIVEWAY. INSTALL 450SF GRAVEL AND 6"Ø MIN. RIP-RAP MIXTURE 50% EACH ALONG EDGE OF DRIVEWAY FOR SURFACE WATER DRAINAGE COLLECTION

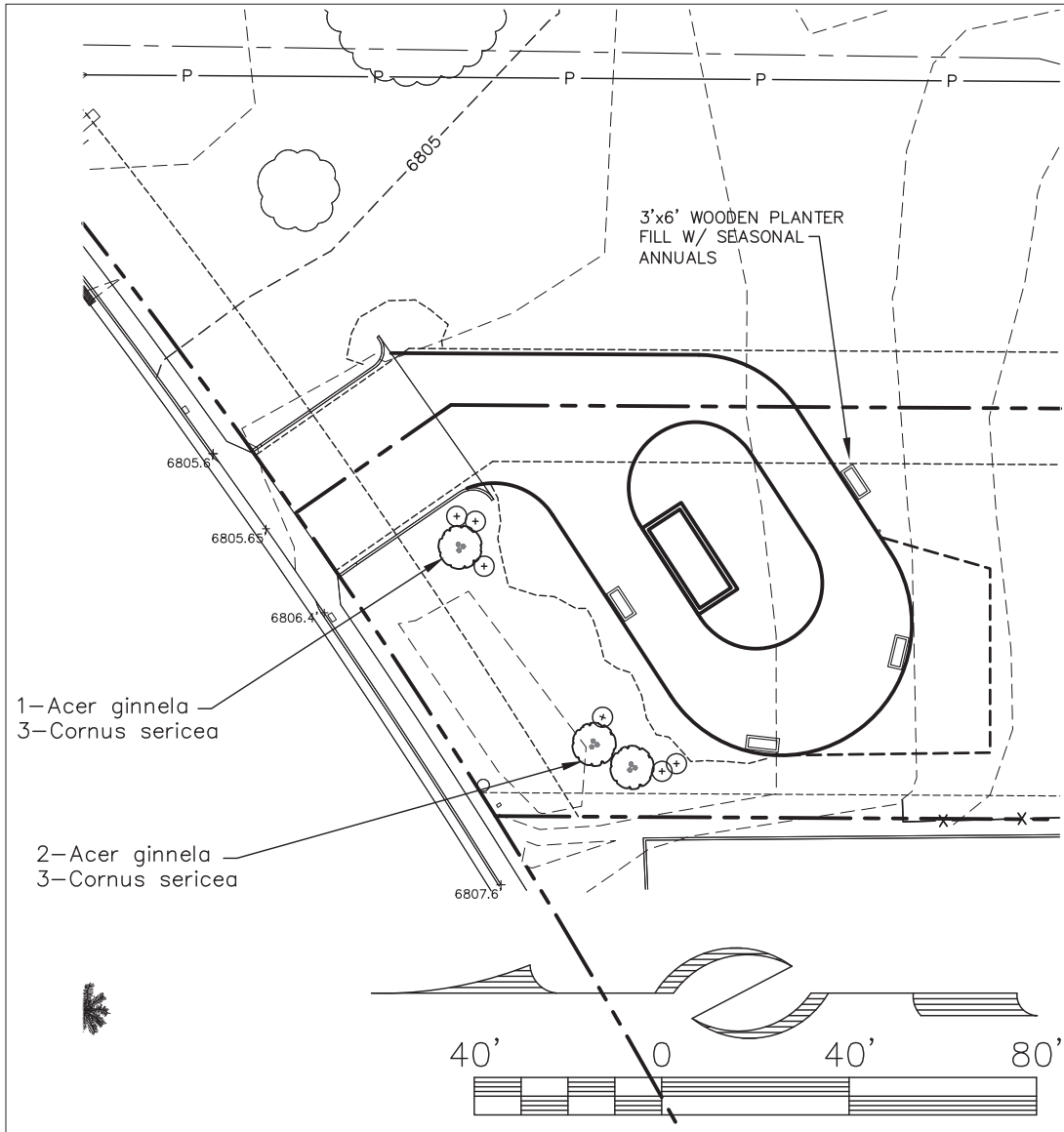
EXISTING 30" GUTTER AND 4' WIDE CONCRETE SIDEWALK

SAVE & PROTECT MONITORING WELL. INSTALL TRAFFIC RATED LID.

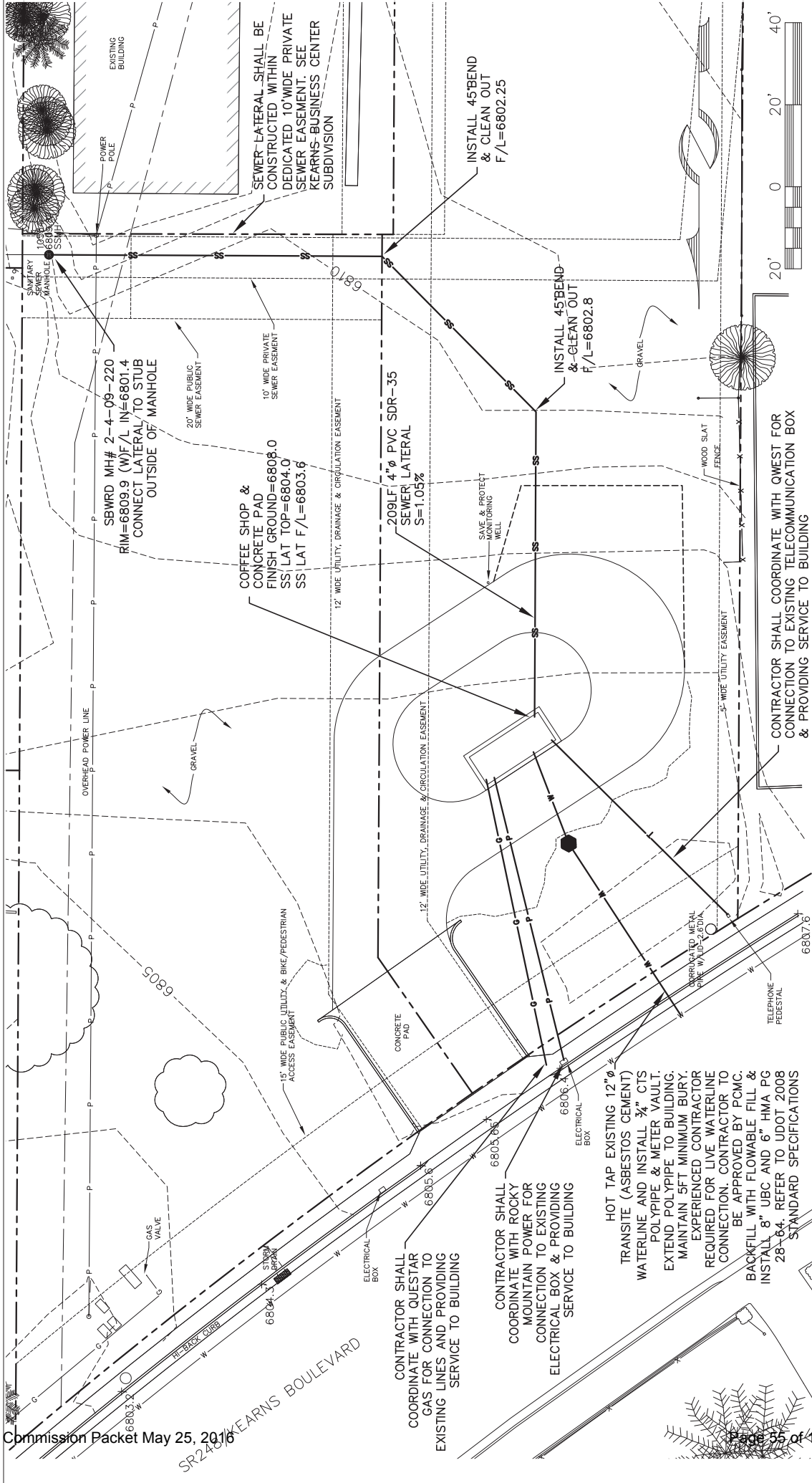
OPTIONAL PARKING AREA AND SNOW STORAGE LOCATION

20FTx8FT PRE-FABRICATED DRIVE-THRU COFFEE SHOP BUILDING SECURELY FASTENED TO 22FTx10FT CONCRETE PAD (6"THICK 4000psi #4 REBAR @ 6"Ø.C.) ELEVATION=6808.0

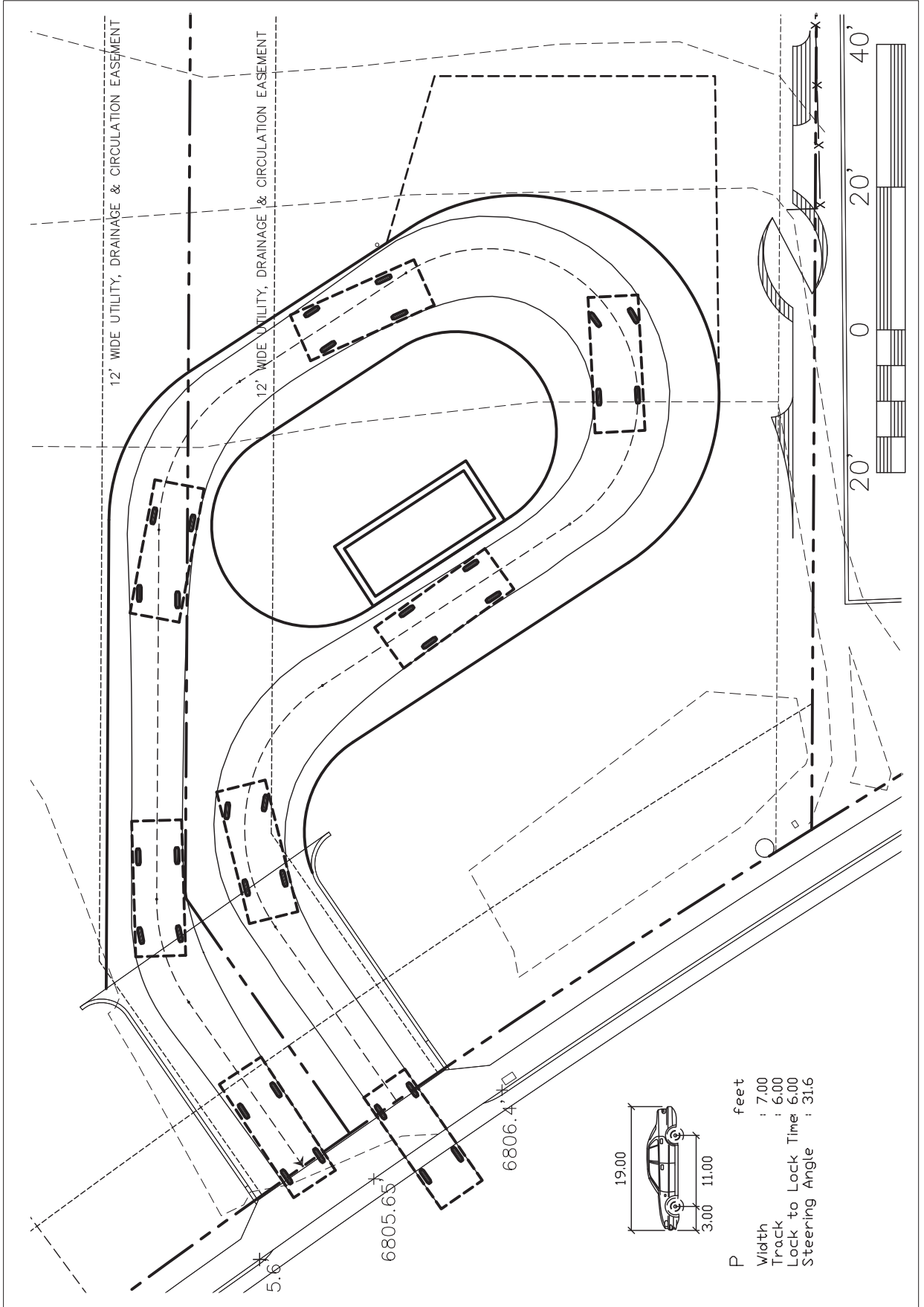
LANDSCAPE PLAN



UTILITY PLAN



VEHICLE CIRCULATION PLAN





State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

March 24, 2011

Ben Buehner
Bonanza Park LLC
1 Waterloo Circle
Park City, Utah 84060

Dear Mr. Buehner:

The Utah Department of Transportation Region 2 Staff has reviewed and approved the site plan for the Drive Thru Coffee project at 1401 Kearns Blvd (SR-248).

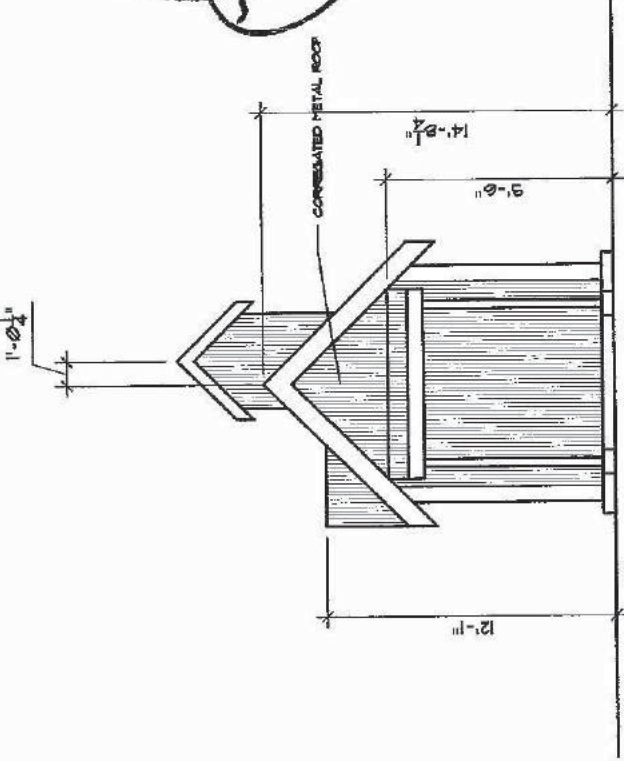
- In order for your contractor to obtain the encroachment permit and perform the work, a copy of this letter must be presented to the UDOT Region 2 Permits officer or uploaded to the Encroachment application on the UDOT web site. <https://www.udot.utah.gov/public/olp/f?p=201:1>

Before commencing work on the State highway, the contractor who is awarded the project must have a performance bond on file with UDOT, and obtain an encroachment permit from the Region 2 Permits Office. To obtain the encroachment permit contact the UDOT Region 2 Permits office at (801) 975-4808. Plans are approved for six months from the date signed. Work on UDOT's right-of-way is restricted from October 15 – April 15. Work is not allowed on the right-of-way during the AM/PM peak traffic hours (6:00 - 9:00 AM and 3:30 - 6:00 PM).

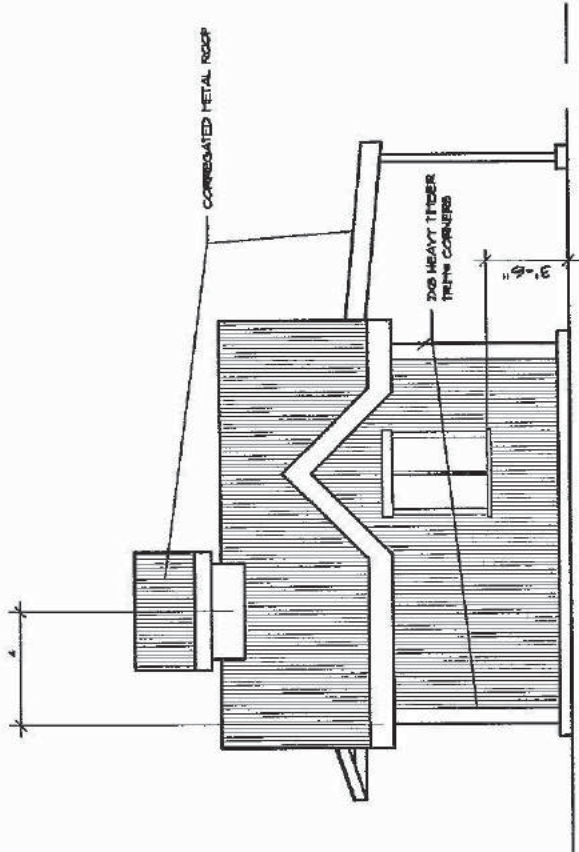
If you need further information regarding your project, please feel free to contact me at (801) 9754810.

Sincerely,

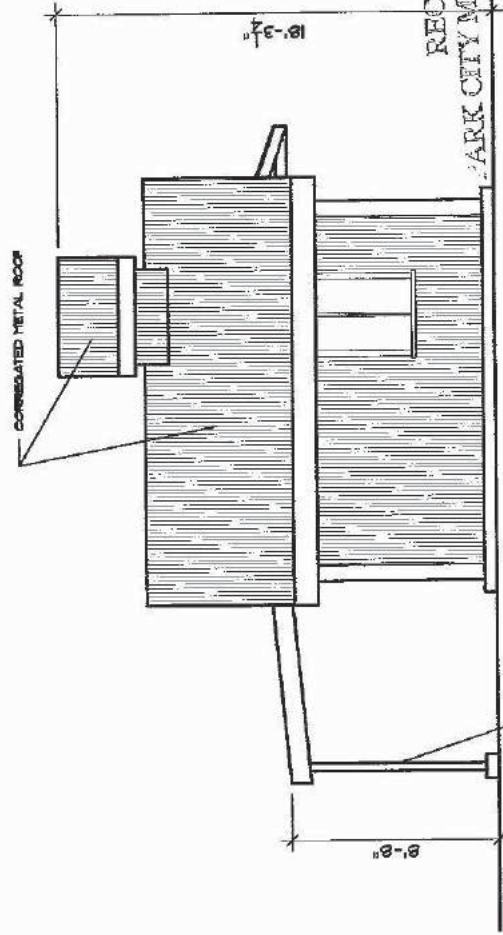
Mark Velasquez
Region Two
Access Control Coordinator



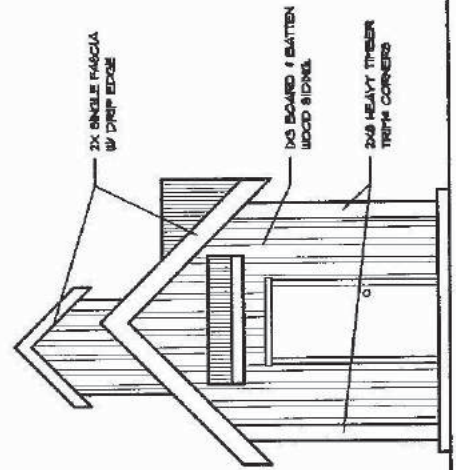
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

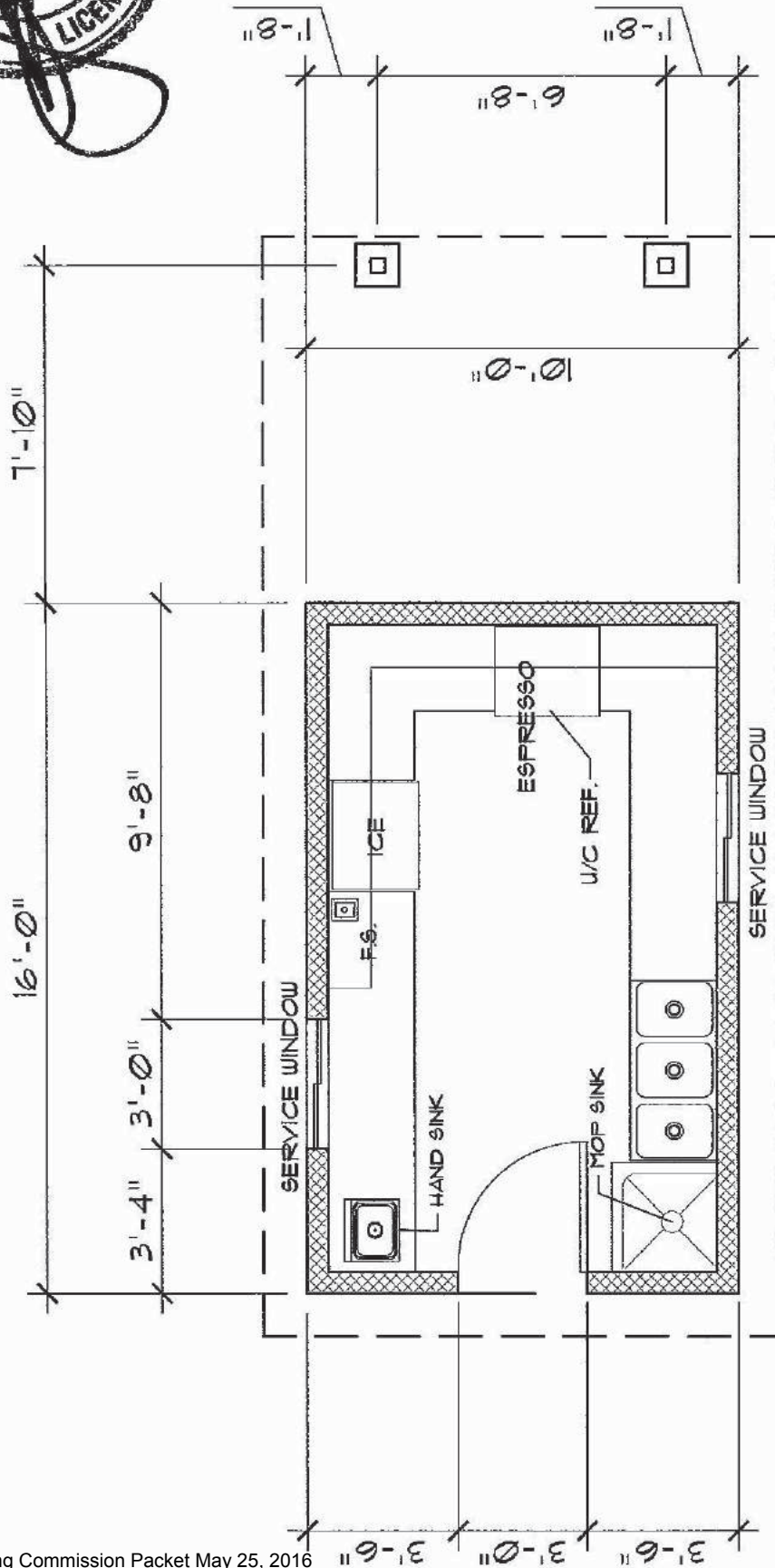


NORTH ELEVATION

RECEIVED
MURK CITY MUNICIPAL CORP

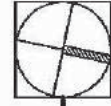
APR 08 2011

BUILDING DEPT



FLOOR PLAN

SCALE 1/4" = 1'-0"



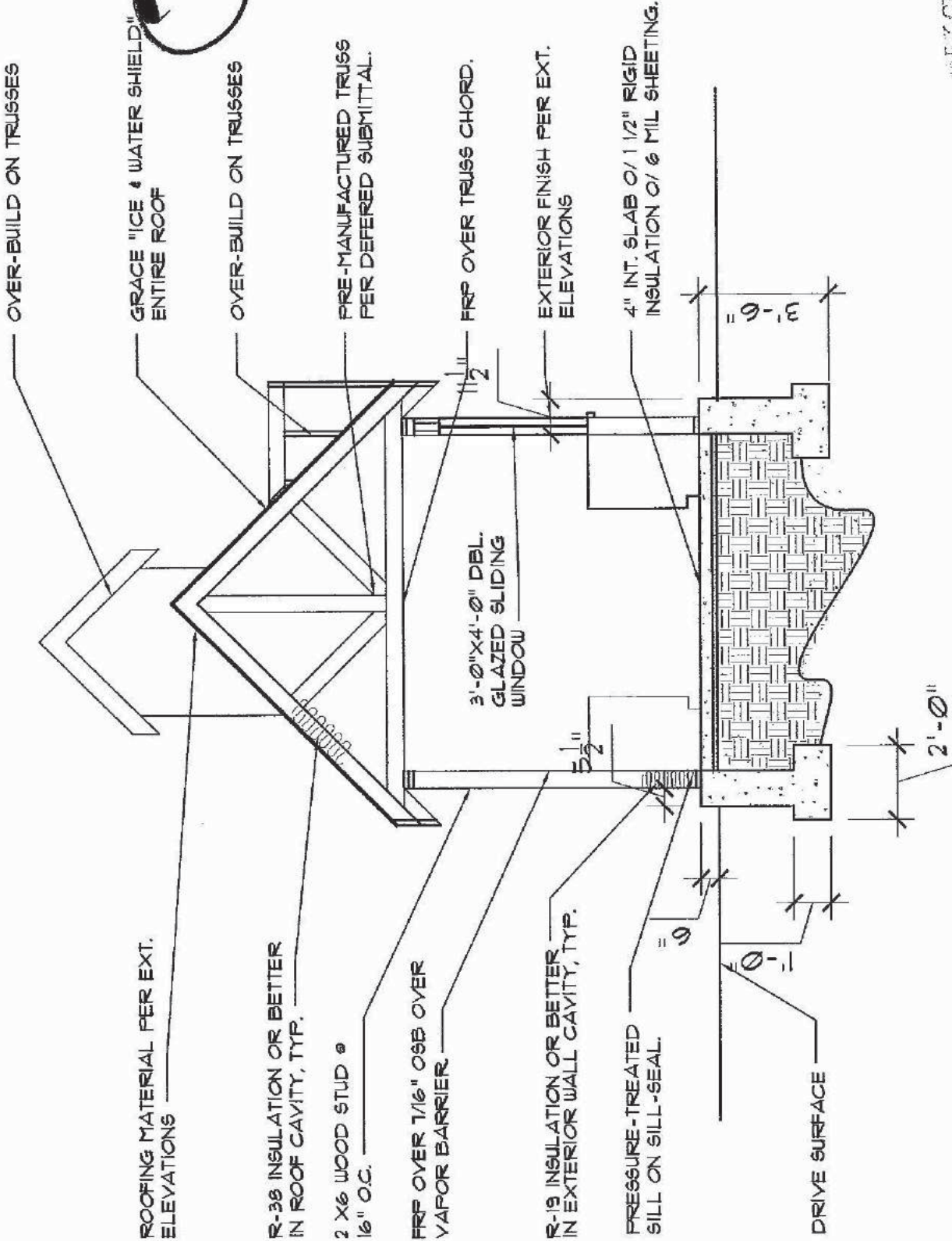
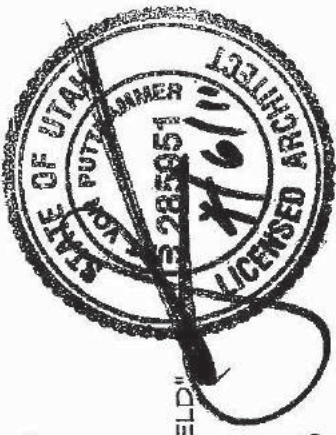
NORTH

RECEIVED

ARK CITY MUNICIPAL CORP

APR 26 2011

BUILDING DEPT



SECTION

SCALE 1/4" = 1'-0"

RECEIVED
PARK CITY MUNICIPAL CORE

APR 28 2011

BUILDING DEPT

of the appeal before the Board of Adjustment. Commissioner Hontz seconded the motion.

VOTE: 5-0. Commissioner Strachan abstained since he was not present for the applicant's presentation.

4. 1409 Kearns Boulevard, Coffee Kiosk – Conditional Use Permit
(Application #PL-19-01121)

Planner Cattan reviewed the application for a drive-up coffee kiosk located at 1409 Kearns Boulevard within the General Commercial District, and also the Frontage Protection Zone. Planner Cattan clarified that a drive-up is allowed within the General Commercial Zone. However, because this application is within the Frontage Protection Zone along Kearns Boulevard, a conditional use permit is required.

Planner Cattan reported that Planner Francisco Astorga conducted the analysis on this project and found that the project was in compliance with the CUP criteria.

Ben Buehner, the applicant, stated that he is a long time Park City resident. Mr. Buehner proposed to do a drive-thru coffee kiosk on property owned by Mark Fischer and Mike Sweeney off of Kearns Boulevard. He believed the structure would enhance the area and provide a service to Park City.

Mr. Buehner reviewed the site plan and believed they had addressed the issues that were important to Park City. The issues included the landscape plan and drainage. They also worked with UDOT to address the issues regarding traffic flow and circulation. Mr. Buehner presented the vehicle circulation plan and noted that there would be two drive-up windows on either side of the kiosk. Mr. Buehner stated that he approached Mike Sweeney two years ago and it has taken that long to work through the process to reach this point.

Mike Sweeney stated that after he was approached by Mr. Buehner, he contacted Mark Fischer. Mr. Sweeney clarified that he is not a property owner of that location. He is the agent for Mark Fischer and he has helped with the project. Mr. Sweeney stated and he and Mr. Fischer looked at it as a business opportunity and found that it had two pluses. He noted that every year Mr. Fischer spends a significant amount of money removing all the trash and construction material that gets dumped on this property. This was a way of cleaning up the area without have to install a fence. Having a business in that location would discourage people from dumping on the property. Mr. Sweeney stated that he was also able to convince Mr. Fischer to ask the people who park their equipment on that property to remove it. He did not believe it was appropriate to have the blithe that he looks at every day, and it was counter to their efforts to clean up the area. Mr. Sweeney remarked that the rent revenue would be low, but they would get the property protection that is badly needed.

Mr. Sweeney stated that Mr. Fischer offered other properties to locate the kiosk, but Mr. Buehner preferred this location. Mr. Fischer agreed to let him use the property, subject to an agreement that at the time of redevelopment, the kiosk would be removed. Mr.

Sweeney noted that the coffee kiosk will be part of the pre-MPD for that area of Bonanza Park.

Mr. Sweeney referred to Finding of Fact #16, "The proposed kiosk is not designed to offer its services to pedestrians", and stated that this was incorrect. The kiosk is designed to handle bikers and pedestrians. Mr. Sweeney pointed out that the Staff proposes to limit the CUP to three years. He requested that the Planning Commission consider allowing the owner the opportunity to come back in three years and request an extension until the time when redevelopment begins.

Commissioner Savage was concerned about traffic congestion during the winter. He asked if a traffic study had been done to address ingress and egress relative to existing traffic on Kearns Boulevard. Mr. Sweeney replied that to his knowledge, there has not been a specific study. They made the assumption that it was already permitted to put in a driveway. In addition, the grocery store generates more traffic than what would occur with the kiosk. Mr. Sweeney pointed out that a lot of commercial activity comes off the driveway. During the construction of Bonanza Park, that was a thoroughfare for people to go through and where the City stored construction materials.

Commissioner Savage was concerned about the traffic congestion caused by people coming into Park City on Kearns Boulevard and trying to make a left hand turn into that area for a cup of coffee. He wanted to make sure that had been considered and that the Planning Commission was comfortable with it.

Mr. Buehner stated that although there is not a formal study, UDOT spent a considerable amount of time on traffic issues and determined that it fits within the criteria set by UDOT.

Chair Wintzer opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside Avenue, referred to page 84 of the Staff report, which showed the traffic circulation. Ms. Meintsma was excited about the drive-through, but she was concerned about traffic. She frequents a coffee kiosk in on 9th South and 11th East in Salt Lake. It has two lanes, but the cars are often lined up out into the street on 11th East. Ms. Meintsma felt it would be better to have more room for the car lineup on entrance, since those are the cars waiting and not moving. She did not believe there was sufficient room as currently proposed.

Chair Wintzer closed the public hearing.

Commissioner Luskin asked if anyone had calculated the number of cars that could fit before cars back up on Kearns Boulevard. Mr. Buehner reiterated that there would be a drive-up window on both sides, as well as a pedestrian window on the east side. There is enough space to allow for four cars before getting close to the cement entryway. There is ample room to bypass those cars on the right hand side, circle around and access the other side. Mr. Buehner stated that if they are faced with ten or eleven cars at one time consistently, they would look at other methods to speed up the process.

Commissioner Peek referred to page 75 of the Staff report, #15 of the Staff analysis, "The site is within the soils ordinance boundary and has been identified by the City as non-compliant with the soil ordinance". He visited the site and even though it had recently rained, there was still dust caused by cars. Commissioner Peek did not like the idea of having an open air food service operation next to unsafe soils. He understood there was a mitigation plan for the site, but it would take mitigating the entire area before he could feel comfortable with having an open food service facility.

Mr. Buehner agreed. He noted that based on the landscape plan, it would not be paved or capped per standards of the soils ordinance. However, it will be crowned out with gravel and they will use millings, which is a recycled asphalt, for a paved look.

Commissioner Peek understood that the entire dirt lot would not be capped over to the paved areas to the south. Mr. Buehner thought it might be possible that Mr. Fischer would be willing to do the second half. He had not spoken to Mr. Fischer or Mr. Sweeney on the matter, but he intended to speak with them privately. Mr. Buehner pointed out that the dirt lot Commissioner Peek referred to is partially paved because that pavement spills into the No Place Like Home and the Clinic Building. The worst part of the lot is what he intends to improve.

Commissioner Savage asked if this project would force people going into Annaya's to go back the other direction. Mr. Sweeney replied that the traffic for Annaya's would go straight through. Mr. Buehner thought the project would help slow the traffic because there will be a more proper ingress and egress. The driveway will be more defined as opposed to having an open parking lot.

Commissioner Peek reiterated that in his opinion, an open air food or drink facility was inappropriate unless the entire area could be mitigated from dust. He hoped the property owner would consider improving the second half.

Chair Wintzer stated that in two different locations, the General Plan talks about not allowing drive-up windows. Park City recently passed a no idling ordinance that exempts drive-up windows. He pointed out that the City is trying to become more environmentally friendly, yet they were creating a drive-up window that would not need to comply with the idling ordinance. Chair Wintzer felt there was a conflict between the General Plan and the LMC, because it is allowed under the LMC.

Chair Wintzer noted that the Bonanza Park supplement of the General Plan talks about not creating any more minor intersections on to Kearns, Bonanza or Park Avenue. However he did not believe that was applicable in this case. It also talks about creating this area into a non-traditional shopping center. He felt that adding a kiosk creates another shopping center like ones in Salt Lake City.

Chair Wintzer noted that a coffee kiosk is not defined under the purpose statements for the Frontage Protection Zone or the GC zone in the Land Management Code. Chair Wintzer believed the project would create more left turns coming in and out of this project. It will slow traffic in an areas where they already have a traffic problem. Chair Wintzer referred to the comment that the applicant wants to work this kiosk into the

master plan of Bonanza Park . He was unsure how the Planning Commission could approve something temporarily, and eventually there would be a drive-up coffee kiosk under the new MPD, when it is not permitted in the General Plan at all.

Chair Wintzer stated that in his history in Park City, two kiosks and one fast food facility in the same area were turned down for the reasons he just stated. He felt it was inconsistent with the General Plan. They could consider changing the General Plan, but they cannot continue to ignore it as they move forward on projects.

Mr. Sweeney pointed out that there are “drive-up kiosks” in the area. There are banks, a Burger King, and a number of other places with drive-ups. Mr. Sweeney felt the point regarding no idling was valid, and he believed the applicant could control that with signage asking people to turn off their engines.

Chair Wintzer noted that Burger King was in before the General Plan, which is the reason the issue is now addressed in the General Plan. Banks and the others have drive-up windows in conjunction with another business. The business does not depend on the drive-up window. The General Plan discourages independent drive-ups.

Commissioner Pettit was conflicted. She spends a lot of time in Salt Lake neighborhoods where there are coffee kiosks, and she likes them. However, they do create potential traffic issues. Commissioner Pettit referred to page 73 of the Staff report that talks about the location and amount of off-street parking and limiting the number of employees to two. She stated that when she visits a coffee kiosk she has seen a minimum of three employees. One person takes the money, the second person makes coffee, and the third person is outside taking orders from the cars to keep things moving. She suggested that there may be an advantage to adding an employee in terms of making the operation more efficient and to keep cars moving.

Commissioner Pettit asked about the possibility of adding another egress to keep traffic flowing in another direction, if they find that the proposed plan creates too much of a traffic issue on Kearns Boulevard. Commissioner Pettit agreed with Chair Wintzer on the fact that the General Plan is the guiding document. This area is within the Frontage Protection Zone and creates an initial statement to visitors coming into Park City. In thinking of what her vision of the community would be by having a coffee kiosk in that location, she was inclined to think that it might not be a bad thing because of its size, quaintness and ease of access.

Commissioner Hontz stated that she was also conflicted. She felt the three year use was positive because they can see how it works and if they like it. She liked the idea of cleaning up the area and bringing some life back into it before it redevelops. Commissioner Hontz could also see the down side of potential traffic issues and inconsistencies with the General Plan. She enjoys utilizing drive-up coffee kiosks in Salt Lake and he hoped they could overcome some of the impacts. Commissioner Hontz agreed that idling was an issue, but she felt that could be addressed in a condition of approval.

Commissioner Luskin stated that he was not conflicted. He stops at a coffee kiosk every day in Salt Lake and there is a big sign that reminds people to turn off their engines. Commissioner Luskin thought the traffic situation was a guessing game, but he believed that things always tend to work themselves out. The concern about making a left turn on Kearns Boulevard is always problematic. Commissioner Luskin favored the kiosk.

Commissioner Strachan was comfortable with the kiosk, particularly with a sunset date. If it does not work, it will sort itself out. Commissioner Strachan liked the idea that someone wanted to make the area a usable place, instead of letting it deteriorate while waiting for an MPD. This is where commercial happens and cars go in and out all day. Commissioner Strachan remarked that the General Plan is a difficult document to satisfy in every respect. He noted that parts of the General Plan encourage business and economic growth. Commissioner Strachan thought they should allow the kiosk for three years to see how it works.

Commissioner Pettit asked if they could add a condition of approval that requires a review in six months or a year. She wanted to understand how the traffic flows in and out of the area. If they move forward to approve it, she would like the ability to impose further conditions.

Chair Wintzer felt that would be hard to do. Currently, the applicant has three years to recoup his investment and conditioning a review in one year was not fair to the applicant. Chair Wintzer suggested that if the Planning Commission voted to approve, they should leave the three year time period.

Director Eddington suggested adding language to Condition of Approval #5, requiring that the City Engineer look at the traffic movements and make recommendations, when he does his yearly inspection of the milling.

Commissioner Pettit thought they should have the ability to impose further conditions as it relates to the traffic flow.

Commissioner Peek asked if it was appropriate to require the landowner to mitigate the soils and basically creating a driveway from Kearns to the pavement adjacent to his buildings. The Commissioners discussed the areas that are paved and the areas that Commissioner Peek thought should be improved to create a safe environment for an open air food service. Roger Evan, the Building Official, pointed out that soils cannot be removed unless it is taken to an approved disposal facility. He pointed out that it is sufficient for the applicant to cap the soil.

Mr. Buehner clarified that Chair Wintzer was talking about paving the small portion on the left hand side, and not the runway towards Annaya's. Chair Wintzer clarified that as he is driving towards Annaya's, the dust that he stirs up should be mitigated. Chair Wintzer suggested adding a condition of approval stating that the direct traffic that drives through there needs to be driving on capped soil.

Planner Cattan expressed concern that they would be creating a new road that would enter into the Bonanza Park Area. She was more comfortable having that reviewed by

the Public Works Department or the City Engineer, rather than tagging a condition of approval onto the application.

Planner Cattan read the additional conditions of approval for clarification. Condition of Approval #8, "The City Engineer may review the traffic flow if problems arise that are not mitigated. The City Engineer may require the CUP to be reopened for review by the Planning Commission".

Condition of Approval #9, "Further soil mitigation is required to address the access between Bonanza and Kearns Boulevard, subject to the City Staff review and approval".

To address the issue of pedestrian patrons, Finding of Fact #16 was revised to read, "The proposed kiosk is designed to offer its services to pedestrians and cyclists".

Planner Cattan added Condition of Approval #10, "Signage for no idling is required".

Commissioner Savage asked about lighting plans. Mr. Buehner replied that it would be basic outdoor lighting. He is currently working with the health department on interior lighting. The outside lighting would be whatever is required. Commissioner Savage thought the kiosk and pathway should be well lit for the early morning hours to be visible and draw people in. Planner Cattan noted that the lighting would need to comply with the lighting ordinance in the LMC, and that would be reviewed by Staff.

Mr. Buehner remarked that the landscape plan is very defined and talks about how traffic will flow with planter boxes and other elements. They could put lighting in there as well.

MOTION: Commissioner Hontz moved to APPROVE the 1409 Kearns Boulevard drive-up coffee kiosk conditional use permit, according to the Findings of Fact, with the change to Finding of Fact #16, the Conclusions of Law as written, and the Conditions of Approval as amended and added this evening. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1409 Kearns Boulevard

1. The property is located at 1409 Kearns Boulevard.
2. The property is in the General Commercial (GC) District within the Frontage Protection Zone (FPZ) Overlay.
3. The property is in the Bonanza Park area.
4. The site is currently undeveloped.
5. The applicant requests to build a small drive-up coffee kiosk structure with a footprint/floor area of 160 square feet.

6. Any construction within the Frontage Protection Zone overlay requires a Conditional Use Permit.
7. A drive-up window is Conditional Use Permit within the General Commercial District.
8. The applicant requests to utilize the site as a short term use due to the property owner's desire to redevelop the area in the near future.
9. The property owner has authorized the coffee kiosk business owner to pursue this Conditional Use Permit request so that the land can be utilized concurrently with the master planning of the Bonanza Park area.
- 10: The proposed coffee kiosk is sixteen feet (16') by ten feet (10').
11. The proposed concrete pad is twenty-two feet (22') by ten feet (10').
12. The height of the proposed building is approximately eighteen feet (18').
13. The applicant submitted a UDOT approval letter, which allows the connection onto Kearns Boulevard (SR248).
14. As standard procedure the applicant will have to secure all the necessary utility permits to connect to the desired services.
15. The proposed structure and drive-thru are within hundred feet (100') of the right-of-way making access sufficient for emergency vehicle access.
16. The proposed kiosk is designed to offer its services to pedestrians.
17. The proposed landscaping shall be in compliance with the Soils Ordinance related to landscaping care.
18. The proposed structure is compatible in mass, bulk, orientation and location with adjacent structures due to the size and design of the proposed structure.
19. The proposed structure is 220 square feet and the architecture has a mining motif.
20. The structure is designed to have a small covered area for loading and unloading.
21. The business will use the trash container shared by other businesses located on the same lot south of the coffee kiosk adjacent to the storage units.
22. The business owner will lease the land from the property owner.
23. The site is not within the Sensitive Land Overlay Zone.

24. The site is relatively flat land and requires no slope retention.
25. The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance.
26. The temporary capping proposal has been found adequate subject to adding a sealant to the proposed milling, making it more impermeable and allowing the City Engineer to inspect the site on a yearly basis making sure that the millings are not detrimental to the environment or by changing the material to asphalt, concrete, or other paving material per the Soils Ordinance.
27. Staff recommends changing the location of the proposed coffee kiosk structure to the back drive, which would put the structure approximately eighty feet (80') from Kearns Blvd. allowing additional room to accommodate a total of eight (8) vehicles.
28. The applicant stipulates to the conditions of approval stated herein.

Conclusions of Law – 1409 Kearns Boulevard

1. The application complies with all requirements of the LMC;
2. The uses will be compatible with surrounding structures in use, scale, mass and circulation;
3. The uses are consistent with the Park City General Plan, as amended;
4. The effects of any differences in uses or scale have been mitigated through careful planning.

Conditions of Approval – 1409 Kearns Boulevard

1. This approval will expire three (3) years from the Planning Commission approval.
2. A building permit is required prior to construction of the kiosk and site improvements.
3. All landscaping and site improvements shall be installed prior to issuance of a certificate of occupancy.
4. No occupancy or use of the kiosk may occur until a certificate of occupancy is issued by the Building Department.
5. The applicant shall add a sealant to the proposed milling (temporary capping proposal) to make it more impermeable. The City Engineer will inspect the site on a yearly basis making sure that the millings are not detrimental to the

environment. The applicant may change the material to asphalt, concrete, or other paving material per the Park City Soils Ordinance.

6. The applicant shall change the location of the proposed coffee kiosk structure to the back drive which would put the structure approximately eighty feet (80") from Kearns Blvd.
7. The applicant shall submit a letter of commitment from the property owner reiterating future commitment to clean up the site with his long range plans dealing with full compliance with the Soil Ordinance prior to the City issuing a certificate of occupancy.
8. The City Engineer may review the traffic flow if problems arise that are not mitigated. The City Engineer may require the CUP to be reopened for review by the Planning Commission.
9. Further soil mitigation is required to address the access between Bonanza and Kearns Boulevard, subject to the City Staff's review and approval.
10. Signage for no idling is required.

5. **259, 261, and 263 Norfolk Avenue – Plat Amendment**
(Application #PL-11-01185)

Planner Cattan requested that this item be continued to the May 25th Planning Commission meeting, to allow the Staff time to work with the applicant. She recommended that the Planning Commission conduct a public hearing this evening.

Chair Wintzer opened the public hearing.

Ed DeSisto, a resident across the street, stated that the people who live in the neighborhood are concerned about construction mitigation. The street is barely wide enough for one car and they were concerned about construction vehicles using that road every day. Mr. DeSisto did not believe the construction mitigation plan provided enough detail on what would actually occur. The parking plan states that an approved parking plan will be obtained from the Public Works Department. If the Public Works Department has a say in what they can and cannot do, he wanted to know if the parking plan would be determined before or after approval of the plat amendment. Mr. DeSisto believed the issues needed to be discussed and the impacts understood before any approval. He pointed out that in 2006, a condition of approval required construction access from King Road rather than Upper Norfolk. He could not understand why that was no longer required. He requested that the King Road access be explored again as construction mitigation for Upper Norfolk. Mr. DeSisto stated that he previously made a suggestion that the contractors carpool to reduce the number of cars and required parking. Mr. DeSisto thought the mitigation plan needed to be more solvent before the plat moves forward.

June 9, 2011

Ben Buehner
1 Waterloo Circle
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

| | |
|-------------------------------|-------------------------------|
| <u>Application #:</u> | PL-10-01121 |
| <u>Subject:</u> | Drive-up Coffee Kiosk |
| <u>Address:</u> | 1409 Kearns Boulevard |
| <u>Description:</u> | Conditional Use Permit |
| <u>Action Taken:</u> | Approved |
| <u>Date of Action:</u> | April 27, 2011 |

On April 27, 2011 the Planning Commission held a public hearing for a Conditional Use Permit for a drive-up coffee kiosk within the Frontage Protection Zone located at 1409 Kearns Boulevard based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact – 1409 Kearns Boulevard

1. The property is located at 1409 Kearns Boulevard.
2. The property is in the General Commercial (GC) District within the Frontage Protection Zone (FPZ) Overlay.
3. The property is in the Bonanza Park area.
4. The site is currently undeveloped.
5. The applicant requests to build a small drive-up coffee kiosk structure with a footprint/floor area of 160 square feet.
6. Any construction within the Frontage Protection Zone overlay requires a Conditional Use Permit.
7. A drive-up window is Conditional Use Permit within the General Commercial District.
8. The applicant requests to utilize the site as a short term use due to the property owner's desire to redevelop the area in the near future.

9. The property owner has authorized the coffee kiosk business owner to pursue this Conditional Use Permit request so that the land can be utilized concurrently with the master planning of the Bonanza Park area.
10. The proposed coffee kiosk is sixteen feet (16') by ten feet (10').
11. The proposed concrete pad is twenty-two feet (22') by ten feet (10').
12. The height of the proposed building is approximately eighteen feet (18').
13. The applicant submitted a UDOT approval letter, which allows the connection onto Kearns Boulevard (SR248).
14. As standard procedure the applicant will have to secure all the necessary utility permits to connect to the desired services.
15. The proposed structure and drive-thru are within hundred feet (100') of the right-of-way making access sufficient for emergency vehicle access.
16. The proposed kiosk is designed to offer its services to pedestrians.
17. The proposed landscaping shall be in compliance with the Soils Ordinance related to landscaping care.
18. The proposed structure is compatible in mass, bulk, orientation and location with adjacent structures due to the size and design of the proposed structure.
19. The proposed structure is 220 square feet and the architecture has a mining motif.
20. The structure is designed to have a small covered area for loading and unloading.
21. The business will use the trash container shared by other businesses located on the same lot south of the coffee kiosk adjacent to the storage units.
22. The business owner will lease the land from the property owner.
23. The site is not within the Sensitive Land Overlay Zone.
24. The site is relatively flat land and requires no slope retention.
25. The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance.
26. The temporary capping proposal has been found adequate subject to adding a sealant to the proposed milling, making it more impermeable and allowing the City Engineer to inspect the site on a yearly basis making sure that the millings are not detrimental to the environment or by changing the material to asphalt, concrete, or other paving material per the Soils Ordinance.
27. Staff recommends changing the location of the proposed coffee kiosk structure to the back drive, which would put the structure approximately eighty feet (80') from Kearns Blvd. allowing additional room to accommodate a total of eight (8) vehicles.
28. The applicant stipulates to the conditions of approval stated herein.

Conclusions of Law – 1409 Kearns Boulevard

1. The application complies with all requirements of the LMC;
2. The uses will be compatible with surrounding structures in use, scale, mass and circulation;

3. The uses are consistent with the Park City General Plan, as amended;
4. The effects of any differences in uses or scale have been mitigated through careful planning.

Conditions of Approval – 1409 Kearns Boulevard

1. This approval will expire three (3) years from the Planning Commission approval.
2. A building permit is required prior to construction of the kiosk and site improvements.
3. All landscaping and site improvements shall be installed prior to issuance of a certificate of occupancy.
4. No occupancy or use of the kiosk may occur until a certificate of occupancy is issued by the Building Department.
5. The applicant shall add a sealant to the proposed milling (temporary capping proposal) to make it more impermeable. The City Engineer will inspect the site on a yearly basis making sure that the millings are not detrimental to the environment. The applicant may change the material to asphalt, concrete, or other paving material per the Park City Soils Ordinance.
6. The applicant shall change the location of the proposed coffee kiosk structure to the back drive which would put the structure approximately eighty feet (80”) from Kearns Blvd.
7. The applicant shall submit a letter of commitment from the property owner reiterating future commitment to clean up the site with his long range plans dealing with full compliance with the Soil Ordinance prior to the City issuing a certificate of occupancy.
8. The City Engineer may review the traffic flow if problems arise that are not mitigated. The City Engineer may require the CUP to be reopened for review by the Planning Commission.
9. Further soil mitigation is required to address the access between Bonanza and Kearns Boulevard, subject to the City Staff’s review and approval.
10. Signage for no idling is required.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 435-615-5064 or fastorga@parkcity.org.

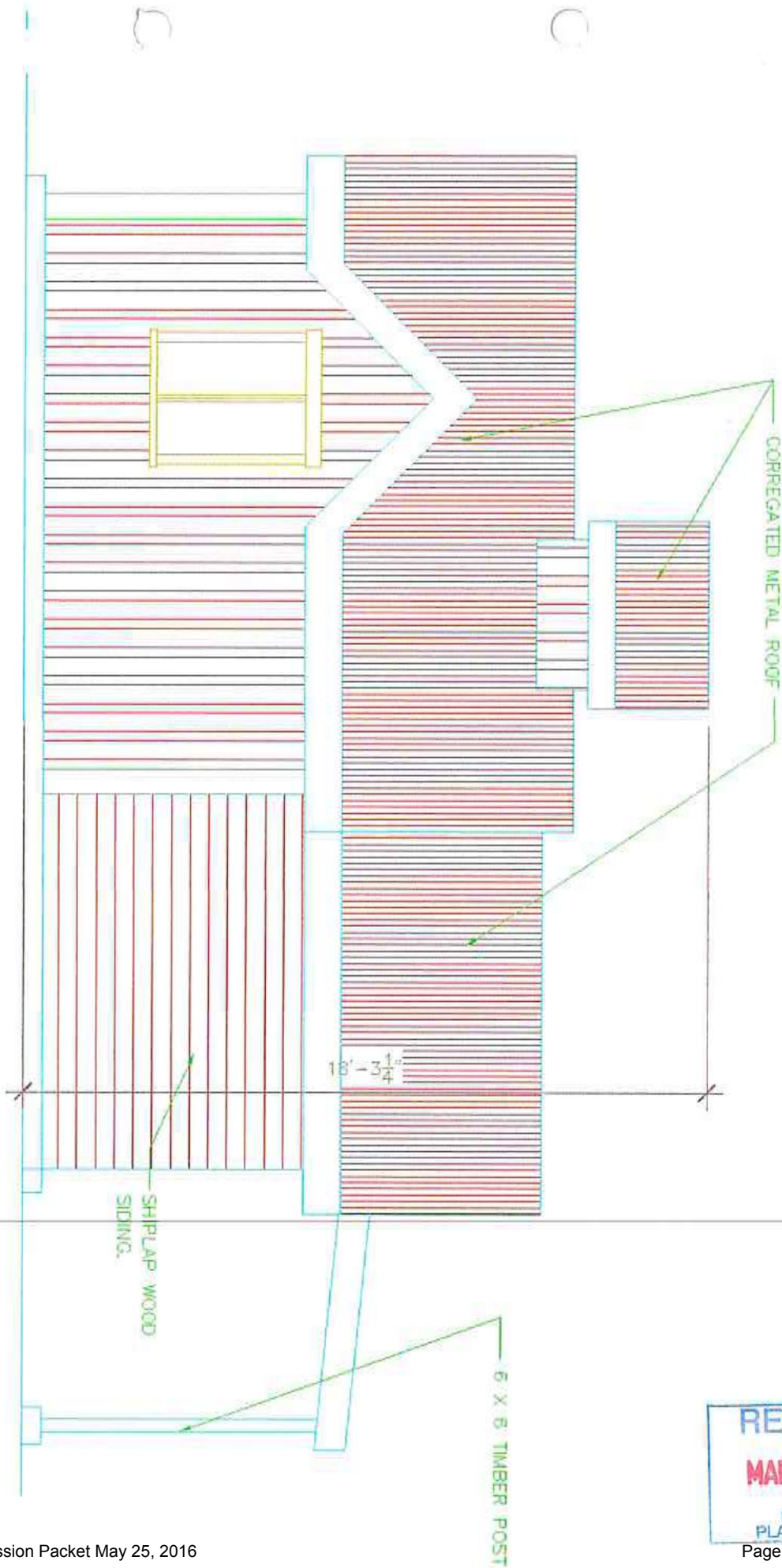
Respectfully,



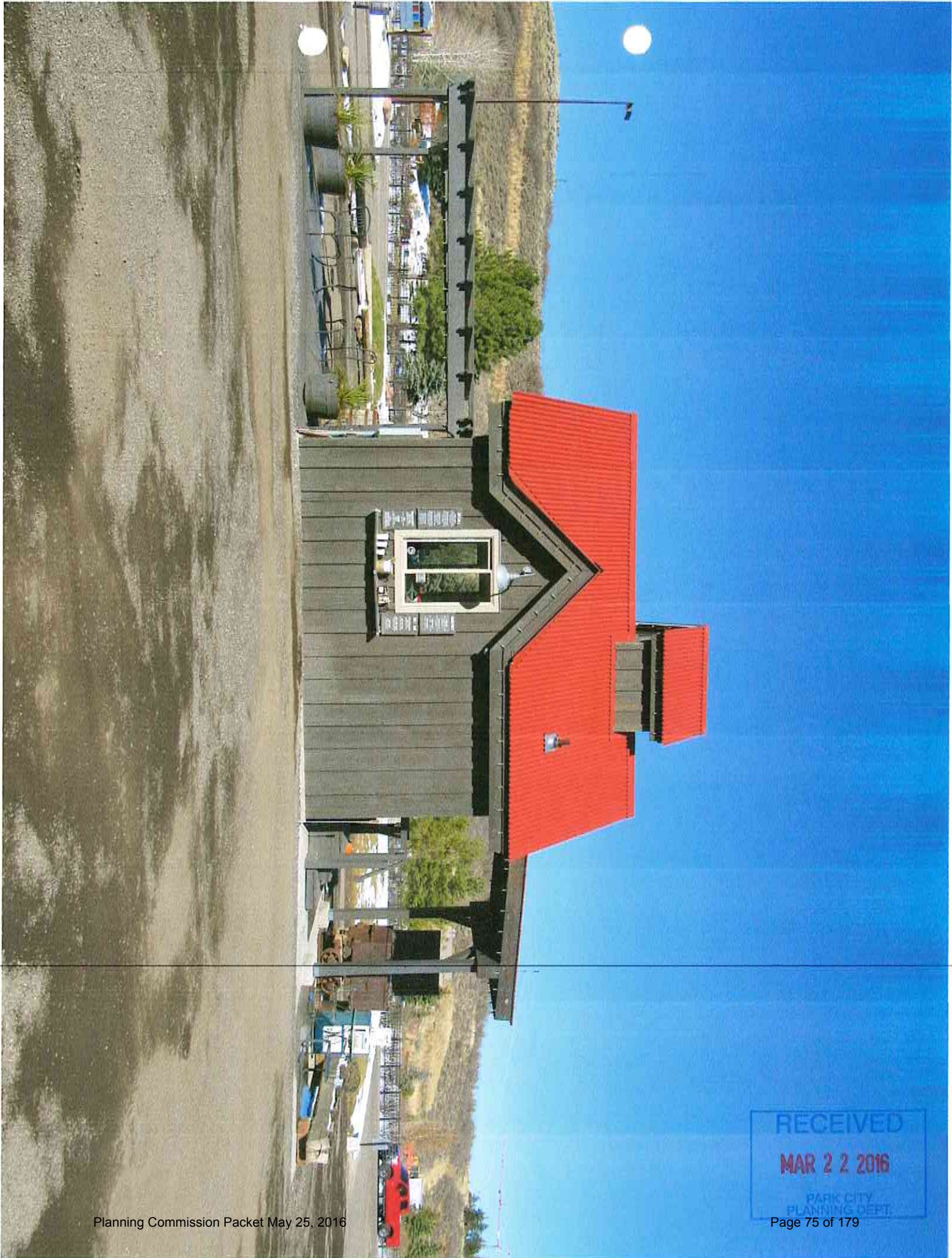
Francisco Astorga
Planner

Silver King Coffee is requesting a modification or Extension on its current building space to add additional storage and working space. We would be adding 100sqf to the front of the existing kiosk. The addition would add storage for the kiosk and add efficacy to the business. The new addition would aesthetically look the same, Built with the same building materials to reflect its current look.





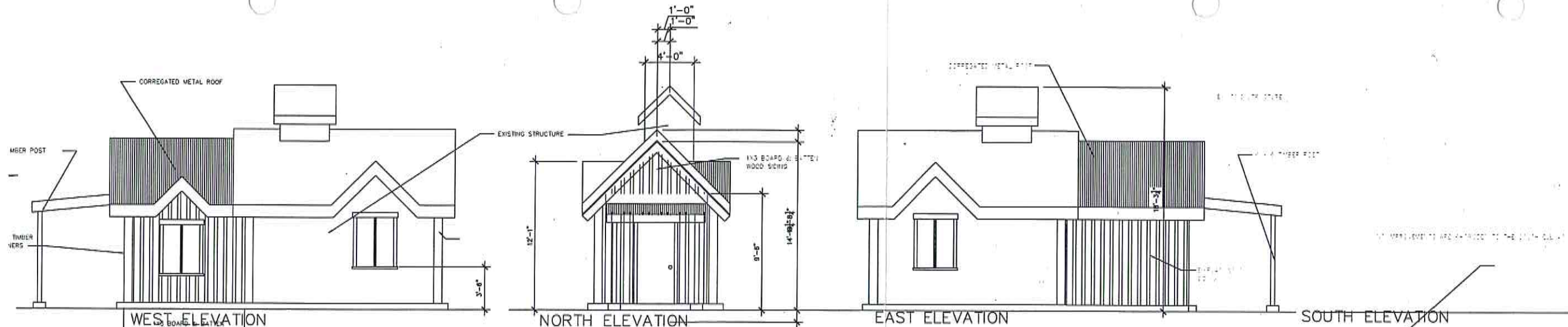
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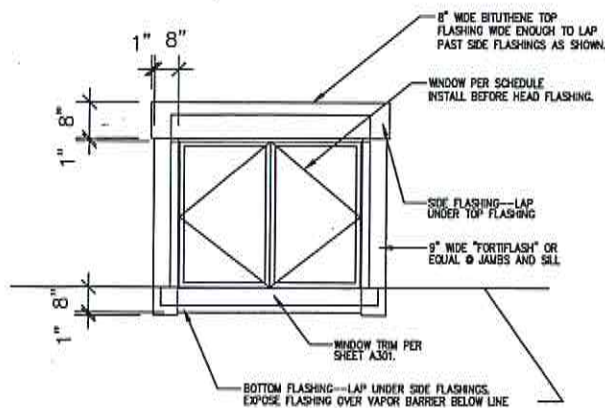


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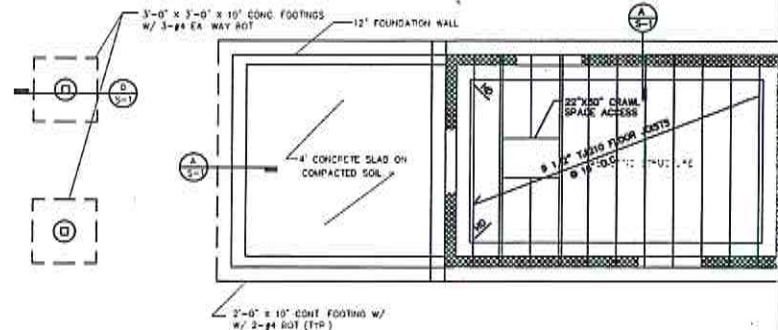
EXTERIOR ELEVATIONS

SCALE 1/8" = 1'-0"



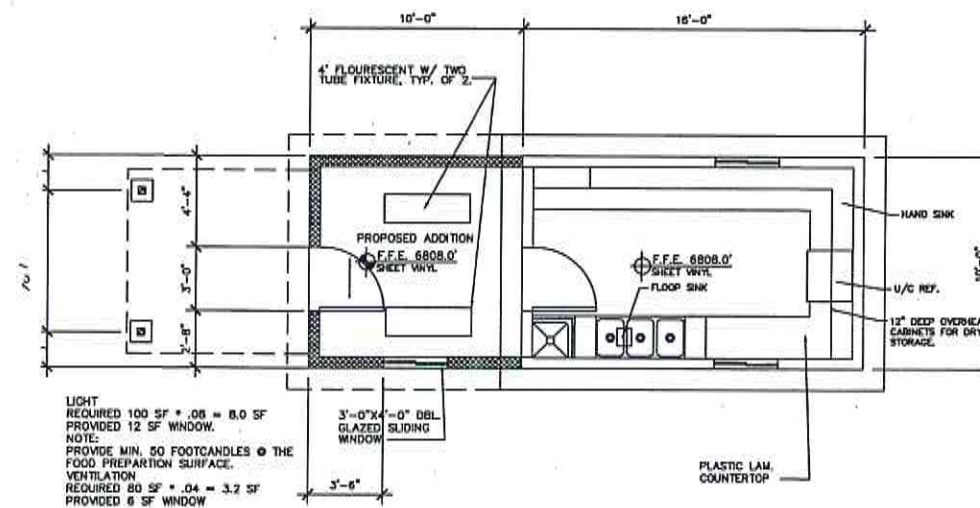
FLASHING DETAIL

SCALE



FOOTING & FOUNDATION PLAN

SCALE 1/4" = 1'-0"

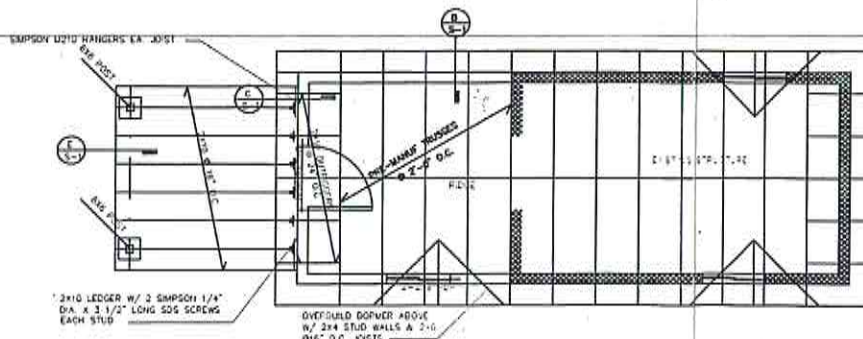


FLOOR PLAN

SCALE 1/4" = 1'-0"

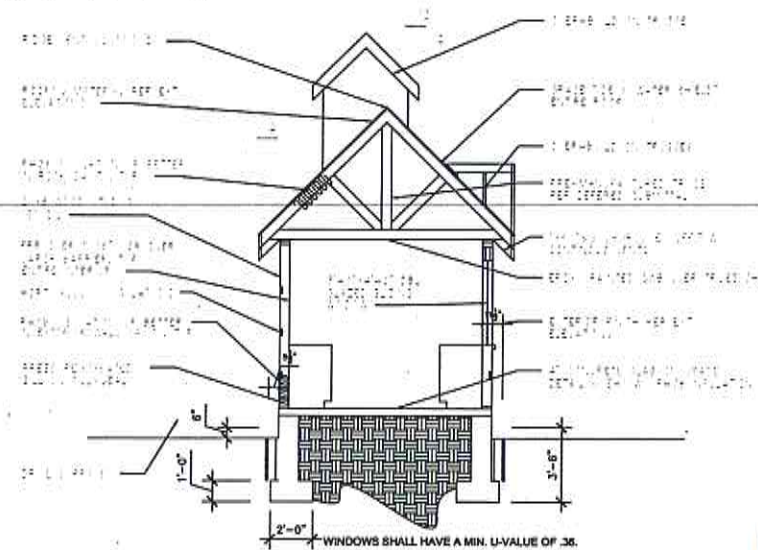
GENERAL MECHANICAL, PLUMBING AND ELECTRICAL NOTES

- ALL WORK SHALL COMPLY WITH THE 2009 IRC, (INTERNATIONAL RESIDENTIAL CODE)
- MECHANICAL NOTES:**
- ALL WORK SHALL COMPLY WITH THE 2009 IRC, IFGC, AND ALL OTHER LOCAL CODES.
 - NO GAS APPLIANCES ARE PROPOSED.
- PLUMBING NOTES:**
- ALL WORK SHALL COMPLY WITH THE 2009 IRC AND ALL OTHER LOCAL CODES.
 - THE PLUMBING SYSTEM SHALL BE INSULATED IN STRICT ACCORDANCE WITH STATE AND LOCAL CODES.
 - THE PLUMBING CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE INSTALLMENT AND TO PROVIDE A ONE (1) YEAR WARRANTY AFTER OWNER'S ACCEPTANCE.
 - THE PLUMBING CONTRACTOR IS RESPONSIBLE FOR VISITING THE JOB SITE TO BECOME FAMILIAR WITH THE EXISTING CONDITIONS AND NECESSARY INTERFACE WITH OTHER TRADES, UTILITY COMPANY, AND THE CITY.
 - ALL VENTS SHALL BE COMBINED TO ACHIEVE THE MINIMUM AMOUNT OF ROOF PENETRATION. NO VENTS SHALL BE VISIBLE FROM THE STREET SIDE OF THE HOUSE, WHEN ALL POSSIBLE.
 - ALL HOSE BIBS SHALL BE NON-FREEZE TYPE WITH BACKFLOW PREVENTER.
 - ALL THROUGH ROOF PLUMBING VENTS SHALL BE A MINIMUM OF 3" DIAMETER.
 - HOT WATER SHALL BE SUPPLIED BY UNDERCOUNTER INSTA-HOT WATER HEATERS.
- ELECTRICAL NOTES:**
- ALL ELECTRICAL WORK SHALL CONFORM WITH THE THE 2008 NEC AND ALL OTHER LOCAL CODES.
 - THE ELECTRICAL CONTRACTOR SHALL PROVIDE A MINIMUM SERVICE OF 200 AMPERES PANEL OR BETTER. 30" WIDE MINIMUM CLEARANCE AND 6'-6" CLEAR HEAD ROOM.
 - LINE VOLTAGE AND LOW VOLTAGE CONTROL WIRING SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR.
 - PROVIDE SMOKE DETECTORS PER 2009 IRC AND LOCAL CODE. DETECTORS SHALL BE HARD WIRED WITH BATTERY BACK-UP.
 - ARC-FAULT INTERRUPTERS ARE REQUIRED ON ALL CIRCUITS, INCLUDING THE CIRCUITS WHICH PROVIDES POWER TO THE SMOKE & CARBON MONOXIDE DETECTORS.
 - BASEBOARD ELECTRIC HEATERS SHALL BE SIZED TO HEAT THE SPACE TO 68 DEGREES @ 36" ABOVE FINISHED FLOOR.
 - ELECTRIC METER SHALL BE INSTALLED IN AN AREA THAT IS PROTECTED FROM SNOW & ICE DAMAGE.



ROOF FRAMING PLAN

SCALE 1/4" = 1'-0"



BUILDING SECTION

SCALE 1/4" = 1'-0"

VON VISIONS
ARCHITECTURE AND PLANNING
KURT VON PUTTKAMMER, P.A., ACP
P.O. BOX 3952, PARK CITY, UTAH 84060
PHONE: (801) 500-5899
TEL: (801) 500-5899

PROJECT NAME:

SILVER KING COFFEE

A NEW PARK CITY EXPERIENCE
1409 KEARNS BOULEVARD
PARK CITY, UTAH 84068

| REVISIONS: | DATE: | BY: | COMMENTS: |
|------------|---------|-----|----------------|
| 1. | XXXX/16 | KVP | CITY SUBMITTAL |
| 2. | | | |
| 3. | | | |
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PROJECT INFORMATION:

DRAWN BY: KVP
CHECKED BY: KVP
PROJECT NUMBER: 1601.00
DATE: FEBRUARY 8, 2016

SHEET TITLE:





Planning Commission Staff Report

Subject: 7700 Stein Way, Stein Erickson Lodge
Author: Makena Hawley, Planner
Date: May 25, 2016
Type of Item: Administrative - Conditional Use Permit
Project Number: PL-16-03146

Summary Recommendation

Staff recommends that the Planning Commission review and discuss the proposed Conditional Use Permit (CUP) application for a temporary structure (tent), conduct a public hearing, and consider approving the CUP application in accordance with the findings of fact, conclusions of law, and conditions of approval as stated in this Staff report.

Description

Project Name: Stein Erickson Lodge
Applicant: Zane Holmquist, Applicant Representative for Stein Eriksen Lodge
Location: 7700 Stein Way
Proposal: Conditional Use Permit for Temporary Structures longer than fourteen (14) days or more than five (5) times per year.
Zoning: Residential Development (RD)
Adjacent Uses: Residential/Commercial/Deer Valley Ski Area

Proposal

This application is a request for a Conditional Use Permit (CUP) for proposed temporary structures (tents) to be located within the existing Stein Erickson Lodge property longer than fourteen (14) days or more than five (5) times per year. The property is located within the Residential Development (RD) District, and is within the Deer Valley Master Planned Development (MPD), which requires a CUP reviewed by the Planning Commission.

The applicant proposes temporary structures (tents) at four locations within the Stein Erickson property for up to seven (7) times per year at a maximum period of four (4) days per event. The tents will be used for wedding ceremonies and receptions as weather backup or in order to enhance booked events.

Background

The property is located at 7700 Stein Way in the Residential Development (RD) District. The tents will be utilized for year around events (primarily summer) and will be located within the Stein Eriksen Lodge property at 4 specific locations, two on the flagstaff deck, the bald mountain lawn, and the ballroom deck (See Exhibit B).

The Land Management Code (LMC) was revised in 2009 to address the duration in which temporary structures may be installed. Previously, there were several temporary structures located on hotel properties in town that had been approved as temporary structure but were left standing in virtual perpetuity. To make sure this trend would not continue, new duration parameters were adopted in 2009.

The RD District allows outdoor events and temporary improvements with the issuance of an Administrative CUP (approved by the Planning Department) so long as the temporary structure is not left erected for longer than fourteen (14) days and for not more than five (5) times a year. Longer durations or an increase in the frequency of occurrences requires a CUP and must be approved by the Planning Commission.

On May 4, 2016, the Planning Department received a complete application for a CUP to allow seven (7) fire permits to be pulled which may include up to four (4) temporary tent structures to be placed on the property per year, for a maximum period of 4 days at the Stein Eriksen Lodge. Without the proposed CUP the Stein Eriksen Lodge would be limited to five (5) times per year and for no more than fourteen (14) consecutive days and also requires an Administrative CUP each time (The Administrative CUP requires a ten day noticing period and costs \$330.00).

The Stein Eriksen Lodge has numerous events (weddings and other occasions) in which the client prefers to be outside or require a tent in case of weather. In both 2014 and 2015 the hotel hosted 5 events each which required temporary structures.

This application is substantially consistent with the previous CUP approvals that have been approved for the following locations: Hotel Park City, Montage Deer Valley, The Yarrow, St. Regis, and the PC Country Club.

Analysis

Within the Land Management Code (LMC) section 15-4-16(A) (7) a temporary structure may not be installed for a duration longer than fourteen (14) days and for more than five (5) times a year, unless a longer duration or greater frequency is approved by the Planning Commission consistent with CUP criteria in LMC section 15-1-10 and the criteria for temporary structures in LMC section 15-4- 16(C). The applicant is requesting that the Planning Commission consider approving a CUP to allow temporary tent structures up to seven (7) times per year for a maximum of 4 days each for weddings and other like events.

According to the Land Management Code, Section 15-4-16 (C), Temporary structures on private property are a Conditional Use with consideration of the following review criteria:

- 1. The proposed Use must be on private Property. The Applicant shall provide written notice of the Property Owner's permission.*

Complies. The temporary structure is within the private property of the Stein Eriksen Lodge private property common area and the owner has given consent for this application.

- 2. The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.*

Complies. The proposed use will result in a minimal increase in cars attending the event in the temporary structures. The applicant has noted that during events like these generally 90% of attendees are already staying onsite. The other 10% use their own form of transportation or the shuttle which the SEL provides as a free service. All parking for the Stein Eriksen Lodge is located within the resort's underground parking garage.

221 parking spaces are available in the Stein Eriksen parking garage and 400 parking spaces within the Chateaux parking. The Stein Eriksen and the Chateaux work together during events, if there is a need for additional parking at one location there is a complimentary shuttle service that runs between the two properties.

Currently, there are 621 parking spaces total and 80% of the parking lot is full during the winter holidays which are the busiest days of the year (Exhibit D). They estimate that the additional temporary structures will not increase the size or scope of the groups that the hotels are currently serving, only providing the additional options for dining and ceremony space.

- 3. The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.*

Complies as Conditioned. Consistent with Condition of Approval #1, all temporary structures must be inspected by the building department prior to occupancy. The building department will inspect circulation, emergency access, and all other applicable public safety measures. The location of the proposed temporary structures would not impede pedestrian circulation. A floor plan layout is required for each fire permit inspection.

- 4. The Use shall not violate the City Noise Ordinance.*

Complies as Conditioned. Consistent with Condition of Approval #5, the use shall not violate the City noise and nuisance ordinance. Any violation of the City noise and nuisance ordinance may result in the Conditional Use Permit becoming void.

- 5. The Use and all signing shall comply with the Municipal Sign and Lighting Codes.*

Complies. Signs to the interior of a project are not regulated under the sign code. Any exterior signs must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.

- 6. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.*

Complies. All uses within the temporary structure must be permitted uses. The

property owner is responsible for obtaining the correct permits for each proposed use, including Building Permits, Summit County Health Code permits, Fire Code permits, Single Event Liquor Licensing and permits issued by the State of Utah.

7. *The Use shall not violate the International Building Code (IBC).*

Complies as Conditioned. Consistent with Condition of Approval #1, all temporary structures must have all required building and fire permits and be inspected by the building department prior to occupancy. The building department will inspect the temporary structure for compliance with the IBC and the permit will be recorded with the Planning Department log to track tents and durations.

8. *The Applicant shall adhere to all applicable City and State licensing ordinances.*

Complies. All commercial activities within the temporary structure must be licensed. The property owner is responsible for obtaining the correct City and State licensing for each proposed use within the temporary structure.

Conditional Use Permit Criteria (LMC 15-1-10 [E])

The Planning Commission must review each of the following criteria and considering whether or not the proposed Conditional Use mitigates impacts of and addresses each of the items:

(1) Size and location of the Site;

No Unmitigated Impacts. The Stein Eriksen Lodge has four (4) locations for temporary structures: The Ballroom Deck: (40x50 sq. ft.), two (2) small tents on the Flagstaff Deck (40x 40 sq. ft. and 10x20 sq. ft.), and The Bald Mountain Lawn (40x50 sq. ft.). (See Exhibit B). All 4 tents may all be included on the same fire permit if the tents are being proposed for the same date. The fire permits are done by address. As proposed, 7 fire permits shall be permitted under this CUP which may include one (1) or all four (4) tents.

(2) Traffic considerations including capacity of the existing Streets in the Area;

No Unmitigated Impacts. The Stein Eriksen Lodge may be accessed via Royal Street to Stein Way. Guests and patrons using the temporary structure would have to abide by the same parking restrictions as other hotel guests and visitors as outlined in the original conditions of approval. Any extra parking caused by the activity in the temporary structures must be accommodated within the Stein Eriksen parking lots.

(3) Utility capacity;

No Unmitigated Impacts. Any additional utilities that are necessary for the temporary structures are available through the hotel. The increase in guests for the events will result in an increase in demand for water, gas, sewer and trash. The existing infrastructure is adequate to accommodate the additional guests and demand on utilities.

(4) Emergency vehicle Access;

No Unmitigated Impacts. Emergency vehicle access will not be impacted by the proposal as the temporary structure is located within the interior courtyard.

(5) Location and amount of off-Street parking;

No Unmitigated Impacts. The proposed use will result in minimal increase in vehicular traffic attending the event in the temporary structure. The temporary structures are only proposed to enhance events that are already using the ballrooms and other event spaces booked within the hotel. For any additional vehicles will have to be accommodated within the existing parking lot(s) of the Stein Eriksen Lodge. Currently, there are 621 spaces total between the Stein Eriksen and the Chateaux available in the parking lot During the winter holidays (the busiest days of the year) the parking lots are only 80% full. In accordance with Police records, there have been no complaints about Hotel guests overflowing into adjacent properties or lots.

(6) Internal vehicular and pedestrian circulation system;

No Unmitigated Impacts. There is no internal vehicular circulation other than the drop off areas that occur off of a private driveway. The building department will inspect the temporary structures for pedestrian circulation requirements prior to issuance of a certificate of occupancy and a fire permit for each time the tent is installed.

(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

No unmitigated impacts. The adjacent uses are ski terrain of Deer Valley Resort Fencing and screening is not required. The temporary structure will be placed appropriately within the interior courtyard, balconies and landscaped areas.

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

No unmitigated impacts. The temporary structures are appropriate within the hotel site. There are no anticipated negative impacts due to the mass, bulk, and orientation of the temporary structures.

(9) Usable Open Space;

No unmitigated impacts. The temporary structure that is proposed is within the usable open space of the hotel. The temporary structures will not negatively impact the open space. The open space calculation will not be changed by the existence of the temporary structure. Staff would not recommend allowing a temporary structure to stand in this area for over 60 consecutive days due to impacts to the lawn.

(10) Signs and lighting;

No unmitigated impacts. Signs to the interior of a project are not regulated under the sign code. Any exterior signs must be approved by the Planning Department consistent

with the City Municipal Code. All exterior lighting must be approved by the Planning and Building Departments and comply with the Land Management Code.

(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

No unmitigated impacts. The design of the temporary structure is simple. Temporary structures that are located within hotel grounds are a normal occurrence for the use and are compatible with surrounding Structures.

(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

No unmitigated impacts. Consistent with Condition of Approval #7, the use shall not violate the City noise and nuisance ordinance. Any violation of the City noise and nuisance ordinance may result in the Conditional Use Permit becoming void.

(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;

Not applicable as the same delivery areas, loading and unloading zones, and trash pickup Area will be used for the temporary structures as for the hotel.

(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; and

Not applicable as the ownership and management do not change with this CUP.

(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.

No unmitigated impacts. The site is not located within Environmentally Sensitive Lands.

Process

Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC Section 1-18.

Department Review

This project has gone through an interdepartmental review. Issues raised have been addressed with conditions of approval.

Notice

On May 11, 2016, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on April 11, 2016.

Public Input

As of this date no public input has been received by Staff. Public comment will be taken

at the regularly scheduling meeting on May 25, 2016.

Alternatives

1. The Planning Commission may approve the CUP for the temporary structure as proposed and conditioned; or
2. The Planning Commission may deny the CUP and direct staff to prepare findings supporting this recommendation; or
3. The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The applicant will have to apply for an Administrative CUP for each temporary structure. The applicant will not be allowed to have more than five (5) temporary structures within a year and each temporary structure may stay up for a maximum of fourteen (14) days.

Recommendation

Staff recommends the Planning Commission discuss the proposed application for a CUP for temporary tent structures to be located at the Stein Eriksen Lodge, conduct a public hearing, and consider approving the CUP according to the following findings of fact, conclusions of law, and recommended conditions of approval, as follows:

Findings of Fact:

1. On May 4, 2016, the Planning Department received a complete application for a CUP to allow seven (7) fire permits to be pulled which may include up to four (4) temporary tent structures to be placed on the property per year, for a maximum period of 4 days at the Stein Eriksen Lodge.
2. Outdoor Events and Temporary Improvements require a CUP in the Residential Development (RD) Zone.
3. The property is located within the Residential Development as part of the Deer Valley Master Planned Development (RD-MPD).
4. No additional signs or lighting are proposed with this application.
5. In 2015, the hotel hosted five (5) separate events requiring temporary structures.
6. Within the Land Management Code (LMC) section 15-4-16(A)(7) a temporary structure may only be installed for a duration longer than fourteen (14) days and for more than five (5) times a year with an Administrative CUP and the Planning Commission must approve a CUP for any longer duration or greater frequency consistent with CUP criteria in LMC section 15-1-10(E) and the criteria for temporary structures in LMC section 15-4-16(C).
7. The applicant is requesting that the Planning Commission consider approving a CUP to allow the applicant to install four (4) different temporary structures up to seven (7) times per year for a maximum of four (4) days total for weddings and outdoor events. There may be occasions when more than one temporary structure is installed for an activity.

8. All four (4) tents may be included with one fire permit.
9. Stein Eriksen Lodge may be accessed via Stein Way. People using the temporary structures would have to abide by the same parking restrictions as other hotel guests.
10. The Stein Eriksen Lodge has four (4) locations for temporary tent structures: The Ballroom Deck: (40x50 sq. ft), 2 small tents on the Flagstaff Deck (40x40 sq. ft. and 10x20 sq. ft.), and The Bald Mountain Lawn (40x50 sq. ft.). (See Exhibit B & C).
11. According to a recent parking analysis, the Stein Eriksen holds 221 parking spaces in its underground parking lot. In addition the Chateaux Deer Valley, under the same owner, holds 400 parking spaces and the two hotels work together and offer a free shuttle service in the event that one parking lot becomes crowded. The applicant conducted a parking study on the busiest day of the year where occupancy for both lots total was 80% and did not find full usage of the parking lots. Staff estimates that the addition of a temporary structure at maximum capacity would not increase parking usage because hotel events are typically for hotel guests. Police records indicate no parking-related complaints from events held at the Stein Eriksen Lodge. (See Exhibit A and D)
12. On May 11, 2016, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on May 11, 2016.
13. The Findings in the Analysis Section are incorporated herein.
14. This application is reviewed under Land Management Code Section 15-1-10 (E) and Section 15-4-16 (C).

Conclusions of Law:

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned complies with the Deer Valley Master Planned Development.
3. The Use, as conditioned is consistent with the Park City General Plan.
4. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.
6. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval:

1. All temporary structures require a permit issued by the Building Department. All temporary structures must be inspected by the Building Department prior to occupancy. The Building Department will inspect the structure, circulation, emergency access, and all other applicable public safety measures.
2. A parking plan shall be required for each fire permit application in order to be approved by the Planning Department.
3. Prior to installing a temporary structure, the Planning Department must sign off on a fire permit and record the date within the CUP application folder.

4. A maximum of seven (7) events which include temporary structures per year are allowed.
5. A maximum duration of a temporary structure if four (4) days.
6. The use shall not violate the City noise or nuisance ordinance. Any violation of the City noise or nuisance ordinance may result in the CUP becoming void.
7. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.
8. Operation of the temporary structure with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to operate the temporary structure.
9. In the case there are any complaints to the City regarding parking at the Stein Eriksen, this CUP shall return to the Planning Commission for re-review.

Exhibits

- Exhibit A – Applicant’s proposals
- Exhibit B – Tent locations
- Exhibit C – Tent dimensions
- Exhibit D – Parking information

Exhibit A



May 13, 2016

Zane Holmquist
Vice President Food & Beverage Operations
Stein Eriksen Lodge Management Corporation
7700 Stein Way
Park City, Utah 84060

Park City Municipal Corporation
Planning Department
445 Marsac Avenue
Park City, Utah 84060

To Whom It May Concern:

The application submitted on behalf of Stein Eriksen Lodge and The Chateaux Deer Valley is a request for a conditional use permit to allow a temporary structure to be used for a maximum of **four (4) days at either property** for weather back up for wedding ceremonies or receptions.

The request would be for a maximum of **seven (7) events at Stein Eriksen Lodge per year and six (6) events at the Chateaux Deer Valley per year.**

The term "temporary structures" is inclusive of tents and stages. These temporary structures may be located at Stein Eriksen Lodge on the Flagstaff Mountain Deck, Flagstaff Room Deck, Bald Mountain Lawn or the Stein Eriksen Ballroom Terrace. At the Chateaux Deer Valley the temporary structure would only be located in the Courtyard area.

The proposed sites are suitable for the proposed use; the egress routes are well marked and can be referenced on the schematic plans that have been submitted with the application. There is ample square footage, readily available electrical hook-ups and all areas will not impact adjacent lots/uses or property owners. The proposed use will not emit noise, glare dust, pollutants or odor. The proposed use will not violate the City Noise Ordinance.

Adjacent uses to Stein Eriksen Lodge and the Chateaux at Deer Valley included Deer Valley Ski Resort and related use, hotel/condominium units, open space, single family residences and lots.

Stein Eriksen Lodge and the Chateaux Deer Valley can be accessed via Deer Valley Drive. All parking for both properties is located within the resort's underground parking garage . There are 221 parking spaces available at Stein Eriksen Lodge and 400 spaces available at the Chateaux Deer Valley. Stein Eriksen Lodge and Chateaux Deer Valley provide shuttle service between the two properties for events held at either property. Both properties also provide shuttle service from Park City properties to events held at either Stein Eriksen Lodge or Chateaux Deer Valley.

The proposed use will not impact additional parking requirements as the temporary structures are only being utilized as a ceremony location or weather back up for space that has been already contracted. Tent Structures are not expanding our guest capacities, only allowing us to use multiple spaces for events.

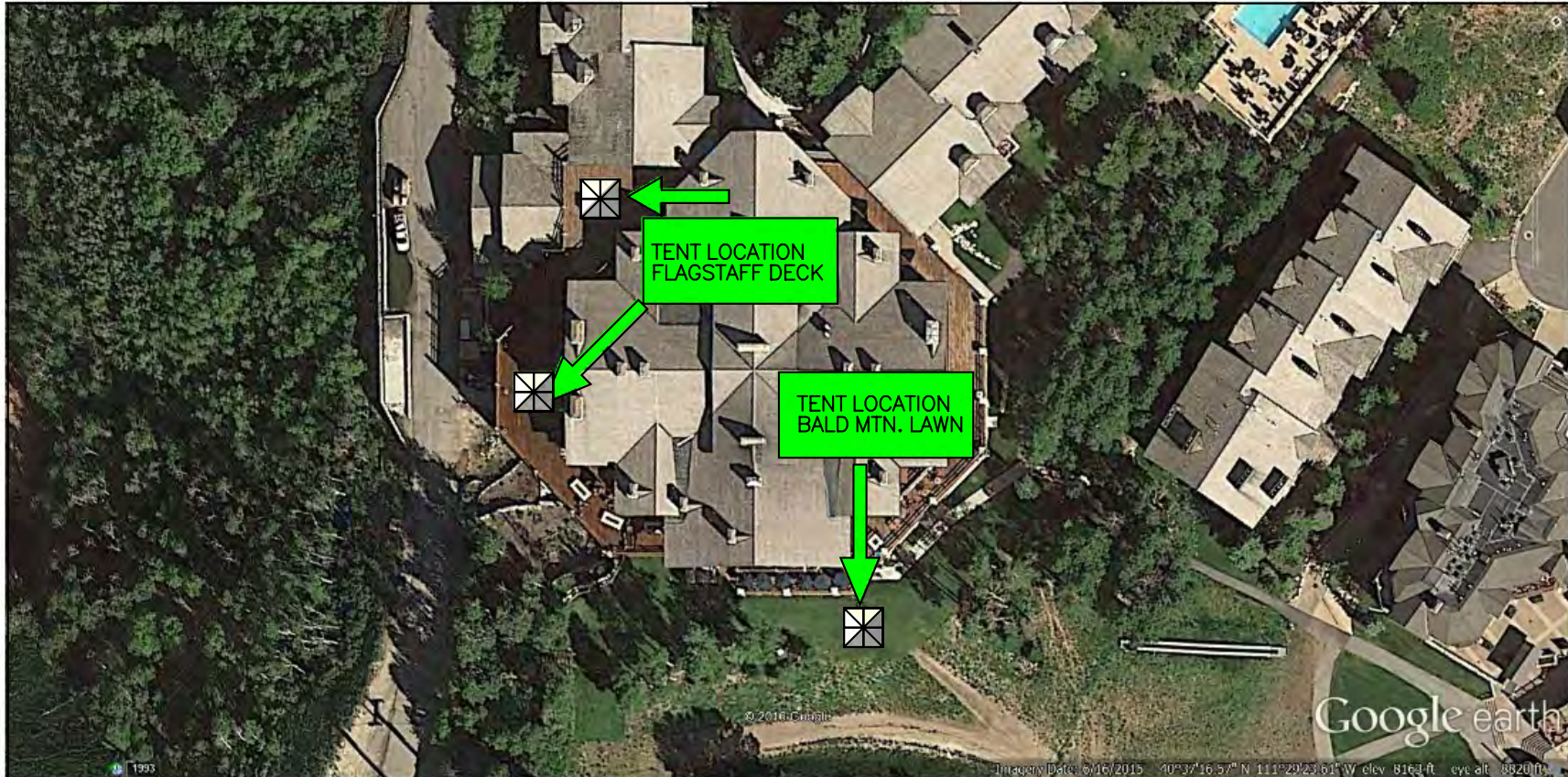
The letter is submitted with the full application for both Stein Eriksen Lodge and the Chateaux Deer Valley that had been previously filed.

Please contact me if you have any additional questions.

With best regards,

Zane Holmquist
Vice President Food & Beverage Operations
Stein Eriksen Lodge Management Corporation

Exhibit B

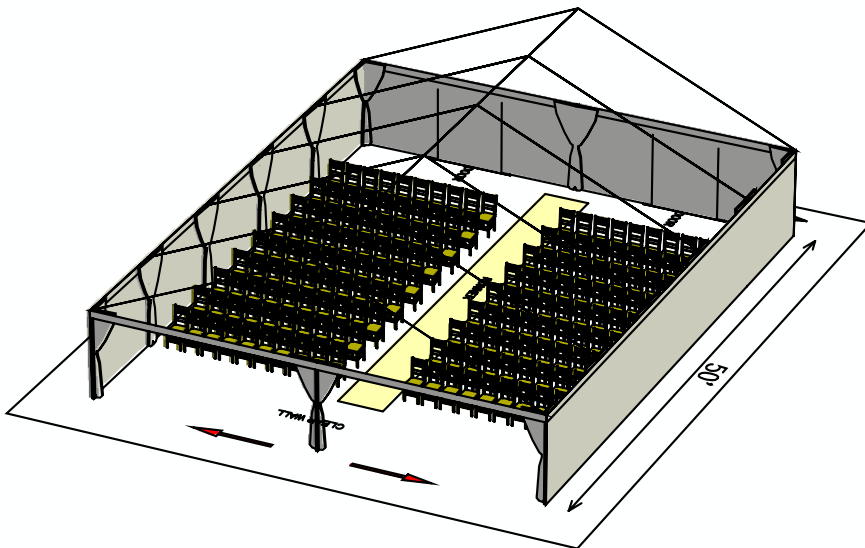
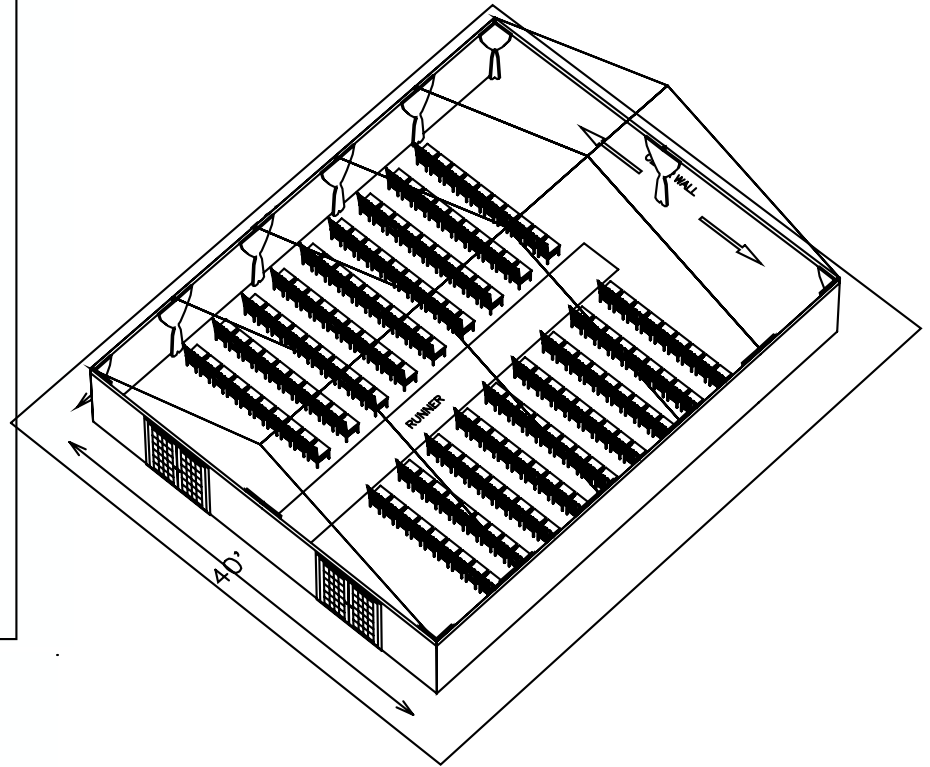
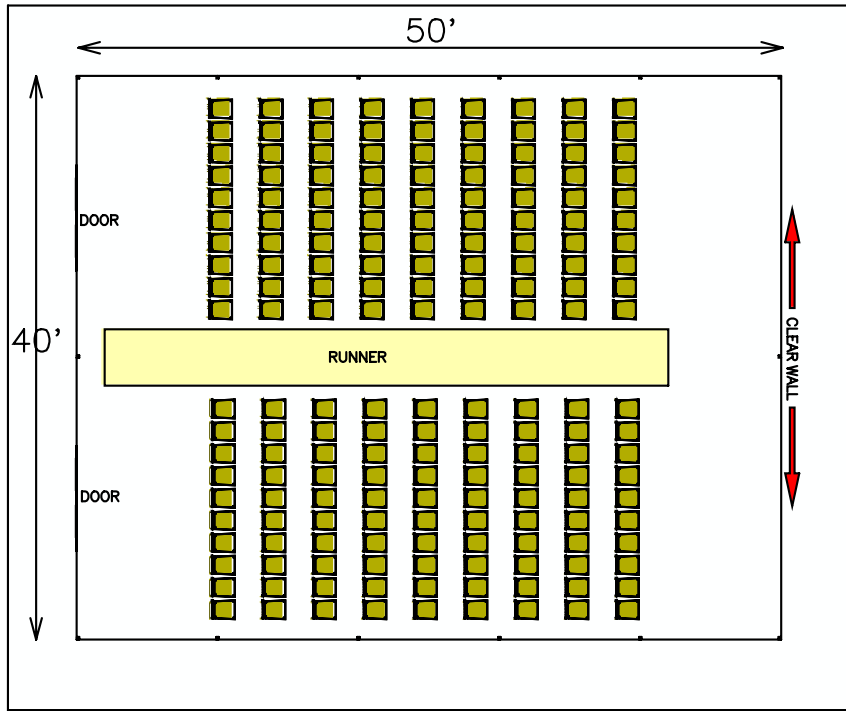


STEIN ERIKSEN
TENT LOCATIONS
FLAGSTAFF DECK (2)
BALD MOUNTAIN LAWN (1)

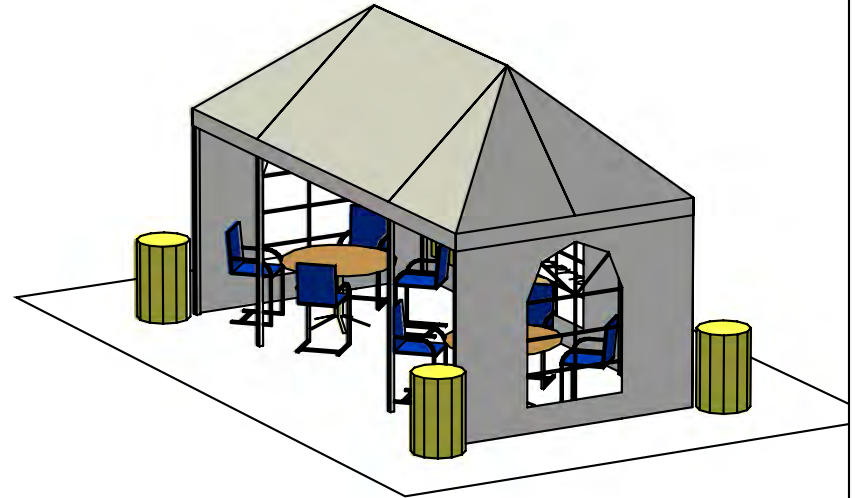
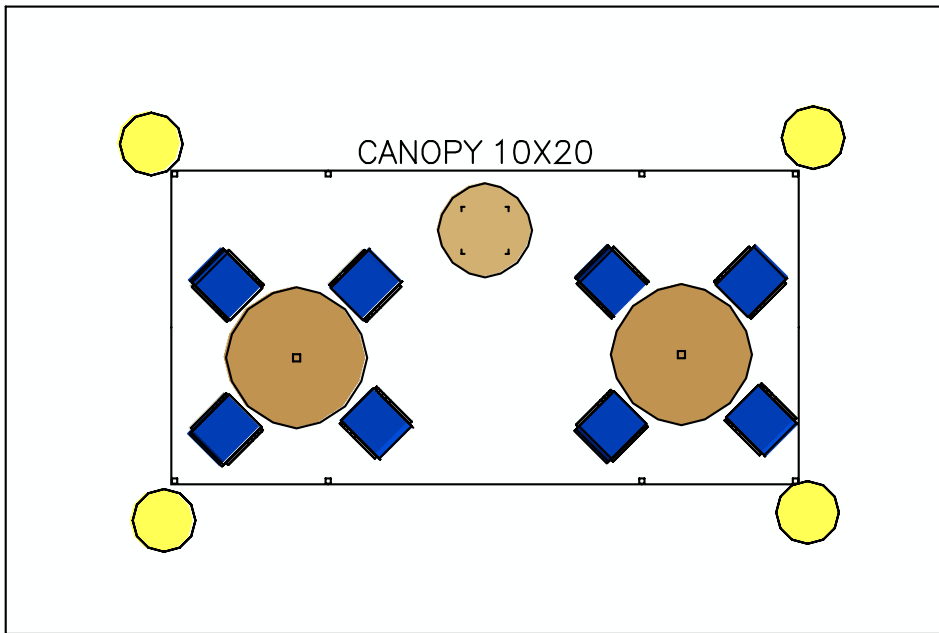


STEIN ERIKSEN TENT
LOCATION
BALLROOM DECK

Exhibit C



REINHARD WEDDING
CEREMONY
TENT
LAYOUT
40X50



STEIN ERIKSEN
BALLROOM DECK
10X20 CANOPY

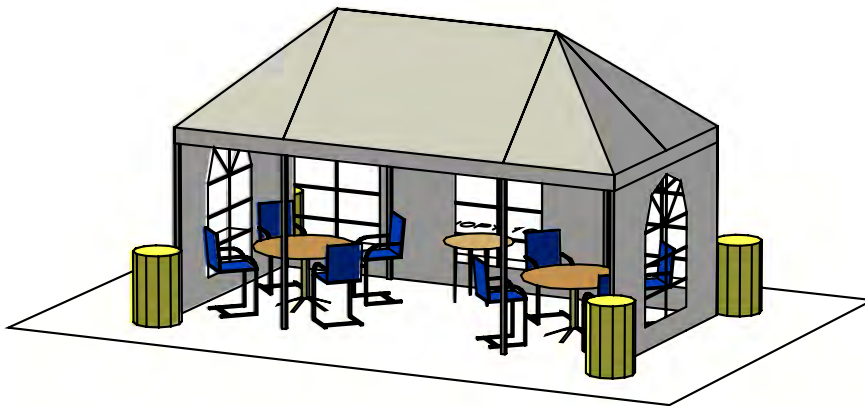


Exhibit D

Parking:

1. What is the percentage of spaces full on an average day?

We use our two parking structures interactively; we have team members move to the hotel with lowest occupancy. If SEL becomes full we utilize Chateaux parking and utilize complimentary shuttles between hotels. We also provide shuttles from the greater Park City area to guests from other properties.

SEL Winter: less than 50% (most guests use transportation other than private cars)

SEL Summer: rarely over 80% (lower during Monday through Friday – about 60% during the week).

Chat Winter: 75% occupied during the day, less than 30% occupied during the evening (due to staff parking in the day)

Chat Summer: never over 40% (DV employees do not use the garage in the summer)

2. How about the busiest day of the year?

Our busiest days of the year are during the winter holidays and are only at 80% (max) full as most of our hotel guests do not drive to the hotel during this time frame.

3. Do you believe the locations would need to provide additional parking for any reason- why or why not?

The addition of the tents is not to increase the size or scope of the groups we are currently handling. The tents are just giving us additional options for dining and ceremony space. With over 600 stall at both properties and our transportation systems including over 25 shuttle vehicles, I do not expect any overflow parking needs for any events.

General Questions:

1. Do imagine most of the events will be primarily during the summer?

Yes

2. If you are thinking you would be interested in having a tent in the winter, generally, how many would you be considering?

Yes we will have 2 or 3 winter events a year.

3. Basically what we are trying to sort out with the above questions is will you be using the tent to supplement the ballrooms or mostly in the summer when people are requesting outdoor events?

For Wedding Ceremonies in the winter and back up for outdoor events in the summer

4. Do you have a shuttle van service that is used during these events?

Yes

5. In the past what percentage of these people stay at the hotel?

90%

6. What percentage drive a car in?

5%

7. What percentage take a shuttle in for the event?

5%



Planning Commission Staff Report

Subject: 7815 Royal Street, the Chateaux Deer Valley
Author: Makena Hawley, Planner
Date: May 25, 2016
Type of Item: Administrative - Conditional Use Permit
Project Number: PL-16-03147

Summary Recommendation

Staff recommends that the Planning Commission review and discuss the proposed Conditional Use Permit (CUP) application for a temporary structure (tent), conduct a public hearing, and consider approving the CUP application in accordance with the findings of fact, conclusions of law, and conditions of approval as stated in this Staff report.

Description

Project Name: The Chateaux Deer Valley
Applicant: Zane Holmquist, Applicant Representative for The Chateaux Deer Valley
Location: 7815 Royal Street
Proposal: Conditional Use Permit for Temporary Structures longer than fourteen (14) days or more than five (5) times per year.
Zoning: Residential Development (RD)
Adjacent Uses: Residential/Commercial/Deer Valley Ski Area

Proposal

This application is a request for a Conditional Use Permit (CUP) to propose a temporary structure (tent) to be located within the existing Chateaux Deer Valley property longer than fourteen (14) days or more than five (5) times per year. The property is located within the Residential Development (RD) District, and is within the Deer Valley Master Planned Development (MPD), which requires a CUP reviewed by the Planning Commission.

The applicant proposes a temporary structure at one location within the Chateaux Deer Valley property for up to six (6) times per year for up to 4 days each. The tents will be used for wedding ceremonies and receptions as weather backup or in order to enhance booked events.

Background

The property is located at 7815 Royal Street in the Residential Development (RD) District. The tent will be utilized for year around events (primarily summer) and will be located within the Chateaux Deer Valley property within the inner courtyard area of

the Chateaux (See Exhibit B).

The Land Management Code (LMC) was revised in 2009 to address the duration in which temporary structures may be installed. Previously, there were several temporary structures located on hotel properties in town that had been approved as temporary structure but were left standing in virtual perpetuity. To make sure this trend would not continue, new duration parameters were adopted in 2009.

The RD District allows outdoor events and temporary improvements with the issuance of an Administrative CUP (approved by the Planning Department) so long as the temporary structure is not left erected for longer than fourteen (14) days and for not more than five (5) times a year. Longer durations or an increase in the frequency of occurrences requires a CUP and must be approved by the Planning Commission.

On May 4, 2016, the Planning Department received a complete application for a CUP to allow six (6) fire permits to be pulled for a temporary tent structure on the property per year, for a maximum period of four (4) days each time at the Chateaux Deer Valley. Without the proposed CUP the Chateaux Deer Valley would be limited to five (5) times per year and for no more than fourteen (14) consecutive days each time and also require an Administrative CUP each time (The Administrative CUP requires a ten day noticing period and costs \$330.00).

The Chateaux Deer Valley has several events (weddings and outdoor events) in which the client prefers to be outside. In both 2014 and 2015 the hotel hosted 5 events each which required temporary structures.

This application is substantially consistent with the previous CUP approvals that have been approved for the following locations: Hotel Park City, Montage Deer Valley, The Yarrow, St. Regis, and the PC Country Club.

Analysis

Within the Land Management Code (LMC) section 15-4-16(A) (7) a temporary structure may not be installed for a duration longer than fourteen (14) days and for more than five (5) times a year, unless a longer duration or greater frequency is approved by the Planning Commission consistent with CUP criteria in LMC section 15-1-10 and the criteria for temporary structures in LMC section 15-4-16(C). The applicant is requesting that the Planning Commission consider approving a CUP to allow a temporary tent structure up to six (6) times for a duration of no longer than four (4) days each due to higher frequency of weddings and outdoor events. The events are proposed primarily for summer however the analysis of the impacts are based off full capacity situations that could occur during the winter.

According to the Land Management Code, Section 15-4-16 (C), Temporary structures on private property are a Conditional Use with consideration of the following review criteria to be considered by the Planning Commission:

- 1. The proposed Use must be on private Property. The Applicant shall provide written notice of the Property Owner's permission.*

Complies. The temporary structure is within the Chateaux Deer Valley private property common area and the owner has given consent for this application.

- 2. The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.*

Complies. The proposed use will result in a minimal increase in cars attending the event in the temporary structures. The applicant has noted that during events like these generally 90% of attendees are already staying onsite. The other 10% use their own form of transportation or the shuttle which the Chateaux provides as a free service. All parking for the Chateaux is located within the resort's underground parking garage.

400 parking spaces are available in the Stein Eriksen parking garage and 221 parking spaces are provided within the Stein Eriksen Lodge. The Stein Eriksen and the Chateaux work together during events. If there is a need for additional parking there is a shuttle service that runs between the two properties.

Currently, there are 621 parking spaces total and 80% of the parking lot is full during the winter holidays which are the busiest days of the year (Exhibit D). They estimate that the additional temporary structures will not increase the size or scope of the groups that the hotels are currently serving, only providing the additional options for dining and ceremony space.

- 3. The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.*

Complies as Conditioned. Consistent with Condition of Approval #1, all temporary structures must be inspected by the building department prior to occupancy. The building department will inspect circulation, emergency access, and all other applicable public safety measures. The location of the proposed temporary structures would not impede pedestrian circulation. A floor plan layout is required for each building inspection. As the seasons change the building department will inspect appropriately.

- 4. The Use shall not violate the City Noise Ordinance.*

Complies as Conditioned. Consistent with Condition of Approval #5, the use shall not violate the City noise and nuisance ordinance. Any violation of the City noise and nuisance ordinance may result in the Conditional Use Permit becoming void.

- 5. The Use and all signing shall comply with the Municipal Sign and Lighting Codes.*

Complies. Signs to the interior of a project are not regulated under the sign code. Any exterior signs must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.

6. *The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.*

Complies. All uses within the temporary structure must be permitted. The property owner is responsible for obtaining the correct permits for each proposed use, including Building Permits, Summit County Health Code permits, Fire Code permits, Single Event Liquor Licensing and permits issued by the State of Utah.

7. *The Use shall not violate the International Building Code (IBC).*

Complies as Conditioned. Consistent with Condition of Approval #1, all temporary structures must have all required building and fire permits and be inspected by the building department prior to occupancy. The building department will inspect the temporary structure for compliance with the IBC and the permit will be recorded with the Planning Department log to track tents and durations.

8. *The Applicant shall adhere to all applicable City and State licensing ordinances.*

Complies. All commercial activities within the temporary structure must be licensed. The property owner is responsible for obtaining the correct City and State licensing for each proposed use within the temporary structure.

Conditional Use Permit Criteria (LMC 15-1-10 [E])

The Planning Commission must review each of the following criteria and considering whether or not the proposed Conditional Use mitigates impacts of and addresses each of the items:

- (1) Size and location of the Site;*

No Unmitigated Impacts. The Chateaux Deer Valley is located on 3.26 acres and has one (1) location for a temporary structure: The Courtyard Le Chateaux. It is located within the development; the tent is 8,072 square feet and measures 82.02 sq. ft. x 98.42 sq. ft. (See Exhibit B).

- (2) Traffic considerations including capacity of the existing Streets in the Area;*

No Unmitigated Impacts. The Chateaux Deer Valley may be accessed via Royal Street. Guests and patrons using the temporary structure would have to abide by the same parking restrictions as other hotel guests and visitors as outlined in the original conditions of approval. Any extra parking caused by the activity in the temporary structures must be accommodated within the Chateaux Deer Valley parking lots.

- (3) Utility capacity;*

No Unmitigated Impacts. Any additional utilities that are necessary for the temporary structures are available through the hotel. The increase in guests for the events will result in an increase in demand for water, gas, sewer and trash. The existing

infrastructure is adequate to accommodate the additional guests and demand on utilities.

(4) Emergency vehicle Access;

No Unmitigated Impacts. Emergency vehicle access will not be impacted by the proposal as the temporary structure is located within the interior courtyard.

(5) Location and amount of off-Street parking;

No Unmitigated Impacts. The proposed use will result in minimal increase in vehicular traffic attending the event in the temporary structure. The temporary structures are only proposed to enhance events that are already using the ballrooms and other event spaces booked within the hotel. For any additional vehicles will have to be accommodated within the existing parking lot(s) of the Stein Eriksen Lodge. Currently, there are 621 spaces total between the Stein Eriksen and the Chateaux available in the parking lot. During the winter holidays (the busiest days of the year) the parking lots are only 80% full. In accordance with Police records, there have been no complaints about Hotel guests overflowing into adjacent properties or lots.

(6) Internal vehicular and pedestrian circulation system;

No Unmitigated Impacts. There is no internal vehicular circulation other than the drop off areas that occur off of a private driveway. The building department will inspect the temporary structures for pedestrian circulation requirements prior to issuance of a certificate of occupancy and fire permit for each time the tent is installed.

(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

No unmitigated impacts. The adjacent uses are residential, commercial, retail uses and the Deer Valley Ski Resort. Fencing and screening is not required. The temporary structure will be placed appropriately within the interior courtyard.

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

No unmitigated impacts. The temporary structure is appropriate within the hotel Site and is not visible from the outside of the property. (See Exhibit B)

(9) Usable Open Space;

No unmitigated impacts. The temporary structure that is proposed is within the courtyard of the hotel. The temporary structures will not negatively impact the open space area. The open space calculation will not be changed by the existence of the temporary structure.

(10) Signs and lighting;

No unmitigated impacts. Signs to the interior of a project are not regulated under the

sign code. Any exterior signs must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning and Building Departments and comply with the Land Management Code.

(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

No unmitigated impacts. The design of the temporary structure is simple. Temporary structures that are located within hotel grounds are a normal occurrence for the use and are compatible with surrounding Structures.

(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

No unmitigated impacts. Consistent with Condition of Approval #7, the use shall not violate the City noise and nuisance ordinance. Any violation of the City noise and nuisance ordinance may result in the Conditional Use Permit becoming void.

(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;

Not applicable as the same delivery areas, loading and unloading zones, and trash pickup Areas will be used for the temporary structures as the hotel.

(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; and

Not applicable as the ownership and management does not change with this CUP.

(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.

No unmitigated impacts. The site is not located within Environmentally Sensitive Lands and the site topography and location will be inspected for safety measures by the building department.

Process

Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC Section 1-18.

Department Review

This project has gone through an interdepartmental review. Issues raised have been addressed with conditions of approval.

Notice

On May 11, 2016, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on May 11, 2016

Public Input

As of this date no public input has been received by Staff. Public comment will be taken at the regularly scheduling meeting on May 25, 2016

Alternatives

1. The Planning Commission may approve the CUP for the temporary structure as proposed and conditioned; or
2. The Planning Commission may deny the CUP and direct staff to prepare findings supporting this recommendation; or
3. The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The applicant will have to apply for an Administrative CUP for each temporary structure. The applicant will not be allowed to have more than five (5) temporary structures within a year and each temporary structure may stay up for a maximum of fourteen (14) days.

Recommendation

Staff recommends the Planning Commission discuss the proposed application for a CUP for a temporary tent structure to be located within the Chateaux Deer Valley, conduct a public hearing, and consider approving the CUP according to the following findings of fact, conclusions of law, and recommended conditions of approval, as follows:

Findings of Fact:

1. On May 4, 2016, the Planning Department received a complete application for a CUP to allow six (6) fire permits to be pulled for a temporary tent structure on the property per year, each for a maximum period of four (4) days at the Chateaux Deer Valley.
2. Outdoor Events and Temporary Improvements require a CUP in the Residential Development (RD) Zone.
3. The property is located within the Residential Development as part of the Deer Valley Master Planned Development (RD-MPD).
4. No additional signs or lighting are proposed with this application.
5. In 2013 and 2014, the hotel hosted 4 events that required a temporary structure.
6. Within the Land Management Code (LMC) section 15-4-16(A)(7) a temporary structure may only be installed for a duration longer than fourteen (14) days and for more than five (5) times a year with an Administrative CUP and the Planning Commission must approve a CUP for any longer duration or greater frequency consistent with CUP criteria in LMC section 15-1-10(E) and the criteria for temporary structures in LMC section 15-4-16(C).
7. The applicant is requesting that the Planning Commission consider approving a CUP to allow the applicant to install one (1) temporary structure up to six (6) times per year for a maximum of four (4) days each for weddings and outdoor events.
8. The Chateaux Deer Valley has one (1) location for a temporary tent structure: The Courtyard Le Chateaux. It is located within the development; the tent is 8,072

square feet and measures 82.02 sq. ft. x 98.42 sq. ft. (See Exhibit B).

9. The Chateaux Deer Valley may be accessed via Royal Street. People using the temporary structures would have to abide by the same parking restrictions as other hotel guests.
10. According to a recent parking analysis, the Chateaux Deer Valley holds 400 parking spaces in its underground parking lot. In addition the Stein Eriksen, under the same owner, holds 221 parking spaces and the two hotels work together to offer a free shuttle service in the event that one parking lot becomes crowded. The applicant conducted a parking study on the busiest day of the year where occupancy for both lots total was 80% and did not find full usage of the parking lots. Staff estimates that the addition of a temporary structure at maximum capacity would not increase parking usage because hotel events are typically for hotel guests. Police records indicate no parking-related complaints from events held at the Stein Eriksen Lodge. (See Exhibit A and D)
11. On May 11, 2016 the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on May 11, 2016.
12. The Findings in the Analysis Section are incorporated herein.
13. This application is reviewed under Land Management Code Section 15-1-10 (E) and Section 15-4-16 (C).

Conclusions of Law:

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned complies with the Deer Valley Master Planned Development.
3. The Use, as conditioned is consistent with the Park City General Plan.
4. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.
6. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval:

1. All temporary structures require a permit issued by the Building Department. All temporary structures must be inspected by the Building Department prior to occupancy. The Building Department will inspect the structure, circulation, emergency access, and all other applicable public safety measures.
2. A parking plan shall be required for each fire permit application in order to be approved by the Planning Department.
3. Prior to installing a temporary structure, the Planning Department must sign off on a fire permit and record the date within the CUP application folder.
4. A maximum of six (6) events which include a temporary structure per year are allowed.
5. A maximum duration of a temporary structure if four (4) days.

6. The use shall not violate the City noise or nuisance ordinance. Any violation of the City noise or nuisance ordinance may result in the CUP becoming void.
7. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.
8. Operation of the temporary structure with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to operate the temporary structure.
9. In the case there are any complaints to the City regarding parking at the Chateaux Deer Valley, this CUP shall return to the Planning Commission for re-review.

Exhibits

Exhibit A – Applicant's proposals

Exhibit B – Tent location

Exhibit C – Tent dimensions

Exhibit D – Parking information

Exhibit A



May 13, 2016

Zane Holmquist
Vice President Food & Beverage Operations
Stein Eriksen Lodge Management Corporation
7700 Stein Way
Park City, Utah 84060

Park City Municipal Corporation
Planning Department
445 Marsac Avenue
Park City, Utah 84060

To Whom It May Concern:

The application submitted on behalf of Stein Eriksen Lodge and The Chateaux Deer Valley is a request for a conditional use permit to allow a temporary structure to be used for a maximum of **four (4) days at either property** for weather back up for wedding ceremonies or receptions.

The request would be for a maximum of **seven (7) events at Stein Eriksen Lodge per year and six (6) events at the Chateaux Deer Valley per year.**

The term "temporary structures" is inclusive of tents and stages. These temporary structures may be located at Stein Eriksen Lodge on the Flagstaff Mountain Deck, Flagstaff Room Deck, Bald Mountain Lawn or the Stein Eriksen Ballroom Terrace. At the Chateaux Deer Valley the temporary structure would only be located in the Courtyard area.

The proposed sites are suitable for the proposed use; the egress routes are well marked and can be referenced on the schematic plans that have been submitted with the application. There is ample square footage, readily available electrical hook-ups and all areas will not impact adjacent lots/uses or property owners. The proposed use will not emit noise, glare dust, pollutants or odor. The proposed use will not violate the City Noise Ordinance.

Adjacent uses to Stein Eriksen Lodge and the Chateaux at Deer Valley included Deer Valley Ski Resort and related use, hotel/condominium units, open space, single family residences and lots.

Stein Eriksen Lodge and the Chateaux Deer Valley can be accessed via Deer Valley Drive. All parking for both properties is located within the resort's underground parking garage . There are 221 parking spaces available at Stein Eriksen Lodge and 400 spaces available at the Chateaux Deer Valley. Stein Eriksen Lodge and Chateaux Deer Valley provide shuttle service between the two properties for events held at either property. Both properties also provide shuttle service from Park City properties to events held at either Stein Eriksen Lodge or Chateaux Deer Valley.

The proposed use will not impact additional parking requirements as the temporary structures are only being utilized as a ceremony location or weather back up for space that has been already contracted. Tent Structures are not expanding our guest capacities, only allowing us to use multiple spaces for events.

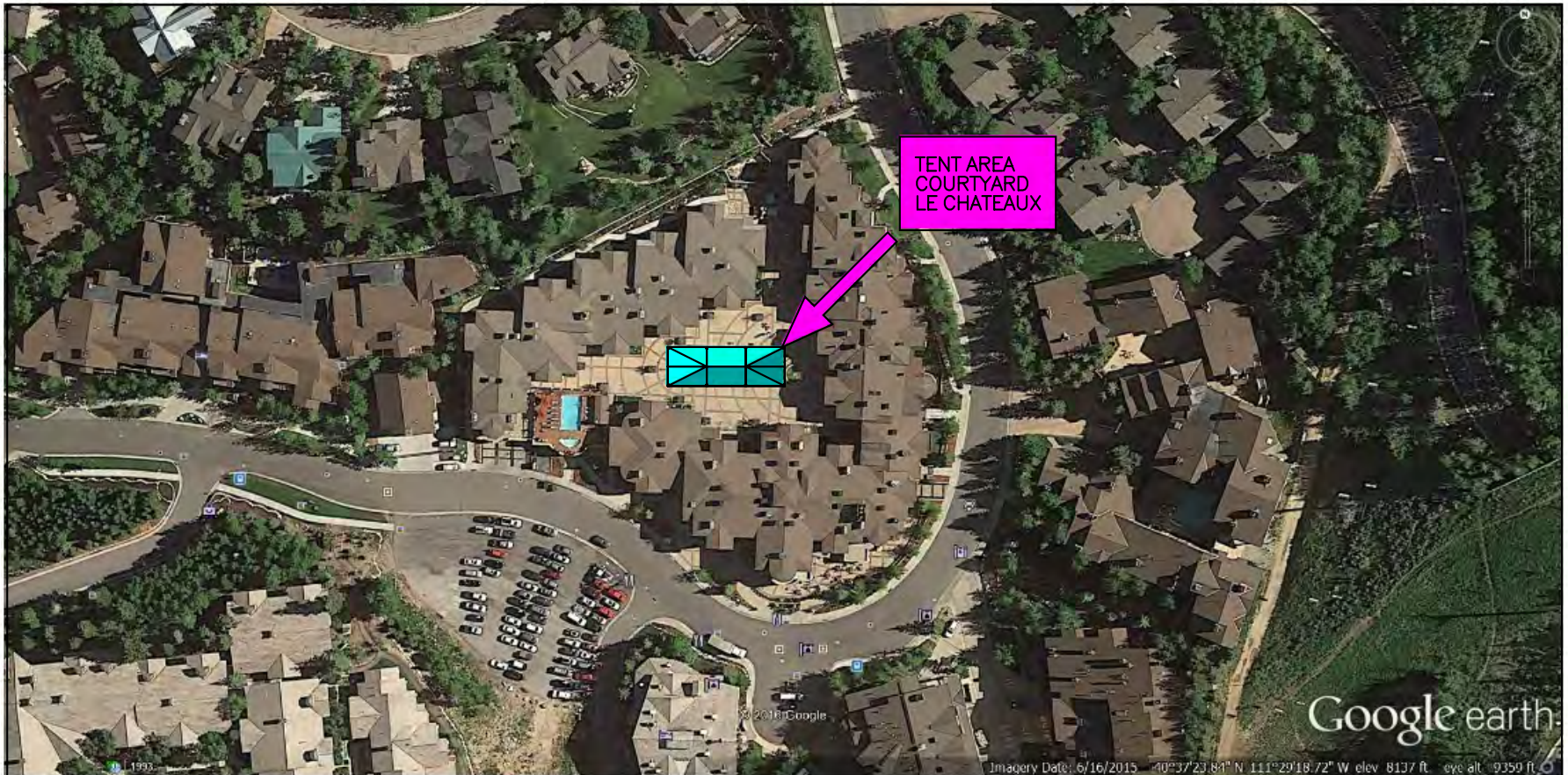
The letter is submitted with the full application for both Stein Eriksen Lodge and the Chateaux Deer Valley that had been previously filed.

Please contact me if you have any additional questions.

With best regards,

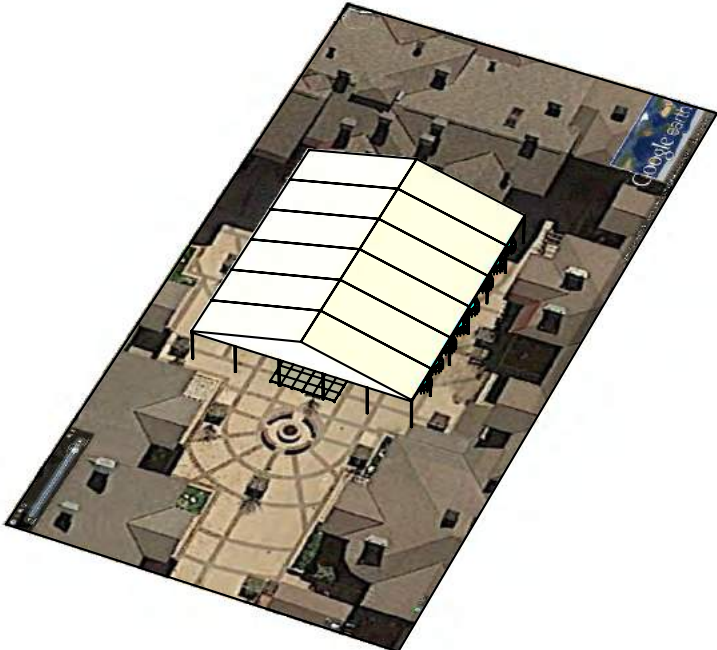
Zane Holmquist
Vice President Food & Beverage Operations
Stein Eriksen Lodge Management Corporation

Exhibit B



LOCATION TENT SITE
LE CHATEAUX-DEER VALLEY
7815 ROYAL STREET
PARK CITY, UT 84060

Exhibit C



DIAMOND RENTAL
WEBB AV
EVENT JUNE 2016
LE CHATEAU
25mX30m STRUCTURE TENT
GUEST SEATING (540)

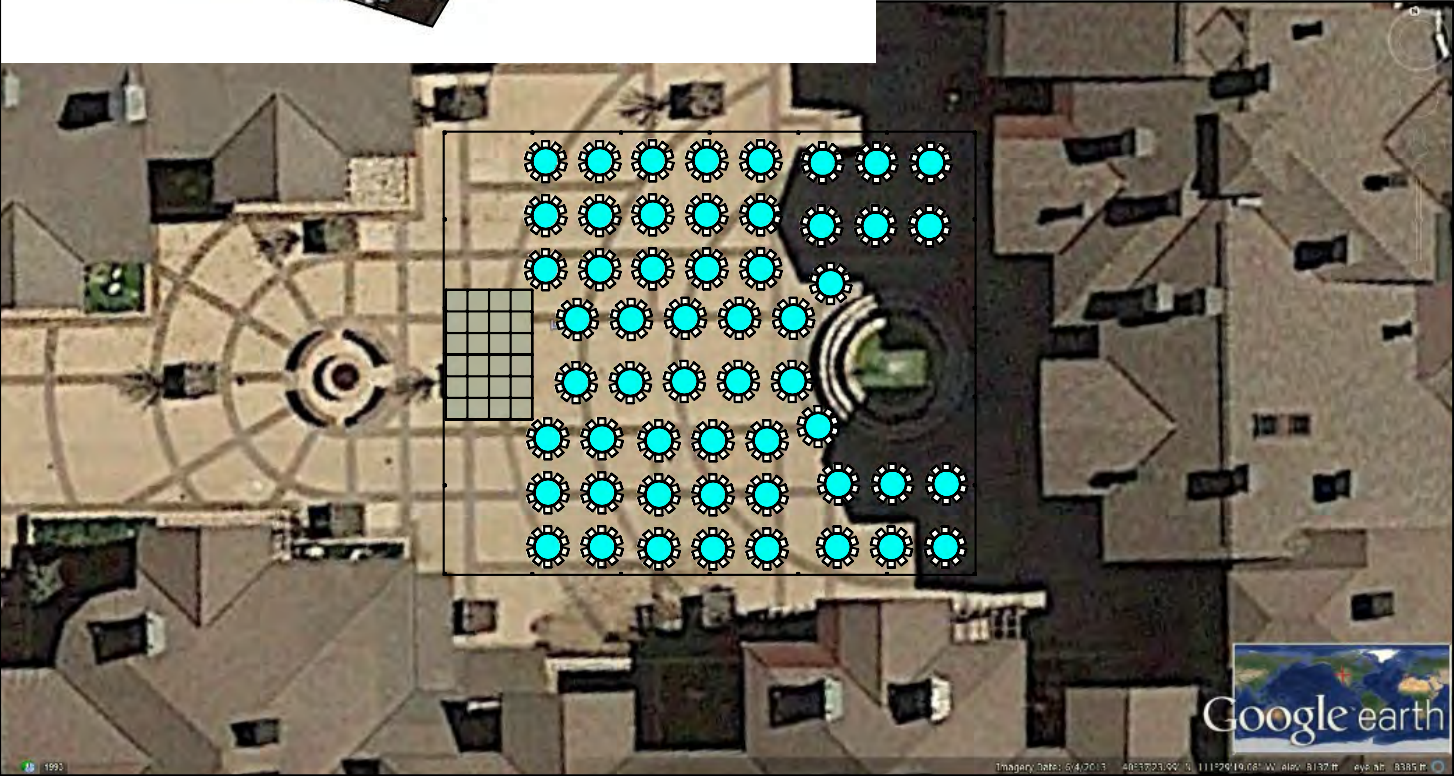


Exhibit D

Parking:

1. What is the percentage of spaces full on an average day?

We use our two parking structures interactively; we have team members move to the hotel with lowest occupancy. If SEL becomes full we utilize Chateaux parking and utilize complimentary shuttles between hotels. We also provide shuttles from the greater Park City area to guests from other properties.

SEL Winter: less than 50% (most guests use transportation other than private cars)

SEL Summer: rarely over 80% (lower during Monday through Friday – about 60% during the week).

Chat Winter: 75% occupied during the day, less than 30% occupied during the evening (due to staff parking in the day)

Chat Summer: never over 40% (DV employees do not use the garage in the summer)

2. How about the busiest day of the year?

Our busiest days of the year are during the winter holidays and are only at 80% (max) full as most of our hotel guests do not drive to the hotel during this time frame.

3. Do you believe the locations would need to provide additional parking for any reason- why or why not?

The addition of the tents is not to increase the size or scope of the groups we are currently handling. The tents are just giving us additional options for dining and ceremony space. With over 600 stall at both properties and our transportation systems including over 25 shuttle vehicles, I do not expect any overflow parking needs for any events.

General Questions:

1. Do imagine most of the events will be primarily during the summer?

Yes

2. If you are thinking you would be interested in having a tent in the winter, generally, how many would you be considering?

Yes we will have 2 or 3 winter events a year.

3. Basically what we are trying to sort out with the above questions is will you be using the tent to supplement the ballrooms or mostly in the summer when people are requesting outdoor events?

For Wedding Ceremonies in the winter and back up for outdoor events in the summer

4. Do you have a shuttle van service that is used during these events?

Yes

5. In the past what percentage of these people stay at the hotel?

90%

6. What percentage drive a car in?

5%

7. What percentage take a shuttle in for the event?

5%

Planning Commission Staff Report

Subject: Second Amended Lot 2, Phase 1, Treasure Hill Subdivision
Author: Francisco Astorga, AICP, Senior Planner
Project Number: PL-16-03098
Date: 25 May 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Second Amended Lot 2, Phase 1, Treasure Hill Subdivision located at 220 King Road and consider forwarding a negative recommendation to the City Council based on the Findings of Fact and Conclusions of Law as found in the Draft Final Action Letter.

Description

Applicant: 220 King Road LLC and M. Constance Sfire represented by Robert Sfire and Marshall King, Alliance Engineering, Inc.
Location: 220 King Road
Zoning: Approved Master Plan
Adjacent Land Uses: Residential and recreation open space
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

Plat Amendment application to create two (2) lots of record from one (1) platted lot. The existing, current, lot is identified as Lot 2 of the Treasure Hill Subdivision Phase 1 (First Amended Record of Survey Map) recorded in August 1997.

Background

On February 9, 2016, the City received a Plat Amendment application named the Second Amended Lot 2, Phase 1, Treasure Hill Subdivision. See Exhibit B – Proposed Plat Amendment. The property is located at 220 King Road. For zoning, the property is in an approved master plan. The subject property consists of all of Lot 2, Phase 1, Treasure Hill Subdivision. See Exhibit M – Treasure Hill Subdivision Phase 1 (recorded April 1996) and Exhibit N – Lot 2, Phase 1, Treasure Hill Subdivision (recorded August 1997). The entire subject area is recognized by Summit County as Parcel no: THILL-2-A-AM and THILL-2-B-AM (Tax IDs). The site is part of the [Sweeney Properties Master Plan](#) (SPMP) approved on October 16, 1986, as part of the Miscellaneous Properties. According to the section V. Narrative of the 1986 approved master plan:

The Sweeney Properties Master Plan involves a number of individual development parcels. Combined, a total of 277 unit equivalents are proposed; including, 258 residential and 19 unit equivalents worth of support commercial space. Based upon the zoning in effect at this time, in excess of 450 units could

be requested. While this may be somewhat misleading due to certain physical and technical constraints (i.e: access, slope, utilities), it does reveal that a significant reduction in total density proposed has been incorporated into the project. Each area proposed for development has been evaluated on its own merits. During the course of review, numerous concepts were considered with densities shifted around.

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

[1.] Coalition Properties (known as Town Lift East & West sites)

[...]

[2.] HR-1 Properties (Known as Car-Sheen & MPE sites)

[...]

[3.] Hillside Properties (knows as Mid-Station and Creole Gulch sites)

[...]

[4.] Miscellaneous Properties

In addition to the development areas described above, the proposed Master Plan identifies three distinct single-family lots; one of which is located above Woodside Avenue adjacent to and north of platted 5th Street, a second to be accessed from Upper Norfolk, and a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3500 square foot footprints and maximum building heights of 25 feet.

The SPMP was amended on October 14, 1987. See Exhibit L – SPMP Revised Conditions of Approval 10.14.1987. The amendment identified it as minor as it did not result in increased height in any of the development parcels. The 1987 modification included the following:

Relocating 2 unit equivalents from the Sheen parcel and 2 from the MPE parcel. Two of these units would be relocated off the King Road, one off of Upper Norfolk, and one off of 5th Street.

The two (2) King Road unit equivalents are found at 200 and 220 King Road. 220 King Road is the subject site.

Currently, the site contains a single-family dwelling and a guest house. See Exhibit D – Lot Line Exhibit, Exhibit E – Aerial Photograph, Exhibit F – Site Photograph, Exhibit G – Survey, and Exhibit H – Survey S-2470 Treasure Hill Sub. Lot 1 and 2.

According to Summit County Assessor's Office records, the single-family dwelling was built in 1998 and has a living area of 2,288 square feet, a basement area of 1,297 square feet, and an attached/built-in garage area of 650 square feet. The combined area of the single-family dwelling per County records is 4,235 square feet. The existing Building Footprint of the single-family dwelling is approximately 2,003 square feet.

According to Summit County Assessor's Office records, the guest house was built in 2000 and has a living area of 1,793 square feet, a basement area of 633 square feet, and an attached/built-in garage area of 304 square feet. The combined area of the guest house per County records is 2,730 square feet. The existing Building Footprint of the guest house dwelling is approximately 1,450 square feet.

In April 2000, the Park City Planning Commission approved a Conditional Use Permit for a 2,700 square foot detached guest house on the site. Exhibit I – Guest House CUP Action Letter 07.21.2000. At the time the site had an existing accessory apartment in the main residence that had to be removed prior to issuance of a certificate of occupancy for the guest house. A notice of the guest house CUP and a deed restriction prohibiting rental of the guest house separate from the main house was listed as a condition of approval of the Guest House CUP. The notice was recorded with Summit County in January 2003. See Exhibit J – Guest House Notice to Purchasers 01.10.2003. Another condition of approval of approval of the guest house CUP indicated the following language: "No further subdivision of this lot is permitted."

Summit County assesses the Lot as two (2) separate Tax Serial Nos. THILL-2-A-AM and THILL-2-B-AM. Each tax notice contains a separate legal description which starts as: "a portion of Lot 2, Treasure Hill Sub. Phase 1 Amended," as well as a separate acreage designation consisting of 0.77 and 0.47, respectively. The submitted title report indicates that 220 King Road LLC owns Lot 2A (Tax Serial no. THILL-2-A-AM). The submitted title report indicates that 220 King Road LLC owns an undivided ½ interest of Lot 2B and that M. Constance Sfire owns an undivided ½ interest of lot 2B (Tax Serial no. THILL-2-B-AM).

Upon review of the past Planning Department files, staff found a 1997 memorandum sent from Eric DeHaan, City Engineer, to the Legal Department that identifies two (2) deeded parcels within a platted lot of record. See Exhibit K – Eric DeHaan Memo 07.10.1997. The memo states that the title report from that time shows that the lot has two (2) owners, one (1) for each of two (2) portions of the platted lot. City Engineer DeHaan explained that he understood that was done by the owner for tax purposes. City Engineer DeHaan expressed concerns with deeds that were able to be recorded which acted to subdivide parcels in a manner that was inconsistent with Park City's ordinances. DeHaan explained that it appeared that no damage was created since the lot was the subject of an amended plat which erased the deed line and expressed concern that the practice still occurred. He also indicated that the general public could be harmed by similar acts of subdivision by deed resulting in improperly planned access and utility issues. He hoped that such practice could be eliminated by Summit County's Recorder refusing to record any deed which covers a parcel smaller than what exists

prior to the deed in question.

Staff further researched the situation and found that the following took place in April 15, 1996:

- Entire area owned by Beaulieu, Carlig, and Sweeney Land Company was transferred to Beaulieu and Carlig. [[Quit Claim Deed, Entry No. 00452300](#)]
- Ownership changed from Beaulieu and Carlig to Robert Sfire only for the legal description of Parcel A, what is now assigned as Parcel THILL-2-A-AM. [[Warranty Deed, Entry No. 00452303](#)] and [[Warranty Deed, Entry No. 00452304](#)]
- Ownership changed from Beaulieu and Carlig to Robert Sfire and M. Constance Sfire, only for the legal description of Parcel (2) or B, what is now assigned as THILL-2-B-AM. [[Warranty Deed, Entry No. 00452305](#)] and [[Warranty Deed, Entry No. 00452306](#)]

The separation of the two (2) areas shown on the survey prepared by JD Gailey, professional Land Surveyor indicates such delineation in the form of a deed line. The narrative from the same survey explains the following: 9. The legal validity of the interior lot line, labeled here as the 'Deed Line', is unresolved and not a component of this survey. It is shown hereon at the requests of the owner. The legal description shown on this survey is as simple as the following which is still applies: All of Lot 2, Treasure Hill Subdivision, Amended, according to the official plat thereof on file and of record in the office of the Summit County Recorded. See Exhibit G – Survey.

The public hearing for this proposed Plat Amendment was originally scheduled for the May 11, 2016, Planning Commission meeting as the property owner was not able to make the April 27, 2016 Planning Commission meeting. The May 11, 2016, public hearing was continued to the May 25, 2016 Planning Commission meeting at the request of the property owner.

Analysis

The proposed Plat Amendment requests to create two (2) lots of record from the existing platted lot. Lot A is to contain 20,314 square feet and Lot B is to contain 33,381 square feet. Lot A would contain the existing guest house (that would be turned into a single-family dwelling) and Lot B would contain the existing single-family dwelling. The applicant explains in his plat intent document that they would like to split the properties so that they can sell one home and keep the other home for themselves.

Staff identifies that the proposal has a serious flaw with the allocated/permitted density. The approved and amended master plan indicated that 220 King Road development would be restricted to a single family home with no greater than 3,500 square foot footprint and maximum building heights of 25 feet. This is consistent with the approved, amended, and recorded Lot 2, Phase 1, Treasure Hill Subdivision (Plat Amendment), which shows the exact language as written below on note 1 in conjunction with the recorded platted. See Exhibit N – Lot 2, Phase 1, Treasure Hill Subdivision (recorded August 1997).

SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE CONSTRUCTED ON LOTS 1 THROUGH 4 SHOWN HEREON:

1. **FOOTPRINT.** The maximum footprint, calculated from the outside face of walls and subject to the massing requirements of Note 7, shall be three thousand five hundred (3500) square feet including garages. The following shall not count towards the foot print calculations:
 - a. Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
 - b. Exterior walkways;
 - c. Exterior stairs;
 - d. Driveways.
2. **BUILDING AREA LIMITS.** Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plat or as consistent with the approved construction drawings of the driveways, Upper Norfolk turnaround, King Road turnaround, ski bridge and utility plans) shall be limited to the Building Area Limits noted on the Plat. Notwithstanding the forgoing, flat areas located on the Ski Trail Easements where they cross Lots 3 and 4 and are directly adjacent to the Building Area Limits of Lots 3 and 4 may be landscaped with irrigated groomed grass.
3. **CONSTRUCTION DISTURBANCE.** Unless otherwise provided in agreements with Park City Municipal Corporation which are of record, temporary construction disturbance shall be limited to twenty (20) feet beyond the Building Area Limits or to adjoining lot property lines which ever is closer. Such disturbed area shall be revegetated with native landscaping.
4. **HEIGHT.** The building height shall be measured from existing grade to the top of flat roofs and to the ridge of pitched roofs. The maximum height, in general, shall be twenty five (25) feet for flat roofs and thirty (30) feet for pitched roofs. A maximum height of twenty eight (28) feet for flat roofs and thirty three (33) feet for pitched roofs shall be permitted for the expressed purpose of accommodating access, i.e. stairwells and/or elevators, between floor levels.
5. **FACADE HEIGHT, EASTERLY FACING.** The maximum façade height for the Easterly facing facades without a step back of at least five (5) feet shall be twenty five (25) feet from existing or reestablished grade whichever is greater.

6. *MASSING. House designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3500 square foot footprint referenced in Note 1 above, shall have a footprint that exceeds 1,500 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks.*
7. *SEWER LATERALS. Maintenance and replacement of sewer laterals shall be the responsibility of their respective owners and not that of the Snyderville Basin Sewer Improvement District.*
8. *FIRE SPRINKLING. Internal and external modified 13d fire sprinklers shall be provided for the homes. Wood roofing material shall be prohibited.*
9. *PRECEDENCE. The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan.*

Staff does not find that the proposed Plat Amendment is in compliance with the approved Master Plan, as amended. The site is allocated to one (1) single-family dwelling. The applicant request to have (2) lots, each one (1) with a single-family dwelling. While the Park City Planning Commission approved a guest house on the lot, the guest house had specific conditions of approval that complied with the allocated/permitted density: The approved accessory apartment had to be removed prior to issuance of certificate of occupancy for the guest house; a notice of the guest house and a deed restriction prohibiting rental of the guest house separate from the main house was recorded with the County; and finally a note was added to the approved CUP which said "No further subdivisions of this lot is permitted." Also the combined Building Footprints of the existing single-family dwelling and the guest house equates to 3,453 square feet as the Master Plan and Plat restrict it to 3,500 square feet.

The applicant could work with the Sweeney Land Company/Park City II LLC (Sweeney), property owner of undeveloped approved density in the Hillside Properties, where 197 residential unit equivalents have been allocated. The only way to acquire additional density to this site is by amending the approved SPMP Master Plan to allocate the one (1) needed residential unit equivalent. Staff is currently reviewing a Conditional Use Permit application submitted by Sweeney in 2004 for the development of the Hillside Properties (Mid-station and Creole-Gulch). At this time Sweeney indicated to the Planning Department verbally that his company does not consent to a request to amend the originally approved (and already amended) SPMP to allocate one (1) residential unit equivalent to 220 King Road.

The City Engineer also recognizes that subdividing the property would require an additional sewer lateral. Snyderville Basin Water Reclamation District (SBWRD) does

not allow sewer laterals to cross other properties.

Good Cause

Staff does not find Good Cause as the Plat Amendment does not meet the approved allocated/permitted density of the lot. Good Cause is defined as the following:

Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the site should follow its approved master plan density. Master plans set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the Master plan process can provide design flexibility necessary for well-planned, mixed use developments that are compatible with the surrounding neighborhood.

Process

The approval of this Plat Amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 15-1-18.

Department Review

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

Notice

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

Public Input

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

Alternatives

- The Planning Commission may forward a negative recommendation to the City Council for the 220 King Road Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a positive recommendation to the City Council for the 220 King Road Plat Amendment and direct staff to make Findings for this conditioned or amended decision; or
- The Planning Commission may continue the discussion on 220 King Road Plat Amendment.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The site density would increase from one to two (1 to 2). The site would be in violation of its approved allocated/permitted density.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Second Amended Lot 2, Phase 1, Treasure Hill Subdivision located at 220 King Road and consider forwarding a negative recommendation to the City Council based on the Findings of Fact and Conclusions of Law as found in the Draft Final Action Letter.

Exhibits

- Exhibit A – Draft Final Action Letter Denying the proposed Plat Amendment
- Exhibit B – Proposed Plat Amendment
- Exhibit C – Applicant's Project Description
- Exhibit D – Lot Line Exhibit
- Exhibit E – Aerial Photograph
- Exhibit F – Site Photograph
- Exhibit G – Survey
- Exhibit H – Survey S-2470 Treasure Hill Sub. Lot 1 and 2
- Exhibit I – Guest House CUP Action Letter 06.21.2000
- Exhibit J – Guest House Notice to Purchasers 01.10.2003
- Exhibit K – Eric DeHaan Memo 07.10.1997
- Exhibit L – SPMP Revised Conditions of Approval 10.14.1987
- Exhibit M – Treasure Hill Subdivision Phase 1 (recorded April 1996)
- Exhibit N – Lot 2, Phase 1, Treasure Hill Subdivision (recorded August 1997)

Links

- Sweeney Property Master Plan:
<http://www.parkcity.org/Home/ShowDocument?id=25505>
- Quit Claim Deed, Entry Number 00452300:
<http://property.summitcounty.org/eaglesoftware/eagleweb/downloads/00452300.pdf?id=DOCC00452300.A0&parent=DOCC00452300>
- Warranty Deed, Entry No. 00452303:
<http://property.summitcounty.org/eaglesoftware/eagleweb/downloads/00452303.pdf?id=DOCC00452303.A0&parent=DOCC00452303>
- Warranty Deed, Entry No. 00452304:
<http://property.summitcounty.org/eaglesoftware/eagleweb/downloads/00452304.pdf?id=DOCC00452304.A0&parent=DOCC00452304>
- Warranty Deed, Entry No. 00452305:
<http://documents.summitcounty.org/Sirepub/cache/2/v25rowqnsd4o2jenzrf5fco/19973690512201606052411.PDF>
- Warranty Deed, Entry No. 00452306:

<http://property.summitcounty.org/eaglesoftware/eagleweb/downloads/00452306.pdf?id=DOCC00452306.A0&parent=DOCC00452306>

Exhibit A – Draft Final Action Letter Denying the proposed Plat Amendment

FINAL ACTION DENYING A REQUEST FOR AN ORDINANCE FOR THE SECOND AMENDED LOT 2, PHASE 1, TREASURE HILL SUBDIVISION PLAT AMENDMENT LOCATED AT 220 KING ROAD, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 220 King Road has petitioned the City Council for approval of the plat amendment; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on May 11, 2016 and May 25, 2016 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 25, 2016, forwarded a negative recommendation to the City Council; and,

WHEREAS, on June 30, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to deny the 220 King Road Second Amended Lot 2 Phase 1, Treasure Hill Subdivision Plat Amendment.

NOW, THEREFORE the City Council of Park City, Utah finds as follows:

SECTION 1. DENIAL. The 220 King Road Second Amended Lot 2 Phase 1, Treasure Hill Subdivision Plat Amendment request for an Ordinance as shown in Attachment 1 is denied subject to the following Findings of Facts and Conclusions of Law:

Findings of Fact

1. The property is located at 220 King Road.
2. The property is zoned as an approved master plan.
3. The subject property consists of all of Lot 2, Phase 1, Treasure Hill Subdivision.
4. The entire subject area is recognized by Summit County as Parcel no: THILL-2-A-AM and THILL-2-B-AM (Tax IDs).
5. The site is part of the Sweeney Properties Master Plan (SPMP) approved on October 16, 1986, as part of the Miscellaneous Properties.
6. The Sweeney Properties Master Plan narrates Miscellaneous Properties as the following: *In addition to the development areas described above, the proposed Master Plan identifies three distinct single-family lots; one of which is located above Woodside Avenue adjacent to and north of platted 5th Street, a second to*

be accessed from Upper Norfolk, and a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3500 square foot footprints and maximum building heights of 25 feet.

7. The Sweeney Properties Master Plan was amended on October 14, 1987. The amendment identified it as minor as it did not result in increased height in any of the development parcels.
8. The 1987 Sweeney Properties Master Plan modification included the following: *Relocating 2 unit equivalents from the Sheen parcel and 2 from the MPE parcel. Two of these units would be relocated off the King Road, one off of Upper Norfolk, and one off of 5th Street.*
9. The two (2) King Road unit equivalents are found at 200 and 220 King Road.
10. The site contains a single-family dwelling and a guest house.
11. The single-family dwelling was built in 1998 and has a combined area of 4,235 square feet.
12. The existing Building Footprint of the single-family dwelling is approximately 2,003 square feet.
13. The guest house was built in 2000 and has a combined area of 2,730 square feet.
14. The existing Building Footprint of the guest house dwelling is approximately 1,450 square feet.
15. In April 2000, the Park City Planning Commission approved a Conditional Use Permit for a 2,700 square foot detached guest house on the site.
16. In 2000, the site had an existing accessory apartment in the main residence that had to be removed prior to issuance of a certificate of occupancy for the guest house.
17. A notice of the guest house CUP and a deed restriction prohibiting rental of the guest house separate from the main house was listed as a condition of approval of the Guest House CUP.
18. The notice was recorded with Summit County in January 2003.
19. The approved guest house Conditional Use Permit indicated that no further subdivision of this lot is permitted.
20. The proposed Plat Amendment requests to create two (2) lots of record from the existing platted lot.
21. The applicant stated that they would like to split the properties so that they can sell one home and keep the other home for themselves.
22. The proposed Plat Amendment does not meet its allocated/permitted density.
23. The approved and amended master plan indicated that 220 King Road development would be restricted to one (1) single family home with no greater than 3,500 square foot footprint and maximum building heights of 25 feet.
24. The combined Building Footprints of the existing single-family dwelling and the guest house equates to approximately 3,453 square feet.
25. The approved and amended master plan is consistent with the approved, amended, and recorded Lot 2, Phase 1, Treasure Hill Subdivision.
26. The proposed Plat Amendment is not in compliance with the approved Master

Plan as amended.

27. The site is allocated to one (1) single-family dwelling.
28. The applicant request to have (2) lots, each one (1) with a single-family dwelling.
29. Good Cause for the proposed Plat Amendment if not found as issues related to density are not addressed but rather intensified. Positive benefits are not provided and negative impacts are not mitigated.
30. The proposed Plat Amendment would create non-compliance with the approved master plan density as it would add one (1) dwelling unit to a parcel identified in the master planned as having only one (1) dwelling unit.
31. Master plans set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment.
32. There are numerous pedestrian/access easements across this property.

Conclusions of Law

1. The proposed Plat Amendment is not consistent with the Park City Land Management Code and applicable State Law regarding Subdivisions as the approved allocated/permitted density is not observed.
2. The public would materially injured by granting of the proposed Plat Amendment.
3. The proposed Plat Amendment adversely affects health, safety, and welfare of the citizens of Park City.
4. There is Good Cause to deny the proposed Plat Amendment as the plat Amendment does cause undo harm on adjacent property owners because the proposal does not meet the requirements of the Land Management Code and approved the Master Plan.
5. The proposed Plat Amendment is not in conformance with the Sweeney Properties Master Planned Development, as amended.

Exhibit B – Proposed Plat Amendment

SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE CONSTRUCTED ON LOTS 1 THROUGH 4 SHOWN HEREON:

1. **FOOTPRINT.** The maximum footprint, calculated from the outside face of walls and subject to the massing requirements of Note 7, shall be three thousand five hundred (3500) square feet including garages. The following shall not count towards the foot print calculations:

- (a) Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
- (b) Exterior walkways;
- (c) Exterior stairs;
- (d) Driveways.

2. **BUILDING AREA LIMITS.** Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plat or as consistent with the approved construction drawings of the driveways, Upper Norfolk turnaround, King Road turnaround, ski bridge and utility plans) shall be limited to the Building Area Limits noted on the Plat. Notwithstanding the foregoing, flat areas located on the Ski Trail Easements where they cross Lots 3 and 4 and are directly adjacent to the Building Area Limits of Lots 3 and 4 may be landscaped with irrigated groomed grass.

3. **CONSTRUCTION DISTURBANCE.** Unless otherwise provided in agreements with Park City Municipal Corporation which are of record, temporary construction disturbance shall be limited to twenty (20) feet beyond the Building Area Limits or to adjoining-lot property lines which ever is closer. Such disturbed area shall be revegetated with native landscaping.

4. **HEIGHT.** The building height shall be measured from existing grade to the top of flat roofs and to the ridge of pitched roofs. The maximum height, in general, shall be twenty five (25) feet for flat roofs and thirty (30) feet for pitched roofs. A maximum height of twenty eight (28) feet for flat roofs and thirty three (33) feet for pitched roofs shall be permitted for the expressed purpose of accommodating access, i.e. stairwells and/or elevators, between floor levels.

5. **FACADE HEIGHT, EASTERLY FACING.** The maximum facade height for the Easterly facing facades without a step back of at least five (5) feet shall be twenty five (25) feet from existing or reestablished grade whichever is greater.

6. **MASSING.** House designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3500 square foot footprint referenced in Note 1 above, shall have a footprint that exceeds 1,500 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks.

7. **SEWER LATERALS.** Maintenance and replacement of sewer laterals shall be the responsibility of their respective owners and not that of the Snyderville Basin Sewer Improvement District.

8. **FIRE SPRINKLING.** Internal and external modified 13d fire sprinklers shall be provided for the homes. Wood roofing material shall be prohibited.

9. **PRECEDENCE.** The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan.



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of SECOND AMENDED LOT 2, PHASE 1, TREASURE HILL SUBDIVISION has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

Lots 2A and 2B, Lot 2 Phase 1, Treasure Hill Subdivision, First Amended Record of Survey map, according to the official plat thereof on file and of record, in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner, as to Lot 2A, to be known hereafter as SECOND AMENDED LOT 2, PHASE 1, TREASURE HILL SUBDIVISION, does hereby certify that it caused this Plat Amendment to be prepared, and that, Robert Sfire, as manager of 220 King Road, L.L.C., a Utah limited liability company, does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2016.

By: _____
Robert Sfire, manager
220 King Road, L.L.C., a Utah limited liability company

ACKNOWLEDGMENT

State of _____
County of _____, ss:

On this _____ day of _____, 2016, Robert Sfire personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the manager of 220 King Road, L.L.C., a Utah limited liability company, and that said document was signed freely and voluntarily by him on behalf of said corporation.

By: _____

Notary Public
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner, as to Lot 2B, to be known hereafter as SECOND AMENDED LOT 2, PHASE 1, TREASURE HILL SUBDIVISION, do hereby certify that we have caused this Plat Amendment to be prepared, and we 220 King Road, L.L.C., a Utah limited liability company, as to an undivided 1/2 interest, and M. Constance Sfire, as to an undivided 1/2 interest, do hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set their hands this _____ day of _____, 2016.

By: _____
Robert Sfire, Manager
220 King Road, L.L.C., a Utah limited liability company

By: _____
M. Constance Sfire

ACKNOWLEDGMENT

State of _____
County of _____, ss:

On this _____ day of _____, 2016, Robert Sfire, personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the manager of 220 King Road, L.L.C., a Utah limited liability company and that said document was signed freely and voluntarily by him on behalf of said corporation.

Notary Public _____

Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____

ACKNOWLEDGMENT

State of _____
County of _____, ss:

On this _____ day of _____, 2016, M. Constance Sfire, personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is a owner and that said document was signed freely and voluntarily.

By: _____

Notary Public _____
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____

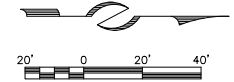


| LINE | BEARING | DISTANCE |
|------|----------------|----------|
| L1 | N 66°12'00\"/> | |

| LINE | BEARING | DISTANCE |
|------|----------------|----------|
| L3 | S 86°21'34\"/> | |

SECOND AMENDED LOT 2, PHASE 1, TREASURE HILL SUBDIVISION

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



SHEET 1 OF 1

| | | | | | | | |
|---|--|--|---|---|---|---|---|
| <p>(435) 649-0467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84002-2664</p> | SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.B.W.R.D. | PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR | ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER | APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY | COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR | CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER | RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____ |
| | FILE: X:\ParkCitySurvey\dwg\an\plat2016\060116.dwg | | | | | | |

PLAT INTENT

SECOND AMENDED LOT 2
PHASE 1, TREASURE HILL SUBDIVISION
February 9, 2016

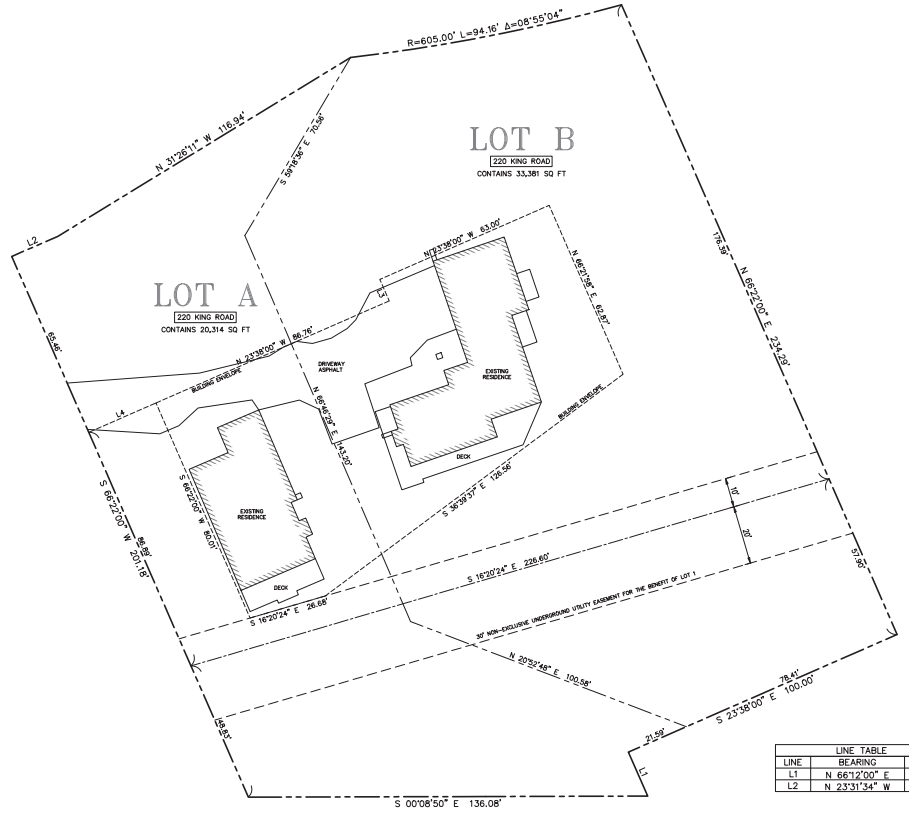
We have lived at 220 King Rd. in Old Town for 18 years. It is at the very top of King Road just before the gate. We have two homes there situated on one large lot that is 1.2+ acres. We purchased this land as two legally described parcels. We would like to split these properties so that we can sell one home and keep the other home for ourselves.

Over the past 10 years I have been trying to split these parcels and have met with numerous PCMC staff regarding this. Because this lot is part of a master plan development it seems to have its own rules, yet it is not part of the hotel/condo project that shares the same name, Treasure Hill.

We have been told that splitting the property would affect the density in Old Town. We don't want to make any physical changes to this property, but only to change the legal status of ownership. By splitting the property we would eliminate nightly rentals at both homes and create a better neighborhood situation. By eliminating nightly rentals there would actually be less density use in the neighborhood. And of course homeownership is always better for any neighborhood.

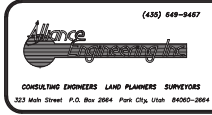
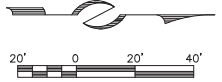


Exhibit D – Lot Line Exhibit



| LINE | BEARING | DISTANCE |
|------|--------------|----------|
| L1 | N 66°12'00\" | 16.39 |
| L2 | N 23°31'34\" | 17.11 |

| LINE | BEARING | DISTANCE |
|------|--------------|----------|
| L3 | S 68°21'58\" | 8.00 |
| L4 | N 23°38'00\" | 25.00 |



(435) 649-0467
 STAFF:
 MARSHALL KING
 JESSE MORENO
 DATE: 2/9/16

LOT LINE EXHIBIT
 TREASURE HILL SUBDIVISION, PHASE 1, LOT 2
 220 KING ROAD
 FOR: BOB SFIRE
 JOB NO.: E-1-16
 FILE: X:\ParkCitySurvey\dwg\Exhibits\Treasure Hill Lot 2 Lot Line Exhibit.dwg


SHEET
 1
 OF
 1

Exhibit E – Aerial Photograph



SUBJECT PROPERTY

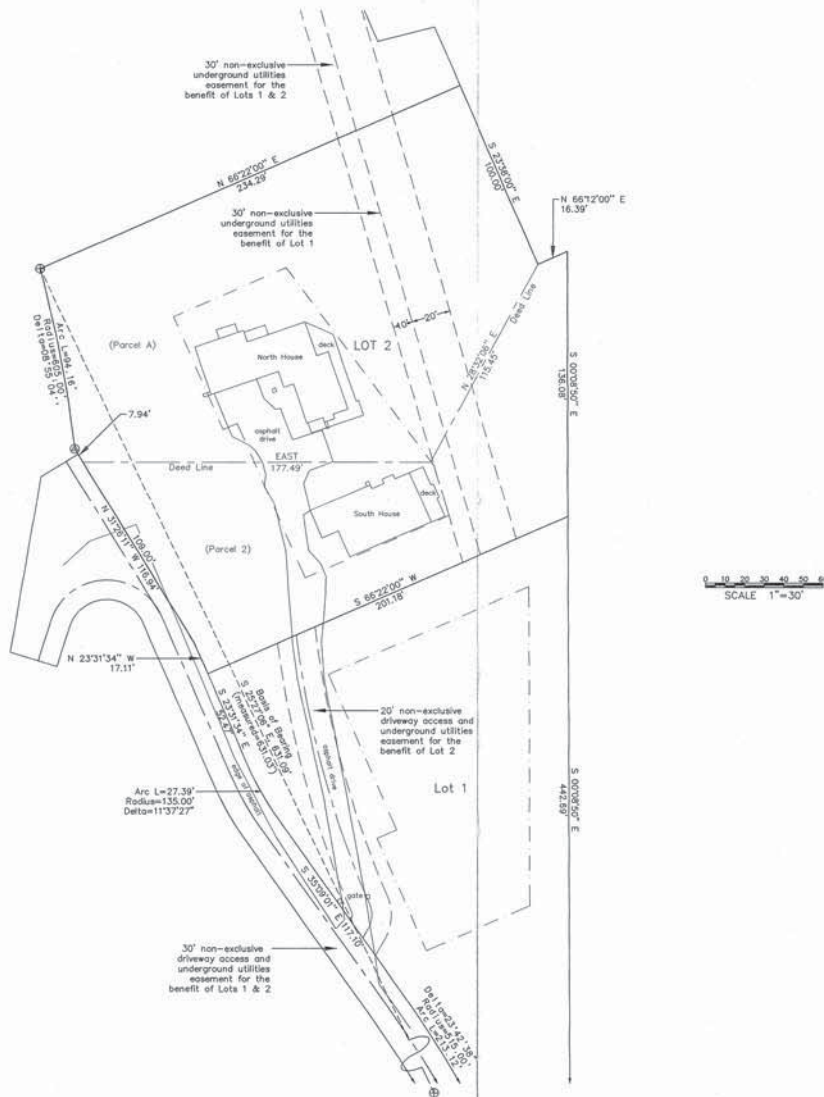


| | | | |
|---|---|---|-----------------------|
|  <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2064 Park City, Utah 84060-2064</small> | <small>(435) 649-9467</small> STAFF: MARSHALL KING JESSE MORENO | AERIAL PHOTOGRAPH TREASURE HILL SUBDIVISION, PHASE 1, LOT 2 220 KING ROAD | SHEET 1 OF 1 |
| | DATE: 2/3/16 | FOR: BOB SFIRE JOB NO.: E-1-16 FILE: X:\ParkCitySurvey\dwg\Exhibits\Treasure Hill-ortho.dwg | |



RECEIVED
FEB 09 2016
PARK CITY
PLANNING DEPARTMENT

Treasure Hill Subdivision Lot 2



Legend
 ⊕ Found rebar & cap—LS 5659
 ⊗ Found S/B" rebar—no cap
 --- Utilities Easement
 --- Building Area Limits

NARRATIVE

1. Survey requested by: Robert Sfire.
2. Purpose of survey: locate the houses on the property.
3. Basis of survey: found property monuments, as shown.
4. Date of survey: October 19, 2001.
5. Property corners found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plot of Treasure Hills Subdivision, on file and of record in the office of the Summit County Recorder, for other possible easements and restrictions.
8. For previous surveys see the First Amended Record of Survey Map, Lot 2, Phase I, Treasure Hill Subdivision, recorded as File No.481377, and Record of Survey File No. S-2470, both on file in the office of the Summit County Recorder.
9. The legal validity of the interior line, labeled here as the 'Deed Line', is unresolved and not a component of this survey. It is shown hereon at the request of the owner.

LEGAL DESCRIPTION

All of Lot 2, Treasure Hill Subdivision, Amended, according to this official plot thereof on file and of record in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

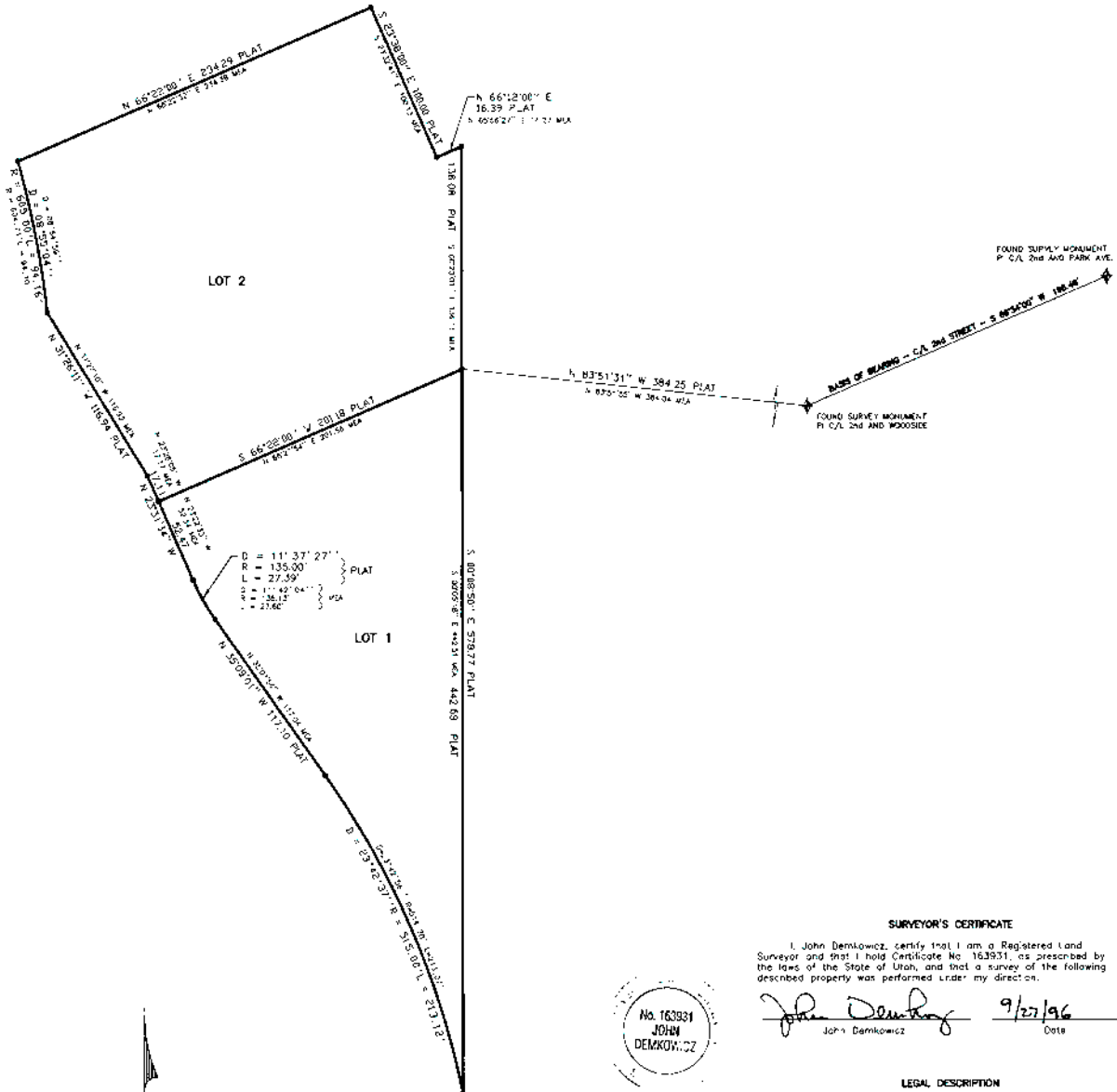
I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plot is a true representation of said survey.

Nov 5 2011
Date

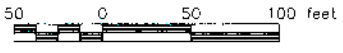


Alpine Survey, Inc.
 19 Prospector Drive
 Park City, Utah 84060
 (435) 655-8016

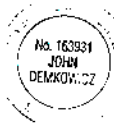
Exhibit H – Survey S-2470 Treasure Hill Sub. Lot 1 and 2



FILE No. S-2470
 FILED AT THE REQUEST OF
 ALLIANCE ENGINEERING, INC.
 ALAN SPRIGGS SUMMIT CO. RECORDER
 FEE \$ 10.00 By *[Signature]*
 FILED 10/22/96 at 16:00 2 M



SURVEYOR'S CERTIFICATE
 I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.
[Signature] 9/27/96
 John Demkowicz Date



LEGAL DESCRIPTION
 LOTS 1 AND 2, TREASURE HILL SUBDIVISION according to the official plat thereof on file and of record in the office of the Summit County Recorder.

- NARRATIVE**
1. Location of survey: Section 16, T2S, R4E, S16&M.
 2. Basis of survey: Found Survey Monuments as shown.
 3. Refer to the subdivision plat for location of easements.
 4. Date of Survey: 8-23-96.
 5. Property corners were found as shown.
 6. * Denotes found and accepted iron rod w/cap .5 3659.
 7. Property was vacant at time of survey.

| | | | | |
|---|---------------|---|----------------------|--|
| 801-648-9467 ALLIANCE ENGINEERING, INC. 372 West Street, P.O. Box 2654, Park City, Utah 84302 SURVEYORS REG. NO. 163931 | REVISED: | STAFF: D. CONSTABLE B. ALSBERG S. PORTER | PAGE 1 OF 1 | TREASURE HILL SUBDIVISION LOTS 1 AND 2 FOR: SWEENEY/SPIRE JOB NO.: 11-8 FILE: SRV\THS\110896 |
| | DATE: 9-12-96 | Page 127 of 179 | | |



**Department of Community Development
Engineering • Building Inspection • Planning**

June 21, 2000

William Mammen, AIA
Mammen Associates Architecture
P O Box 1720
Park City UT 84060

NOTICE OF PLANNING COMMISSION ACTION

| | |
|---|---|
| <u>Project Name</u> | 220 King Road CUP for a Guest House |
| <u>Project Description</u> | Conditional Use Permit for a 2,700 sf detached guest house on Lot 2 of the Treasure Hill Subdivision Plat (a portion of the Sweeney Master Planned Development) |
| <u>Date of Meeting</u> | April 26, 2000 |
| <u>Action Taken By Planning Commission</u> | Approved according to the findings of fact and conclusions of law in the staff report. The conditions of approval are listed below. |

Conditions of Approval

1. All standard project conditions shall apply.
2. The existing accessory apartment in the main residence shall be removed prior to issuance of a certificate of occupancy for the guest house.
3. A notice of this Conditional Use Permit and a deed restriction prohibiting rental of the guest house separate from the main house shall be recorded at the County prior to issuance of a certificate of occupancy for the guest house.
4. A lighting, grading, and landscaping plan, compatible with the existing landscaping, shall be submitted to and approved by the Planning Department prior to issuance of any building permit.
5. Architectural elevations for the guest house shall be approved by the Planning Department, for compliance with the Historic District Design Guidelines and steep slope review criteria, prior to issuance of a building permit.
6. A Construction Mitigation Plan (CMP) submitted to and approved by the Community Development Department is required prior to issuance of a building permit.
7. Approval of this Conditional Use Permit is valid for one year from the date of Planning Commission approval, (unless a building permit for the guest house is issued prior to the expiration date).

William Mammen

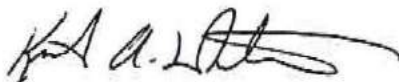
Page two

June 21, 2000

8. A financial guarantee, for the value of all public improvements and landscaping to be completed, shall be provided to the City prior to building permit issuance. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
9. No further subdivision of this lot is permitted.

Please call me if you have questions. My phone number is 615-5066.

Sincerely,



Kirsten A. Whetstone, AICP
Senior City Planner

WHEN RECORDED, MAIL TO:

PARK CITY MUNICIPAL CORPORATION
ATTN: CITY RECORDER
PO BOX 1480
PARK CITY, UTAH 84060

ATT: KIRSTEN

PLANNING Dept

NOTICE TO PURCHASERS

In consideration of the issuance of an conditional use permit for a Guest House, by the Planning Commission of the City of Park City, on the 26 day of April, 2003 on the following described property, to wit:

00644287 BK01503 Pg01061-01062

ALAN SPRIGGS, SUMMIT CO RECORDER
2003 JAN 10 16:24 PM FEE \$13.00 BY DMG
REQUEST: COALITION TITLE

I hereby acknowledge and agree to the following restrictions relating to said Guest House permit:

"The said Guest House may not be sold or leased separate from the Main House."

I further agree to the recording of this agreement in the office of the Summit County Recorder.

DATED 11-4-02

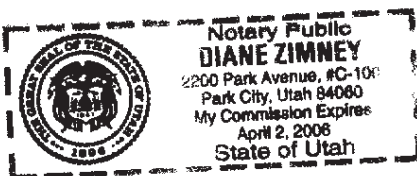
OWNER:

Robert J. Fire
x M. Constance Fire

STATE OF UTAH

COUNTY OF Summit

The foregoing Notice to Purchasers was acknowledged before me this 26 day of November, 2002, by ROBERT FIRE + M., the owner of the above described property, who executed the same. *Constance Fire*



Diane
NOTARY PUBLIC

BK1503 PG1061

EXHIBIT "A"

Order Number: 00006784

PARCEL 1:

BEGINNING AT A POINT WHICH IS SOUTH 66°22' WEST 21.67 FEET AND SOUTH 00°08'50" EAST 81.95 FEET, MORE OR LESS, FROM THE NORTHEAST CORNER OF LOT 32, BLOCK 78, MILLSITE RESERVATION TO PARK CITY, UTAH SAID POINT ALSO BEING SOUTH 66°40' WEST 240.50 FEET AND SOUTH 00°08'50" EAST 599.26 FEET FROM A PARK CITY MONUMENT AT THE INTERSECTION OF PARK AVENUE AND 4TH STREET; AND RUNNING THENCE SOUTH 00°08'50" EAST 136.08 FEET; THENCE SOUTH 66°22' WEST 201.18 FEET; THENCE NORTH 23°31'34" WEST 17.11 FEET THENCE NORTH 31°26'11" WEST 109 FEET TO THE POINT OF BEGINNING AND RUNNING THENCE NORTH 31°26'11" WEST 7.94 FEET TO A POINT ON A 605 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD BEARS NORTH 11°00' WEST 94.07 FEET); THENCE RUNNING NORTHWESTERLY ALONG THE ARC OF SAID CURVE 94.16 FEET (DELTA=08°55'04"); THENCE NORTH 66°22' EAST 234.29 FEET; THENCE SOUTH 23°38' EAST 100.00 FEET; THENCE SOUTH 28°32'08" WEST 115.445 FEET; THENCE WEST 177.49 FEET TO THE POINT OF BEGINNING.

SERIAL NO. THILL-2-A-AM
PARCEL 2:

BEGINNING AT A POINT WHICH IS SOUTH 66°22' WEST 21.67 FEET AND SOUTH 00°08'50" EAST 81.95 FEET, MORE OR LESS, FROM THE NORTHEAST CORNER OF LOT 32, BLOCK 78, MILLSITE RESERVATION TO PARK CITY, UTAH SAID POINT ALSO BEING SOUTH 66°40' WEST 240.50 FEET AND SOUTH 00°08'50" EAST 599.26 FEET FROM A PARK CITY MONUMENT AT THE INTERSECTION OF PARK AVENUE AND 4TH STREET; AND RUNNING THENCE SOUTH 00°08'50" EAST 136.08 FEET; THENCE SOUTH 66°22' WEST 201.18 FEET; THENCE NORTH 23°31'34" WEST 17.11 FEET; THENCE NORTH 31°26'11" WEST 109.00 FEET; THENCE EAST 177.49 FEET; THENCE NORTH 28°32'08" EAST 115.445 FEET; THENCE NORTH 65°12'00" EAST 16.39 FEET TO THE POINT OF BEGINNING.

SERIAL NO. THILL-2-B-AM

BK1503 PG1062

Coalition Title Agency, Inc.



MWMORANDUM

To: Mark Harrington
From: Eric DeHaan
Date: July 10, 1997
Subject: Deeded parcels within a platted lot at Treasure Hill Subdivision

As you may have noticed, the title report for Lot 2 at Treasure Hill Subdivision shows that the lot apparently has two owners, one for each of two portions of the platted lot. It is my understanding from Bob Sfire, the owner of one deeded parcel and the part owner of the other, that this deeded arrangement was accomplished at his request for tax purposes.

The concern is that apparently deeds can still be recorded which act to subdivide parcels in a manner inconsistent with Park City's ordinances, which I believe to be in accordance with State law on the subject.

In the case of Bob Sfire and Lot 2 of Treasure Hill Subdivision, it appears that no damage has been done since the lot is the subject of an amended plat which will erase the deed line. However, it is of some concern that the practice could still occur, and it is not difficult to imagine a similar situation where the general public could be harmed by similar acts of subdivision by deed resulting in improperly planned access and utility issues. As City Engineer I would hope such practices could be eliminated by Summit County's Recorder refusing to record any deed which covers a parcel smaller than what exists prior to the deed in question.

Please let me know if you need further information.

cc: Megan Ryan ✓

Revised Conditions of Approval to Sweeney MPD
October 14, 1987

V. STAFF RECOMMENDATIONS:

Staff recommends approval of the proposed revision in the Sweeney MPD based upon the following findings:

1. The modification to the Sweeney MPD is minor and does not result in increased height in any of the development parcels.
2. That the extension of ski runs under the Town Lift is beneficial to the community.

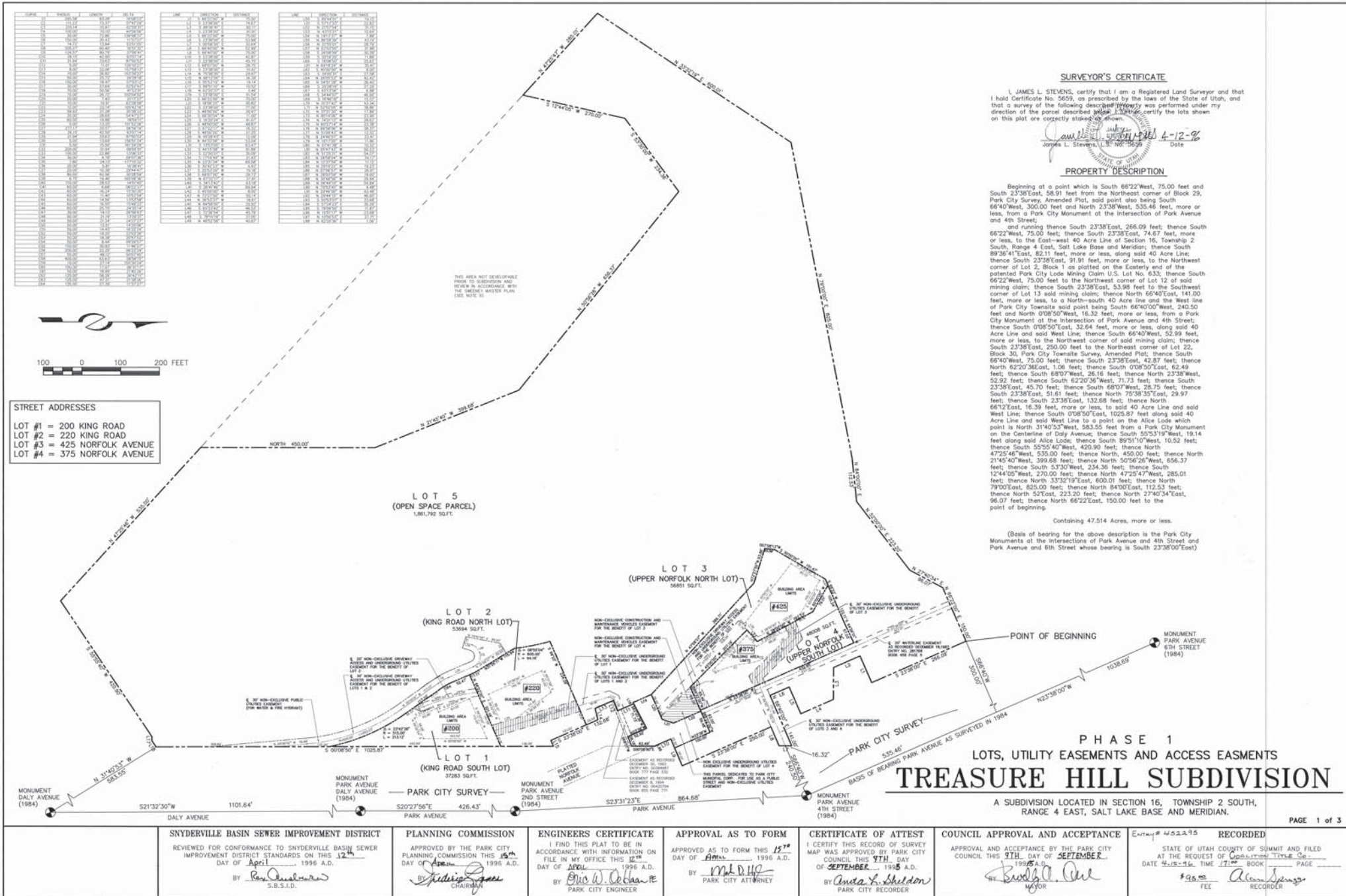
The following revised conditions shall be placed on the approval of this proposed modification:

1. The Sweeney MPD approval documents shall be revised to reflect the relocation of 12 units as follows:
 - a. Relocating 5 unit equivalents from the lower Town Lift Midstation to the upper Town Lift Midstation. The original height parameters will not be modified, but the footprint of the Town Lift Midstation site will be modified slightly.
 - b. Relocating 2 unit equivalents from the Sheen parcel and 2 from the MPE parcel. Two of these units would be relocated off the King Road, one off of Upper Norfolk, and one off of 5th Street.
 - c. Relocating 3 unit equivalents from the Buck parcel to Coalition West. The current proposal for Coalition West is based on all residential units. If some commercial unit equivalents were used, consistent with the HRC Zone, the 3 additional units could be absorbed within the existing proposed envelope.
2. That all conditions of the original Sweeney MPD remain in effect (copy enclosed).
3. That the City Engineer approve a preliminary design for the dwellings proposed off of upper Norfolk and King Road, and that the plans fully disclose the potential difficulty and expense in providing vehicular access and utility service to the parcels. The roadways off of upper Norfolk and King road shall be private driveways and will not be maintained or plowed by the City.

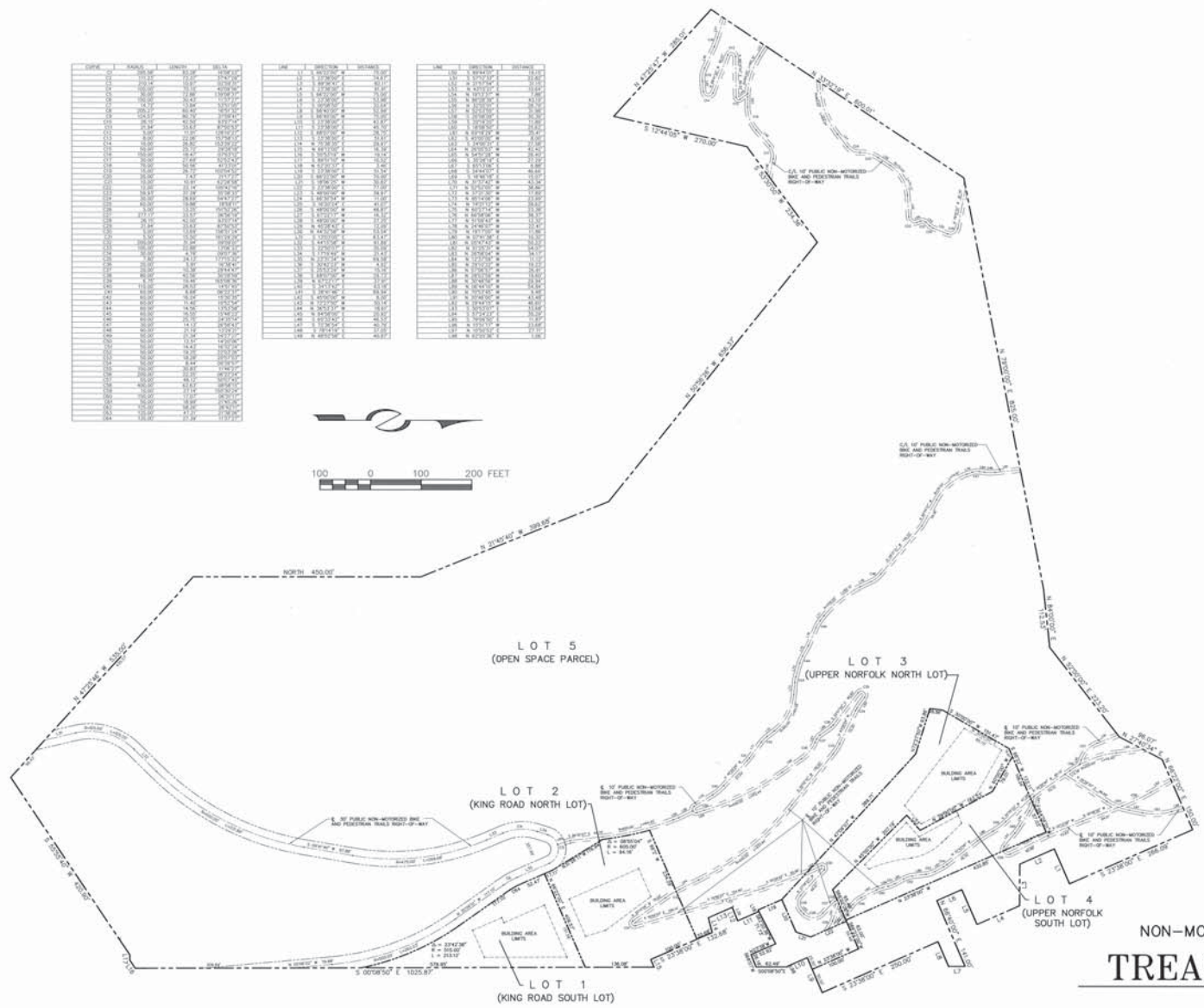
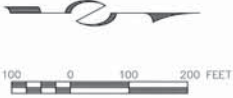
The Planning Commission and Staff shall review these proposals as conditional uses. This shall include review of the design of the structures to insure that they are designed to minimize visual impact. The design shall be consistent with the Historic District Guidelines.

4. The City Engineer has expressed concern over the feasibility of the units proposed above 5th Street. These two dwellings shall be subject to the full conditional use process by the Staff and Planning Commission. The Planning Commission will have the discretion to approve or deny the proposed units. The applicant must demonstrate that all significant impacts which may result from the construction of these units can be adequately mitigated.

Exhibit M – Treasure Hill Subdivision Phase 1 (recorded April 1996)



| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | 32 |
| 33 | 34 | 35 | 36 |
| 37 | 38 | 39 | 40 |
| 41 | 42 | 43 | 44 |
| 45 | 46 | 47 | 48 |
| 49 | 50 | 51 | 52 |
| 53 | 54 | 55 | 56 |
| 57 | 58 | 59 | 60 |
| 61 | 62 | 63 | 64 |
| 65 | 66 | 67 | 68 |
| 69 | 70 | 71 | 72 |
| 73 | 74 | 75 | 76 |
| 77 | 78 | 79 | 80 |
| 81 | 82 | 83 | 84 |
| 85 | 86 | 87 | 88 |
| 89 | 90 | 91 | 92 |
| 93 | 94 | 95 | 96 |
| 97 | 98 | 99 | 100 |



- SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE CONSTRUCTED ON LOTS 1 THROUGH 4 SHOWN HEREON:**
- FOOTPRINT.** The maximum footprint, calculated from the outside face of walls and subject to the missing requirements of Note 7, shall be three thousand five hundred (3500) square feet including garages. The following shall not count towards the foot print calculations:
 - Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
 - Exterior walkways;
 - Exterior stairs;
 - Driveways.
 - BUILDING AREA LIMITS.** Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plat or as consistent with the approved construction drawings of the driveways, Upper Norfolk turnaround, King Road turnaround, ski bridge and utility piers) shall be limited to the Building Area Limits noted on the Plat. Notwithstanding the foregoing, flat areas located on the Ski Trail Easements where they cross Lots 3 and 4 and are directly adjacent to the Building Area Limits of Lots 3 and 4 may be landscaped with irrigated groomed grass.
 - CONSTRUCTION DISTURBANCE.** Unless otherwise provided in agreements with Park City Municipal Corporation which are of record, temporary construction disturbance shall be limited to twenty (20) feet beyond the Building Area Limits or to adjoining lot property lines which ever is closer. Such disturbed area shall be revegetated with native landscaping.
 - HEIGHT.** The building height shall be measured from existing grade to the top of flat roofs and to the ridge of pitched roofs. The maximum height, in general, shall be twenty five (25) feet for flat roofs and thirty (30) feet for pitched roofs. A maximum height of twenty eight (28) feet for flat roofs and thirty three (33) feet for pitched roofs shall be permitted for the expressed purpose of accommodating access, i.e. stairwells and/or elevators, between floor levels.
 - FAÇADE HEIGHT, EASTERLY FACING.** The maximum façade height for the Easterly facing façades without a step back of at least five (5) feet shall be twenty five (25) feet from existing or reestablished grade whichever is greater.
 - MASSING.** House designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3500 square foot footprint referenced in Note 1 above, shall have a footprint that exceeds 1500 square feet. Massing elements shall be separated by horizontal and/or vertical façade breaks.
 - SEWER LATERALS.** Maintenance and replacement of sewer laterals shall be the responsibility of their respective owners and not that of the Snyderville Basin Sewer Improvement District.
 - FIRE SPRINKLING.** Internal and external modified 13d fire sprinklers shall be provided for the homes. Wood roofing material shall be prohibited.
 - PRECEDENCE.** The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan.

PHASE 1
NON-MOTORIZED BIKE AND PEDESTRIAN TRAILS RIGHT-OF-WAY
TREASURE HILL SUBDIVISION

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

| | |
|--|--------------------------------|
| ENTRY # 452295 | RECORDED |
| STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>LOCAL TITLE Co.</u> | |
| DATE <u>04-15-16</u> TIME <u>11:00</u> BOOK _____ PAGE _____ | |
| \$98.00 FEE | <u>[Signature]</u> RECORDER |

Exhibit N – Lot 2, Phase 1, Treasure Hill Subdivision (recorded August 1997)

SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE CONSTRUCTED ON LOTS 1 THROUGH 4 SHOWN HEREON:

- FOOTPRINT.** The maximum footprint, calculated from the outside face of walls and subject to the missing requirements of Note 7, shall be three thousand five hundred (3500) square feet including garages. The following shall not count towards the foot print calculations:
 - Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
 - Exterior walkways;
 - Exterior stairs;
 - Driveways.
- BUILDING AREA LIMITS.** Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plat or as consistent with the approved construction drawings of the driveways, Upper Norfolk turnaround, King Road turnaround, all bridge and utility plans) shall be limited to the Building Area Limits noted on the Plat. Notwithstanding the foregoing, flat areas located on the Ski Trail Easements where they cross Lots 3 and 4 and are directly adjacent to the Building Area Limits of Lots 3 and 4 may be landscaped with irrigated groomed grass.
- CONSTRUCTION DISTURBANCE.** Unless otherwise provided in agreements with Park City Municipal Corporation which are of record, temporary construction disturbance shall be limited to twenty (20) feet beyond the Building Area Limits or to adjoining lot property lines which ever is closer. Such disturbed area shall be revegetated with native landscaping.
- HEIGHT.** The building height shall be measured from existing grade to the top of flat roofs and to the ridge of pitched roofs. The maximum height, in general, shall be twenty five (25) feet for flat roofs and thirty (30) feet for pitched roofs. A maximum height of twenty eight (28) feet for flat roofs and thirty three (33) feet for pitched roofs shall be permitted for the expressed purpose of accommodating access, i.e. stairwells and/or elevators, between floor levels.
- FACADE HEIGHT, EASTERLY FACING.** The maximum facade height for the Easterly facing facades without a step back of at least five (5) feet shall be twenty five (25) feet from existing or reestablished grade whichever is greater.
- MASSING.** House designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3500 square foot footprint referenced in Note 1 above, shall have a footprint that exceeds 1,500 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks.
- SEWER LATERALS.** Maintenance and replacement of sewer laterals shall be the responsibility of their respective owners and not that of the Snyderville Basin Sewer Improvement District.
- FIRE SPRINKLING.** Internal and external modified 13d fire sprinklers shall be provided for the homes. Wood roofing material shall be prohibited.
- PRECEDENCE.** The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan.



SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931 as prescribed by the laws of the State of Utah, and that this plat amendment was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation.

John Demkowicz
JOHN DEMKOWICZ, L.S. 163931
DATE: 7-11-97



BOUNDARY DESCRIPTION

Lot 2 Treasure Hill Subdivision, according to the Official Plat thereof on file and of record in the office of the Summit County Recorder, and described as follows:

PARCEL A:

Beginning at a point which is South 66° 22' 00" West 21.67 feet and South 00° 08' 50" East 81.95 feet, more or less, from the Northeast Corner of Lot 32, Block 78, Millsite Reservation to Park City, Utah said point also being South 66° 40' 00" West 240.50 feet and South 00° 08' 50" East 599.26 feet from a Park City Monument at the intersection of Park Avenue and Fourth Street; and running thence South 00° 08' 50" East 136.08 feet; thence South 66° 22' 00" West 201.18 feet; thence North 23° 31' 34" West 17.11 feet; thence North 31° 26' 11" West 109 feet to the point of beginning and running thence North 31° 26' 11" West 7.94 feet to a point on a 605 foot radius curve to the left (long chord bears North 11° 00' 00" West 94.07 feet); thence running northwesterly along the arc of said curve 94.16 feet (Delta = 08° 55' 04"); thence North 66° 22' 00" East 234.29 feet; thence South 23° 35' 00" East 100.00 feet; thence South 28° 32' 08" West 115.445 feet; thence West 177.49 feet to the point of beginning.

PARCEL 2:

Beginning at a point which is South 66° 22' 00" West 21.67 feet and South 00° 08' 50" East 81.95 feet, more or less, from the Northeast Corner of Lot 32, Block 78, Millsite Reservation to Park City, Utah said point also being South 66° 40' 00" West 240.50 feet and South 00° 08' 50" East 599.26 feet from a Park City Monument at the intersection of Park Avenue and Fourth Street; and running thence South 00° 08' 50" East 136.08 feet; thence South 66° 22' 00" West 201.18 feet; thence North 23° 31' 34" West 17.11 feet; thence North 31° 26' 11" West 109.00 feet; thence East 177.49 feet; thence North 28° 32' 08" East 115.445 feet; thence North 65° 12' 00" East 16.39 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: that the undersigned are the owners of the herein described tract of land, having caused the building limits to be changed, further consent to the recordation of this Record of Survey Map in accordance with Utah law.

In witness whereof the undersigned has executed this certificate this 23rd day of July, 1997.

By: *Robert Sire*
Robert Sire

By: *Constance Sire*
Constance Sire

ACKNOWLEDGMENT

State of Michigan ss.
County of Washtenaw

On this 23rd day of July, 1997, personally appeared before me, the undersigned notary public for and/or said state and county, Robert Sire and Constance Sire, being duly sworn, acknowledged to me that they are the co-owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Sandra J. Williams
My commission expires: 11/11/99

SANDRA J. WILLIAMS
NOTARY PUBLIC, WASHTENAW COUNTY, MI
MY COMMISSION EXPIRES 11/11/99

NOTES:

- This map constitutes a reprint of the Building Area Limits. All easements and dedications contained in the Phase 1 Treasure Hill Subdivisions are unaffected by this amendment.

FIRST AMENDED RECORD OF SURVEY MAP

LOT 2, PHASE 1, TREASURE HILL SUBDIVISION

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

ADDRESS = 220 KING ROAD

JOB NO: 19-5-97 FILE: \SSH\0\P-12RP1

| | | | | | | | |
|--|---|---|---|--|--|--|---|
| ALLIANCE ENGINEERING INC. P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467 <i>Paul Sweeney</i> S.B.S.I.D. | SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 29th DAY OF <u>August</u> , 1997 A.D. BY <i>Paul Sweeney</i> | PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 1st DAY OF <u>August</u> , 1997 A.D. BY <i>Bob Macken</i> CHAIRMAN | ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 21st DAY OF <u>July</u> , 1997 A.D. BY <i>Eric W. Decker</i> PARK CITY ENGINEER | APPROVAL AS TO FORM APPROVED AS TO FORM THIS 1st DAY OF <u>August</u> , 1997 A.D. BY <i>Mal D. Hunt</i> PARK CITY ATTORNEY | CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 13th DAY OF <u>April</u> , 1997 A.D. BY <i>Sandra M. Scott</i> PARK CITY RECORDER | COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 13th DAY OF <u>April</u> , 1997 A.D. BY <i>Robert Sire</i> MAYOR | # 484377 RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>ALLIANCE ENGINEERING INC.</u> DATE <u>08-18-97</u> TIME <u>08:54 AM</u> PAGE <u>1</u> FEE <u>\$31.00</u> RECORDER <i>Deborah Stone - Smith</i> |
|--|---|---|---|--|--|--|---|

Planning Commission Staff Report

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

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

Author: Francisco Astorga, AICP, Senior Planner

Date: 25 May 2016

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

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the (1) Alice Claim Subdivision and Plat Amendment, (2) remand of the Conditional Use Permit for retaining walls greater than six feet (6') in height, and (3) the Ridge Avenue Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue and continuing these items to a date certain. Staff also recommends that the Planning Commission provide input and direction to Staff and the applicant.

Topic

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

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

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

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

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

Proposal

The applicant is proposing that the Planning Commission review the application of a nine (9) lot Preliminary and Final Subdivision and a Plat Amendment on 10.571 acres, located at approximately the intersection King Road and Sampson Avenue within the City's Historic Residential (HR-1) and Estate (E) Districts. Lot 1 is within the E District and is 3.01 acres (131,022 square feet) in size. Lots 2-9 are within the HR-1 District and are each 0.10 acres (4,150 square feet) in size. See Exhibit Section 1 – Overall:

- Exhibit A - [Applicant's Project Intent Sub., Plat Amend., and CUP - April 2016](#)
- Exhibit B - [Gully Site Plan - May 2016](#)

- Exhibit C - [Panoramic Photographs - May 2016](#)
- Exhibit D - [Engineering Review of Gully Plan - April 2016](#)
- Exhibit E - [Open Space and Trails Plan - May 2016](#)
- Exhibit F - [Slope Analysis - February 2016](#)
- Exhibit G - [Vegetative Cover - February 2016](#)
- Exhibit H - [Vicinity & Zoning - February 2016](#)
- Exhibit I - [Zoning Map Diagram - May 2016](#)
- Exhibit J - [Emergency Vehicle Movement - May 2016](#)

The proposal also includes Lot A consisting of 2.00 acres, Lot B consisting of 1.09 acres, Lot C consisting of 0.004 acres, and Lot D consisting of 1.57 acres. Lots A-D are to be open space and consist of a total of 4.664 acres. The proposal also includes a Plat Amendment, lot Parcel 4 which is 0.38 acres (16,486 square feet), that will remove existing lot lines on contiguous platted lots encumbered by the existing King Road and Sampson Avenue. If approved, the property (Parcel 4) would be dedicated to the City for open space and roadway purposes. Parcel 5 consists of the Water Tank property as it extends from it down to the Sampson Avenue and sit serves as the main access to the lots. See Exhibit Section 2 - Subdivision and Plat Amendment:

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

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

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

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

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

Background

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

- October 8, 2014 [Planning Commission work session](#) and [minutes](#)
- April 8, 2015 [Planning Commission meeting](#) and [minutes](#)
- June 10, 2015 [Planning Commission meeting](#) and [minutes](#)
- July 8, 2015 [Planning Commission meeting](#) and [minutes](#)
- July 22, 2015 [Planning Commission meeting](#) and [minutes](#)
- August 12, 2015 [Planning Commission meeting](#) and [minutes](#) (Negative recommendation forwarded to City Council).
- October 8, 2015 [City Council work session meeting](#) and [minutes](#)
- October 29, 2015 [City Council meeting](#) and [minutes](#) (Application amended and remanded back to Planning Commission)
- December 9, 2015 [Planning Commission work session](#) and [minutes](#)

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

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

At the July 22, 2015 and the August 12, 2015 meetings the Planning Commission focused on the following summarized concerns on the application before it:

- Primary issues with layout compatibility, moving off the steep slopes/down into the valley, and size not compatible with the HR-1 District.
- 9 lots not right or wrong.
- 9 lots of requested size, HR-1 District, on very steep slopes, on extensive retaining wall.
- Disputing that in 10 years no one had disputed the 9 lot plan.
- No discussion of acceptance if Lot 7 was removed
 - Discussions about cut and fill
 - Position of the lots on the hills reiterated.
- Reference to 08.27.2008 PC Meeting:

- Commission expressed satisfaction with quality and result of the cleanup.
- Commission expressed concerns that future sites were being cleaned up prior to the final approval.
- Commission insisted all development to be close to the access road along the bottom of valley.
- Commission pointed out that the same sentiment was expressed in the past.
- Commission pointed out that it was about smaller homes down at the base.
- Commission pointed out documentation from work sessions and meetings regarding concerns.
- No vote in the past, but the comments were consistent.
- LMC § 15-7-1.6(C) & § 15-7-31, Commission to consider the topography and slopes along with lot size and lot placement.
- Continual discussion in work session or regular meetings about moving houses off the very steep slopes and into the canyon.
 - Despite the number of comments made, applicant chose not to pursue the Commission's direction.
 - Commission pleased with moving Lot 7 and the Estate lot, but still a hillside with 100% limit of disturbance on approx. 2/3 of the hill.
- 2009 meeting reference and discussion brought by the Planning Dept. with 3 alternatives:
 - Pushed lots to the bottom.
 - Commission preferred Alternative B.
 - Current Commission same direction as the 2005-2011 Commissions.
 - Requested a more compact plan down in the flatter area to reduce the amount of disturbance to the hillside.
- Based on LMC compatibility, scale, massing, and concerns about cut/fill and vegetative disturbance, Planning Commission was consistent with these issues.
- LMC § 15-7.1-5(l): "Every plat shall conform to existing zone regulations and subdivision regulations applicable at the time of proposed final approval."
- HR-1 purpose statement: "Encourage construction of historically compatible structures that contribute to the character and scale and encourage single family development on combination lots of 25' x 75'".
- The former Commission consistently requested lots to be small and as low as possible.
- Per LMC, the proposed subdivision did not substantially provide positive benefits and mitigate negative impacts for the zone or for health, safety and welfare.
- In looking at pros/cons and looking to mitigate negative impacts of large homes, retaining walls, site disturbance and road condition, Commission unable to see adequate mitigation for Good Cause.
- Large walls around town, if any, within the HR-1. The proposed walls are not only tall but also very wide and carve up hillside.
- Issue goes back to Good Cause for density.

- Rather than denying the proposal, the Commission preferred a continuance at the June 10, 2015 meeting in order to give applicants the opportunity to come back with a more acceptable plan which the Applicant did not do.

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

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

District Purpose

The purpose of the Historic Residential-1 District is to:

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

The purpose of the Estate District is to:

- A. allow very low density, environmentally sensitive residential Development which:
 1. preserves ridge tops, meadows, and visible hillsides,
 2. preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 3. preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 4. mitigates geologic and flood hazards,
 5. protects views along the City's entry corridors, and

6. decreases fire risk by keeping Development out of sensitive wild land interface Areas.
- B. incorporate pedestrian trail linkages between and through neighborhoods; and
- C. encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

Analysis

As indicated on Exhibit A, the applicant responded to concerns raised by the Planning Commission during the April 8, 2015 meeting questioning the *'build-ability'* of the proposal as it relates to LMC § 15-7.3(D) Requirements for Improvements, Reservations, and Design. The applicant wrote a response to the following items:

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

Subdivision & Plat Amendment

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

The resulting land pattern is more compatible with the pattern found throughout the Historic Districts. The Gully Plan proposes eight (8) lots of record at the bottom of the canyon with four (4) on each side. Each lot is exactly 0.10 acres (4,510 square feet) or 2.4 Old Town lots. A standard Old Town lot is 1,875 square feet, which is also the minimum lot size in the HR-1. Each lot is restricted, as shown on the proposed plat, with a maximum Building Footprint of 1,750 square feet (based on the standard Building Footprint Formula). Proposed Lot 1 within the Estate District is 3 acres in size. The applicant indicates that it will have a disturbance area of approximately 0.15 acres.

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

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

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

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

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

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

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

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

Discussion Requested: The current proposal, the gully site plan, lowered the lots towards the valley, four (4) on each side. The eight (8) proposed lots in the HR-1 equates to 0.10 acres (4,510 square feet) each. Each lot is 2.4 Old Town lots of record each. The minimum lot size in the HR-1 District is 1,875 square feet. Staff does not find the lot area to be incompatible with the HR-1 District. Does the Planning Commission agree? Does the Planning Commission recognize any other items that are critical to be addressed at this time in order to provide a recommendation to City Council?

Conditional Use Permit

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

- The wall has been broken into three tiers that are each a maximum 10 feet tall with landscape planting areas between each wall section as suggested by Planning Staff as adequate visual mitigation.
- An additional 20% of the tree planting to what was originally identified is now proposed as suggested by Planning Staff as adequate visual mitigation.
- These walls will be constructed by the process of "soil nailing" and overlaid with a decorative stone veneer. This process is less disruptive to existing vegetation above the walls and does not require extensive footings that could have interfered with utilities in Alice Court roadway at the base of the walls.
- The walls have been extended around the corner created by the intersection with King Road. This is proposed in order to widen King Road in the area with the goal of improving the existing condition of King Road as well as improving visibility for the proposed Alice Court entry drive.

Discussion Requested: The purpose of the retaining walls is to provide access to the proposed nine (9) lots. The three (3) tier retaining wall system is significant as each retaining wall is ten feet (10') in height, and the walls are separated by approximately five feet (5') each. The applicant proposes significant vegetation between each wall as depicted on Exhibit O. Does the Planning Commission find that impacts of the proposal are mitigated?

Ridge Avenue Plat Amendment

The applicant requests that the City review the Ridge Avenue Plat Amendment. The applicant owns Lot 1 (#123) and Lot 2 (#129) of that Subdivision. Applicant proposes a change to adjust Lot 1. The proposed amendment swaps a 2,057 square foot triangular portion of Lot 1 with corresponding 2,057 square foot triangular portion of Lot 9 and Lot 8 of the proposed Alice Claim Subdivision. There is no increase or reduction in the size of either subdivision. The resulting reconfiguration allows the "squaring up" of these lots.

Discussion Requested. Staff finds no issues with the swapping of 2,057 square feet between the adjacent lot and Alice Claim. All easement currently shown on this lot would remain in place, etc. Does the Planning Commission agree?

Good Cause

The LMC defines Good Cause as the following:

Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Notice

The property was posted on May 11, 2016, and the courtesy notice was mailed to property owners within 300 feet in accordance with requirements of the LMC on May 11, 2016. Legal notice was published in the Park Record on May 11, 2016 and on the public notice website in accordance with the requirements of the LMC on May 9, 2016.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes (see links provided above) reflect public input received on these proposals to date. Any public comment received prior to this meeting will be forwarded to the Planning Commission.

Process

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

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the (1) Alice Claim Subdivision and Plat Amendment, (2) remand of the Conditional Use Permit for retaining walls greater than six feet (6') in height, and (3) the Ridge Avenue Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue and continuing these items to a date certain. Staff also recommends that the Planning Commission provide input and direction to Staff and the applicant.

Exhibits

Exhibit Section 1 - Overall

Exhibit A - [Applicant's Project Intent Sub., Plat Amendment, and CUP - April 2016](#)

Exhibit B - [Gully Site Plan - May 2016](#)

Exhibit C - [Panoramic Photographs - May 2016](#)
Exhibit D - [Engineering Review of Gully Plan - April 2016](#)
Exhibit E - [Open Space and Trails Plan - May 2016](#)
Exhibit F - [Slope Analysis - February 2016](#)
Exhibit G - [Vegetative Cover - February 2016](#)
Exhibit H - [Vicinity & Zoning - February 2016](#)
Exhibit I - [Zoning Map Diagram - May 2016](#)
Exhibit J - [Emergency Vehicle Movement - May 2016](#)

Exhibit Section 2 - Subdivision and Plat Amendment

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

Exhibit Section 3 - Conditional Use Permit

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

Exhibit Section 4 - Ridge Avenue Plat Amendment

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

Links to Additional Exhibits

- [Aerial Image with Site Plan Overlay - May 2016](#)
- [Aerial Image with Site Plan Overlay-100 - May 2016](#)
- [Civil Engineering Plans - May 2016](#)
- [Storm Drainage Narrative \(revised for Gully Plan\) - April 2016](#)
- [Engineering Geology and Geotechnical Engineering Report - October 2014](#)
- [Geotechnical Consultation Letter - December 2006](#)
- [Mine Remediation Diagram - July 2008](#)
- [Site Mitigation 2008 Field Report-Voluntary Cleanup Program - June 2013](#)
- [Water Distribution Model - February 2016](#)
- [Aerial Image with 123 Ridge Avenue Plat Overlay – February 2016](#)

April 29, 2016

Via fastorga@parkcity.org

Francisco Astorga
Park City Planning Department
445 Marsac Ave
Park City, UT 84060

Re: Alice Claim Applications for Subdivision, Plat Amendment, and Conditional Use Permit

Dear Mr. Astorga:

In response to concerns raised by the Planning Commission during the April 8th 2015 public hearing questioning the 'build-ability' of the site for the development plan specific to the LMC. Title 15 of the LMC, Chapter 7.3 – "Requirements for Improvements, Reservations, and Design" specifies the potential site hazards that could not allow approval of a development plan. That section reads:

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

Set forth below is King Development's response to each of the hazards listed above in the LMC. Some items have been previously noted by Staff as potential hazards and have already been addressed for future verification in the Conditions of Approval.

-Flooding: No Flooding

FEMA mapping does not show flood hazard on the site. The Applicant's Engineer does not believe there is a flood hazard on this site. No flooding has been reported or seen in this location.

The applicant has agreed to a study extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval. The Applicant accepts and expects to satisfy this condition.

-Improper Drainage: Drainage is correct

See attached memo by Stantec titled Alice Claim Drainage Narrative. The site currently drains down into the reconstructed (as part of the remediation project) channel that runs south to north through the site. That channel carries small volumes of spring runoff and the drainage from the site and the small basin above the site. Minor drainage alterations are proposed to accommodate site development, but generally proposed site drainage remains consistent with existing conditions. A portion of the existing drainage channel will be carried in a culvert pipe as shown on the Engineering Plans prepared by Stantec Engineers.

The Applicant has agreed to prepare a "Debris Flow Study" to be completed for the stream to determine if a debris basin is required.

The Applicant also understands that the City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

-Slopes: No Issues were identified that would prohibit development

This item is addressed in the Geotechnical report which states: Active landslides were not identified in the office studies or during the field reconnaissance completed for the project. While each specific site was not addressed, the site as a whole was inspected and soil borings and sampling were taken. It is more appropriate to address specific site issues unique to each lot and mitigation of those issues, which may vary depending on the house design, after plat approval.

The Applicant suggests that a Geotechnical Engineer review each home design and site prior to issuance of a building permit by the City to determine if any additional measures and/or mitigation are needed.

-Rock Formations: No Development is proposed below rock outcrops

This item is addressed in the Geotechnical report that cautions development below rock outcrops. A small rock outcrop is located on this site within the Estate Lot, but on the other side of the gully from the proposed home site. We do not believe there is any instability and/or risk from this outcrop; however, there will be no development below this outcrop. A Geotechnical Engineer will review each home site development prior to and during construction to determine if there are any specific measures and/or mitigation needed.

-Mine Hazards: Have all been addressed

This item is addressed in the 2006 Geotechnical Report which recommends filling of the mine shaft as well as the follow up report from AGEC dated Dec 13, 2006, which outlines procedures for safely filling the mine shaft. The mine shaft was subsequently filled and compacted during the site remediation project in 2008 and is included in the mitigation report. As recommended by the AGEC report, home sites will be setback a minimum 10' from the mine shaft. All other mine related hazards were remediated in 2008.

-Potentially Toxic Wastes: Have all been addressed

In 2008, the Applicant's property, and the City's property that bisects the project site, was remediated in the VCP to levels necessary for the proposed residential subdivision. Alice Claim investigation and cleanup activities are being completed under the Utah Division of Environmental Response and Remediation Voluntary Cleanup

DHM DESIGN

Program. Mitigation of mine impacted soil was completed from July 2008 through September 2008 primarily by removal and proper disposal.

-Adverse Earth Formations or Topography: We do not believe exists.

The Geotechnical Report identifies "Surface Fault Rupture" and "Liquefaction" as two additional hazards for some developments but concludes that the conditions do not exist for either of these hazards.

The geo-tech report for each home will review these issues as well as evaluate avalanche potential and develop appropriate design impact pressures for structures.

-Wetlands There are none

In 2006, as part of the Stream Alteration Permit, the U.S. Army Corps of Engineers issued an email dated July 25, 2006 confirming that there are no wetlands onsite and that a wetland delineation is not required.

-Geologic Hazards; Have been identified and accounted for by planned subdivision

This item is addressed in the specific items above. The Engineering Geology and Geotechnical Engineering Report prepared by AMEC dated October 21, 2014 reviews many of the specific items listed above and provides guidance for construction specifications to address any potential concerns.

-Utility Easements: All Accounted for

All existing and proposed utility and access easements are included on the Plat that will be reviewed by the City Engineer in its final format prior to recordation. The City Engineer has not provided any negative reviews of the proposed easements.

-Ridgelines: No Development on Ridgelines

The City's Ridgeline Map indicates that there are no ridgelines within the property as defined by the Land Management Code. All homes have been moved to the bottom of the gully.

Thank you for your consideration on this item.

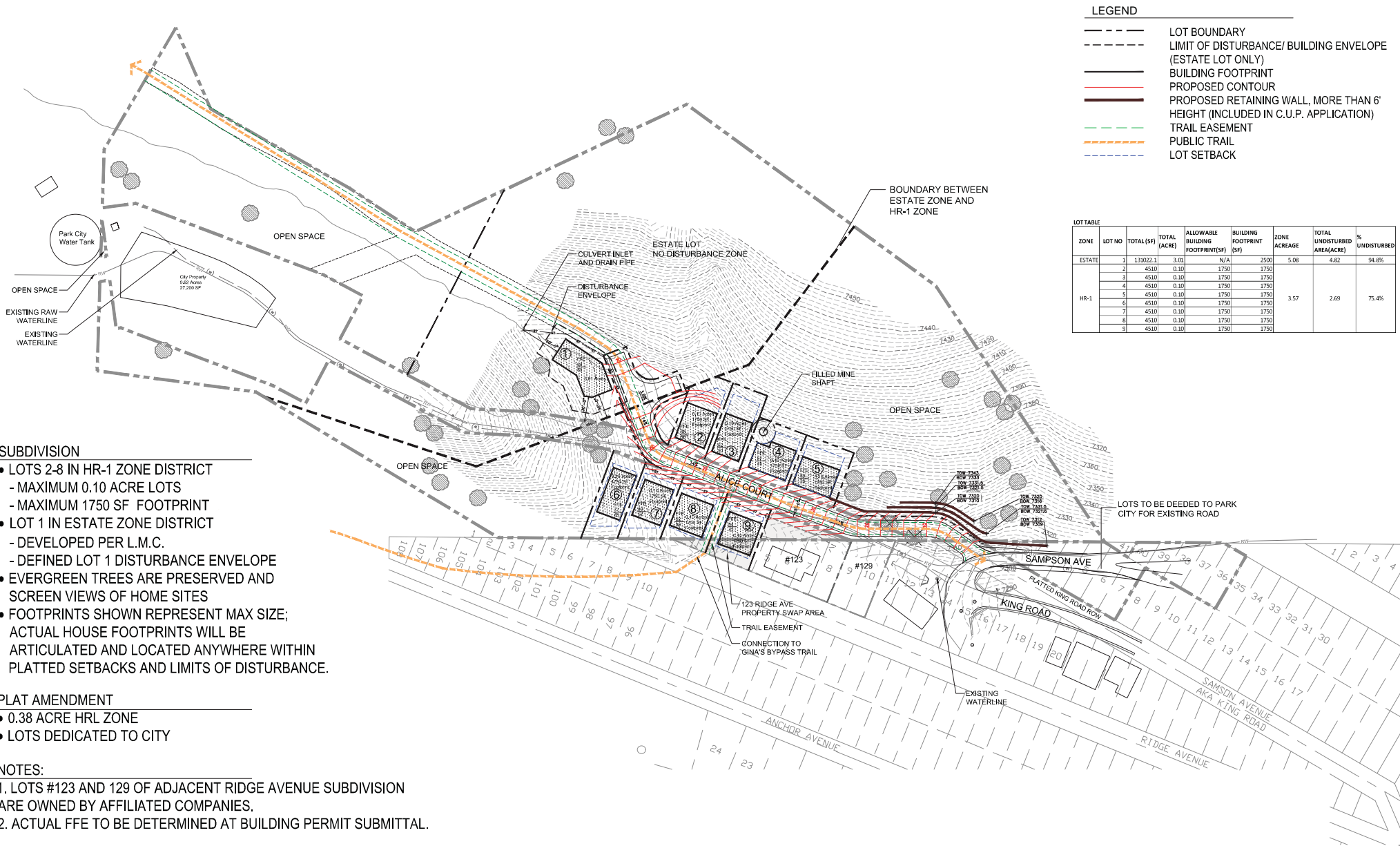
Respectfully,

DHM Design Corporation



Marc Diemer

Associate Principal



LEGEND

- LOT BOUNDARY
- - - - - LIMIT OF DISTURBANCE/ BUILDING ENVELOPE (ESTATE LOT ONLY)
- BUILDING FOOTPRINT
- PROPOSED CONTOUR
- PROPOSED RETAINING WALL, MORE THAN 6' HEIGHT (INCLUDED IN C.U.P. APPLICATION)
- - - - - TRAIL EASEMENT
- PUBLIC TRAIL
- LOT SETBACK

LOT TABLE

| ZONE | LOT NO | TOTAL(SF) | TOTAL (ACRE) | ALLOWABLE BUILDING FOOTPRINT(SF) | BUILDING FOOTPRINT (SF) | ZONE ACREAGE | TOTAL UNDISTURBED AREA(ACRE) | % UNDISTURBED |
|--------|--------|-----------|--------------|----------------------------------|-------------------------|--------------|------------------------------|---------------|
| ESTATE | 1 | 133022.1 | 3.01 | N/A | 2500 | 5.08 | 4.82 | 94.8% |
| | 2 | 4510 | 0.10 | 1750 | 1750 | | | |
| | 3 | 4510 | 0.10 | 1750 | 1750 | | | |
| | 4 | 4510 | 0.10 | 1750 | 1750 | | | |
| | 5 | 4510 | 0.10 | 1750 | 1750 | | | |
| HR-1 | 6 | 4510 | 0.10 | 1750 | 1750 | 3.57 | 2.69 | 75.4% |
| | 7 | 4510 | 0.10 | 1750 | 1750 | | | |
| | 8 | 4510 | 0.10 | 1750 | 1750 | | | |
| | 9 | 4510 | 0.10 | 1750 | 1750 | | | |

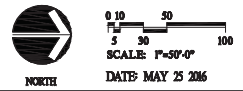
- SUBDIVISION**
- LOTS 2-8 IN HR-1 ZONE DISTRICT
 - MAXIMUM 0.10 ACRE LOTS
 - MAXIMUM 1750 SF FOOTPRINT
 - LOT 1 IN ESTATE ZONE DISTRICT
 - DEVELOPED PER L.M.C.
 - DEFINED LOT 1 DISTURBANCE ENVELOPE
 - EVERGREEN TREES ARE PRESERVED AND SCREEN VIEWS OF HOME SITES
 - FOOTPRINTS SHOWN REPRESENT MAX SIZE; ACTUAL HOUSE FOOTPRINTS WILL BE ARTICULATED AND LOCATED ANYWHERE WITHIN PLATTED SETBACKS AND LIMITS OF DISTURBANCE.

- PLAT AMENDMENT**
- 0.38 ACRE HRL ZONE
 - LOTS DEDICATED TO CITY

- NOTES:**
1. LOTS #123 AND 129 OF ADJACENT RIDGE AVENUE SUBDIVISION ARE OWNED BY AFFILIATED COMPANIES.
 2. ACTUAL FFE TO BE DETERMINED AT BUILDING PERMIT SUBMITTAL.

ALICE CLAIM GULLY SITE PLAN

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060

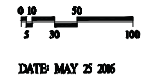




ALICE CLAIM

PANORAMIC PHOTO KEY PLAN

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



DATE: MAY 25 2016





NORTH



SOUTH

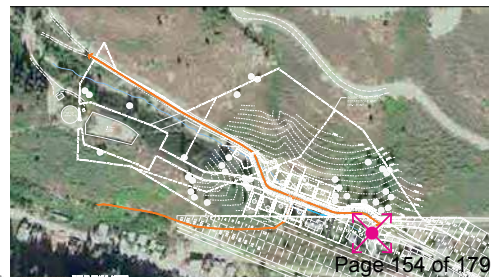


EAST



WEST

LOCATION 1
VIEWS OF EXISTING PROPERTY





NORTH



SOUTH

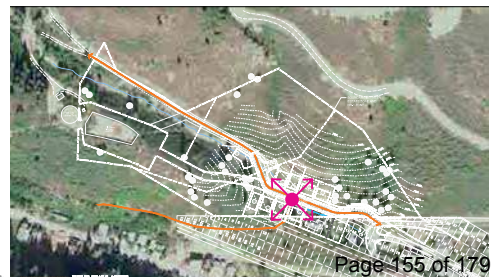


EAST



WEST

LOCATION 2
VIEWS OF EXISTING PROPERTY





NORTH



SOUTH



EAST



WEST

LOCATION 3
VIEWS OF EXISTING PROPERTY





Stantec Consulting Services Inc.
3995 South 700 East Suite 300, Salt Lake City UT 84107-2540

April 26, 2016
File: 205303057

Marc Diemer, PLA
DHM Design
311 Main Street, Suite 102
Carbondale, CO 81623

Reference: Engineering Review of Proposed Alice Claim Site Plan Modifications – “Gully” Plan

Dear Mr. Diemer,

The purpose of this letter is to provide engineering commentary related to the Proposed Alice Claim Plan currently in review by Park City staff. The plan is also known as the “Gully” plan. The following discusses the engineering improvements associated with the Gully plan:

WATER PRESSURE

Based on our analysis, the proposed water system now far exceeds the requirements laid out by the state for public drinking water systems. The Gully plan lowers the highest elevation lots significantly and removes the dead end water mains from the layout. The minimum expected pressures exceed the state required minimum pressures by 20-30 psi for all required modeling scenarios. Based on the findings in the *Alice Claim – Water Distribution Model*, dated February 19, 2016, water pressure is no longer an issue for the Alice Claim development

STORM DRAINAGE

The on-site drainage patterns will be roughly the same as the previous drainage concept prepared by Stantec. Detention is proposed for the storm water system as well as conveyance of Woodside Gulch flows. Under the Gully plan, total hardscape is reduced with the proposed plan based on less roadway and smaller proposed footprints.

RETAINING WALLS

The Gully plan further removes retaining walls from the proposed project. This reduction in the total retaining wall length and surface area is a direct result of the removal of the upper dead end lot shown on previous site plans.

Please let me know if you have any questions.

Regards,

STANTEC CONSULTING SERVICES INC.


Peter Duberow, PE
Senior Associate

cc. Brad Cahoon, Snell & Wilmer L.L.P.
Greg Brown, DHM Design

- LEGEND**
- LOT BOUNDARY
 - - - - - LIMIT OF DISTURBANCE/ BUILDING ENVELOPE (ESTATE LOT ONLY)
 - BUILDING FOOTPRINT
 - PROPOSED RETAINING WALL (INCLUDED IN C.U.P. APPLICATION)
 - LANDSCAPE RETAINING WALL (DO NOT REQUIRE C.U.P.)
 - - - - - PUBLIC TRAIL ACCESS
 - TRAIL EASEMENT
 - HR1: OPEN SPACE
 - HRL: OPEN SPACE
 - NO DISTURBANCE ZONE WITHIN ESTATE LOT BOUNDARIES
 - CITY PROPERTY



| | ACRES | OPEN SPACE (ACRES) | % OPEN SPACE |
|--------------------|-------|--------------------|--------------|
| ENTIRE SITE | 9.03 | 7.853 | 86.97% |

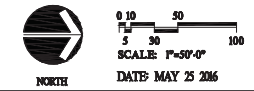
| ZONE | ACRES | OPEN SPACE (ACRES) | % OPEN SPACE |
|------|-------|--------------------|--------------|
| HR1 | 3.57 | 2.69 | 75.35% |
| HRL | 0.38 | 0.343 | 90.26% |

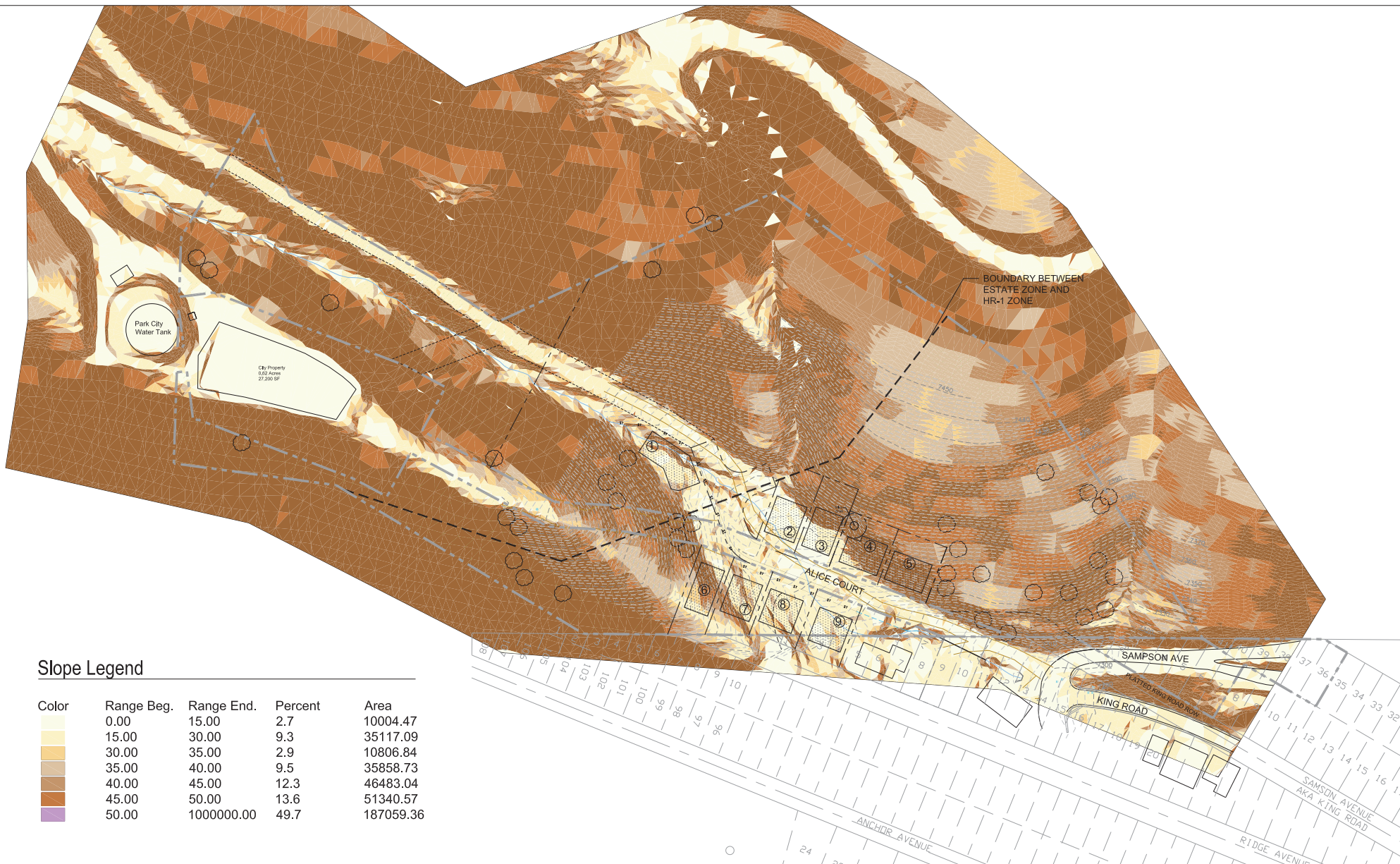
| ZONE | ACRES | NO DISTURBANCE/ OPEN SPACE (ACRES) | % NO DISTURBANCE /OPEN SPACE |
|--------|-------|------------------------------------|------------------------------|
| ESTATE | 5.08 | 4.82 | 94.88% |

ALICE CLAIM

OPEN SPACE AND TRAILS PLAN

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060





Slope Legend

| Color | Range Beg. | Range End. | Percent | Area |
|-----------------|------------|------------|---------|-----------|
| Lightest Yellow | 0.00 | 15.00 | 2.7 | 10004.47 |
| Light Yellow | 15.00 | 30.00 | 9.3 | 35117.09 |
| Yellow | 30.00 | 35.00 | 2.9 | 10806.84 |
| Light Orange | 35.00 | 40.00 | 9.5 | 35858.73 |
| Orange | 40.00 | 45.00 | 12.3 | 46483.04 |
| Dark Orange | 45.00 | 50.00 | 13.6 | 51340.57 |
| Reddish Brown | 50.00 | 1000000.00 | 49.7 | 187059.36 |

ALICE CLAIM

SLOPE ANALYSIS

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



0 10 50
 5 30 100
 SCALE: 1"=50'-0"
 DATE: FEBRUARY 09 2016





- LEGEND**
- ① Disturbed Areas
 - ② Large Fir Trees, Grasses and Forbs
 - ③ Heavy Scrub Oak
 - ④ Grasses and Forbs
 - Existing Coniferous Tree

ALICE CLAIM

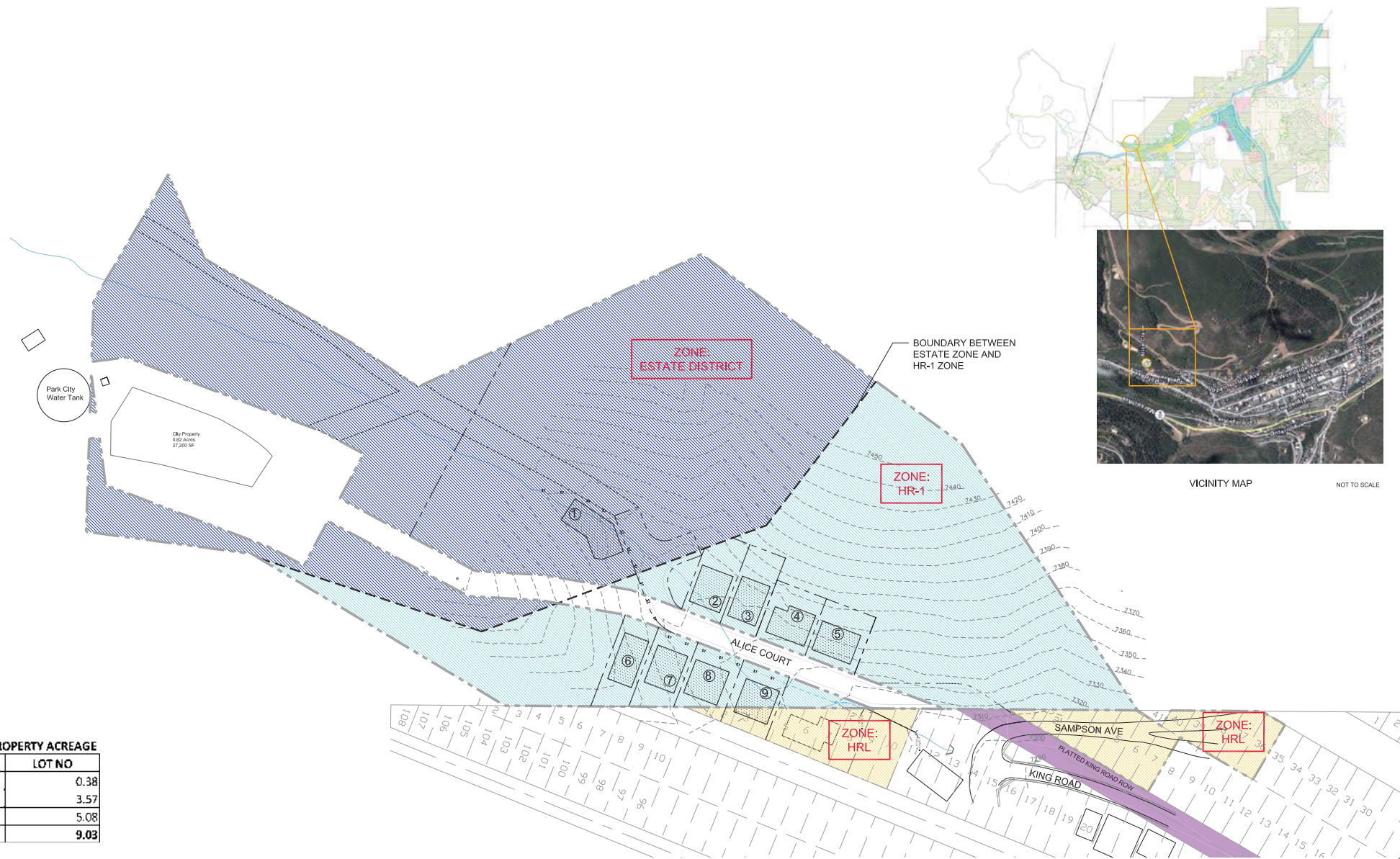
VEGETATIVE COVER

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



0 10 50
 5 30 100
 SCALE: 1"=50'-0"
 DATE: FEBRUARY 09 2016





TOTAL PROPERTY ACREAGE

| ZONE | LOT NO | ACREAGE |
|--------------|-------------|---------|
| HRL | 0.38 | |
| HR 1 | 3.57 | |
| FSTATE | 5.08 | |
| TOTAL | 9.03 | |

ALICE CLAIM

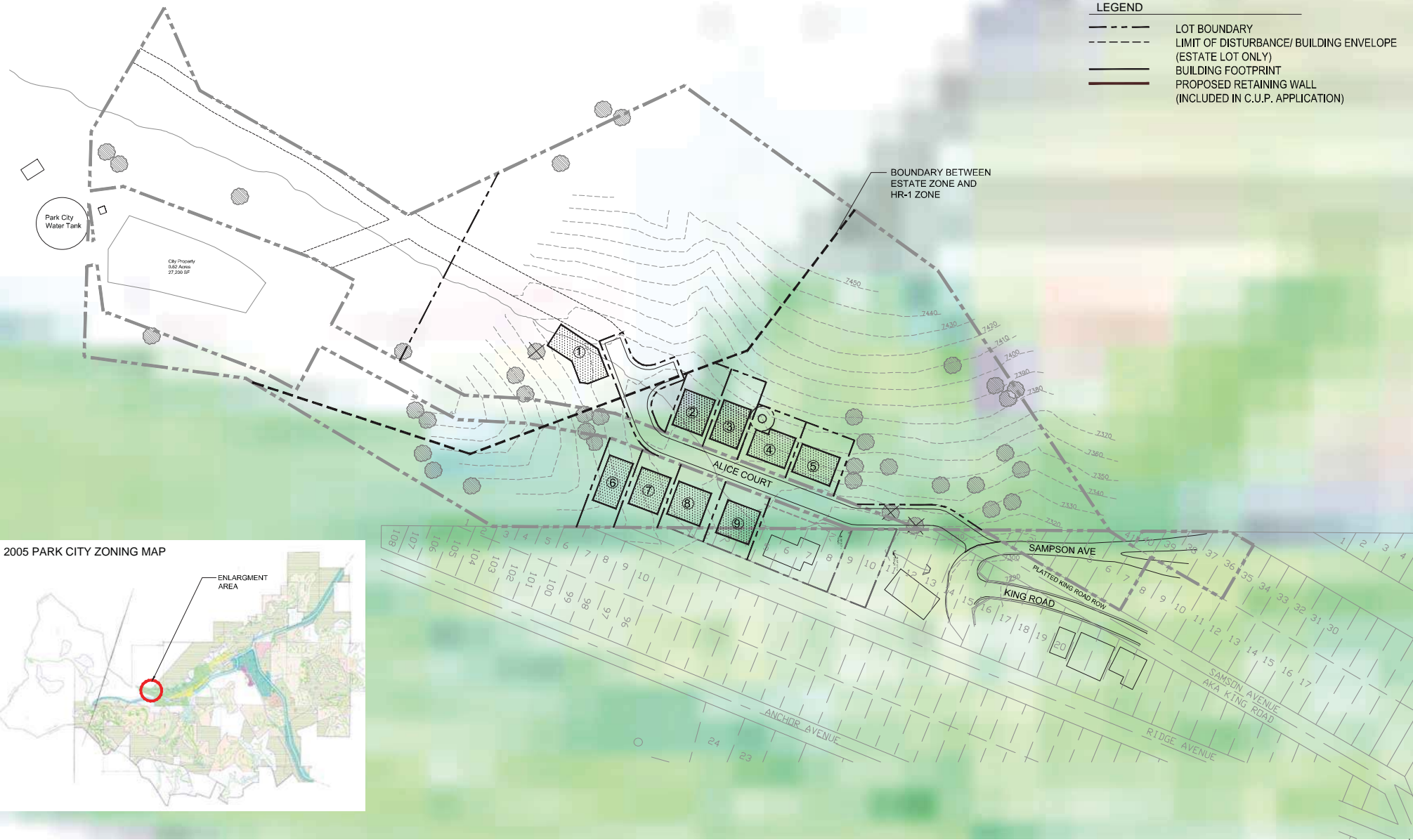
VICINITY & ZONING MAP

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



0 10 50
 5 30 100
 SCALE: 1"=50'-0"
 DATE: FEBRUARY 09 2016





ALICE CLAIM

SITE PLAN WITH ZONING MAP

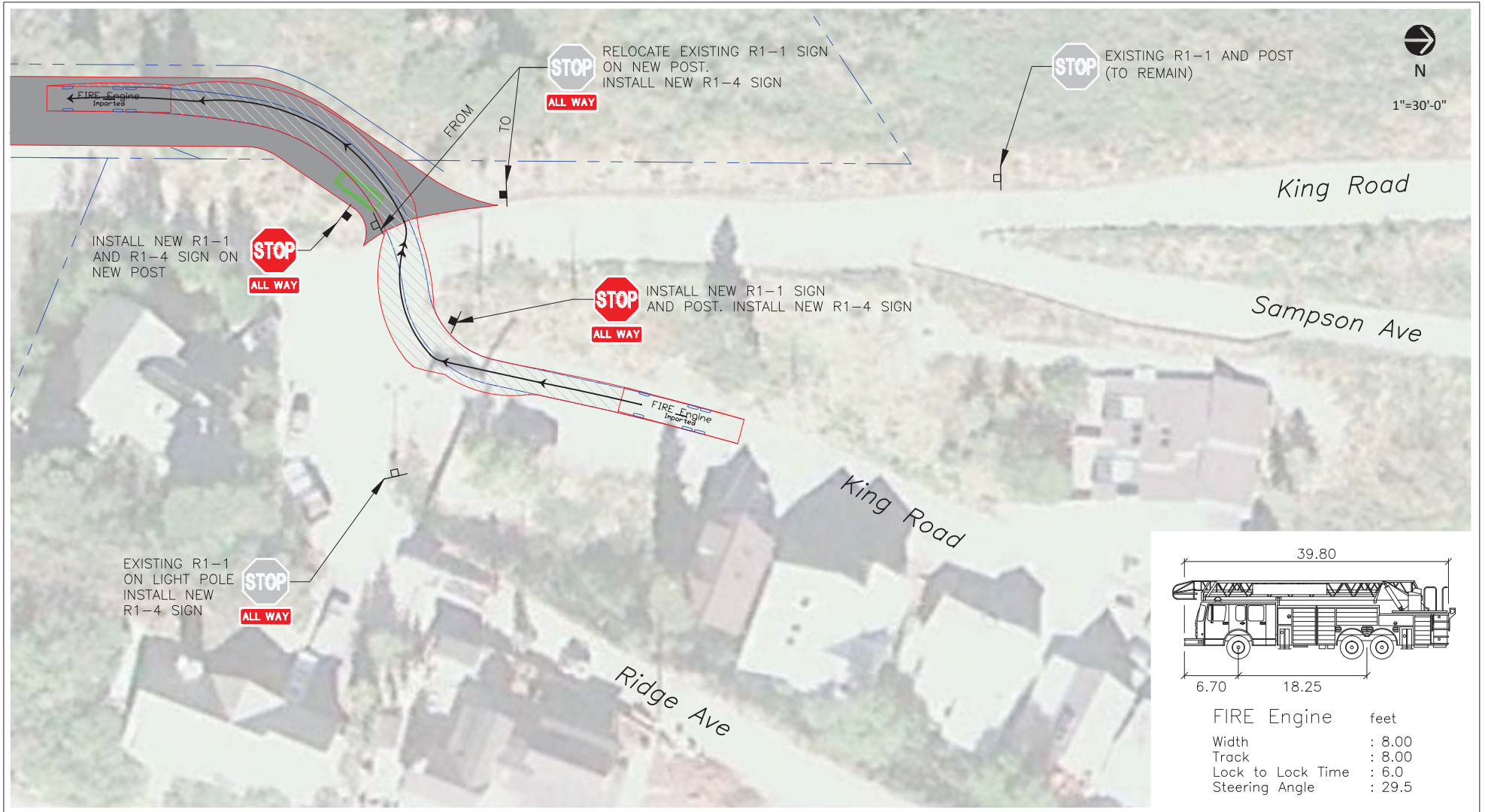
KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



0 10 50
 5 30 100
 SCALE: 1"=50'-0"
 DATE: MAY 25 2016



Exhibit J



February 19, 2016

Alice Claim (aka Alice Lode) Amended Subdivision & Plat Amendment Applications
Project Description and Comparison to Previously Proposed Plans

The Applicant, King Development Group, LLC, requests that the City Staff and Planning Commission review a modified development proposal for the Alice Claim property that has been coined the “Gully Plan.” In the December work session with Planning Commission, the Gully Plan illustrated how all the lots have been relocated to the bottom of the gully comprising the predominate landform of the Alice Claim.

The Gully Plan is for approval of a nine (9) residential lot Preliminary and Final Subdivision Plat on 8.65 acres and for a Plat Amendment on 0.38 acres, located at approximately the intersection of King Road and Sampson Avenue within the City’s Historic Residential Low Density (HRL), Historic Residential (HR-1) and Estate (E) Zone Districts. In addition, the Gully Plan proposes to amend the existing Ridge Avenue Subdivision to “square up” lot 1 (#123) of that subdivision and provide a land swap. The resulting land pattern is much more compatible with the pattern found throughout the historic districts in the City providing good cause for both subdivisions.

The Gully Plan proposes Lots 2-8 that are clustered within a very small portion of the HR-1 District area of the site, each 0.10 acres in size (reduced from 0.19 acres), and each restricted to a maximum 1,750 SF building footprint (reduced from 2,500 SF). Proposed Lot 1 in Alice Claim is within the Estate District, is 3 acres in size, will have a disturbance area of approximately 0.15 acres, has been moved down into the bottom of the gully, and is clustered closer to the other Lots 2-8 within the HR-1 District. The proposed location of the 9 home sites has resulted from input from City Staff and the Planning Commission over 11 years of discussion, nine work sessions, and five public hearings.

The Gully Plan preserves several existing large evergreen trees, moves home sites down into the bottom of the gully, clusters the home sites closely together, reduces the amount of disturbance within the 9 acres, maximizes the open space within the 9 acres, provides trail access, places the lots on less steep areas, and makes the lots compatible with the surrounding neighborhood.

Regarding the Estate Lot 1 building envelope, the applicant has relocated this to a lower, flatter location than shown in previous site plan submittals in response to feedback received from the Planning Staff and Planning Commission. The home site also has been shifted from the location shown at the December 2015 work session away from a large evergreen tree and more congruent with the Lots 2-8 in the HR-1 zone.

Each of the proposed home sites has been remediated with removal and capping of hazardous mine tailings that once polluted Alice Claim, including the City's parcel bisecting Alice Claim. That remediation project was a very successful public/private partnership between the Applicant and the City that cleaned up a heavily contaminated brownfield site for Park City. The City joined as co-applicant with King Development into the State Voluntary Cleanup Agreement, which was based on a nine home development plan consistent with the Gully Plan and had home sites located much farther up the hillside. In exchange, King Development funded 100% of the approximately \$1 million in cleanup costs for not only its land but the City's parcel as well, which had the highest levels of contamination. The joint cleanup has resulted in land that is now ready for the nine home residential development that will financially reimburse the cleanup effort. These Gully Plan home locations are within the area remediated by King Development.

Vehicular access to the property is via the existing platted King Road right of way, which provides legal access to the property. The access road then aligns onto the existing City property along the existing gravel road that then crosses an easement over Applicant's property to the water tank. This road is currently constructed at approximately 14% grade and will be improved within the subdivision with asphalt paving at the same gradient with a maximum of 14% slope. Access to all lots, and to re-platted lot 1 of the Ridge Avenue Subdivision, will be from this road. A 'hammerhead' turn-around designed for emergency vehicles is proposed across from lot 1 of Alice Claim. A modified Conditional Use Permit (CUP) has been requested for the access road retaining walls at the entrance of the property because the three walls are greater than 6' in height. The walls have been stepped back in increments of maximum 10' tall walls with extensive landscape planting proposed between each wall. The walls will be stone veneered as well. A technique using "soil nails" will be used to minimize construction impacts of the walls while also eliminating the need for an extensive footing.

The Applicant has offered to dedicate to the City the 0.38 acre of platted City lots (13 partial or full lots) within the HRL District that contains the existing King Road and potentially developable land. In addition, the Applicant has agreed to work with the City Engineer to make improvements to the existing intersection and potentially using Applicant's land for the same. The Applicant's traffic engineer has demonstrated that the addition of 9 homes in this area has negligible traffic impact. The City Engineer has confirmed this.

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

Utility services are located near the entry point to the community and are easily extended onto the site. The Applicant's engineer has studied the projected water pressure to all home sites in the previous plans in

detail and found that all lots will have adequate pressure for domestic use and fire suppression. The newly proposed Gully Plan lowers the homes, some by as much as 70' in elevation, further improving water pressure to the homes. The Applicant's engineer continues to work with the City Engineer to assure utilities for the Alice Claim subdivision will not conflict with the new City water line in accordance with the City standards.

The site is currently used by recreation enthusiasts to access several recreational trails. Access to these trails will be allowed to continue across Alice Claim and enhanced with trail signage and trailhead markers. Additionally, large portions of the site will be platted as open space or no disturbance areas, and prohibited for development. Within the HR-1 zone district, 2.69 acres of land will be designated as no disturbance/open space; this represents 75.4% of the property's total 3.57 acres of HR-1 zone district land. Within the Estate zone district, 4.82 acres of land will be designated as no disturbance/open space; this represents 94.8% of the property's total 5.08 acres of Estate zone district land.

Please note that Lot 9 includes a triangle of land that is currently part of adjoining lot #123 of the Ridge Avenue subdivision. This triangle will be transferred into Alice Claim and become part of Lot 9. There is a corresponding triangle of land within Alice Claim that also is adjacent to lot #123 and will be transferred into lot #123. The owners of both parcels are affiliated companies and have agreed to these transfers, but the transfer will not be completed until after the subdivision plat has been approved by the City Council.

Alice Claim Project Data

- Existing Zoning: Historic Residential Low Density (HRL), Historic Residential (HR-1) and Estate (E) Zone Districts.
- Current Use of Property: Remediated brownfield mine scarred land ready for use as a residential single family home subdivision.
- Land has been previously platted, in part.
- 9.03 acres
- 9 Single family lots proposed; 8 within HR-1 Zone District and 1 within Estate Zone District
- Maximum Building Footprint of 1,750 SF in HR-1 Zone District
- Minimum 2 off-street parking spaces per lot
- Project Access via platted King Road ROW at intersection with Sampson Avenue
- Road within the community will be privately maintained by the HOA
- Utility services are currently available for the community
- Pedestrian trail access will be continued to be allowed and improved
- Proposed dedicated no disturbance/open space in HR1 zone is 2.69 acres, which is 75.4% of property's total HR1 land area.

- Proposed no disturbance/open space area of the Estate zone is 4.82 acres, which is 94.8% of the total 5.08 acre Estate zone.

Consistent with past correspondence on this matter, please be advised that in amending its applications with the Gully Plan and presenting it to City Staff and the Planning Commission, King Development is not waiving or otherwise relinquishing any of its rights, claims, causes of action, defenses, or privileges relating to its "Current Plan" that on August 12, 2015 received a negative recommendation from the Planning Commission. In this respect, King Development acknowledges receipt of the email dated October 20, 2015 from Polly Samuels McLean of the Park City Legal Department stating that the "City agrees that you may amend your application back to the [Current] Plan so long as the application is pending."

Thank you for your consideration.

Sincerely,

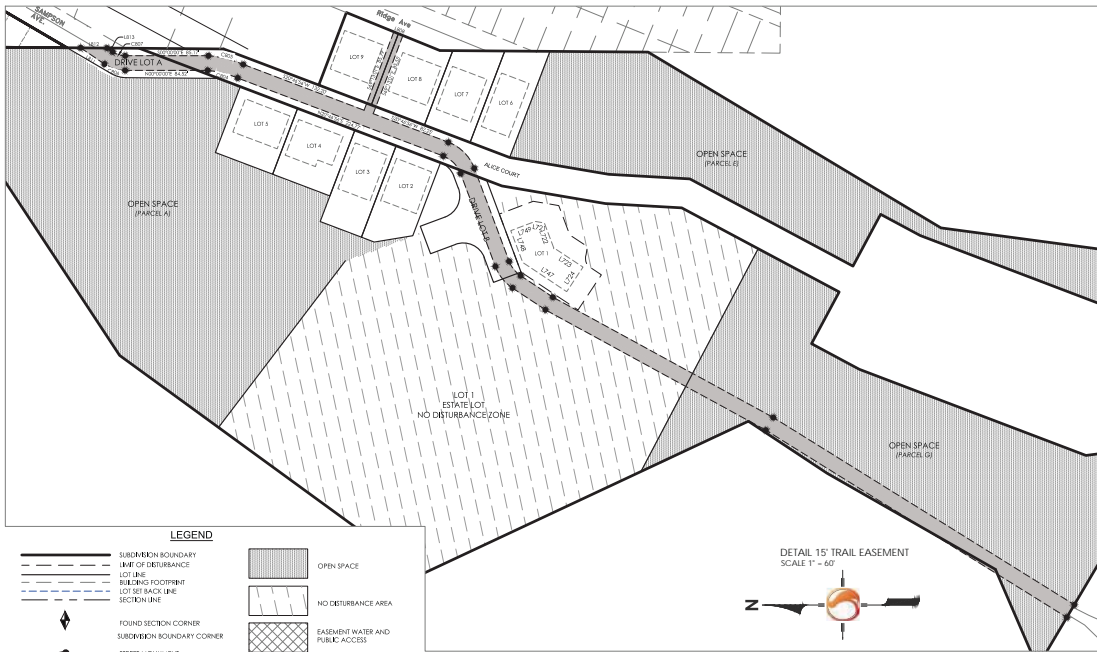


DHM Design Corporation
Marc Diemer, Associate Principal

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.

ALICE CLAIM

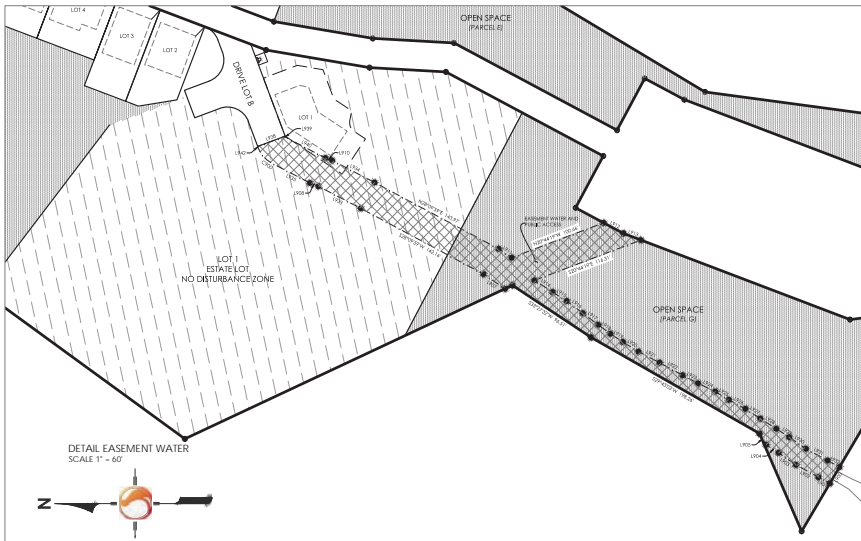
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



DETAIL 15' TRAIL EASEMENT
SCALE 1" = 60'

LEGEND

| | | | |
|--|-----------------------------|--|--|
| | SUBDIVISION BOUNDARY | | OPEN SPACE |
| | BM OF DISTURBANCE | | NO DISTURBANCE AREA |
| | LOT LINE | | EASEMENT WATER AND PUBLIC ACCESS |
| | BUILDING FOOTPRINT | | 15' PUBLIC RECREATIONAL TRAIL EASEMENT |
| | LOT SET BACK LINE | | DRAINAGE EASEMENT |
| | FOUND SECTION CORNER | | |
| | SUBDIVISION BOUNDARY CORNER | | |
| | STREET ALIGNMENT | | |
| | PROPOSED FIRE HYDRANT | | |



DETAIL EASEMENT WATER
SCALE 1" = 60'

DRAINAGE EASEMENT TABLE

| LINE # | BEARING | DISTANCE |
|--------|-------------|----------|
| 1001 | S45°15'00"W | 10.00' |
| 1002 | N00°00'00"W | 40.00' |
| 1003 | N00°00'00"W | 20.00' |
| 1004 | N00°00'00"W | 20.00' |
| 1005 | N00°00'00"W | 20.00' |
| 1006 | N00°00'00"W | 20.00' |
| 1007 | S00°00'00"W | 11.00' |
| 1008 | N00°00'00"W | 11.00' |
| 1009 | N00°00'00"W | 11.00' |
| 1010 | N00°00'00"W | 11.00' |
| 1011 | N00°00'00"W | 11.00' |
| 1012 | N00°00'00"W | 11.00' |
| 1013 | S00°00'00"W | 11.00' |
| 1014 | S00°00'00"W | 11.00' |

TRAIL EASEMENT CURVE TABLE

| CURVE # | BEARING | CHORD | CHORD BEARING | ARC LENGTH | PI POINT | PC POINT | PT POINT |
|---------|-------------|--------|---------------|------------|----------|----------|----------|
| 1001 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1002 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1003 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1004 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1005 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1006 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1007 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1008 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1009 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1010 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1011 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1012 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1013 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1014 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1015 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1016 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1017 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1018 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1019 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1020 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1021 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1022 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |
| 1023 | S00°00'00"W | 11.00' | S00°00'00"W | 11.00' | 11.00' | 11.00' | 11.00' |

TRAIL EASEMENT TABLE

| LINE # | BEARING | DISTANCE |
|--------|-------------|----------|
| 1001 | N00°00'00"W | 20.00' |
| 1002 | S00°00'00"W | 20.00' |
| 1003 | S00°00'00"W | 11.00' |

WATER / PUBLIC EASEMENT ACCESS TABLE

| LINE # | BEARING | DISTANCE | LINE # | BEARING | DISTANCE |
|--------|-------------|----------|--------|-------------|----------|
| 1001 | S00°00'00"W | 11.00' | 1004 | N00°00'00"W | 11.00' |
| 1002 | S00°00'00"W | 11.00' | 1005 | N00°00'00"W | 11.00' |
| 1003 | S00°00'00"W | 11.00' | 1006 | N00°00'00"W | 11.00' |
| 1004 | S00°00'00"W | 11.00' | 1007 | N00°00'00"W | 11.00' |
| 1005 | S00°00'00"W | 11.00' | 1008 | N00°00'00"W | 11.00' |
| 1006 | S00°00'00"W | 11.00' | 1009 | N00°00'00"W | 11.00' |
| 1007 | S00°00'00"W | 11.00' | 1010 | N00°00'00"W | 11.00' |
| 1008 | S00°00'00"W | 11.00' | 1011 | N00°00'00"W | 11.00' |
| 1009 | S00°00'00"W | 11.00' | 1012 | N00°00'00"W | 11.00' |
| 1010 | S00°00'00"W | 11.00' | 1013 | N00°00'00"W | 11.00' |
| 1011 | S00°00'00"W | 11.00' | 1014 | N00°00'00"W | 11.00' |
| 1012 | S00°00'00"W | 11.00' | 1015 | N00°00'00"W | 11.00' |
| 1013 | S00°00'00"W | 11.00' | 1016 | N00°00'00"W | 11.00' |
| 1014 | S00°00'00"W | 11.00' | 1017 | N00°00'00"W | 11.00' |
| 1015 | S00°00'00"W | 11.00' | 1018 | N00°00'00"W | 11.00' |
| 1016 | S00°00'00"W | 11.00' | 1019 | N00°00'00"W | 11.00' |
| 1017 | S00°00'00"W | 11.00' | 1020 | N00°00'00"W | 11.00' |
| 1018 | S00°00'00"W | 11.00' | 1021 | N00°00'00"W | 11.00' |
| 1019 | S00°00'00"W | 11.00' | 1022 | N00°00'00"W | 11.00' |
| 1020 | S00°00'00"W | 11.00' | 1023 | N00°00'00"W | 11.00' |
| 1021 | S00°00'00"W | 11.00' | 1024 | N00°00'00"W | 11.00' |
| 1022 | S00°00'00"W | 11.00' | 1025 | N00°00'00"W | 11.00' |
| 1023 | S00°00'00"W | 11.00' | 1026 | N00°00'00"W | 11.00' |

WATER / PUBLIC EASEMENT ACCESS TABLE

| LINE # | BEARING | DISTANCE | LINE # | BEARING | DISTANCE |
|--------|-------------|----------|--------|-------------|----------|
| 1001 | S00°00'00"W | 11.00' | 1004 | N00°00'00"W | 11.00' |
| 1002 | S00°00'00"W | 11.00' | 1005 | N00°00'00"W | 11.00' |
| 1003 | S00°00'00"W | 11.00' | 1006 | N00°00'00"W | 11.00' |
| 1004 | S00°00'00"W | 11.00' | 1007 | N00°00'00"W | 11.00' |
| 1005 | S00°00'00"W | 11.00' | 1008 | N00°00'00"W | 11.00' |
| 1006 | S00°00'00"W | 11.00' | 1009 | N00°00'00"W | 11.00' |
| 1007 | S00°00'00"W | 11.00' | 1010 | N00°00'00"W | 11.00' |
| 1008 | S00°00'00"W | 11.00' | 1011 | N00°00'00"W | 11.00' |
| 1009 | S00°00'00"W | 11.00' | 1012 | N00°00'00"W | 11.00' |
| 1010 | S00°00'00"W | 11.00' | 1013 | N00°00'00"W | 11.00' |
| 1011 | S00°00'00"W | 11.00' | 1014 | N00°00'00"W | 11.00' |
| 1012 | S00°00'00"W | 11.00' | 1015 | N00°00'00"W | 11.00' |
| 1013 | S00°00'00"W | 11.00' | 1016 | N00°00'00"W | 11.00' |
| 1014 | S00°00'00"W | 11.00' | 1017 | N00°00'00"W | 11.00' |
| 1015 | S00°00'00"W | 11.00' | 1018 | N00°00'00"W | 11.00' |
| 1016 | S00°00'00"W | 11.00' | 1019 | N00°00'00"W | 11.00' |
| 1017 | S00°00'00"W | 11.00' | 1020 | N00°00'00"W | 11.00' |
| 1018 | S00°00'00"W | 11.00' | 1021 | N00°00'00"W | 11.00' |
| 1019 | S00°00'00"W | 11.00' | 1022 | N00°00'00"W | 11.00' |
| 1020 | S00°00'00"W | 11.00' | 1023 | N00°00'00"W | 11.00' |
| 1021 | S00°00'00"W | 11.00' | 1024 | N00°00'00"W | 11.00' |
| 1022 | S00°00'00"W | 11.00' | 1025 | N00°00'00"W | 11.00' |
| 1023 | S00°00'00"W | 11.00' | 1026 | N00°00'00"W | 11.00' |

WATER / PUBLIC EASEMENT ACCESS TABLE

| LINE # | BEARING | DISTANCE | LINE # | BEARING | DISTANCE |
|--------|-------------|----------|--------|-------------|----------|
| 1001 | S00°00'00"W | 11.00' | 1004 | N00°00'00"W | 11.00' |
| 1002 | S00°00'00"W | 11.00' | 1005 | N00°00'00"W | 11.00' |
| 1003 | S00°00'00"W | 11.00' | 1006 | N00°00'00"W | 11.00' |

SHEET
2 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



Stantec Consulting Services Inc.
3995 S. 700 E. Ste. 300
Salt Lake City, UT
84106-2680
Tel: 801.261.0090
Fax: 801.566.1671
www.stantec.com

| No. | Revisions | By | Date | Scale | Date Plotted |
|-----|---------------------|----|---------|----------|--------------|
| 1 | Total plot revision | BD | 5-22-16 | 1" = 60' | |

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

April 29, 2016

Alice Claim (aka Alice Lode) Modified CUP Application

Project Description and Comparison to Previously Proposed Plans

The Applicant, King Development Group, LLC, requests that the City Staff and Planning Commission review a modified Conditional Use Permit (CUP) concurrently with an amended Alice Claim Subdivision (the Gully Plan) and corresponding Plat Amendment applications.

Vehicular access to the property is via the existing platted King Road right of way, which provides legal access to the property. This road will require retaining walls that are in some locations greater than 6 feet in height, thereby requiring a CUP per the Land Management Code (LMC). The CUP Application has been modified in the following manner from the previous application that was denied in October 2015:

- The wall has been broken into three tiers that are each a maximum 10 feet tall with landscape planting areas between each wall section as suggested by Planning Staff as adequate visual mitigation.
- An additional 20% of the tree planting to what was originally identified is now proposed as suggested by Planning Staff as adequate visual mitigation.
- These walls will be constructed by the process of “soil nailing” and overlaid with a decorative stone veneer. This process is less disruptive to existing vegetation above the walls and does not require extensive footings that could have interfered with utilities in Alice Court roadway at the base of the walls.
- The walls have been extended around the corner created by the intersection with King Road. This is proposed in order to widen King Road in the area with the goal of improving the existing condition of King Road as well as improving visibility for the proposed Alice Court entry drive.

The Applicant has offered to dedicate to the City the 0.38 acre of platted City lots (13 partial or full lots) within the HRL District that contains the existing King Road and potentially developable land. In addition, the Applicant has agreed to work with the City Engineer to make improvements to the existing intersection and potentially using Applicant’s land for the same. A proposed intersection improvements plan is included in the review packet. The Applicant’s traffic engineer has

demonstrated that the addition of 9 homes in this area has negligible traffic impact, and the City Engineer has confirmed this.

Consistent with past correspondence on this matter, please be advised that in amending its applications with the Gully Plan and presenting it to City Staff and the Planning Commission, King Development is not waiving or otherwise relinquishing any of its rights, claims, causes of action, defenses, or privileges relating to its "Current Plan" that on August 12, 2015 received a negative recommendation from the Planning Commission and its prior CUP application that was denied by the Planning Commission. In this respect, King Development acknowledges receipt of the email dated October 20, 2015 from Polly Samuels McLean of the Park City Legal Department stating that the "City agrees that you may amend your application back to the [Current] Plan so long as the application is pending."

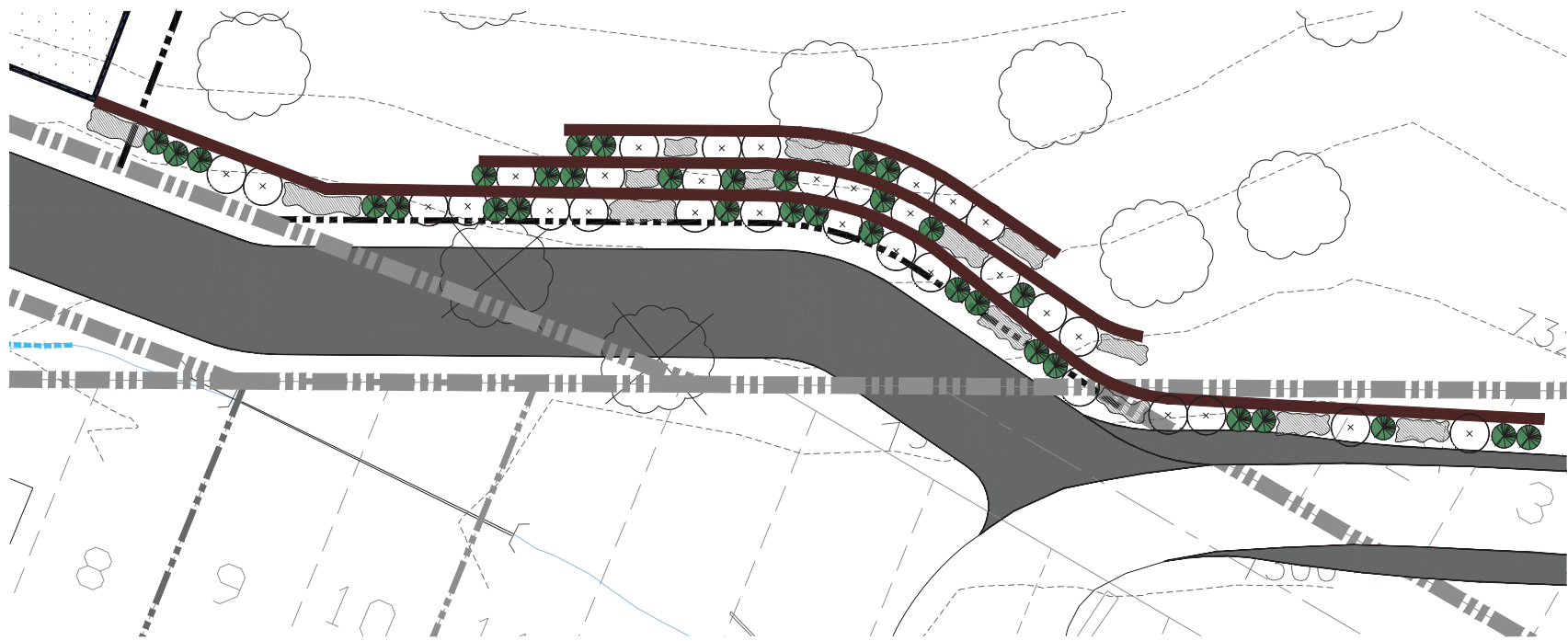
Thank you for your consideration.

Sincerely,








DHM Design Corporation
Marc Diemer, Associate Principal

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.



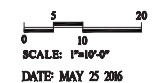
LEGEND

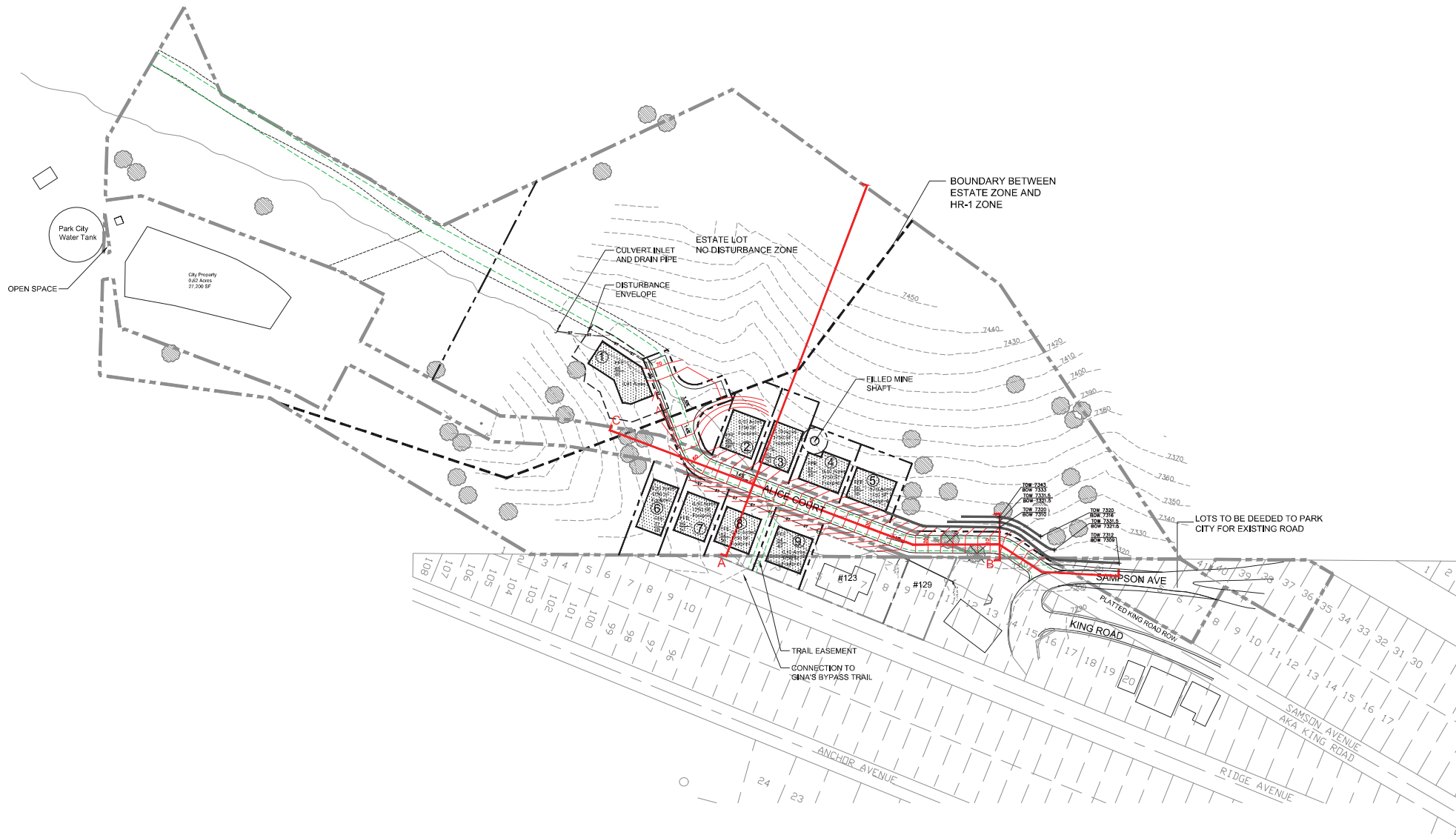
-  EXISTING CONIFEROUS TREE TO BE REMOVED
-  EXISTING CONIFEROUS TREE TO REMAIN
-  PROPOSED DECIDUOUS TREE
-  PROPOSED CONIFEROUS TREE
-  PROPOSED SHRUB

ALICE CLAIM

LANDSCAPE MITIGATION OF SITE WALLS PLAN

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060





ALICE CLAIM

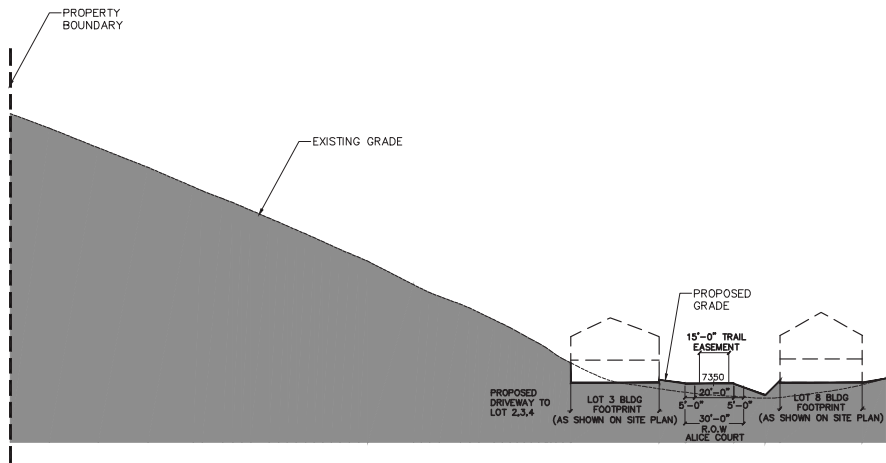
SITE SECTIONS KEY MAP

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



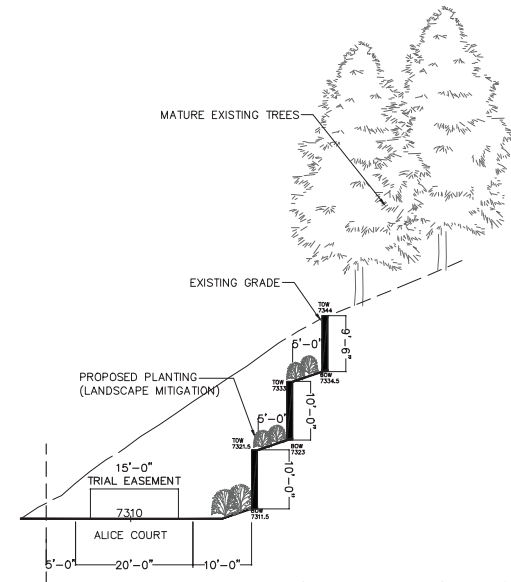
0 10 50
 1" = 50'-0"
 SCALE: 1"=50'-0"
 DATE: MAY 25 2016





SECTION A

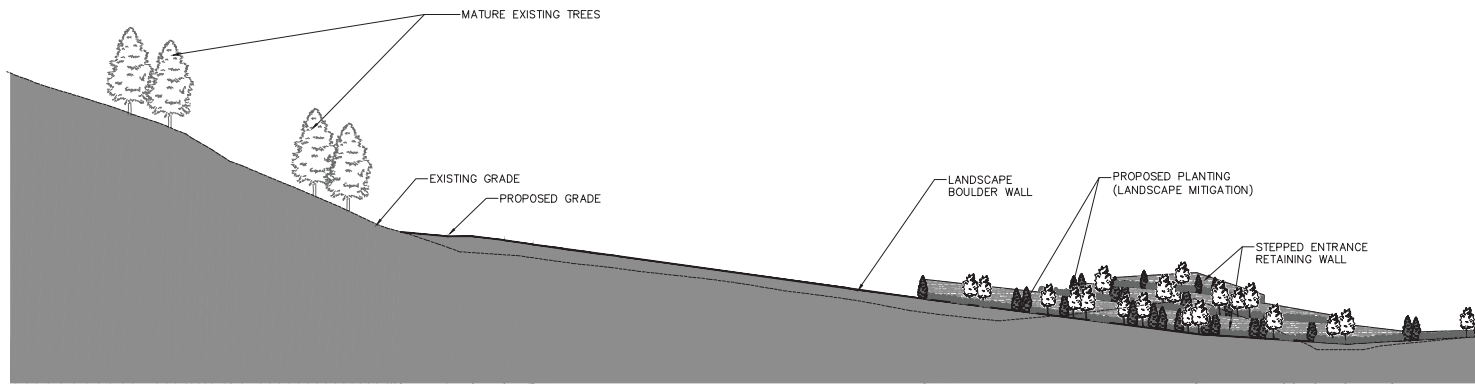
SCALE: 1"=30'



SECTION B (ENTRY WALL)

SCALE: 1"=10'

NOTE: CUP APPLICATION WALLS



SECTION C

SCALE: 1"=30'

ALICE CLAIM

SITE SECTIONS

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



DATE: MAY 25 2016

February 19, 2016

**Ridge Avenue Subdivision Amendment Application associated with the
Alice Claim (aka Alice Lode) Amended Subdivision & Plat Amendment Applications**

Project Description and Comparison to Previously Proposed Plans

The Applicant, 123-129 Ridge, LLC , requests that the City Staff and Planning Commission review a Subdivision Plat Amendment for the Ridge Avenue Subdivision. Applicant owns Lot 1 (#123) and Lot 2 (#129) of that Subdivision. Applicant proposes a change to just Lot 1 (#123). Applicant is affiliated with King Development Group, LLC, the proponent of the Alice Claim Subdivision.

The proposed amendment “swaps” a 2,057 square foot triangular portion of Lot 1 (#230)) with corresponding 2,057 square foot triangular portion of Lot 9 of the proposed Alice Claim Subdivision.

Lot 9 includes a triangle of land that is currently part of adjoining lot #123 of the Ridge Avenue subdivision. This triangle will be transferred into Alice Claim and become part of Lot 9. There is a corresponding triangle of land within Alice Claim that also is adjacent to lot #123 and will be transferred into lot #123. The owners of both parcels are affiliated companies and have agreed to these transfers, but the transfer will not be completed until after the subdivision plat has been approved by the City Council.

There is no increase or reduction in the size of either subdivision. The resulting reconfiguration allows for more buildable and livable lots 8 and 9 in the Alice Claim Subdivision while at the same time “squaring up” these lots and lot #123 of the Ridge Avenue Subdivision. This land pattern is much more compatible with the pattern found throughout the historic districts in the City providing good cause for both subdivisions.

Thank you for your consideration.

Sincerely,



DHM Design Corporation
Marc Diemer, Associate Principal

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.

RIDGE AVENUE SUBDIVISION AMENDING LOT 1

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

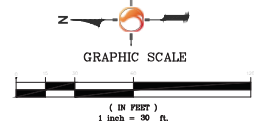
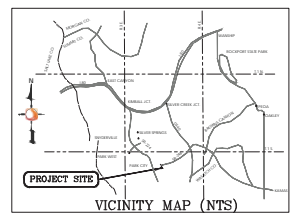
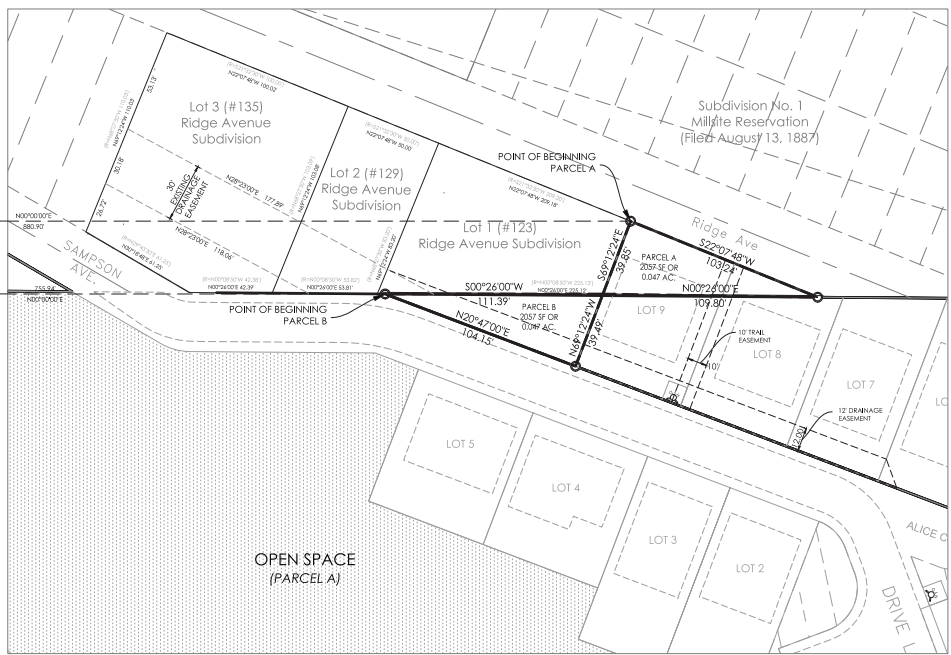
NORTHEAST CORNER SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN.
FOUND A 3" DIAMETER
IRON PIPE WHICH TOP
INDICATED APPEARS TO
HAVE BEEN SET AT THIS
LOCATION SINCE AT LEAST 1907
(SEE MS-5665 & 5760)

S 89°50'26" E 180.00 FT (10)
N 89°57' E 268.60 FT (187)
East 2.6653 Acres (19.1%)

1321.49'
(PARCEL A)

1284.27'
(PARCEL B)

NORTH 1/4 CORNER SECTIONS 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
E 1/4 IRON PIPE ALABAMA CORNER 2 1/2" IRON ALUMINUM
PIPE SET AUGUST 2005 BASED ON THE BY D. C. BURNER BY
1907 AND 1908 FROM CORNER 1 OF MS NO. 4584 AND 1 OF
MS NO. 4900.



SURVEYOR'S CERTIFICATE

I, Greg 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. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as:

**RIDGE AVENUE SUBDIVISION
AMENDING LOT 1**

and that same has been surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

PARCEL A
A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the Southeastery Line of Lot 1, Ridge Avenue Subdivision as shown on the plat recorded December 15, 1995, Entry No. 444460 in the Summit County Recorder's Office, said point being also S89°06'26" E 1321.49 feet, along the Section Line, and South 890.90 feet from the North Quarter Corner of said Section 21, and running thence, along said Southeastery line, S27°07'48" W 103.24 feet to the Southwestery Corner of said Lot 1; thence, along the West Line of said Lot 1, N00°28'00" E 110.09 feet; thence S69°12'42" E 40.71 feet to the Point of Beginning.

Contains: 2101 Square Feet or 0.048 Acres.

PARCEL B
A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the West Line of Lot 1, Ridge Avenue Subdivision as shown on the plat recorded December 15, 1995, Entry No. 444460 in the Summit County Recorder's Office, said point being also S89°06'26" E 1284.27 feet, along the Section Line, and South 755.94 feet from the North Quarter Corner of said Section 21, and running thence, along said West Line, S07°26'11" W 111.09 feet; thence, N69°12'24" W 38.63 feet; thence N20°47'00" E 104.15 feet to the Point of Beginning.

Contains: 2012 Square Feet or 0.046 Acres.



Date: _____ GREGORY A. CATES
P.L.S. No. 161226

OWNER'S DEDICATION

Know all men by these presents that _____ the undersigned owner(s) of the above described tract of land, having caused the same to be subdivided into lots and streets to be hereafter known as:

**RIDGE AVENUE SUBDIVISION
AMENDING LOT 1**

do hereby dedicate for perpetual use of the public all parcels of land and easements as shown on this plat as intended for Public Use.

In witness whereof _____ have hereunto set _____ this _____ day of _____ A.D., 20____.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF UTAH } s.s.
On the _____ day of _____ A.D., 20____ personally appeared before me, _____, who being duly sworn or affirmed, did say that he/she is the _____ of _____ and that the within owner's dedication was signed by him/her in behalf of the said corporation by authority of its bylaws, or Board of Directors, and that said corporation executed the same.

My commission number: _____
My commission expires: _____ Name: _____ Notary Public, commissioned in Utah

NOTES

- The Basis of Bearings of this Plat is between two existing Section Corner Monuments, the bearing between the Northeast Corner and the North Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, a N89°06'26" W, as measured in the field.
- The purpose of this plat is to amend Lot 1 to include Parcel A, and to remove Parcel A shown on the original plat of Ridge Avenue Subdivision as recorded December 15, 1995, Entry No. 444460 in the Summit County Recorder's Office.
- This amended plat is subject to all of the matters pertaining to the original recorded plat, other than any differences shown hereon. They include, but not limited to, easements, rights-of-way, covenants, conditions, restrictions, and other matters of record.
- The dimensions shown as record on this plat are taken from said recorded Ridge Avenue Subdivision plat, which shows the distances to be call-related, rather than measured or record.

EASEMENT APPROVAL

| COUNTERPART | DATE |
|----------------------|-------|
| ROCKY MOUNTAIN POWER | _____ |
| CENTURY LINK (EAST) | _____ |
| COMCAST | _____ |

Questar approves this plat solely for the purpose of confirming that the plat contains public utility easements. Questar may require other easements in order to serve this development. This approval does not constitute abatement or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgment of any terms contained in the plat, including those set forth in the Owner's Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Questar's Right-of-Way department at 1-800-368-8532.



Stantec Consulting Services Inc.
3965 S 700 E Ste. 300
Salt Lake City, UT
84107-2640
Tel: 801-261-0000
Fax: 801-264-1671
www.stantec.com

| | | | |
|----------------|----------|----------|-----|
| Project Number | 26539957 | PLM | |
| Revision | | REV | |
| Designed By | jjg/BJL | Drawn By | BJL |
| Checked By | | Date | |
| Scale | | Date | |
| Scale | | Date | |

OWNER/SUBDIVIDER:
123-129 Ridge, LLC
P.O. BOX 244
PARK CITY, UTAH
84060

SNYDERVILLE BASIN SEWER DISTRICT
REVIEW FOR CONFORMANCE ON THIS _____ DAY OF _____ A.D., 20____.

MAYOR
APPROVED AND ACCEPTED BY THE SUMMIT COUNTY PLANNING COMMISSION THIS _____ DAY OF _____ A.D., 20____.

PARK CITY ENGINEER
I, _____ PARK CITY ENGINEER, HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY THE OFFICE AND IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____ A.D., 20____.

RECORDED #
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED IN THE _____ (REQUEST OF) _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEES _____
SUMMIT COUNTY RECORDER

TOPOGRAPHICAL BOUNDARY SURVEY

RIDGE AVENUE SUBDIVISION LOT 1

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, Gregory A. Cates, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 161226 as prescribed by the laws of the State of Utah. I further certify that this survey was made by me or under my direct supervision, and I have made a survey of the tract of land as shown on this survey.



DATE _____ Gregory A. Cates
P.L.S. 161226

LEGAL DESCRIPTION

All of Lot 1 of the Ridge Avenue Subdivision recorded as Entry No. 444460 in the Summit County Recorder's Office, being more particularly described as follows:

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said parcel being more particularly described as follows:
Beginning at a point on the West Boundary Line of said Ridge Avenue Subdivision, said point being also the Northwest Corner of said Lot 1, said point being also S89°06'26"E, along the Section Line, 1284.30 feet and South 752.00 feet from the North Quarter Corner of said Section 21 and running thence, along the Northeastly Line of said Lot 1, S69°12'24"E 83.20 feet to the Northeastly Corner of said Lot 1 and the Westly Right-of-Way Line of Ridge Avenue; thence, along said Westly Right-of-Way Line, S22°07'46"W 207.18 feet to the Southwesterly Corner of said Lot 1; thence, along the Westly Boundary Line of said Ridge Avenue Subdivision, N02°04'07"E 225.12 feet to the Point of Beginning.

Contains: 3,703 Square Feet or 0.20 Acres.

NARRATIVE

The Basis of Bearings of this Plat is between two existing Section Corner Monuments, the Bearing between the Northeast Corner and the North Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, is N69°26'18"E, as measured in the field.

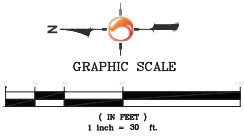
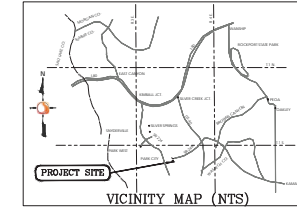
The purpose of this plat is to show Lot 1, as shown on the original plat of Ridge Avenue Subdivision as recorded December 15, 1995, Entry No. 444460 in the Summit County Recorder's Office.

The dimensions shown in parentheses as record on this plat are taken from said recorded Ridge Avenue Subdivision plat, which shows the distances to be calculated, rather than measured or record.



LEGEND:

| | |
|-----|---------------------|
| --- | PROPERTY LINE |
| --- | EASEMENT LINE |
| --- | SANITARY SEWER |
| --- | WATER LINE |
| --- | RAW WATER LINE |
| --- | OVERHEAD POWER LINE |
| --- | GAS LINE |
| --- | MAJOR CONTOUR |
| --- | MINOR CONTOUR |
| ● | PINE TREE |

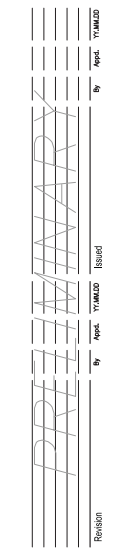


NORTHEAST CORNER SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
FOUND 3.3" DIAMETER
IRON PIPE BY REEDED TOP
THE MONUMENT APPEARS TO
HAVE BEEN EXCAVATED AT THIS
LOCATION SINCE AT LEAST 1907
(SEE 88-9468 & 8782)

1284.30

58°10'20" E, 2,492.70' MEAS. 2005
N 71°12'00" E, 1,000.00' MEAS. 1997
EAST 2,605.8' LONG, 1284.30'

NORTH 1/4 CORNER SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
2" 1/4" DIA. ALUMINUM CAP ON 2" COP ALUMINUM
PIPE WITH ASSISTED 1000 AND ON 1000 BY CIVIC WORKERS IN
1953 AND 1000 FROM CORNERS 1 OF 88-90, 8658 AND 1 OF
8782 (SEE 88-9468)



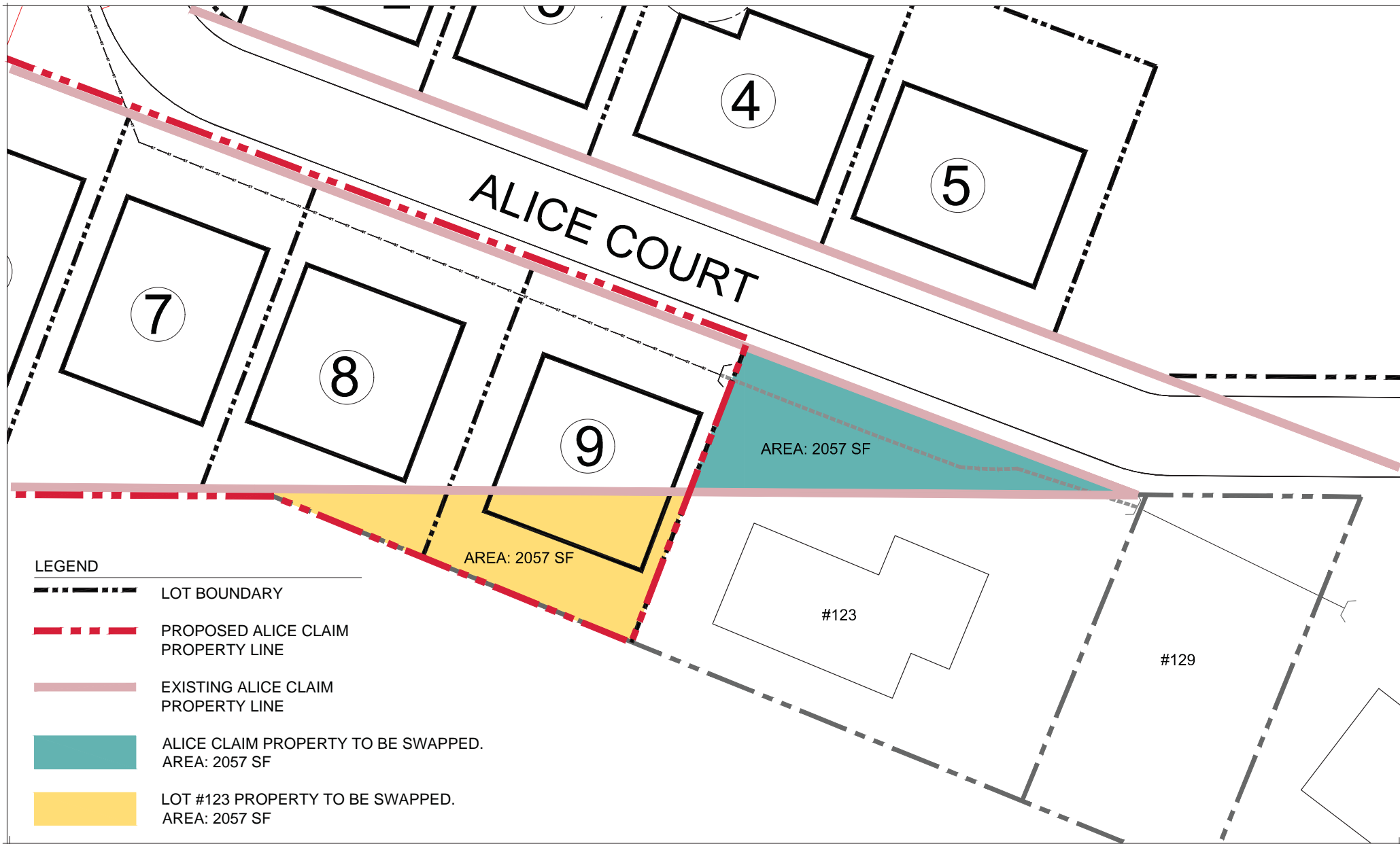
Client/Project
Ridge Avenue Lot 1
Ridge Law Offices, PC
Section 21, T2S, R4E, S16B&M
Park City
Summit County, Utah

Permit/Seal






Project Number: 205303057
File Name: 020716_11a.dwg

| | | | |
|------|------|------|----------|
| GAC | SB | GAC | 16/05/15 |
| Des. | Chk. | App. | YIMMAD |

Revision Sheet



LEGEND

-  LOT BOUNDARY
-  PROPOSED ALICE CLAIM PROPERTY LINE
-  EXISTING ALICE CLAIM PROPERTY LINE
-  ALICE CLAIM PROPERTY TO BE SWAPPED. AREA: 2057 SF
-  LOT #123 PROPERTY TO BE SWAPPED. AREA: 2057 SF

ALICE CLAIM

**PROPERTY SWAP
DIAGRAM ENLARGEMENT**

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060



0 5 10 20
SCALE: 1"=10'-0"
DATE: FEBRUARY 09 2015

