

Planning Commission Staff Report



Application: PL-16-03177
Subject: Tower Club CUP Phase I Amendment
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: December 14, 2016
Type of Item: Administrative - Conditional Use Permit amendment

Summary Recommendations

Staff recommends the Planning Commission holds a public hearing and approves the amended Tower Club Phase I Conditional Use Permit (aka Empire Club Phase I Conditional Use Permit) to expand the Tower Club private dining room and basement area pursuant to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Description

Applicant: Talisker Club LLC, Brian Straight, General Manager
Location: 8680 Empire Club Drive- Pod A, Lot 9 Village at Empire Pass Phase 1 Subdivision (Building One)
Zoning: Residential Development (RD) District as part of the Flagstaff Annexation and Master Planned Development (MPD)
Adjacent Land Uses: Deer Valley Resort, condominiums, townhouses, and vacant development parcels of the Village at Empire Pass Pod A

Summary of Proposal

On May 17, 2016, the Planning Department received an application for an amendment to the Tower Club Phase I Conditional Use Permit (CUP) requesting approval to expand the existing Tower Club private dining area by approximately 1,115 square feet by enclosing an existing patio area, adding 32 indoor seats in the dining room, constructing a new patio area, and providing a basement locker room of approximately 1000 square feet for ski and boot storage below the new patio (Exhibits A and B). Total area for the dining room, kitchen and store will be 3,379 square feet of DV Resort Support Commercial uses.

The existing mechanical room will be expanded to include a separate chemical storage area and the store has been relocated to accommodate an access corridor for the locker room. The building is currently known as the Talisker Tower, however for clarity with the CUP it will be referred to as the Tower Club CUP amendment, consistent with the name change from Empire Club to Tower Club, during approval of the Phase II CUP for the residential units. It was known as the Alpine Club.

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel. (The Flagstaff Development Agreement (Agreement) was subsequently amended in March of 2007). See Exhibit E for applicable sections of the Agreement.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A (Exhibit F). As part of the approval, the Tower Club (previously called the Alpine Club and then the Empire Club) was designated as Building One and was granted a height variance to 86 feet with 3.5 and 4.5 stories. At the time of the Village MPD approval, it was anticipated that the Tower Club would be one building consisting of both the Club facilities and the 25 residential units. All projects within the Master Plan area require a Conditional Use Permit for site specific review prior to building permits.

On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The Tower Club is located on Lot 9. On January 6, 2011 an amendment to Lot 9 of the plat was approved to address access, parking, and trail easements. The amended plat was recorded on January 4, 2012.

The Planning Commission approved the Tower Club Phase I Conditional Use Permit (CUP) on April 13, 2005 (Exhibit G). The residential component, Tower Club Phase II Conditional Use Permit, was approved by the Planning Commission on February 13, 2008. An extension was granted by the Planning Commission on March 11, 2009 to July 1, 2010. Tower Club Phase II CUP, the residential portion, was never constructed and the approvals have since lapsed. Tower Club Phase I was constructed in 2006.

The Tower Club Phase I included a store as stated in the CUP approval condition, “The store will include a refrigerated case for milk, juice and sodas, and the shelves will have snacks commonly found in a convenience store”. A store of this type is included within the Club building, along with a store for the kid’s camp supplies; however, according to the applicant, it has not seen much success, even when opened to the general public as per a condition of Tower Club Phase II. The store remains open in winter months, but merchandise sold is primarily ski accessories (hats, goggles, gloves, lip balm, sun screen etc.) and snacks, along with some soft goods. Talisker Club found very limited demand for traditional convenience store merchandise.

The application was deemed complete on June 1, 2016 and was scheduled for a July 27th Planning Commission meeting. On July 27th the public hearing was continued to August 10th. On August 10th the item was continued to a date uncertain to allow the applicant time to revise the plans in accordance with review by the Talisker Club review board. Upon receipt of the revised plans Staff re-noticed and re-posted the property for

the October 12th hearing. On October 12th the hearing was continued to November 30th due to time constraints on the agendas it was continued to December 14, 2016. New courtesy letters were mailed and the property was legally noticed and reposted for the December 14th hearing.

Purposes of the RD District

The purpose of the Residential Development (RD) Zoning District is to:

- (A) Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) Minimize impacts of the automobile on architectural design,
- (E) Promote pedestrian connections within Developments and between adjacent Areas; and
- (F) Provide opportunities for variation in architectural design and housing types.

Project Description

The applicant requests approval to expand the existing Tower Club private dining area by approximately 1,115 square feet by enclosing an existing patio area, constructing a new patio area, adding 32 indoor seats, and providing approximately 1000 square feet of basement area for ski and boot storage below the new patio (Exhibits A and B). The existing mechanical room will be expanded to include a separate chemical storage area and the store has been shifted to accommodate an access corridor for the locker room. Existing dining room, kitchen and store consist of 2,264 square feet. With the addition there would be 3,379 square feet of area for the dining room, kitchen and store.

The Tower Club is located on Lot 9 of the Village at Empire Pass Phase One Amended Subdivision plat (Exhibits C and D). The building was identified as the first phase of Building One on the Village at Empire Pass MPD. The second phase, Tower Club Phase II CUP, approved for 25 residential units, underground parking, and support residential uses, is known as the Tower Residential. The building is currently known as the Talisker Tower, however for clarity with the CUP it will be referred to as the Tower Club, consistent with the name change from Empire Club to Tower Club.

The existing Tower Club consists of private dining, fitness, concierge, ski lockers, restrooms, circulation, storage, and children's programming services consistent with the Village at Empire Pass Master Planned Development. The existing dining, kitchen and

store consist of 2,264 square feet.

Land Management Code (LMC) and Village MPD Analysis

The proposal complies with lot and site requirements of the RD Zoning District as described in the table below:

	RD Zoning District and/or Village at Empire Pass MPD Requirements
Lot Size	No minimum lot size. Lot 9 is approximately 1.53 acres (66,711 square feet).
Uses/Floor area	<p>The Tower Club Phase I CUP was approved for 8,880 sf of building area, including 2,264, sf of support commercial and 6,616 sf of residential accessory uses, circulation, and storage (fitness and exercise area, locker rooms, restrooms, concierge, children’s programming services, storage, mechanical, etc. There are currently 60 seats in the dining room.</p> <p>The proposed CUP amendment is for an addition to the dining room (32 seats) consisting of 1,115 sf. Additional basement area (1,000 sf) for ski locker room/storage area is proposed. Flagstaff MPD Resort Support Commercial uses increases to a total 3,379 square feet.</p> <p>No support commercial uses (based on residential floor area) are proposed with this permit.</p>
Front yard setbacks	LMC requires a minimum of 25 feet to front facing garage, 20 feet to building. No changes to the existing front setbacks are proposed. The existing building is situated more than 20 feet from the front property line.
Rear yard setbacks	LMC requires a minimum of 15 feet. 125 foot setback is proposed to the new addition from the rear property line.
Side yard setbacks	LMC requires a minimum of 12 feet. 20 foot setback is proposed for the addition to the south west property line and a minimum of 40’ is proposed to the west property line. No changes are proposed to the building that will impact the east property lines.

Building Height	Zone allows 28 feet (33 feet for pitched roof 4:12 or greater). Village MPD Volumetric and Height Exception allows up to 86 feet above natural grade. Height of main pitched roof (approximately 33' from natural grade) is unchanged and in compliance with the zone height as measured from natural grade. Roof heights of the addition are lower than the main pitched roof. The existing tower element is higher than 33' and complies with the Village MPD Height exception.
Parking	No parking is provided on the site per the approved CUP. The building is not open to the public. The site is accessed from adjacent residential properties by a series of walkways and paths, by ski trails during the winter, and by dial-a-ride shuttle service provided by the Master HOA. The transit center for the Village is located within 100' of the front door. Employees park off-site and are shuttled to the building or take the public bus. Underground parking for the residential uses will be provided when the residential Phase II building is constructed on this Lot.
Architectural Design	All construction is subject to Village at Empire Pass Design Review Board approval and LMC Chapter 15-5 Architectural Design Guidelines with final review conducted at the time of the Building Permit. The addition matches the architectural character and materials of the existing building and has been approved by the Design Review Board. The proposed addition complies with the Village MPD regarding architectural character, articulation, volumetric, and height.
Residential Units	No residential units are proposed. Tower Club Phase II CUP was approved for 25 residential units (up to 67,625 square feet or 33.8 Unit Equivalents). No building permit was approved and the approval expired.

<p>MPD Resort Support Commercial space.</p> <p>Note that the original Tower Club Phase I CUP does not call out the private dining room or the kitchen as Resort Support Commercial or as support commercial, and there is no analysis as to how it was categorized (see more below).</p>	<p>The Flagstaff Annexation and Development Agreement states a maximum of 75 UE (75,000 square feet) of Resort Support Commercial uses are allowed within the Village at Empire Pass MPD (Pods A, B1, and B2).</p> <p>To date, Resort Support Commercial approved:</p> <p>Montage Spa- 35,000 sf Montage retail, restaurants/kitchens, bar, etc. - 28,059 sf Tower Club dining/kitchen/store- 2,264 sf</p> <p>63,059 sf in Pod B2 (approved) 2,264 sf in Pod A (approved) 1,115 sf in Pod A (requested)</p> <p>Total approved Resort Support Commercial (with Tower Club addition)- 66,438 sf</p> <p>Total remaining Resort Support Commercial (after Tower Club addition)- 8,562 sf</p>
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Resort Support Commercial/support commercial

The dining area, kitchen, and store account for approximately 2,264 square feet of the existing 8,880 square foot building. Other than the store, the areas are not open to the general public and very limited parking was allowed with the Tower Club CUP. Staff researched prior approvals (Village MPD and Tower Club CUP) and did not find analysis as to whether the private dining room and store were to utilize MPD Resort Support Commercial (see Exhibits F and G). The applicant agrees to assign MPD Resort Support Commercial to these uses with this CUP amendment.

The Flagstaff Annexation and Development Agreement states a maximum of 75 UE (75,000 square feet) of Resort Support Commercial uses are allowed within the Village at Empire Pass MPD.

Adding 1,115 square feet of private dining area increases indoor seating capacity by approximately 32 seats for a total of 92 seats and increases the total dining and kitchen area and store to 3,379 square feet. To date a total of 65,323 sf of the 75,000 sf have been approved for the Spa, restaurants and kitchens, bar, and retail at The Montage Resort and Spa. There is sufficient remaining Resort Support Commercial for the 1,115 sf addition. With this addition there will be 8,562 sf of Resort Support Commercial remaining for the MPD (Pods A, B1, and B2).

Analysis of Conditional Use Criteria

Conditional Uses are subject to review according to the following criteria set forth in the LMC 15-1-10(E). Staff’s analysis is in *italics*.

(1) Size and location of the Site;

*Lot 9 consists of 66,711 square feet of lot area and is currently developed with the 8,880 square foot Tower Club building and outdoor recreation amenities (swimming pool, hot tubs, etc.), including 2,264 square feet of dining room, kitchen and store. The 1,115 square foot addition proposed on the west side of the existing Tower Club encloses an existing elevated outdoor patio to create additional indoor dining area. Approximately 32 additional indoor seats are provided (60 seats existing) for a total of 92 indoor seats. A new outdoor patio to the west of the addition, also elevated, is proposed, with storage space constructed in the basement area below, expanding the building footprint by approximately 1,000 sf. The addition complies with setbacks, height, density, and parking. The proposed addition of building size and location are appropriate for the site and comply with parameters of the MPD. **No unmitigated impacts.***

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

*The property is accessed by Empire Club Drive, a private road that connects to Marsac Avenue, a State Highway. A traffic management plan was approved as part of the Technical Reports for the Flagstaff Annexation and Development Agreement to reduce overall traffic generated from the development. The Tower Club Phase I CUP was approved with no parking on site. Owners use the dial-a-ride shuttle service, or the various foot paths, trails, and ski runs. Employees park off site and are shuttled to and from the site. Having access to the dining and recreation amenities within the Village reduces trips on Marsac Avenue. **No unmitigated impacts.***

(3) Utility capacity;

*A final approved storm water, utility, and grading plan is required prior to issuance of a building permit. Adequate water, sewer, electric, gas, and phone services are available for the additional dining use as per the Village Master Plan (see Exhibit H- SBWRD letter). All above ground utility infrastructure (transformers, ground sleeves, telephone boxes, cable boxes, etc.) are to be located on the property. Staff recommends a condition of approval related to the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property is shown and can be adequately screened. Showing dry utilities on the final plans allows verification from utility companies that the location shown on the plans is viable for their installation. **No unmitigated impacts.***

(4) Emergency vehicle Access;

*Primary emergency access is from Marsac Avenue and Empire Club Drive. Empire Club Drive winds through the Village area with two access points onto Marsac Avenue. The addition will not impact the front drop off area that is utilized for emergency vehicle access as well. **No unmitigated impacts.***

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

The Transit and Parking Management Plan of the Village MPD requires a 25% reduction in parking from what would be normally required by the LMC for residential uses. The proposed uses are support commercial uses and no parking was required for

the approved Tower Club Phase I CUP. Developing the dining and recreational amenities within the Village was part of the MPD to reduce traffic on Marsac Avenue. The transit center is located within 100 feet of the front door where the HOA dial-a-ride shuttle service has a drop off point. Employees park off-site and are shuttled to the building. Owners of residential units within the MPD use the shuttle service, ski trails in winter, and walking paths and sidewalks in the summer. No off-street parking is proposed with the addition. Parking for the future residential phase will be provided within a parking structure under the residential building. **No unmitigated impacts.**

(6) Internal vehicular and pedestrian circulation system:

Access is from Empire Club Drive, a private street. A drop-off area is located in the front of the building and the Village transit center is located within 100' of the front door. A series of trails, steps, walkways, paths, and ski runs provides pedestrian access to the building in summer and winter. **No unmitigated impacts.**

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

The site is currently landscaped with large trees and shrubs, with trees along the ski run existing prior to construction and providing a separation between the club uses and adjacent residential uses. A final landscape plan is required prior to building permit issuance. The proposed landscaping shall maintain a buffer between the Tower Club building and residential buildings and adjacent ski run, to the greatest extent possible. Landscaping and irrigation shall be water efficient, utilizing drought tolerant plantings and limited turf area, similar to what currently exists on the site. The landscape plan shall meet defensible space requirements to the satisfaction of the Building Department. Existing fencing screens the delivery area and trash enclosure from public view. The swimming pool and outdoor patio around it are also fenced. **No unmitigated impacts.**

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

This building is one of nine lodge buildings clustered within Pod A approved with the Village MPD. The existing building is two stories with an architectural tower element. The future residential phase of this building was approved for twenty five units with three, four, and five story elements. An underground parking structure will eventually be constructed with the residential portion. All zone required setbacks will be maintained with the addition located to the west of the existing patio and setback from the property line on the west by at least 40 feet, setback a minimum of 125 feet from the north property line, and maintaining 20 to 25 feet from the east property line. Within the Village, there are five existing buildings of a similar size, height, and volumetric, with three more still to be constructed and a fourth currently under construction as One Empire Pass. The mass of the addition is oriented towards the west and the adjacent ski run and is compatible with the mass, bulk, and orientation of adjacent buildings. **No unmitigated impacts.**

(9) Usable Open Space: Both passive and active Open Space is provided in excess of 88% within the annexation boundary. The individual lots were not required to provide open space. **No unmitigated impacts.**

(10) Signs and lighting;

*All new signs and exterior lighting must be in conformance with the Park City codes and the Flagstaff Mountain Resort Design Guidelines. Signs require a separate sign permit issued by the City. All exterior lighting is designed to be down directed and shielded. Any existing exterior lighting not in compliance with the Code shall be modified prior to final certificate of occupancy. **No unmitigated impacts.***

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

*In the immediate area, there are five large multi-story residential condominium buildings (Silver Strike, Flagstaff (aka Snowberry), Shooting Star, Arrowleaf, and the future Tower Club residential), as well as the two story Larkspur town homes and Paintbrush PUD style homes (single-family detached homes). The master developer is coordinating design elements for all phases of the project and all developments require approval by the Flagstaff Architectural Design Review Board. Staff reviewed the proposed addition for compliance with the architectural character, volumetric diagram, and height of the existing building and finds that the addition is compatible and complies with the parameters for mass, scale, style, design, and architectural detailing. The addition is located to the west of the existing building, separated from adjacent buildings by open space, ski trails, and existing vegetation. **No unmitigated impacts.***

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

*All uses, with the exception of the outdoor patio dining, BBQ prep, and outdoor pools, are located inside the residential building and there are no expected additional impacts on adjacent residents/visitors or Property Off-Site. Winter hours are 7 days a week from 7 am to 7 pm. The dining room, including the outdoor seating, is open for continental breakfast 5 days a week in the summer. The fitness facility and pool are open from 7 am to 3 pm. During special events, outdoor uses typically end by 9 pm in the summer. Staff recommends conditions of approval related to screening of mechanical equipment. **No unmitigated impacts.***

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

*Service and delivery volumes to the building will increase due to additional seating capacity (32 Seats) in the dining room; however the applicant does not anticipate additional trucks or more frequent service and no additional loading areas are proposed. Trash pickup occurs off of the pull out in front of the building. Existing trash areas are screened with solid fencing. **No unmitigated impacts.***

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

The United Park City Mines ("UPCM") owned property is currently subject to a foreclosure action by Wells Fargo Bank. Talisker Club leases the property from UPCM. Operation of the property and Talisker Club is currently under control of a court

*appointed receiver. It is anticipated that ownership of Talisker Club and the property will transfer to REDUS Park City LLC, (a Wells Fargo controlled entity) prior to start of construction. The dining room and amenities within the building are for the private use by members (residential owners) and their guests. **No unmitigated impacts.***

(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site. *There are no Environmentally Sensitive Lands within or adjoining the site. The existing building and proposed addition, as with most of the Village, are located on the flatter slopes within the development Pod. The site is currently developed with the Tower Club building and outdoor pools, paths, patios, and existing landscaping. **No unmitigated impacts.***

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 notices were mailed to property owners within 300 feet on September 28 and October 30, 2016. A legal notice was published in the Park Record on September 24, 2016 and again on October 26th. No public input has been received at the time of this report.

Alternatives

1. The Planning Commission may approve the amended Conditional Use Permit for Tower Club Phase 1 as conditioned or amended, or
2. The Planning Commission may deny the amended Conditional Use Permit for Tower Club Phase 1 and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the Conditional Use Permit for Tower Club Phase 1 to a date certain to allow the applicant and Staff to provide additional information or analysis.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated with conditions of approval.

Recommendation

Staff recommends Planning Commission hold a public hearing, consider public input, and approve the amended Tower Club Phase I Conditional Use Permit to expand the Tower Club dining room and basement areas pursuant to the findings of fact, conclusions of law, and conditions of approval as outlined below:

Findings of Fact

1. The Tower Club Phase 1 Conditional Use Permit (aka Empire Club Phase I Conditional Use Permit) is located at 8680 Empire Club Drive.
2. The property is located in the Residential Development (RD-MPD) zoning district on

Lot 9 of the Village at Empire Pass Phase One Subdivision.

3. The property is located within Pod A of the Village at Empire Pass Master Planned Development and is subject to the Flagstaff Mountain Annexation and Development Agreement.
4. Empire Club Drive is a private street with access to Marsac Avenue, which is a public street.
5. The Village at Empire Pass Phase One Subdivision was approved by Council on September 30, 2004, and recorded at Summit County November 24, 2004.
6. Lot 9 was amended with the First Amendment to the Village at Empire Pass Phase I Lot 9 subdivision plat on January 6, 2011 and recorded at Summit County on January 4, 2012.
7. Lot 9 consists of 66,711 square feet of lot area and is currently developed with the 8,880 square foot Tower Club building. The building contains a private dining room with 60 indoor seats, kitchen area, small store, residential support amenities, circulation, and storage, in addition to an outdoor patio and other outdoor recreation amenities (swimming pool, hot tubs, etc.).
8. The Flagstaff Mountain Annexation and Development Agreement was approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
9. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement set forth maximum project densities (residential and support commercial), location of densities, and developer-offered amenities for the annexation area.
10. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The Village MPD (known as Mountain Village) was later amended to include Pod B2 (Montage).
11. The Mountain Village MPD (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. No residential uses are proposed with this amended Conditional Use Permit and no change in residential UE is proposed.
12. The Flagstaff Annexation and Development Agreement approved a maximum of 75,000 square feet (sf) of Resort Support Commercial uses for Village MPD (Pods A, B1, and B2).
13. To date 65,323 sf of Resort Support Commercial uses have been approved within Pods A and B2) as follows:
 - Montage Spa- 35,000 sf
 - Montage retail, restaurants/kitchens, bar, etc. -28,059 sf
 - Tower Club dining/kitchen/store- 2,264 sf
 - Total approved Resort Support Commercial (with Tower Club addition) - 66,438 sf
14. The existing dining room, kitchen and store consist of 2,264 square feet and were permitted with the Tower Club CUP Phase I building (2,173 square feet (sf)) of private dining uses, including the kitchen, and 91 square feet (sf) of convenience store). The approval for the Tower Club CUP does not provide analysis or describe whether the private club dining room, kitchen and store were consider Resort Support Commercial, support commercial, or residential accessory commercial.

15. A total of 1,115 sf of Resort Support Commercial uses are requested with this CUP amendment for an addition to the dining room and kitchen.
16. The applicant stipulates to the conditions of approval to allocate MPD Resort Support Commercial for the dining room, kitchen and store.
17. No support commercial uses based on residential floor area are proposed with this permit.
18. With approval of the addition, a total of 66,438 sf of Resort Support Commercial uses will be approved and 8,562 sf remain for use within the Village MPD (Pods A, B1 and B2).
19. On May 17, 2016, the Planning Department received an application for an amendment to the Tower Club Phase I Conditional Use Permit for approval to expand the existing Tower Club dining area by 1,115 square feet by enclosing an existing elevated outdoor patio area, constructing a new elevated patio area to the west, and providing approximately 1,000 square feet of ski/boot locker room in the basement area below the new patio. The request increases indoor seating capacity by approximately 32 seats for a total of 92 seats and increases the MPD Resort Support Commercial from 2,264 square feet to 3,379 square feet. The building footprint increase by approximately 1,000 square feet for the expanded basement and new outdoor patio.
20. There are sufficient remaining Resort Support Commercial and support commercial uses available within the Village at Empire Pass MPD (Pods A, B1 and B2) for the proposed addition.
21. The application was deemed complete on June 1, 2016 upon receipt of additional materials. The application was amended on September 23, 2016.
22. The property is subject to subdivision plat notes that require compliance with RD zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units (for residential uses), membership in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscaping, and includes other utility and maintenance provisions.
23. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC for residential uses. The Tower Club Phase I Conditional Use Permit was approved with no on-site parking and no on-site parking is proposed with the addition.
24. The elevation and climate of the Flagstaff area creates a harsh environment for utilities and their maintenance.
25. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The Tower Club Phase I is part of Building 1, the remaining portion of this building was approved for 25 residential units as the Tower Club Phase II. The residential portion has not yet been constructed and the CUP approval and extensions have expired. Underground parking will be required with the residential building.
26. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase One. The plat was recorded on November 24, 2004. An amended plat for Lot 9 was approved on January 6, 2011 and recorded at

Summit County on January 4, 2012. The Tower Club Phase I building and this proposed addition are located on amended Lot 9. Amended Lot 9 consists of approximately 1.53 acres (66,711 square feet).

27. The Tower Club Phase I Conditional Use Permit was approved by the Planning Commission on March 11, 2009, for approximately 8,880 square feet. There are approximately 2,264 sf of private dining club, kitchen, and small convenience store uses and 6,616 square feet of residential (and resort) accessory uses (ski lockers, recreation amenities, kids club and programming, etc.), circulation, and storage. A separate building was constructed on the site for use as a transit center for the Empire Pass transportation dial a ride shuttle.
28. The Tower Club Phase I approval required the store as stated in the CUP approval condition, "The store will include a refrigerated case for milk, juice and sodas, and the shelves will have snacks commonly found in a convenience store".
29. A store of this type is included within the Club building, along with a store for the kid's camp supplies; however it has not seen much success, even when opened to the general public as per a condition of Tower Club Phase II.
30. The store will remain open in winter months, but merchandise sold is more ski accessories (hats, goggles, gloves, lip balm, sun screen etc.) and snacks, along with some soft goods). Talisker Club found limited demand for traditional convenience store merchandise.
31. The maximum building height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 86 feet above natural grade was granted for the existing building and residential building per the Village at Empire Pass Master Plan. The existing building includes a tower element that has a height of approximately 50 feet above natural grade.
32. The main pitched roof remains at approximately 33' from natural grade. Roof elements of the addition have a lower building height. All roof elements comply with the zoning requirement except the tower element that complies with the height exceptions approved with the MPD.
33. The addition has been reviewed and approved with conditions by the Empire Pass Design Review Board.
34. The proposed addition complies with the height, setbacks, and volumetric diagrams approved with the MPD.
35. Yard setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear, and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property lines, platted streets, or existing curb or edge of street.
36. The building complies with these setback requirements with minimum proposed setbacks of 20' front (south), 40' side (west), and 125' rear (north) for new construction. No changes are proposed to existing 20' minimum setbacks on the east side.
37. The existing building is also known now as the Talisker Club.
38. As conditioned, the proposed amendments to the Tower Club Phase I Conditional Use Permit are consistent with the approved Master Planned Development for the Village at Empire Pass.
39. A Master Homeowners Association document and Maintenance Agreement for the

Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents.

Conclusions of Law

1. The proposed amendments to the Tower Club Phase 1 CUP are consistent with the Flagstaff Annexation and Development Agreement, The Village at Empire Pass Master Planned Development, and the Park City Land Management Code.
2. The proposed uses, as conditioned, are compatible with the surrounding structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final landscape plan is required prior to building permit issuance. The landscape plan shall indicate trees to remain, trees to be relocated, and trees to be replaced in kind. The proposed landscaping shall maintain a buffer between the Tower Club building and residential buildings and adjacent ski run, to the greatest extent possible. Landscaping and irrigation shall be water efficient, utilizing drought tolerant plantings and limited turf area, similar to what currently exists on the site. The landscape plan shall meet defensible space requirements to the satisfaction of the Building Department.
3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines. Non-complying exterior lighting shall be brought into compliance with the Land Management Code prior to issuance of a certificate of occupancy.
4. All exterior signs require a separate sign permit reviewed by the Planning and Building Departments.
5. Materials, color samples, and final design details must be approved by Staff prior to building permit issuance for consistency with the plans reviewed by the Planning Commission.
6. The final building plans and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on December 14, 2016.
7. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
8. All utility facilities must be located on site. A plan must be provided at the time of the building permit application showing all proposed utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable and proposed utility boxes can be screened.
9. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof and/or screened from public view.
10. A final Construction Mitigation Plan must be approved by the Planning and Building Departments prior to issuance of a building permit.

11. Conditions of approval of the Village at Empire Pass MPD shall continue to apply.
12. Conditions of approval of the Flagstaff Annexation and Development Agreement shall continue to apply.
13. Conditions of approval of the Tower Club Phase I CUP continue to apply.
14. A total of 3,379 sf of MPD Resort Support Commercial shall be allocated to this property, to include the 1,115 square feet dining room addition and the 2,264 square feet of existing dining room, kitchen, and store.

Exhibits

- Exhibit A – Project Description and Design Review Board approval
- Exhibit B – Site Plan, Floor Plans, and Elevations
- Exhibit C – Existing conditions and photos
- Exhibit D – Subdivision plat
- Exhibit E – Flagstaff Annexation and Development Agreement sections
- Exhibit F– Village at Empire Pass MPD approval minutes, Volumetric, and map
- Exhibit G – Tower Club Phase I (CUP) approval, minutes April 13, 2005
- Exhibit H – SBWRD letter
- Exhibit I – POD B2 Empire Pass MPD Action letter

Talisker Club Dining Room Addition
CUP Amendment Application
September 23rd, 2016

In 2005, PCMC granted a Conditional Use Permit for Phase 1 of the “Empire Club”, a private club building providing dining and fitness facilities, along with concierge services and children’s programming for Talisker Club members and guests. (Staff Report in support of CUP dated 4/13/05.) This building was completed and is operated today as the “Talisker Tower”.

In 2008, PCMC granted a Conditional Use Permit for “Empire Pass Tower Club Residential”, Phase 2 of the Empire Club. With changing market conditions, this Phase 2 expansion never proceeded. Meanwhile, Talisker Club has found the demand for seating at the Talisker Tower has grown considerably and currently exceeds capacity during peak winter periods.

The current application is for a dining room expansion of approx. 1,000 sf that encloses the majority of the existing patio, along with construction of a new patio. The proposed addition also includes a basement locker room of approximately 1,000 sf for storage of skis and boots, and a separate 300 sf pool chemical storage room.

A future residential tower on this site along with additional club amenity space is still contemplated, but not part of the current application.

- The proposed use fits in with the surrounding use since it is an expansion of the existing use which was contemplated and required under the Flagstaff DA
- Provision of additional dining room seating at the Tower will reduce traffic related to Empire Pass residents travelling to other dining facilities within Deer Valley and Park City.
- The proposed use is consistent with the Flagstaff DA and Empire Pass MPD.
- As the only dining facility in Empire Pass Village the current facility and proposed expansion are complimentary to the surrounding residential land use.

- The proposed use is suitable for the site since it is an expansion of the existing use that was contemplated and required under the Flagstaff DA.
- The proposed use includes an outdoor grill (replacing the current outdoor grill), an outdoor gas fireplace (replacing the current outdoor gas fireplace), and patio seating (replacing the current patio seating). The noise and odor associated with these facilities and uses are negligible and no greater than those of the existing facilities being replaced.
- The Tower typically runs seven days a week from 7 am to 7 pm in winter season, with shorter operating hours in shoulder and summer season. When demand warrants, the Tower remains open until 10 pm or midnight. Current staffing on peak days is approximately 10 employees. Peak day staffing will grow to approximately 12 employees following completion of the addition.
- In accordance with the Flagstaff DA, there is no guest parking at the Talisker Tower. The Empire Pass Dial-A-Ride service is available to guests not skiing or walking to the property. Employees park offsite and arrive at work by Talisker Club shuttle.

On May 6th, the proposed addition was reviewed by the Empire Pass Design Review Board and received Preliminary and Final DRB approval, subject to typical conditions. Letter of approval from DRB was previously provided. An updated approval letter reflecting the basement locker room will be submitted once received.

Under Section 2.2.1.5 of Amended and Restated Flagstaff DA, the Mountain Village may include up to 75,000 sf or Resort Support (“RS”) Commercial uses. Of Mountain Village projects to date, the Montage CUP is the only project specifically referencing RS Commercial.

Uses within the existing Tower considered RS Commercial are:

Club Room and Kitchen	2,173 sf
Store	<u>91 sf</u>
Total	2,264 sf

The balance of the existing Tower is storage, circulation, fitness, lockers, restrooms, child care and BOH space, all of which should be considered Accessory uses.

The Declarant, REDUS Park City LLC, has previously submitted analysis of RS Commercial space built to date under the Flagstaff DA. As discussed, a review of the Montage Spa has confirmed that much of the space within the “35,000 sf Spa” is in fact Residential Accessory use (Indoor Pool Area, Fitness, Lockers & Restroom, and Circulation). On the previously submitted spa plan 13,859 sf have been identified as Resort Support Commercial.

Max RS Commercial	75,000 sf
Montage Spa RS Commercial	(13,859)
Montage Restaurants RS Commercial	(28,059)
Expanded Tower RS Commercial Uses	<u>(3,379)</u>
RS Commercial for Future Projects	29,703 sf

Additional questions were raised in Staff email of June 3rd.

- An existing conditions site plan has been provided showing utility locations. Utility services to the property are sized in anticipation of a six storey condo building to be built at a future date. The additional utility load based on the proposed addition is negligible and well within available capacity.
- The Questar gas meter will need to be relocated to accommodate the addition. This work will be performed by Questar subsequent to CUP approval.
- Should an additional electrical panel be required, this will be determined prior to Building Permit submission.
- The proposed addition does not materially change the drainage pattern. The property drains to the northwest towards an existing catch basin adjacent the bottom of the Silver Strike Chair.

- SBWRD has reviewed plans for the proposed addition. Previous SBWRD impact fee calculations have been submitted. Updated plans will be submitted to SBWRD. Should impact fee calculations change, revised calculations will be submitted to PCMC.
- Plans were reviewed and discussed with submitted to PCFSD on 6/27 with no concerns identified. Revised plans showing enlarged basement area will be submitted to PCFSD.
- The Building Department has been contacted regarding this project. Any issues raised will be addressed on the Building Permit submission.
- Delivery companies deliver through the front door during off peak times. There are approximately six short-term parking spaces out front. The proposed addition not impact deliveries.
- Any areas of contaminated soil within the Empire Village area were remediated prior to construction of the current Talisker Tower.
- The proposed addition will require import of approximately 400 cy of fill. If possible, import fill will be sourced from another construction site within the Flagstaff Annexation area.

The underlying land is currently owned by United Park City Mines Company (“UPK”), and is subject to a long term ground lease to Talisker Club LLC. These lands are subject to a foreclosure action. The court appointed receiver, Cynthia Nelson, has full authority with respect to Talisker Club, and with respect to certain UPK lands, including the underlying parcel. The 2015 court order confirming the powers of the Receiver was previously provided. The receiver has signed the authorization confirming authority of Talisker Club to apply for the amendment to the CUP.

Talisker Club wishes to amend the current Conditional Use Permit to incorporate the proposed addition to the Talisker Tower.

EMPIRE PASS

September 1, 2016

DESIGN REVIEW BOARD

Mr. John Shirley
Think Architecture
5151 S. 900 E. Ste 200
SLC, UT 84117

RE: Tower Club Expansion
8680 Empire Club Drive
Empire Pass Development
Amended Plan Design Approval

Dear Mr. Shirley,

Thank you for your recent submittal regarding the proposed expansion to the Tower Club to the Empire Pass Design Review Board (the DRB) requesting approval of the amended plans dated August 25, 2016.

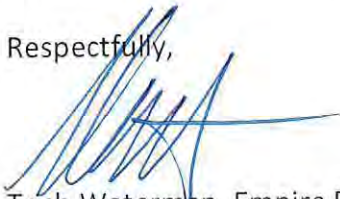
The requested changes reviewed by the DRB on the August 25, 2016 plans include:

1. The basement square footage increases from 700 square feet to 1,310 square feet.
2. Windows have been added to the stone wall that faces the pool.
3. The western section of the patio will expand approximately 7 feet to the south.
4. The revised patio will preserve the large spruce, but will impact one small spruce.
5. Applicant will replace impacted spruce with a tree of equivalent size in the general location where removed.

The DRB reviewed the applicant's amended revisions and approved the revisions listed above. Previous conditions of approval from May 6, 2016 review still apply.

Again, we thank you for your submittal and look forward to working with you and your team as the process continues. Feel free to contact our office at 435-333-3700 with any questions or concerns you might have, or for further assistance regarding the Design Review process.

Respectfully,



Trish Waterman, Empire Pass MOA Manager
On behalf of the Empire Pass Design Review Board



TOWER CLUB ADDITION

DEER VALLEY, PARK CITY

AUGUST 25, 2016



SITE PLAN

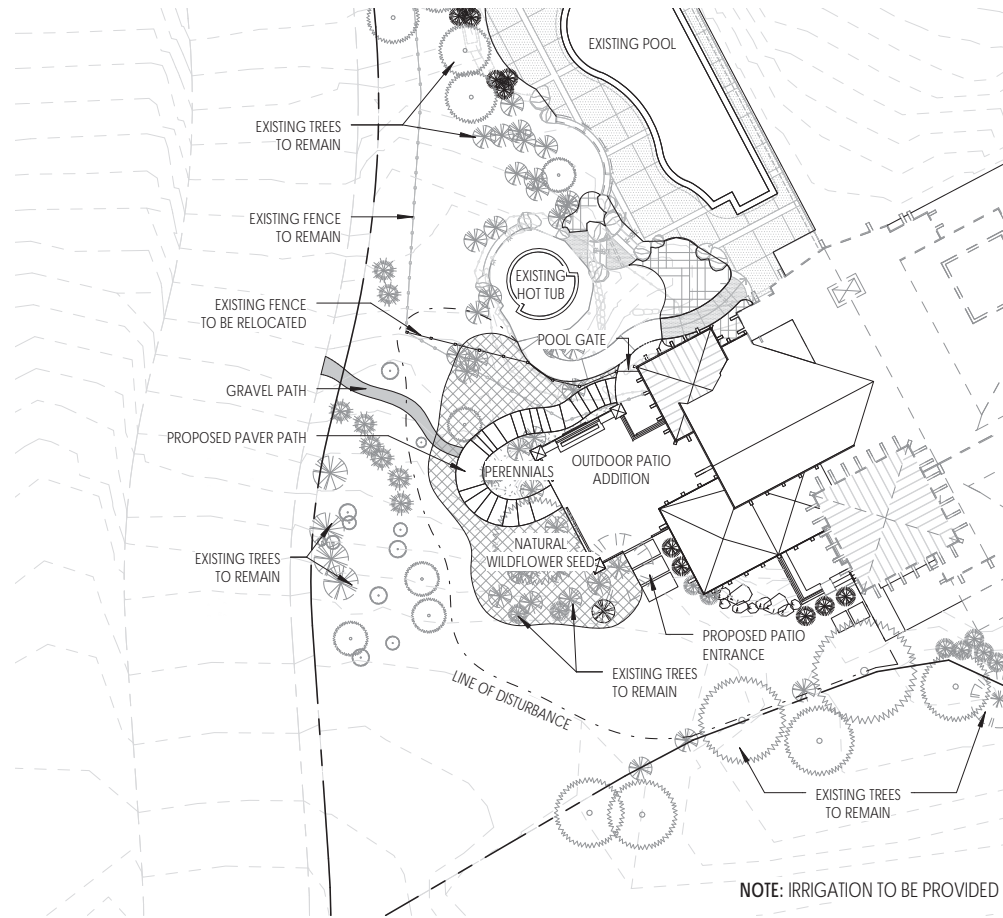
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TOWER CLUB ADDITION

DEER VALLEY, PARK CITY

AUGUST 25, 2016



LANDSCAPE PLAN - DD

1" = 30'-0"

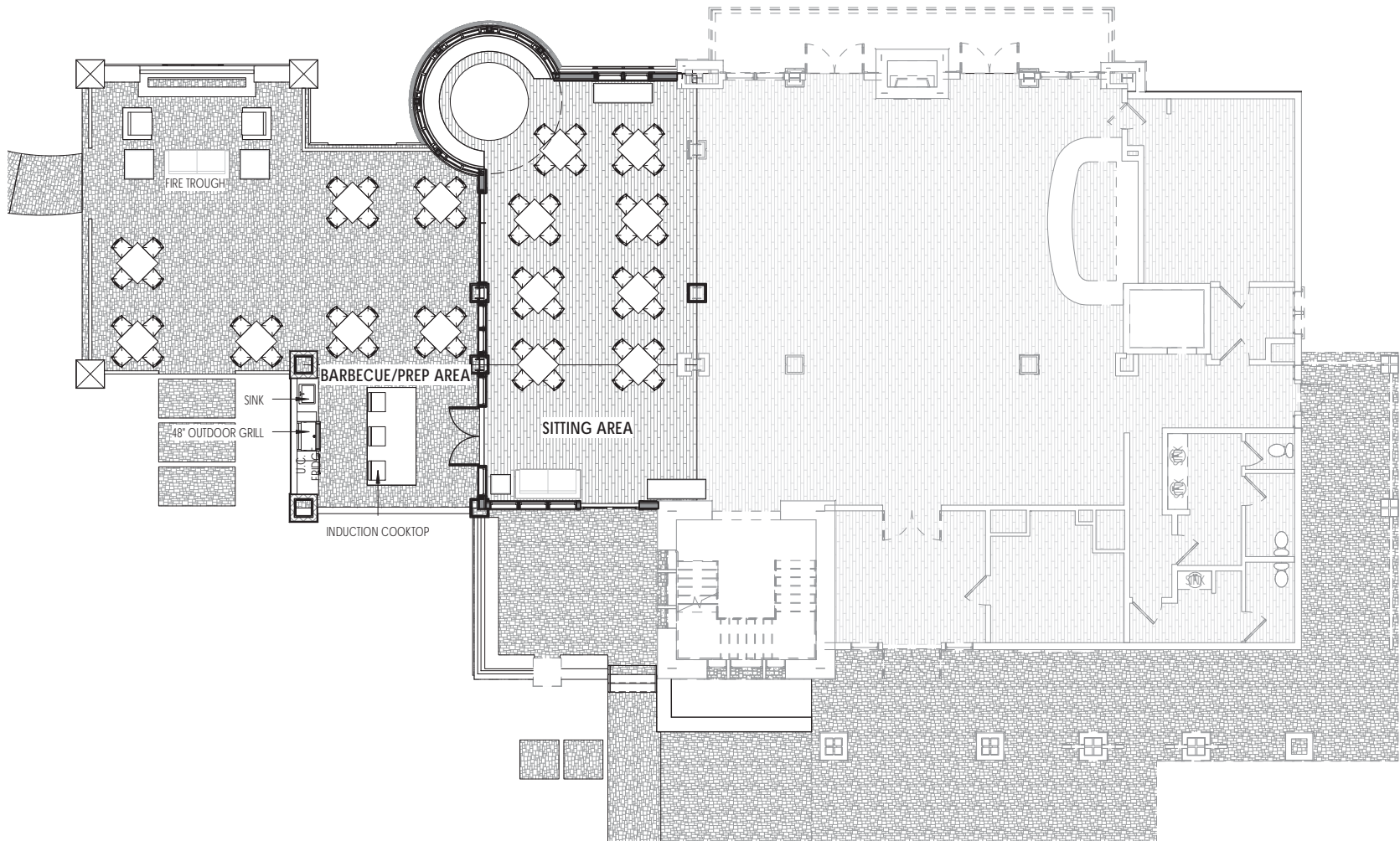
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D101A



TOWER CLUB ADDITION

DEER VALLEY, PARK CITY

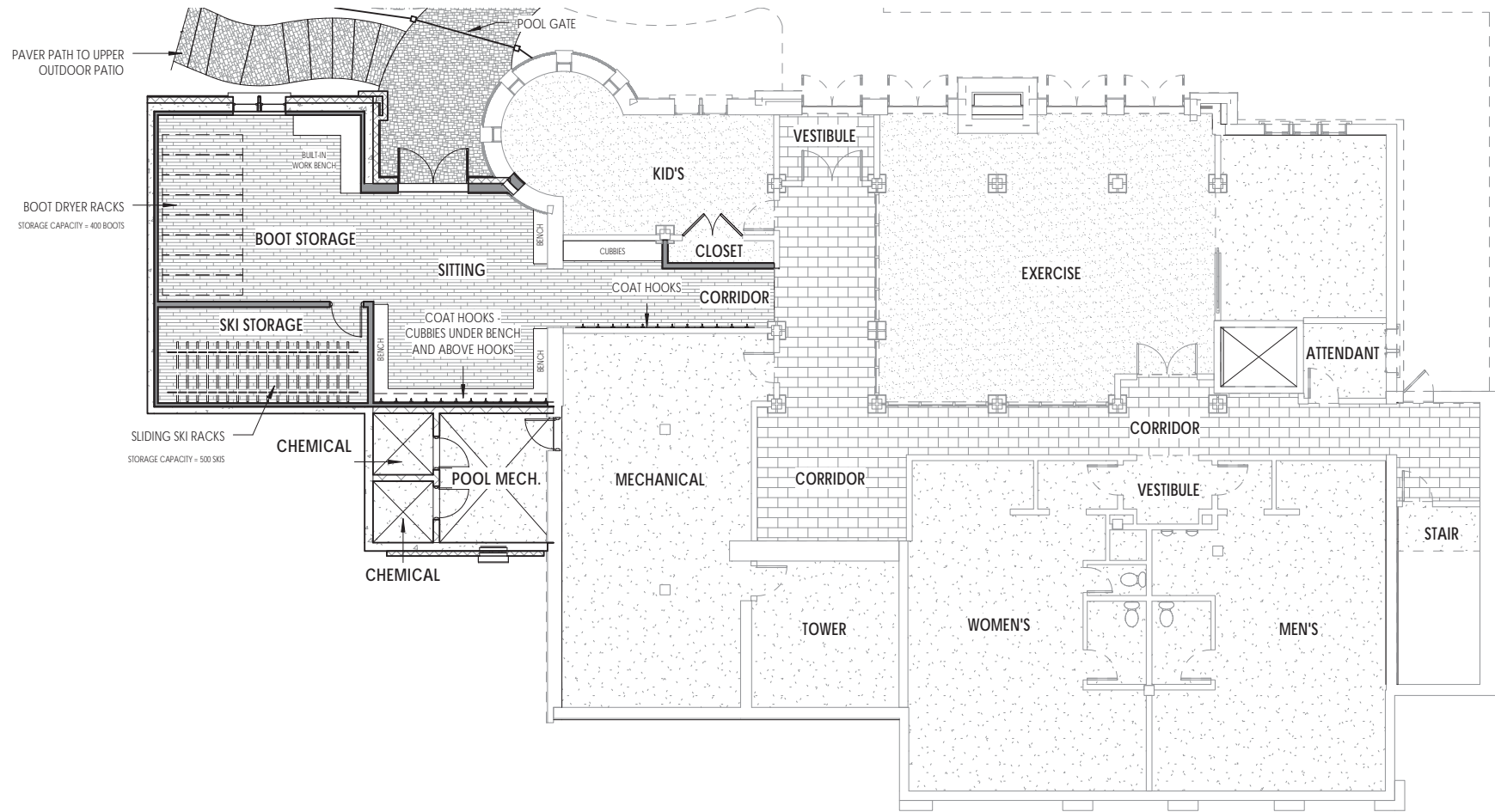
AUGUST 25, 2016



TOWER CLUB ADDITION

DEER VALLEY, PARK CITY

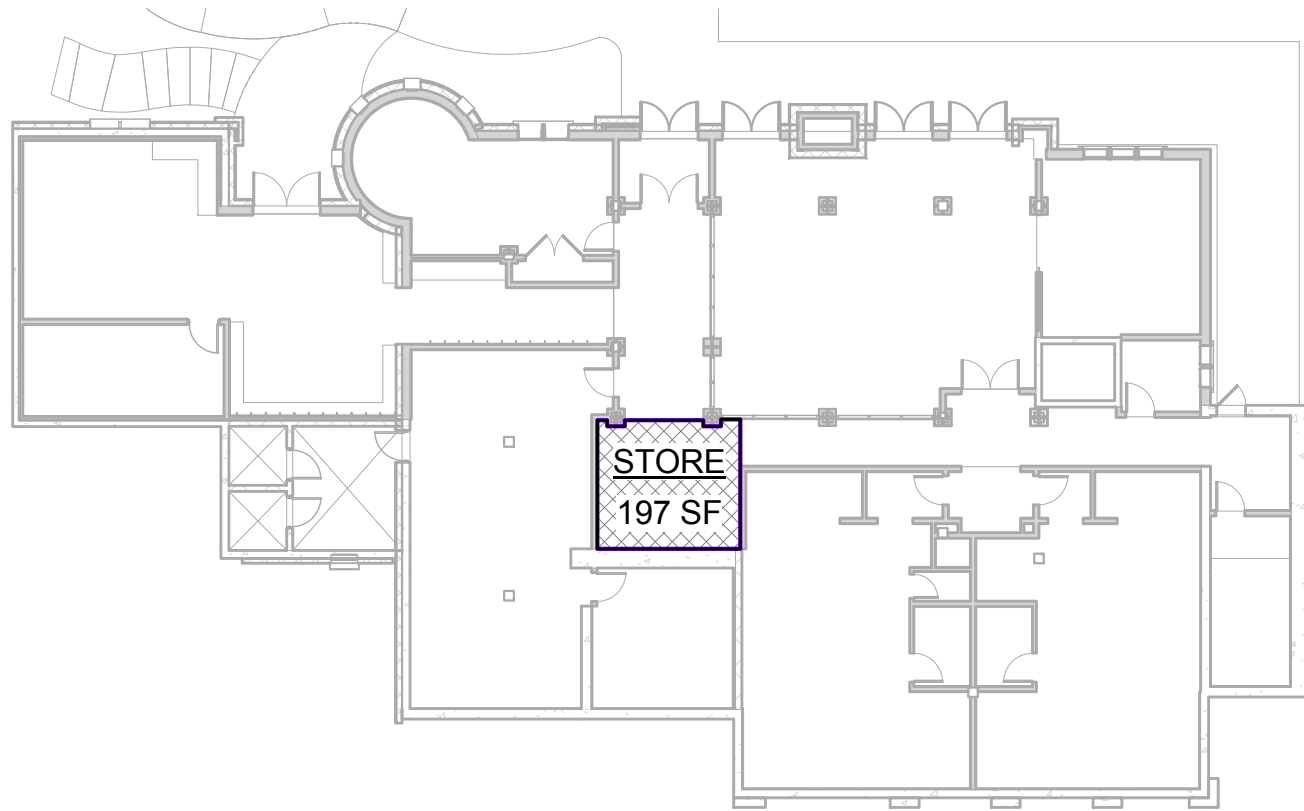
AUGUST 25, 2016



TOWER CLUB ADDITION

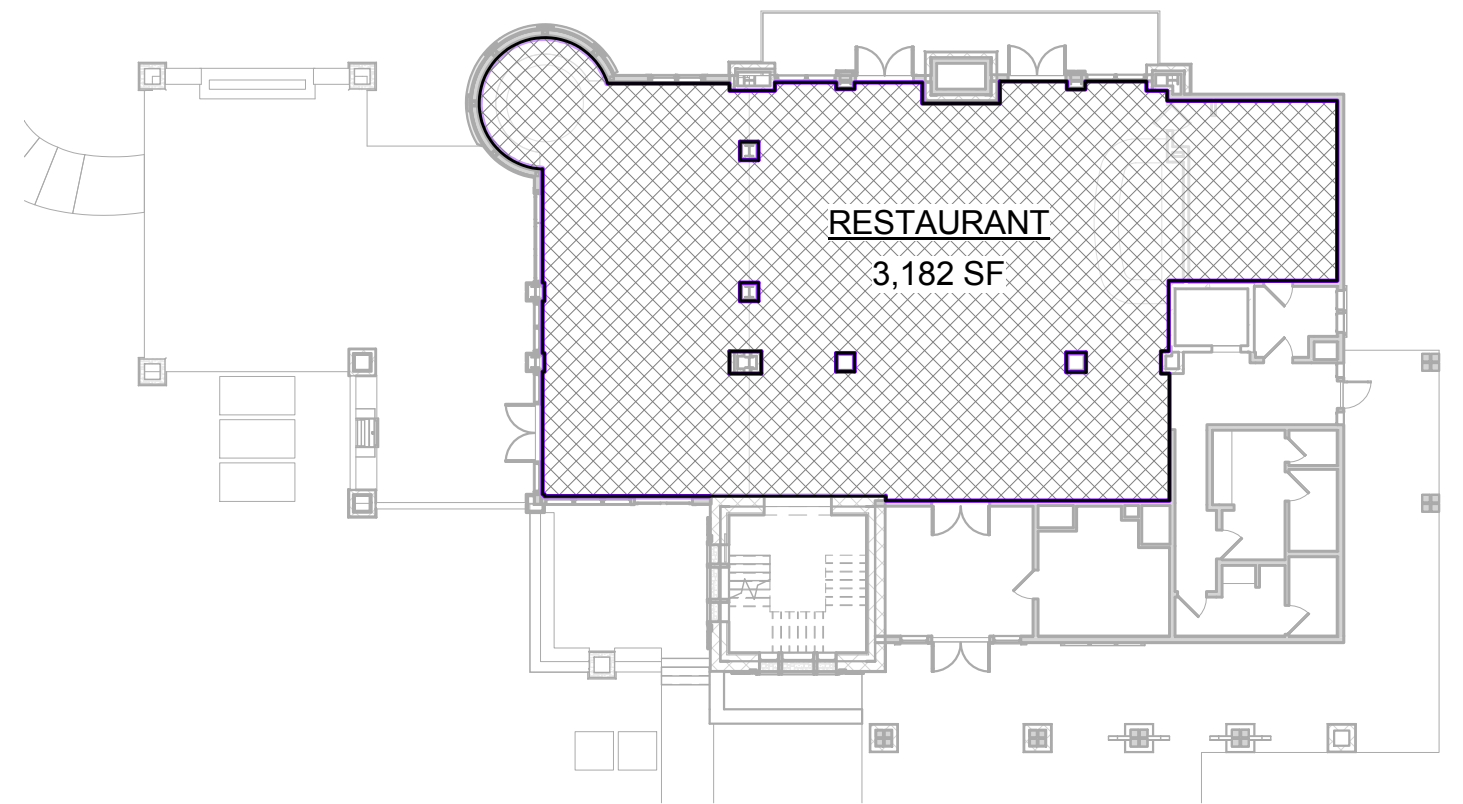
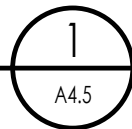
DEER VALLEY, PARK CITY

AUGUST 25, 2016



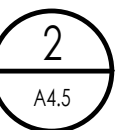
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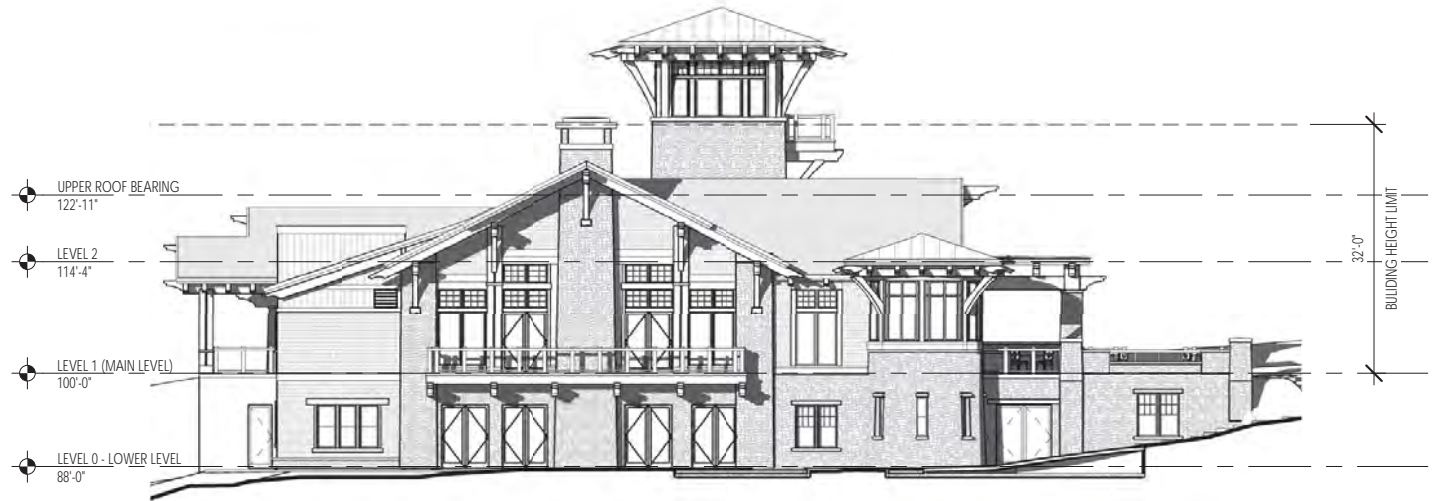
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RESORT SUPPORT COMMERCIAL - LEVEL 1

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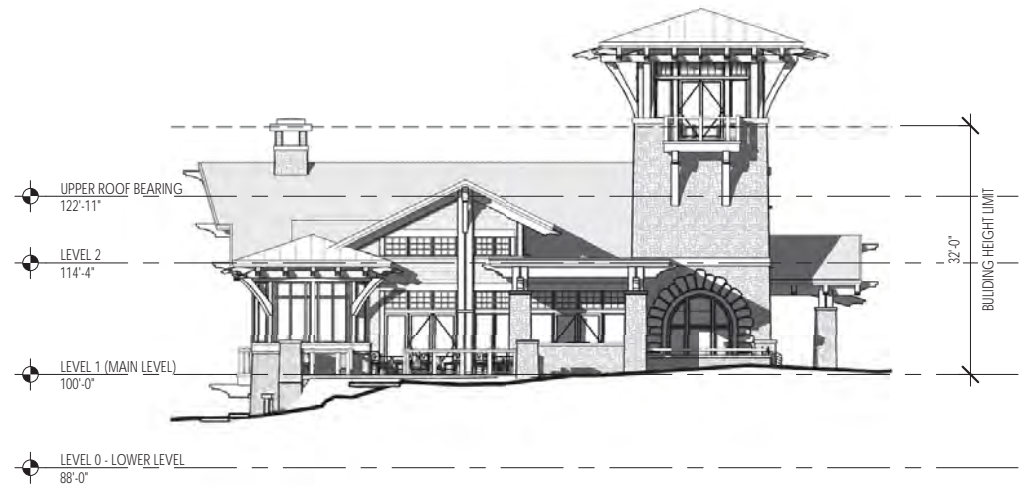




TOWER CLUB ADDITION

DEER VALLEY, PARK CITY

AUGUST 25, 2016



TOWER CLUB ADDITION

DEER VALLEY, PARK CITY

AUGUST 25, 2016



TOWER CLUB ADDITION

DEER VALLEY, PARK CITY

AUGUST 25, 2016



TOWER CLUB ADDITION

DEER VALLEY, PARK CITY

AUGUST 25, 2016



TOWER CLUB ADDITION

DEER VALLEY, PARK CITY

AUGUST 25, 2016



TOWER CLUB ADDITION

DEER VALLEY, PARK CITY

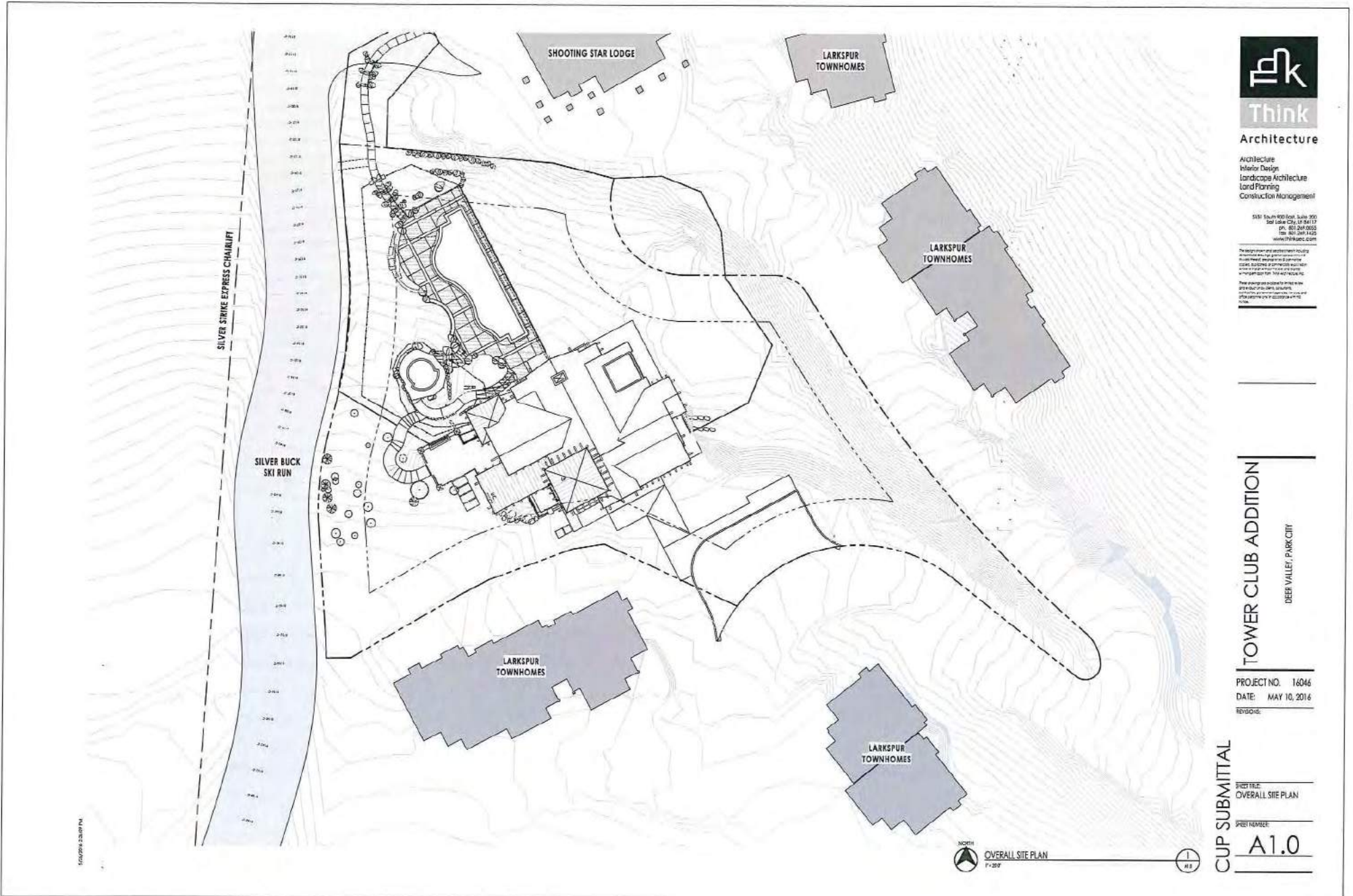
AUGUST 25, 2016



TOWER CLUB ADDITION

DEER VALLEY, PARK CITY

AUGUST 25, 2016



Think
Architecture

Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5310 South 900 East, Suite 200
Salt Lake City, UT 84117
PH: 801.249.0555
FAX: 801.249.4125
www.thinkpk.com

The preparation and issuance of these drawings constitute an acknowledgment by the architect that the architect has provided professional services to the client in accordance with the terms of the contract. The architect does not warrant or represent that the drawings are free from errors or omissions. The drawings are prepared for the client's use only and are not to be used for any other purpose without the written consent of the architect. The architect shall not be responsible for any errors or omissions in the drawings caused by the client's failure to provide accurate information or by the client's failure to follow the drawings.

TOWER CLUB ADDITION
DEER VALLEY, PARK CITY

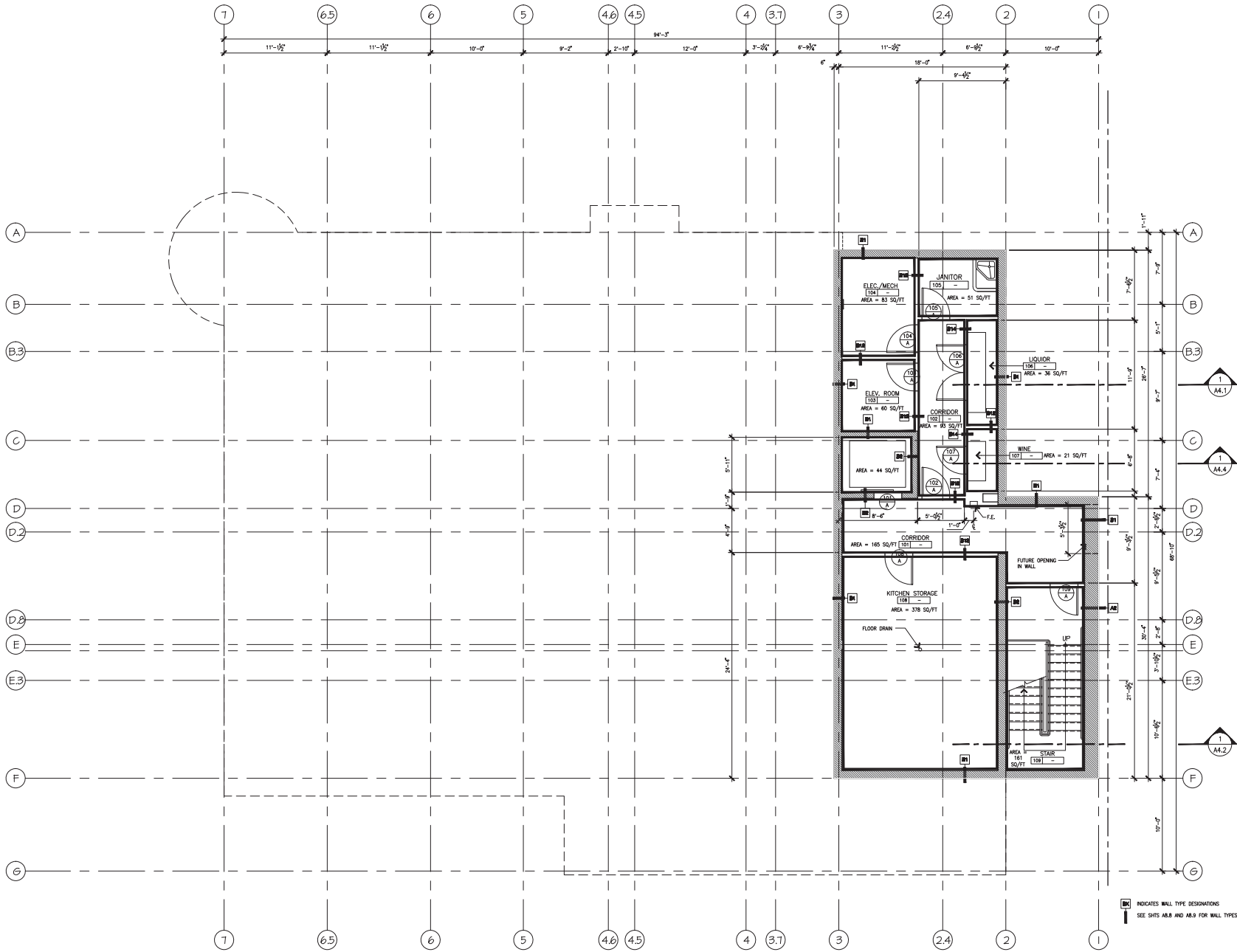
PROJECT NO. 16046
DATE: MAY 10, 2016
REVISION:

CUP SUBMITTAL
SHEET TITLE:
OVERALL SITE PLAN
SHEET NUMBER:
A1.0

NORTH
OVERALL SITE PLAN
1" = 20'

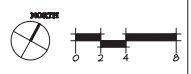


12/16/2016 3:28:07 PM



BASEMENT LEVEL FLOOR PLAN
1/4" = 1'-0"

INDICATES WALL TYPE DESIGNATIONS
SEE SHIS A&B AND A&B FOR WALL TYPES



HART HOWERTON
ARCHITECTS
1000 WEST 1000 SOUTH
SALT LAKE CITY, UT 84119
PHONE: 313.441.1111
WWW.HARTHOWERTON.COM

EMPIRE PASS CLUBHOUSE
Deer Valley, Park City, Utah

PROJECT NO. 1000000000
DATE: 05/20/16
SCALE: 1/4" = 1'-0"
DATE: 05/20/16
ISSUE FOR: CONSTRUCTION

NO.	DATE	ISSUE
1	05/20/16	ISSUE FOR CONSTRUCTION

EMPIRE PASS CLUBHOUSE
BASEMENT LEVEL
FLOOR PLAN

PROJECT NO. 1000000000
DRAWN BY: [Name]
CHECKED BY: [Name]
DRAWING NO. **A2.1.1**

EMPIRE PASS CLUBHOUSE
 West Valley, Park City, Utah

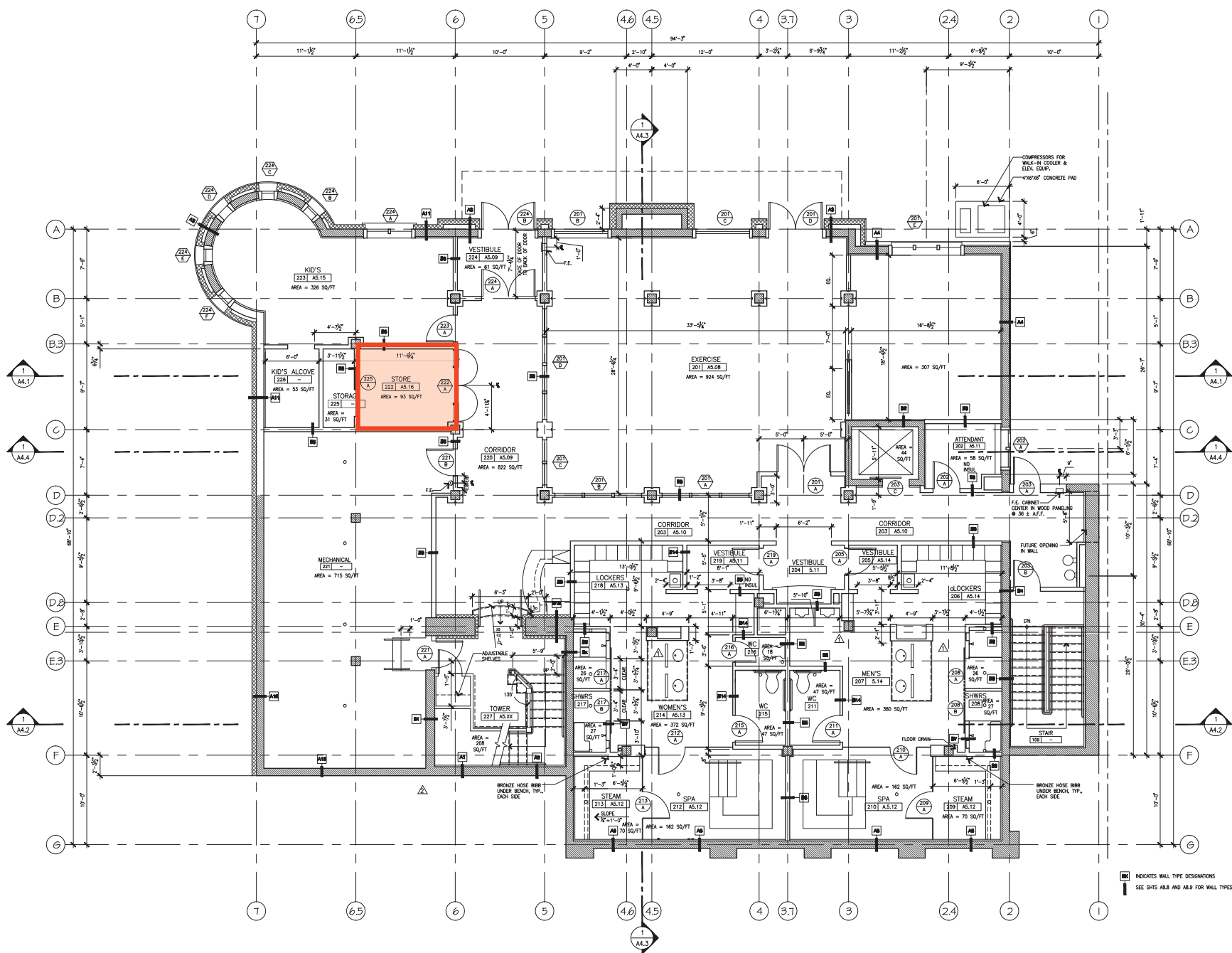
DATE: 07/28/16
 SCALE: 1/4" = 1'-0"
 DRAWING NO: A2.2.1

REVISIONS

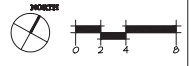
NO.	DATE	DESCRIPTION
1	07/28/16	ISSUE FOR PERMIT
2	08/02/16	ISSUE FOR CONSTRUCTION

EMPIRE PASS CLUBHOUSE
LOWER LEVEL
FLOOR PLAN

PROJECT NO: 16-001
 DRAWN BY: JH
 CHECKED BY: JH
 DRAWING NO: **A2.2.1**



LOWER LEVEL FLOOR PLAN
 1/4" = 1'-0"



INDICATES WALL TYPE DESIGNATIONS
 SEE SHTS A8.6 AND A8.9 FOR WALL TYPES

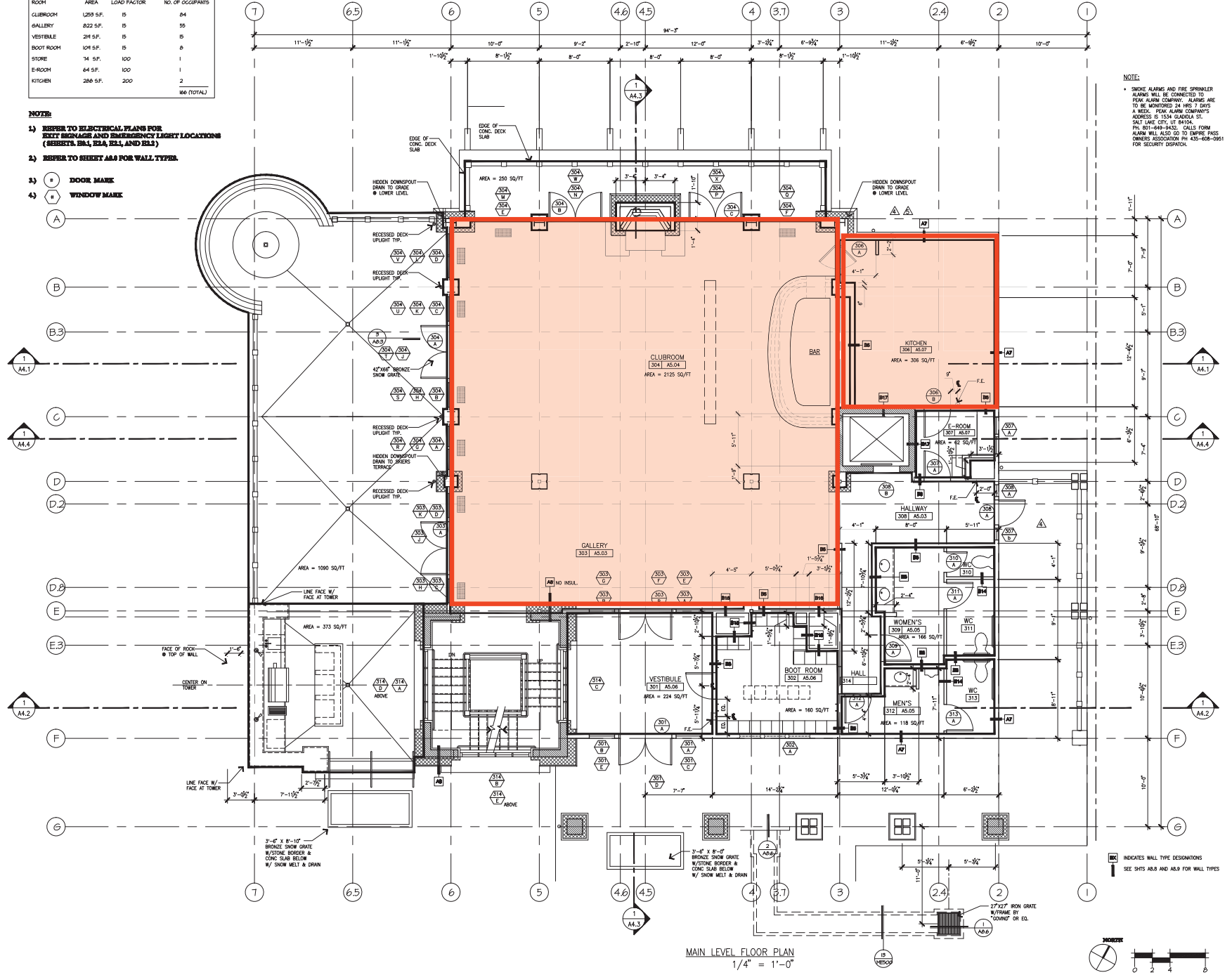
OCCUPANT LOAD CALCULATIONS			
ROOM	AREA	LOAD FACTOR	NO. OF OCCUPANTS
CLUBROOM	1259 SF.	15	04
GALLERY	832 SF.	15	10
VESTIBULE	214 SF.	15	5
BOOT ROOM	124 SF.	15	6
STORE	14 SF.	100	1
E-ROOM	64 SF.	100	1
KITCHEN	289 SF.	200	2
			66 (TOTAL)

NOTE:

- REFER TO ELECTRICAL PLANS FOR SKIT SIGNAGE AND EMERGENCY LIGHT LOCATIONS (SHEETS EA1, EA2, EA3, AND EA4)
- REFER TO SHEET AA5 FOR WALL TYPES.
- DOOR MARK
- WINDOW MARK

NOTE:

- SMOKE ALARMS AND FIRE SPRINKLER ALARMS WILL BE CONNECTED TO PEAK ALARM COMPANY. ALARMS ARE TO BE MONITORED 24 HRS 7 DAYS A WEEK. PEAK ALARM COMPANY'S ADDRESS IS 1324 GRANDA ST. SALT LAKE CITY, UT 84104.
- FOR 24-HOUR SERVICE CALLS FROM ALARM WILL ALSO GO TO EMPIRE PASS OWNERS ASSOCIATION BY 435-608-0951 FOR SECURITY DISPATCH.



MAIN LEVEL FLOOR PLAN
1/4" = 1'-0"

INDICATES WALL TYPE DESIGNATIONS
SEE SHS AA5 AND AA3 FOR WALL TYPES



HART HOWERTON
ARCHITECTS
1000 N. 1000 W. SUITE 100
SALT LAKE CITY, UT 84119
PHONE: 313.441.1000
WWW.HARTHOWERTON.COM

EMPIRE PASS CLUBHOUSE
Deer Valley, Park City, Utah

DATE	ISSUE
04/20/16	PRELIMINARY
05/14/16	REVISED PER COMMENTS
05/14/16	PERMIT SUBMITTAL
05/14/16	FOR CONSTRUCTION

NO.	REVISION
1	ISSUED FOR PERMIT
2	ISSUED FOR PERMIT
3	ISSUED FOR PERMIT
4	ISSUED FOR PERMIT

EMPIRE PASS CLUBHOUSE
MAIN LEVEL
FLOOR PLAN

PROJECT NO: 16000
DRAWN BY: JH
CHECKED BY: JH
DRAWING NO: **A2.3.1**



SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the tract of land shown on this plot and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereafter known as FIRST AMENDMENT THE VILLAGE AT EMPIRE PASS, PHASE 1, LOT 9 and that the same has been or will be correctly located on the ground as shown on this plot.

John Demkowicz
John Demkowicz

12-26-2011
Date



AMENDED LOT 9 BOUNDARY DESCRIPTION

PARCEL 1
Lot 9, The Village at Empire Pass, Phase 1, according to the official plot thereof, on file and of record in the office of the recorder, Summit County, Utah, recorded November 24, 2004, as Entry No. 718034.

PARCEL 2
Beginning at a point that is North 88°09'24" East 244.47 feet along section line and South 357.05 feet from the North Quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly right-of-way of Village Way and on the easterly boundary of Lot 8, The Village at Empire Pass, Phase 1, according to the official plot thereof on file and of record in the office of the recorder, Summit County, Utah, recorded as entry #718034 and on a curve to the left having a radius of 186.50 feet, of which the radius point bears North 81°56'29" East; thence southerly along the arc of said curve 77.48 feet through a central angle of 23°48'12"; thence South 32°11'42" East 48.99 feet to a point on a non tangent curve to the left having a radius of 20.00 feet, of which the radius point bears South 57°48'18" West, said point being on the easterly boundary of Lot 9, The Village at Empire Pass, Phase 1 and on the westerly right-of-way of said Village Way, thence northwesterly along the arc of said curve 20.18 feet through a central angle of 57°48'18"; thence West 48.80 feet to a point on a curve to the right having a radius of 40.00 feet, of which the radius point bears North, thence northerly along the arc of said curve 103.12 feet through a central angle of 150°24'46"; thence North 60°34'48" East 28.84 feet to a point on a curve to the left having a radius of 15.00 feet, of which the radius point bears North 29°23'14" West; thence northwesterly along the arc of said curve 18.06 feet through a central angle of 68°58'17" to the point of beginning.

Parcel 1 & 2 contain 66,711 square feet.

PROPERTY ADDRESS:
7777 Village Way
Park City, Utah 84060
or
8680 Empire Club Drive
Park City, Utah 84060

LINE	BEARING	DISTANCE
C1	N 88°09'24" E	244.47
C2	S 357°05'00" W	357.05
C3	N 81°56'29" E	77.48
C4	S 32°11'42" E	48.99
C5	N 57°48'18" W	20.18
C6	S 57°48'18" W	20.00
C7	N 81°56'29" E	18.06
C8	N 29°23'14" W	15.00
C9	N 18°06'00" E	18.06

CURVE	RADIUS	LENGTH	DELTA
C1	40.00	30.36	43°29'19"
C2	15.00	18.06	89°28'12"
C3	186.50	77.48	26°18'14"
C4	20.00	18.36	89°28'12"
C5	40.00	11.80	108°20'50"
C6	20.00	18.00	63°18'53"
C7	15.00	18.00	17°42'52"
C8	240.00	18.12	18°02'17"
C9	18.06	18.07	0°02'34"

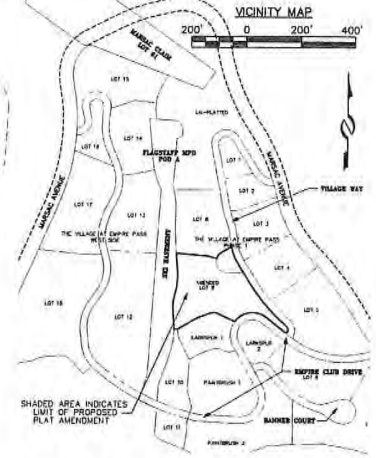
NOTES:

- This First Amendment to THE VILLAGE AT EMPIRE PASS PHASE 1 Subdivision Plat is for Lot 9 only. This Record of Survey that does not include the entire 1, 2, and 3 of 2 of The Village at Empire Pass Phase 1 Plat, Recorded November 24, 2004, as Entry No. 718034. All information shown on said Sheets 1 & 2 shall remain of record and in force with the adoption of this Amendment and described herein.
- The Private Parking Easements shown herein identify that portion of Amended Lot 9 that may be used for private easements with the Shooting Star condominium development located on Lot 6 and as otherwise permitted in the referenced Grant of Parcel and Easement.
- The Private Right Easement shown herein identifies that portion of Amended Lot 9 that may be used by all owners of The Village at Empire Pass development and their guests and visitors.
- The maintenance of the private Lot 9 water system is the responsibility of the Lot 9 Village at Empire Pass Sub-Association.
- Village Way is a private road.
- This plat amendment does not approve any changes to the Conditional Use in Master Planned Development approved on the property.
- This plat is subject to all of the conditions of approval of Ordinance # 11-02, passed and adopted January 6, 2011.
- All members of approval of the Flagstaff Amendment and Development Agreement and the Village at Empire Pass Master Planned Development and the Village at Empire Pass Phase 1 Subdivision Plat shall continue to apply.

**First Amendment
THE VILLAGE AT EMPIRE PASS Phase 1**

Lot 9

LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



OWNER'S DEDICATION AND CONSENT TO RECORD

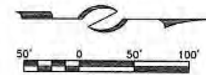
UNITED PARK CITY WREX COMPANY, a Delaware corporation, the Owner of a portion of the tract of land described herein as First Amendment of THE VILLAGE AT EMPIRE PASS, PHASE 1, Lot 9, hereby certifies that it has caused the First Amendment of Subdivision Plat consisting of one (1) sheet to be prepared, does hereby consent to the recording of this First Amendment of Subdivision Plat, and does hereby dedicate to a public and private utility easement the 3.5 foot wide portion of property situated along the southern side of a portion of Village Way as shown herein.

IN WITNESS WHEREOF the undersigned has executed this certificate and deduction this 22nd day of December 2011.

UNITED PARK CITY WREX COMPANY,
a Delaware corporation
By: *Kerry C. Gee*
Name: KERRY C. GEE
Title: VICE PRESIDENT

ACKNOWLEDGMENT

STATE of Utah } ss.
COUNTY of Summit }
I, the Notary Public, do hereby certify that this instrument was acknowledged before me this 22nd day of December 2011 by
Kerry C. Gee the Vice President of United Park City Wrex Company, a Delaware corporation.
NOTARY PUBLIC: Wendy E. Skelton Printed Name: Wendy E. Skelton
My commission expires April 10, 2012 Residing in: Summit County



 (435) 848-9447 DIVISION OF ENGINEERS LAND PLANNERS SURVEYORS 222 West Street, P.O. Box 2004, Park City, Utah 84060-2004	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 22nd DAY OF December 2011 A.D. BY: <i>[Signature]</i> S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 8th DAY OF DECEMBER 2011 A.D. BY: <i>[Signature]</i> CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22nd DAY OF DECEMBER 2011 A.D. BY: <i>[Signature]</i> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 20th DAY OF December 2011 A.D. BY: <i>[Signature]</i> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 6th DAY OF JANUARY 2011 A.D. BY: <i>[Signature]</i> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 6th DAY OF JANUARY 2011 A.D. BY: <i>[Signature]</i> MAYOR	SHEET 1 OF 1 JOB NO.: 6-3-05 FILED: 12/22/11 #937021 RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF COALITION TITLE DATE 1/12/12 THE 1:22AM BOOK PAGE 3125 FEE <i>[Signature]</i> RECORDER
-----------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060

Recorded this ___ day of
_____, 2007
at Book # ___ Page # ___

ENTRY NO. 00806100

03/02/2007 02:42:51 PM B: 1850 P: 1897

Agreement PAGE 1 / 49

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



**AMENDED AND RESTATED DEVELOPMENT AGREEMENT
FOR FLAGSTAFF MOUNTAIN,
BONANZA FLATS, RICHARDSON FLATS,
THE 20-Acre QUINN'S JUNCTION PARCEL
AND IRON MOUNTAIN**

THIS AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the 2nd day of March, 2007, by and between UNITED PARK CITY MINES COMPANY, ("UPCM" or "DEVELOPER"), DEER VALLEY RESORT COMPANY, ("DEER VALLEY"), and PARK CITY MUNICIPAL CORPORATION, a third class city of the State of Utah ("City") (collectively, the "Parties").

RECITALS

A. WHEREAS, DEVELOPER and DEER VALLEY own approximately: 1,600 of 1,750 acres of patented mining claims located in the unincorporated Flagstaff Mountain area of Summit County, more particularly described and depicted in Exhibit A attached hereto (hereafter, "Flagstaff Mountain"); approximately 106 acres of patented mining claims located on Iron Mountain within an unincorporated area of Summit County more particularly described and depicted in Exhibit B attached hereto (hereafter, "the Iron Mountain Parcels"); approximately 1,500 acres of patented mining claims, constituting all of UPCM's land located in the unincorporated Bonanza Flats area of Wasatch County more particularly described and depicted in Exhibit C attached hereto (hereafter, "Bonanza Flats"); all of UPCM's land east of U.S. 40 and south of S.R. 248 constituting approximately 650 acres of real property owned in fee simple located immediately east of U.S. 40 and south of S.R. 248 within an unincorporated area

of Summit County more particularly described and depicted in Exhibit D attached hereto (hereafter, "Richardson Flats"); and approximately 20-Acres of real property owned in fee simple located west of U.S. 40 and south of S.R. 248 within an unincorporated area of Summit County more particularly described and depicted in Exhibit E attached hereto (hereafter, "the 20-Acre Quinn's Junction Parcel");

- B. WHEREAS, on May 17, 1994 DEVELOPER filed an application for annexation to Park City of Flagstaff Mountain, consisting of DEVELOPER's, DEER VALLEY's and Northside Neighborhood Property Owners' land, together totaling an area of approximately 1,750 acres;
- C. WHEREAS, on May 10, 1997 the Park City Council unanimously resolved by Resolution 10-97 to annex Flagstaff Mountain under certain Development Parameters;
- D. WHEREAS, on July 8, 1998 DEVELOPER requested reconsideration by the City of Resolution 10-97 and offered certain incentives for limiting development of the Bonanza Flats, Richardson Flats and the Iron Mountain Parcels;
- E. WHEREAS, on September 10, 1998 the Park City Council unanimously adopted a resolution to rescind Resolution No. 10-97 and to adopt new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats and the Iron Mountain Parcels, as set forth in this Agreement;
- F. WHEREAS, in the intervening months since the City Council adopted the September 10, 1998 development parameters, the DEVELOPER further refined its proposal by offering to move 16 single family homes from the sensitive Prospect Ridge area to the Mountain Village and to constrain development in the Northside Neighborhood to reduce site disturbance and to facilitate sale to a conservation buyer for a time certain;
- G. WHEREAS, the Parties intended to enter into the original Agreement to establish new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and the Iron Mountain Parcels and to establish a time certain for annexation of Flagstaff Mountain (now referred to generally as Empire Pass) into the City;

- H. WHEREAS, the Parties in fact entered into the original Agreement on or about June 24, 1999; and
- I. WHEREAS, the Parties desire to amend and restate the original Agreement in connection with the development of a project known as the Montage Resort & Spa which is presently planned to include 192 hotel rooms and suites, with spa, restaurant and conference facilities, and a residential component that consists of resort condominiums.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants hereafter set forth, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

SECTION I. DEFINITIONS

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by the Park City Land Management Code (LMC) in effect on the date of a complete application or, if different, by this Agreement. Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement.

- 1.1 **“Annexation Property”** means that approximately 1,750 acres of property known as Flagstaff Mountain, described and depicted on Exhibit A.
- 1.2 **“Bonanza Flats”** means that approximately 1,500 acres of UPCM property commonly referred to as Bonanza Flats, constituting all of UPCM’s holdings in Bonanza Flats and described and depicted on Exhibit C.
- 1.3 **“DEER VALLEY”** means the Deer Valley Resort Company, a Utah limited Partnership and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEER VALLEY shall cause its employees and agents to act in accordance with the terms of this Agreement.
- 1.4 **“DEVELOPER”** means United Park City Mines Company, a publicly traded Delaware corporation, and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEVELOPER shall cause its employees and agents to act in accordance

with the terms of this Agreement.

- 1.5 **"Inaction"** provisionally¹ means (a) DEVELOPER's failure to pursue a sequential permit (i.e. Small Scale MPD permit, conditional use permit, subdivision application, or building permit) by failing to submit a complete application for such a permit or by failing to respond to the City's written requests for information which the City deems is necessary to process the application; or (b) DEVELOPER's failure to sustain permitted construction such that the permit under which construction is allowed, expires or is otherwise suspended or revoked.
- 1.6 **"Meeting Accessory Uses"** provisionally² means uses normally associated and necessary to serve meeting and banquet space. Meeting Accessory Uses do not require the use of Unit Equivalents and include:
- 1.6.1 Administrative and Banquet Offices
 - 1.6.2 Banquet Storage Areas
 - 1.6.3 Banquet Prep Areas Storage Areas
 - 1.6.4 Common A/V Storage Areas
 - 1.6.5 Coat Check Areas
 - 1.6.6 Public Restrooms
 - 1.6.7 Public Telephone Areas
 - 1.6.8 Public Hallways
 - 1.6.9 Public Circulation Areas.
- 1.7 **"Mountain Village"** means that mixed-use portion of Flagstaff Mountain described and depicted as the Mountain Village in Exhibit A attached hereto and limited to a total of 87 acres, within three development Pods (A, B₁, and B₂) and maximum densities, unit equivalencies and configuration more fully described herein.

¹ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

² This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.8 **“Northside Neighborhood”** means that 63-acre portion of Flagstaff Mountain described and depicted as the Northside Neighborhood in Exhibit A attached hereto and limited to the maximum density, unit equivalency, and configuration more fully described herein.
- 1.9 **“Northside Neighborhood Property Owners”** means, in addition to UPCM and DEER VALLEY, Park City Star Mining Company, Inc., a Utah corporation, Bransford Land Company, representing the interests of Anne Bransford Newhall, Mary Bransford Leader and Carolyn Bransford MacDonald, and Stichting Beheer Mayflower Project, a legal entity representing the interests of Stichting Mayflower Recreational Fonds and of Stichting Mayflower Mountain Fonds.
- 1.10 **“Pedestrian Village”** means an area configured within Pod A of the Mountain Village for the mixed use of residential, Residential Accessory, Resort Support Commercial, Resort Accessory, meeting and Meeting Accessory Uses within which at least fifty percent (50%) of the residential properties are clustered within walking distance (5 minutes) of a Transportation Hub for such residential properties, which can be directly accessed by pathways or sidewalks.
- 1.11 **“Planned Unit Development”** or **“PUD”** means a master planned development consisting of clustered, detached, single family or duplex units with common open space and coordinated architecture.
- 1.12 **“Pod Z”** means that area, depicted on Exhibit F that is limited for ski-related uses as further defined herein.
- 1.13 **“Project”** means the residential, recreational and commercial real estate development to be constructed within Flagstaff Mountain.
- 1.14 **“Residential Accessory Uses”** provisionally³ means uses that are for the benefit of the residents of a commercial residential use, such as a hotel or nightly rental condominium project. Residential Accessory Uses do not require the use of Unit Equivalents. Residential Accessory Uses include:

³ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superceded by an LMC definition of the term.

- 1.14.1 Common Ski Lockers
- 1.14.2 Common Lobbies
- 1.14.3 Registration
- 1.14.4 Concierge
- 1.14.5 Bell Stand/Luggage Storage
- 1.14.6 Common Maintenance Areas
- 1.14.7 Mechanical Rooms
- 1.14.8 Common Laundry Facilities and Common Storage Areas
- 1.14.9 Employee Facilities
- 1.14.10 Common Pools, Saunas and Hot Tubs
- 1.14.11 Public Telephone Areas
- 1.14.12 Public Restrooms
- 1.14.13 Administrative Offices
- 1.14.14 Public Hallways and Circulation Areas

1.15 **“Resort Accessory Uses”** provisionally⁴ means uses that are clearly incidental to and customarily found in connection with the principal resort building or use and are operated for the convenience of the owners, occupants, employees, customers or visitors to the principal resort use. Resort Accessory Uses do not require the use of Unit Equivalents. They include such uses as:

- 1.15.1 Information
- 1.15.2 Lost and Found
- 1.15.3 Mountain Patrol
- 1.15.4 Mountain Administration
- 1.15.5 Mountain Maintenance and Storage Facilities
- 1.15.6 Mountain Patrol and Emergency Medical Facilities
- 1.15.7 Public Lockers
- 1.15.8 Public Restrooms
- 1.15.9 Employee Lockers
- 1.15.10 Ski School/Day Care

⁴ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

1.15.11 Ticket Sales Areas

1.15.12 Ski Check Areas

1.15.13 Public Circulation Areas and Hallways

- 1.16 **“Richardson Flats”** means all of UPCM’s property at the southeast corner of U.S. 40 and S.R. 248, more fully described and depicted on Exhibit D.
- 1.17 **“Transportation Hub”** means the terminus of a public and/or private transportation system that is located at a convenient location within the Mountain Village.
- 1.18 **“Unit Equivalent,”** with respect to commercial structures and multifamily and PUD structures, has the meaning set forth in the LMC.⁵ Each single family residential structure (excluding PUDs) approved by the City pursuant to this Agreement for construction within the Project shall have a Unit Equivalent of 1.00, regardless of the size or the location of the single family residential structure. Each commercial structure or portion thereof (as such may be determined in applicable MPD approvals) shall consume 1 Unit Equivalent for each 1000 square feet. Each multifamily and PUD residential structure shall consume 1 Unit Equivalent for each 2000 square feet.

SECTION II. LARGE SCALE MPD—FLAGSTAFF MOUNTAIN

- 2.1. DEVELOPER is hereby granted the equivalent of a Large Scale Master Planned Development (Large Scale MPD) for Flagstaff Mountain. This Large Scale MPD sets forth maximum densities, location of densities and DEVELOPER-offered amenities and is subject to all normally-applicable City processes, and in addition thereto, such processes defined below, including DEVELOPER’s responsibility, prior to or concurrent with the Small Scale MPD process, to submit and ultimately to obtain (upon modification, if necessary) City approval, of satisfactory plans detailed below:

⁵ Hotel rooms of 500 square feet or less constitute $\frac{1}{3}$ Unit Equivalent.

- 2.1.1. Mine/Soil Hazard Mitigation Plan--which plan shall include an inventory of all mine sites, potential sources of release of hazardous materials into the environment, and a plan and schedule for their remediation;
 - 2.1.2. Detailed Design Guidelines, with strong architectural themes, for the entire Flagstaff Mountain Project;
 - 2.1.3. Specific Transit Plan;
 - 2.1.4. Parking Management Plan;
 - 2.1.5. Detailed Open Space Management Plan;
 - 2.1.6. Historic Preservation Plan;
 - 2.1.7. Emergency Response Plan, including DEVELOPER's commitments to provide infrastructure necessary to serve the Project and Bonanza Flats and phasing therefor;
 - 2.1.8. Trails Master Plan setting forth trail locations, specifications, phasing and timing of public easements;
 - 2.1.9. Private Road Access Limitation Procedures;
 - 2.1.10. Construction Phasing Plan—including construction milestones for project amenities, including Richardson Flats development;
 - 2.1.11. General Infrastructure and Public Improvements Design and Phasing Plan, which calls for the efficient extension of services, concentrating initial infrastructure development in the Mountain Village, and secondarily in the Northside Neighborhood. Such plan shall allow for the construction of a variety of housing types in each phase;
 - 2.1.12. Utilities Master Plan—including the timing, alignment and service strategy for water and sewer service, as well as storm water management throughout the Project and Bonanza Flats;
 - 2.1.13. Wildlife Management Plan; and
 - 2.1.14. Affordable Housing Plan, including phasing.
- 2.2. **Maximum Development Parameters--Flagstaff Mountain.** Flagstaff Mountain is composed of the Mountain Village, the Northside

Neighborhood; various ski related improvements, and the Silver Mine Adventure. Upon annexation, Flagstaff Mountain will be zoned as shown on the zoning map attached hereto as Exhibit P. The following maximum development parameters apply to Flagstaff Mountain:

2.2.1 **Mountain Village:** The Mountain Village is constrained as follows:

- 2.2.1.1 **Small Scale MPD.** Site specific volumetrics and configuration will be established in the Small Scale MPD process.
- 2.2.1.2. **Maximum Development Area.** In the Small Scale MPD process, the entire Mountain Village development shall be constrained within a total of 87 acres.
- 2.2.1.3. **Maximum Density.** The maximum density within the Mountain Village is 785 Unit Equivalents configured in no more than 550 dwelling units.⁶ Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.
- 2.2.1.4. **Pedestrian Village.** At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B₁, and B₂) within the Mountain Village must be linked by transit.
- 2.2.1.5. **Commercial.** The Mountain Village may additionally include up to 75,000-sq. ft. of Resort Support Commercial uses, which shall include Neighborhood

⁶ Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent. In the case of the Montage, the 192 Montage hotel rooms shall count as Unit Equivalents at the rate of 1 Unit Equivalent per 2,000 square feet of hotel rooms, but such hotel rooms shall not have kitchens and shall not count as dwelling units.

Convenience Commercial uses for residents and visitors such as groceries and sundries.

- 2.2.1.6. **Mine Site Reclamation.** To the greatest extent possible, DEVELOPER shall locate density in disturbed areas. This provision applies primarily to potential density at the Daly West site. Additionally, DEVELOPER shall reclaim⁷ all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review.
- 2.2.1.7. **Public Trails.** DEVELOPER shall construct and dedicate public trails designated on an accepted Trails Master Plan. Many trails will be constructed on land ultimately owned by DEER VALLEY. In those areas, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for public trail use. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.
- 2.2.1.8. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER and/or DEER VALLEY shall execute for the benefit of the City perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which, at a minimum, shall prevent the construction thereon of residential, commercial and retail structures but shall provide for ski-related uses consistent with paragraph 2.5 herein.
- 2.2.1.9. **Parking.** Each Small Scale MPD submittal shall include a parking management plan with respect to the portion of the property covered by such Small Scale MPD submittal.

⁷ Reclamation shall include, at a minimum, revegetation of exposed areas.

The goal of the plan is to design the Mountain Village in such a way as to reduce parking demand by 25%. DEVELOPER shall plan and encourage within the Mountain Village portion of the Project programs such as parking management, paid parking for commercial uses, shuttles and other programs designed to reduce the demand for private vehicles and parking. DEVELOPER shall provide for shared parking in all commercial, short-term residential and mixed-use buildings. Assigned or reserved spaces within commercial, short-term residential and mixed-use buildings are prohibited except that in the case of the Montage, one parking space may be assigned for each dwelling unit (excluding the 192 hotel rooms). The majority of the required parking areas will be fully enclosed and/or constructed underground.

2.3 **Prospect Ridge.** DEVELOPER considers the Prospect Ridge area depicted in Exhibit K to be a critical viewshed area for Old Town.

2.3.1 **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

2.3.2 **Deed Restricted Open Space.** Within 30 days of issuance of the first Small Scale MPD, DEVELOPER shall cause to be recorded a document, approved by the City, which shall impose perpetual covenants and use restrictions for that portion of Prospect Ridge depicted as "Recreation Open Space Dedication" on Exhibit K which shall prevent the construction thereon of residential, commercial and/or retail structures, ski lifts, and developed alpine ski runs.

2.4. **Northside Neighborhood.** The Northside Neighborhood is composed of property owned by five separate Northside Neighborhood Property Owners and, upon their written acceptance of the terms of this Agreement,



Master Plan - Summer

May 6, 2004

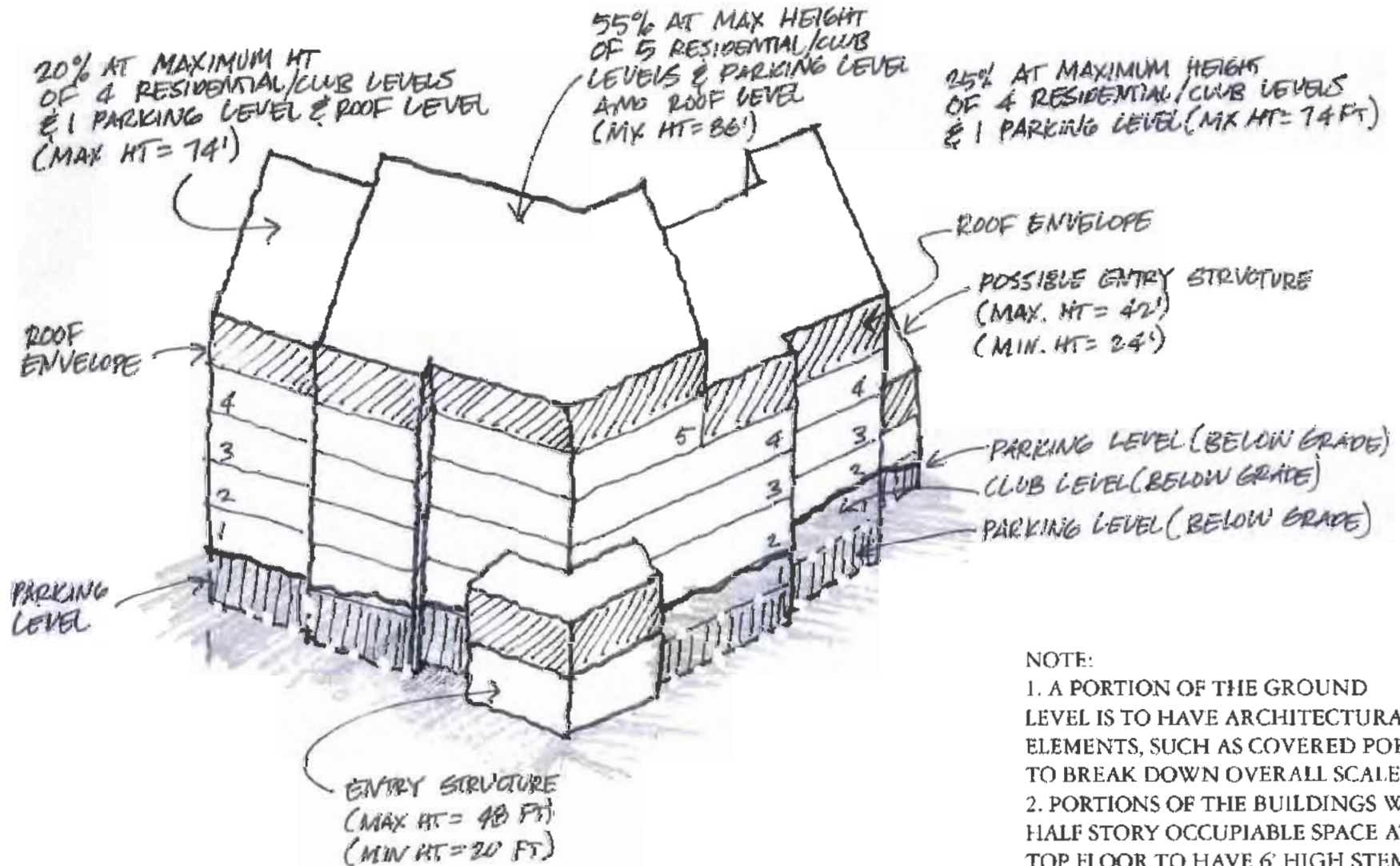
HART HOWERTON
ARCHITECTS

THE VILLAGE AT EMPIRE PASS
Park City, Utah

Alpine Club Volumetrics

(Building 1)

Isometric View

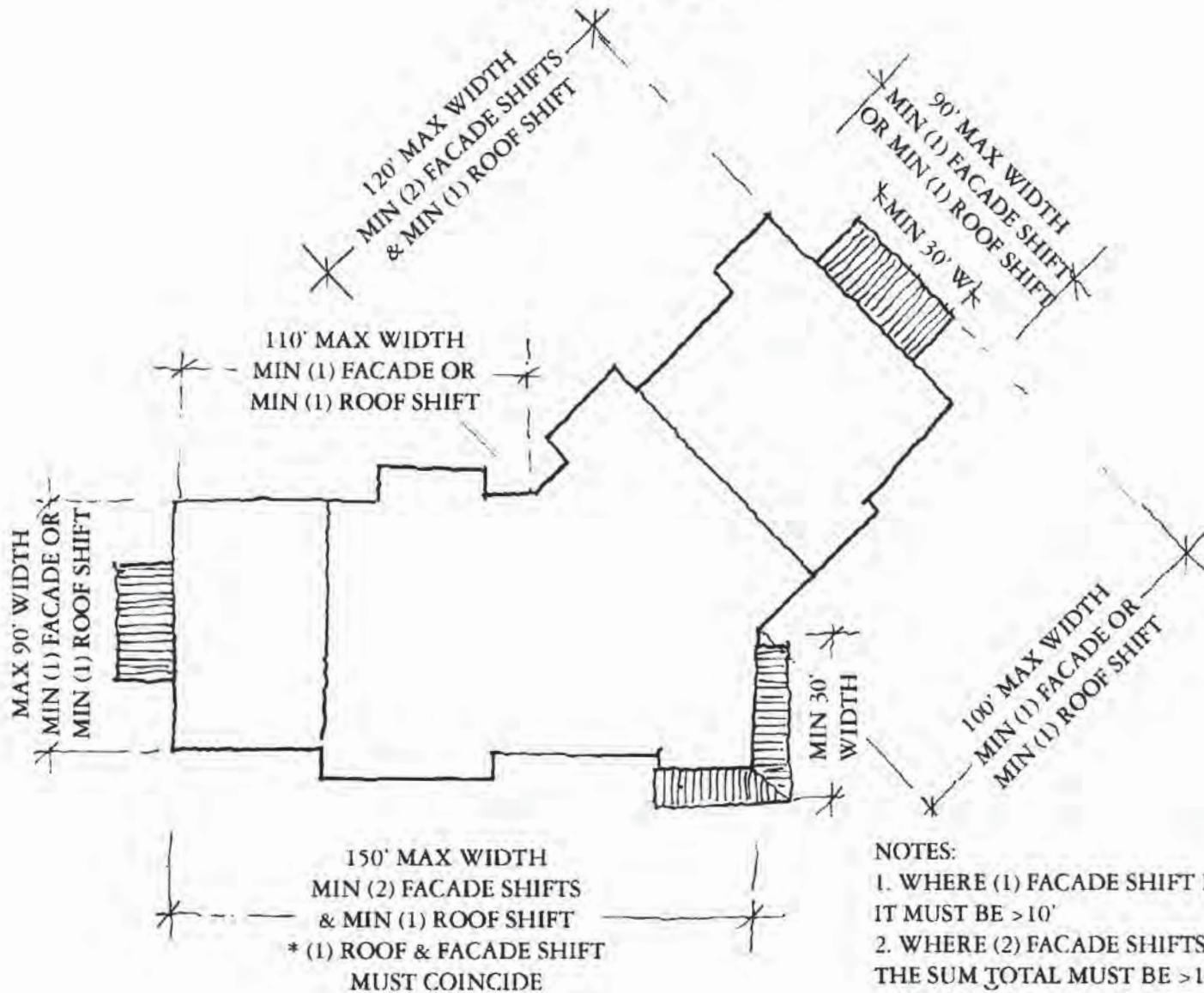


NOTE:

1. A PORTION OF THE GROUND LEVEL IS TO HAVE ARCHITECTURAL ELEMENTS, SUCH AS COVERED PORCHES, TO BREAK DOWN OVERALL SCALE
2. PORTIONS OF THE BUILDINGS WITH HALF STORY OCCUPIABLE SPACE AT THE TOP FLOOR TO HAVE 6' HIGH STEMWALL

JUNE 17, 2004

Alpine Club Volumetrics Plan View



NOTES:

1. WHERE (1) FACADE SHIFT IS REQUIRED IT MUST BE >10'
2. WHERE (2) FACADE SHIFTS ARE REQUIRED THE SUM TOTAL MUST BE >16'
3. WHEN BUILDING LENGTH EXCEEDS 120' AT LEAST (1) FACADE AND (1) ROOF SHIFT MUST COINCIDE

JUNE 17, 2004

Planning Commission Meeting
 Minutes of July 28, 2004
 Page 10

Findings of Fact - Marsac Avenue & Chambers Street Right-of-Way

1. The property is located between platted Marsac Avenue at the Sandridge parking lots and the Guardsman Connection to Silver Lake.
2. The zoning along the road is HR-1 and ROS.
3. The City Council adopted Ordinance 99-20 on June 24, 1999, approving the annexation and development agreement for the 1,655-acre Flagstaff Mountain area.
4. The Flagstaff Annexation Development Agreement Section 2.10.2 stipulates certain road and intersection improvements, including widening the road, drainage improvements, a passing lane, and runaway truck ramp.

Conclusions of Law

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

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision 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 Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

6. Empire Pass Master Planned Development

Planner Brooks Robinson commented on Pod A at Empire Pass and noted that the Planning Commission has discussed many details of his master planned development over several months. The public hearing was re-opened on July 14 and continued to this evening. The Staff has prepared findings of fact, conclusions of law, and conditions of approval for the master plan for Pod A. Pod B1 was previously approved. The Staff finds that this application complies with the Land Management Code and the Development Agreement, which are the controlling documents. There will be additional units and density left over from this approval, and Pod B2 will come in at a later date with its own master plan once the applicants are further along in planning development for that area. The applicant had prepared a number of exhibits and updates for the Commissioners' binders which will comprise this approval. These includes the project description and minor grammatical

error and language revisions. Planner Robinson outlined other updates distributed this evening. The Staff recommended that the Planning Commission re-open the public hearing, consider public input, and provide direction to the Staff and applicant.

Chair Barth referred to Pages 115-123 of the staff report, Summary of Compliance with the Technical Reports, and noted that he did not see in the draft findings any reference to incorporate those pages into a motion. Planner Robinson recalled that on July 14 Commissioner Erickson requested compliance with technical reports, and the decision was made to provide them as a separate document. He offered to add them as a finding.

Doug Clyde, representing the applicant, distributed to the Commissioners a visual simulation from King Road that was inadvertently left out of their package. He was uncertain which phasing plan is included in their packets and wanted to be sure the one they have shows the right units. He noted that town home units 16 and 17 and cluster home units 11 and 12 are in Phase I. He referred to page 6 of the recent handouts and corrected the number of Townhomes and PUD's from 28 to 23 units in the first phase.

Chair Barth re-opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

Commissioner Erickson read the conditions of approval relative to traffic circulation based on the development agreement and asked if they are part of the transportation mitigation plan and part of the 14 technical reports. Mr. Clyde replied that they are reflected in the existing construction mitigation plans currently on file with the City. Planner Robinson explained that every CUP that comes forward will need its own construction mitigation plan which will be reviewed by the Planning Commission.

The Planning Commission and Mr. Clyde discussed enforcement procedures for downhill traffic.

Planner Robinson revised Finding of Fact 10 by inserting a comma after A(Exhibit H)@ and adding Aand a compliance matrix with the technical reports (Exhibit I).@

Mr. Clyde referred to the density indicated on page 104 of the staff report and noted that 563 takes into account the additional 18 PUD units. This is not reflected in the table above, and he suggested adding the language Acounting the additional 18 PUD units noted below.@

MOTION: Commissioner Erickson moved to APPROVE the MPD in accordance with the findings of fact, conclusions of law, and conditions of approval with the following revisions:

- 1) The incorporation of the revised July 28, 2004, project description as presented by Staff.
2. The revision to Finding of Fact 10 incorporating the compliance report with the 14 technical reports, Exhibit I.
3. The revision to the phasing plan incorporating the town home Units 16 & 17 and the cluster home Units 11 & 12.
4. Correction to the staff report, page 104, with regard to the density incorporating the phrase that the 563.3 units includes the 18 unit equivalents referenced in Pod B1 below.
5. Incorporation of Condition of Approval 10 that they incorporate the technical report updates and clarifications as presented in the staff report

Mr. Clyde stated that the PUD's were originally intended to be 5,000 square feet each, but they had a problem with the Unit Equivalent calculation. He will return with a revised UE calculation which raises the number by 18 additional UE's. It will not change the plan, but it will make it correspond with the way they interpret UE's.

Planner Robinson referred to the density in the Pod B1 section on page 104 and noted that the last sentence should recognize that 90,000 square feet should be assigned to Lot B and not Lot C.

Commissioner Erickson incorporated the change to Page 104 as described by Planning Robinson into his motion. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously. Commissioner Thomas abstained from the vote, and Commissioner Zimney was not present for the vote.

Commissioner Volkman referred to the status of the technical reports regarding the mine soils hazard plan and the language which states, "A draft work plan for the clean up of Empire Canyon was approved by the EPA and reviewed by the Park City Municipal Corporation. Work will begin this summer." Mr. Clyde explained that the Empire Canyon work referred to is the clean up of the creek below the Deer Valley Day Lodge and the top of Daly Avenue. It has no relation to moving the mine dump.

Findings of Fact - Empire Pass

1. The Village at Empire Pass (Mountain Village) Master Planned Development is located in the RD-MPD and ROS-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The

- Development agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-use development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2 and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
 4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites;
 - no more than 85,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
 5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
 6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.
 7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 unit equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
 8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
 9. The 14 technical reports/studies along with the Land Management Code and the Development Agreement (99-30) for the standard which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
 10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B), Volumetric Analysis (dated July 5, 2004, Exhibits D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), Supplemental Plans

- including Building Height Diagram, Vegetative Buffer, Trails, and construction Sequencing (Exhibit H), and a Compliance Matrix with the Technical Reports (Exhibit I). Together with the Site Plans dated July 21, 2004, (Exhibit C), these Exhibits and this report comprise the Village at Empire Pass MPD.
11. The Village at Empire Pass MPD illustrates conceptual access and street layouts that have not been specifically approved by the City Engineer and the City Fire Marshall. Final road layout will be subject to individual Subdivisions and Conditional Use Permits.
 12. Conditional Use Permit approval is required prior to any development within the Village at Empire Pass MPD area.
 13. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Thirty (30) detached single-family PUD-style units utilizing 85.4 Unit Equivalents.
 14. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Fifty-One (51) Townhouse units utilizing 64 Unit Equivalents. Eight of these Townhouse units are in a duplex configuration and count toward the PUD limits of 60.
 15. The proposed Village at Empire Pass Master Planned Development includes a conceptual site design for six (6) single-family homes.
 16. Conservation Easements are proposed within platted lots. These Conservation Easement areas will not count toward the development acreage.
 17. The PUD-style cluster homes and the Townhomes are to be platted as condominiums and not as individual lots.
 18. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
 19. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over-length cul-de-sac.
 20. The Planning Commission may decrease setbacks within an MPD. Setback variance is shown on Sheet 10 of 10 of Exhibit A, dated June 15, 2004.
 21. The Maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof).
 22. The Land Management Code, Section 15-6-5(E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination.
 23. The applicant has requested additional building height for the structures proposed as Buildings 109, inclusive. The proposed building volumetrics are detailed on Exhibit D dated June 14, 2004.
 24. The proposed increase in building height for Buildings 1-9 does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

25. Proposed Buildings 1-9 have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation have been mitigated to the extent possible as defined by the Planning Commission.
26. The site plan for proposed Buildings 1-9 includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law - Empire Pass

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is compatible in use, scale, and mass with adjacent properties and promotes neighborhood compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place development on the most developable land and least visually obtrusive portions of the site.
11. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearings held in accordance with this Code.
13. The requirements necessary for the Planning Commission to grant additional building height within the MPD pursuant to the Land Management Code Section 15-6-5 have been met.

Conditions of Approval - Empire Pass

1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family

- buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.
2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the Village Master Planned Development area.
 3. Utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
 4. If and when the realigned Guardsman Road is dedicated to the City, the Developer will execute an encroachment agreement in a form acceptable to the City Attorney and City Engineer for the private improvements (ski bridges and/or tunnels) within the rights-of-way.
 5. All essential municipal public utility buildings associated with the utility plan for the subdivision require a conditional use permit.
 6. The proposed over-length cul de sac that ends in the six single-family lots will have a secondary emergency access from the end of the road to Marsac Avenue. The emergency access will continue as a minimum 20-foot-wide all-weather surface road.
 7. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
 8. A preliminary landscape plan, including provisions for water-efficient irrigation systems, shall be submitted with each CUP application.
 9. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
 10. The technical report updates and clarifications as presented in the staff report shall be incorporated in this approval.
7. Red Cloud Subdivision

Planner Robinson noted that Red Cloud, commonly called Pod D, is the third and final Empire Pass application. Thirty single-family lots are proposed on the land owned and controlled by Talisker and the United Park City Mine Company. At the July 14 work session, the Planning Commission discussed the Enchanted Forest and how to apply the statement in the development agreement that no development should occur in the Enchanted Forest. Planner Robinson understood there to be general consensus from the Commission that having a ski easement/conservation easement across an area to be determined would constitute adequate protection. The language will prohibit snowmobiles but will allow skiing in the winter for people coming off the Red Cloud lift. The other issue discussed on July 14 was whether to amend the development agreement and Exhibit A of the development agreement which shows the pod boundaries to move the boundaries further south and west. This would not change the density or average lot size. The Staff analyzed that proposal for separation from ski runs and a visual analysis, and it is the Staff's opinion that the development agreement would have to be amended to allow that to

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 13, 2005

COMMISSIONERS IN ATTENDANCE:

Chair Jim Barth, Bruce Erickson, Michael O'Hara, Bob Powers, Andrew Volkman

EX OFFICIO:

Patrick Putt, Planning Director; Dave Maloney, Planner; Ray Milliner, Planner; Brooks Robinson, Planner; Jonathan Weidenhamer, Planner; Eric DeHaan, City Engineer; Tim Twardowski, Assistant City Attorney

=====

REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Barth called the meeting to order at 6:40 p.m. and noted that all Commissioners were present except Commissioners Thomas and Zimney who were excused.

II. PUBLIC COMMUNICATIONS

There were no comments.

III. STAFF & COMMISSIONERS' COMMUNICATIONS

Planning Director Patrick Putt reported that Commissioners Barth, Thomas, and Powers represented the Park City Planning Commission at a joint meeting with representatives from the Snyderville Basin Planning Commission on Monday, April 11. The purpose of the meeting was to re-establish regular joint meetings and discussion sessions with the two Planning Commissions to discuss areas of common interest, particularly the joint planning areas of Quinn's Junction, Kimball Junction, and PRI relative to transportation and transit planning. The subcommittee discussed larger projects, and Park City was updated on the County's new Development Code and General Plan changes. They reviewed the Board of County Commissioners' recent decision on establishing some Light Industrial zoning on the east side of US 40. Park City updated the County on the annexation proposals currently being reviewed by the City. The subcommittee decided to meet again in four to six weeks, with a consensus to meet quarterly with the full Planning Commissions meeting together. Commissioner Volkman requested morning meetings if possible.

MOTION: Commissioner Erickson moved to ADOPT the amended Construction and Development Phasing Plan as indicated in the staff report subject to receipt of Exhibit D, Off-Site Roads Improvements Plan. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

5. The Village at Empire Pass, Empire Club - Conditional Use Permit

Planner Robinson recalled that the Planning Commission has reviewed this request a number of times and explained that the current plans are different from the original submittal reviewed at the last public hearing. The height and setback requirements in the LMC and development agreement apply. The building complies with the amended phasing plan in that it is approximately 8,900 square feet. A transit center will also be constructed, with a key component of the Pod A Village being to provide ride-on service for the Village and its members. The Staff has prepared an analysis of the CUP requirements and findings of fact, conclusions of law, and conditions of approval.

Chair Barth opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

MOTION: Commissioner Erickson moved to APPROVE the Empire Club Conditional Use Permit in accordance with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Village at Empire Pass CUP

1. The Empire Club Phase 1 Conditional Use Permit is located on Empire Club Drive in the RD-MPD zoning district of Pod A of the Village at Empire Pass.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Development Agreement requires the Master Developer to provide water source capacity.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The Empire Club Phase I is part of Building 1. A second residential project will be Phase II.
5. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The Empire Club Phase I project is located on Lot 9.
6. The proposed Empire Club Phase I Conditional Use Permit is for 8,887 square feet.
7. The proposed Conditional Use Permit is consistent with the approved Master Planned Development for the Village at Empire Pass.
8. The Empire Club Phase I will be platted as a condominium.
9. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
10. The maximum building height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 86 feet above natural grade was requested and granted in the Master Plan. The proposed building complies with the granted height exception.

11. The Planning Commission finds the proposed building in compliance with the volumetrics approved in the MPD; specifically, the facade shifts and roof shifts create architectural interest and break the building into smaller components.
12. The setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear, and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property line, platted street, or existing curb or edge of street. The building complies with these setback requirements.
13. The Construction and Development Phasing Plan was revised on April 13, 2005.
14. The revised Phasing Plan required the Empire Club to be approximately 8,900 square feet.
15. The proposed Empire Club is 8,887 square feet.
16. A Construction Mitigation Plan reiterates downhill construction truck traffic will use Royal Street.

Conclusions of Law - Village at Empire Pass - CUP

1. The CUP is consistent with the Village at Empire Pass Master Planned Development, the Construction and Development Phasing Plan as amended on April 13, 2005, and the Park City Land Management Code.
2. Th CUP is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval - Village at Empire Pass - CUP

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A water efficient landscape and irrigation plan that indicates snow storage areas and meets the defensible space requirement is required prior to building permit issuance.
3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines.
4. All exterior signs require a sign permit.
5. Materials, color samples, and final design details must be approved by Staff prior to building permit issuance.
6. The final building plans and construction details for the project shall meet substantial compliance with the drawings dated March 2, 2005, as submitted and reviewed by the Planning Commission.
7. Utility and grading plans must be approved by the City Engineer prior to Building Permit issuance.
8. The Construction Mitigation Plan must be in substantial compliance with the CMP reviewed by the Planning Commission.

9. The store will include a refrigerated case for milk, juice, and sodas, and the shelves will have snacks commonly found in a convenience store.
 10. Prior to issuance of any building permits for that unit or building which causes overall water consumption at Empire Pass to exceed 150 gallons per minute (approximately 75 units), the Master Developer shall have provided adequate water source capacity satisfactory to the City Attorney and Public Works Director.
6. 1790 Bonanza Drive - Restaurant parking plan discussion

MOTION: Commissioner Powers moved to CONTINUE this item until such time as the applicant submits the required documents as conditioned under the master plan.

Craig Elliott, representing the applicant, stated that they were trying to provide the information requested in the Planning Commission meetings when the project was previously processed. The applicant was asked to provide information on how they wanted to manage the parking, the current parking calculations as leased, how they intend to address the parking issues, and to review this item one year after implementing the parking conditions. Mr. Elliott believed the applicant had provided the necessary information requested when the renovation of Buildings 1 and 2 was approved. He stated that he would be willing to provide additional information to support the parking management plan, but he believed additional discussion was needed this evening to help prepare that information.

Commissioner Powers withdrew his motion.

Planner Ray Milliner presented the staff report and explained that the request is based on conditions of approval 1 through 3 of an MPD approval for the Rail Central development located at 1790 Bonanza Drive. One condition centers around parking as it pertains to a



MEMO TO FILE

Project Name: Talisker Tower Club – 2016 Expansion

777 Village Way
SBWRD Acct. 10972

From: Bryan Atwood

Subject: Impact Fee Calculation

Date: June 27, 2016

Project consists of remodel/expansion of building to include enclosing existing patio area to provide 32 additional seats in dining area on main level, adding a new patio to replace the patio area being enclosed and additional pool storage on the lower level.

Historic Water Use for Building

The existing building includes a lower level consisting of exercise facilities, a kids room, locker rooms with 4 showers, spa and steam room. The upper level consists of a commercial kitchen and club/dining room with 60 seats. The facility also has an outside pool and hot tub.

The 5 yr average water use during the winter water use period is 6.5 RE's (2,080 gal/day)

The RE's paid for the building is 2.7 RE's.

Estimated Water Use for Added New Use

Since it is not possible to determine what portion of the existing water use is for the restaurant portion of the building and what portion is for the remaining functions, it will be assumed the one half of the historic water use is for the restaurant.

Current restaurant use -	2,080 gal/day ÷	2	=	1,040 gal/day
Current Seating			=	60 seats
Water use per seat	=	1,040 gal/day ÷ 60 seats	=	18 gal/seat

Estimated water use for new seats –				
	32 seats X 18 gal/seat/day		=	576 gal/day
	576 gal/day ÷ 320 gal/day/RE		=	1.8 RE's additional

Additional Impact Fees Due

1.8 RE's Additional

Total RE's for Account #10972 will be 4.5 RE's



March 15, 2007

The DV Luxury Resort LLC
136 Heber Avenue, Suite 204
Park City UT 84060

Sent via email

NOTICE OF PLANNING COMMISSION ACTION

<u>Project Name</u>	Pod B-2, Empire Pass
<u>Project Description</u>	Master Planned Development
<u>Date of Meeting</u>	March 14, 2007

Action Taken By Planning Commission: The Planning Commission APPROVED the proposed Empire Pass B-2 Master Planned Development based on the following:

Analysis

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

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

Complies

During the Olympic break in 2002, a subcommittee consisting of the applicant's design team, staff, and Commissioners Chris Larson, Bruce Erickson, and Michael O'Hara focused on a review of the preliminary road layout for the mountain village (Pods A, B-1, and B-2) and a building height analysis for the project build-out using the base RD-zone 33-foot height limit. These items were reviewed at a work session and a public hearing on March 27, 2002. No public comment was received. The Commission concluded that:

The base RD-zone height analysis demonstrates that the maximum project densities set forth in Ord. 99-30 could potentially be constructed within the approved

development pods without the necessity of a height increase above the 33-foot RD zone height limit; and

Building height increases for specific multi-family/resort-related buildings may be considered based on site-specific reviews and compliance with the standards set forth in the Master Planned Development section of the Land Management Code (LMC).

The additional 80 Unit Equivalents proposed for B-2 can be absorbed within the Empire Pass project in Code compliant 33-foot height buildings as shown on Exhibit A. The total number of units approved with this MPD are 192 hotel rooms using 69.6 Unit Equivalents (UEs) and 94 hotel condominiums (114 UEs) in the west side and 81 condominiums (81 UEs) on the east side.

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

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

Complies

The annexed area of Flagstaff Mountain was granted a large-scale MPD at the time of annexation with specific development pods. The Planning Commission and staff have consistently maintained that the setback requirement is fulfilled at the annexation boundary and does not need to be met within the defined development pods.

(D) OPEN SPACE. *All Master Planned Developments shall contain a minimum of sixty percent (60%) open space.*

Complies

As with the setback requirement in (C) above, the annexation area contains more than the minimum 60% requirement. The development of the Village (pods A, B-1 and B-2) is limited to 87 acres, as amended, within the original 1550 acres or 5% of the land area.

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

Complies

The Flagstaff Development Agreement stipulates that parking will be reduced by 25% below the Code requirements. The parking plan submitted meets this requirement and exceeds it. Based on the proposed residential unit sizes, hotel rooms and commercial spaces, the parking at B-2 West (west of the Empire Day Lodge, the site for the Montage Hotel) would require 742 spaces, reduced 25% to

561. The applicant is proposing a further reduction at B2 West to 530 stalls because valet parking will be mandatory for guests. The valet parking will be in a tandem configuration. The Planning Commission will need to make a finding that tandem parking for 192 spaces is acceptable with a valet program. Parking at B-2 East (east of the Empire Day Lodge and site of 81 condominiums and two employee housing units) would require by Code 165 spaces plus the 75 for the Empire Day Lodge. The 165 would be reduced 25% to 124 spaces. Each of the residential condominium units will be allowed to have one space assigned to the unit.

*(F) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:*

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

Complies

Please refer to section (A) Density above for discussion on the density built at the 33-foot zone height. Exhibit B is the applicant's narrative on each of the criteria for additional height. Square footage is governed by the Development Agreement, as amended. Code requirements for façade and roof variation will apply. The applicant is requesting a maximum building height of 114 feet above the USGS datum at the entry to the Montage and a maximum building height of 82 feet for the east side condominiums. As each of these sites have been or will be heavily disturbed for the mine soils mitigation, no "natural grade" can be established.

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

Complies

The only existing structure is the Empire Day Lodge. The lodge is situated between the Montage Hotel to the west and the additional residential condominiums to the east. Neither of the proposed buildings will have an effect on the solar access to the day lodge. The major controlling factor in B2 is the ridgelines to the east, south, and west. Proposed are greater setbacks from the buildings to the day lodge than would be allowed by the LMC thereby allowing greater air flow through the project area.

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

Complies

The Montage hotel to the west of the day lodge is approximately 170 feet away; the condominium buildings to the east are approximately 70 away from the day lodge. The RD zone requirement is 12 feet for side yard setbacks. The conceptual landscape plan has significant landscaping between these buildings.

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable;

Complies

The Flagstaff Annexation clustered the development of the project into several development pods, leaving 88% of the area as open space. Most of this open space is used for ski terrain, other recreation, and wildlife habitat.

(5) MPD's which include the additional height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9 Architectural Guidelines or Historic District Design Guidelines if within the Historic District; and

Complies

The applicant has provided conceptual renderings and detailed volumetrics for the Montage hotel and east side condominiums. The roof elements are substantially stepped and provide architectural interest.

(6) Structures within the HR-1 District which meets the standards of development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2.2-6.

This section is not applicable.

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

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

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

Complies

The Montage hotel on the west side is placed within a heavily disturbed site. The east side condos are sited over the existing sales office and East-West development office. This area has significant regulated soils that are required to be removed and would necessitate the removal of the aspens in this area. There is significant space

between the Montage and the Empire Lodge and the Lodge and the condo buildings to the east. These gaps provide visual corridors to the ridgeline behind.

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

Complies

Significant excavation will be required; however, the buildings will fill the excavated areas with underground parking and service facilities. There are several retaining structures and a bridge into the entry court to the Montage. Generally, the buildings step with the site without the need of large or numerous retaining structures. The outdoor amenities to the buildings will flow at grade into the existing landscape. The ski run around the east and north side of the Hotel will require substantial grading; however, this is already a disturbed site from previous mining and remediation activities.

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

Complies

Minimal road work is required. An access road to the Montage is proposed to intersect State Route 224 just before the traffic circle. A bridge will span the drainage gully in this area. The buildings will step with the grade requiring minimal walls and cut/fill slopes.

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

Complies

The Mid-Mountain trail loops behind (south) of the project site. Although not a specifically identified trail on the Mountain Trails Foundation 2006 Trail Map, the emergency access road up Empire Canyon from the top of Daly Avenue is used by hikers and bikers. The site plan shows a proposed ski trail to the future pod Z lift in the area as well.

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

Complies

No new streets are being created except for the short access road into the project site.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back

from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

Complies

There are minimal hard surfaces as all parking is underground. The hard surfaces proposed (entry drives, porte cochere, and patios) will be heated eliminating the need for snow storage.

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

Complies

All refuse storage facilities will be underground in the garages of the buildings. Hotel staff will handle refuse and recycling collection.

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

Complies

The Flagstaff Mountain annexation included 15 Technical Reports, one of which is the Transit Plan. The Transit Plan has been amended and updated with the inclusion of the Montage. The Montage project has additional transportation elements for guests and employees as found in the November 27, 2006 Technical Memorandum submitted by Fehrs and Peers, Transportation Consultants, on behalf of the developer.. Both the east and west phases will have drop-off/pick-up areas outside of the circulation pattern for the garages.

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

Complies

Service and delivery, particularly for the Montage hotel, are located within the garage level. The garage door and loading areas can accommodate a semi-truck.

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

Complies

Minimal vegetation currently exists due to the mining activities associated with the site. Landscaping will be accomplished using native and other appropriate drought-

tolerant plant materials in accordance with the Flagstaff Design Guidelines. A small formal lawn area is proposed on the south side of the Montage. Irrigation will be principally by drip.

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

Complies

The Flagstaff Annexation is not included in the Sensitive Lands Overlay. However, there is one locally rare native plant that has been identified by the Utah Native Plant Society. The applicant has been in contact with the UNPS to identify the location of the plant colony and to take steps to preserve it. The plant is not located within the development area.

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

Complies

Additional employee/affordable housing is required with the increased 80 Unit Equivalents. The mitigation rate in the original Development Agreement would increase the housing requirement by 5.7 Affordable Employee Units (AEUs). In accordance with the Development Agreement, 25% of the required housing must be on-mountain. The Montage is programming 10 units on-site which include the 5.7 and additional AEUs for the rest of Empire Pass.

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

Complies

Staff does not recommend that a Child Care Center be provided on-site. Limited permanent Child Care demands will be generated by the hotel and condominiums.

Approval: The Planning Commission based their decision on the Analysis, above, and the following:

Findings of Fact

1. The Master Planned Development (MPD) is for Pod B-2 of the Flagstaff Mountain Resort Annexation area, know known as Empire Pass.
2. The MPD is located in the RD-MPD zoning district.
3. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.

4. The City Council approved an amendment to the Development Agreement on February 1, 2007, that increased the allowable density by 80 Unit Equivalents, 192 hotel rooms (included in the 80 UEs) and the allowable units by 77.5, to be located in the B-2 MPD.
5. Concurrent with this application and approval, the Planning Commission approved the Conditional Use Permit for Phase I of this MPD on March 14, 2007. Phase I is the Montage Hotel to be located on the west side of the Empire Day Lodge (B-2 West).
6. Concurrent with this application, the Planning Commission forwards a positive recommendation to the City Council for the amended Pod B-2 Empire Village Subdivision.
7. The total number of units approved with this MPD are 192 hotel rooms using 69.6 Unit Equivalents (UEs) and 94 hotel condominiums (114 UEs) in the west side of the Empire Day Lodge (B-2 West) and 81 condominiums (81 UEs) on the east side of the Empire Day Lodge (B-2 East). In addition, there is 35,000 square feet of spa space, 28,059 square feet of bar/restaurant/retail space and approximately 15,000 square feet of meeting/conference space and lounge areas.
8. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 114 feet above a benchmarked grade (USGS 8346') is requested.
9. The volumetrics as shown in the exhibits dated April 24, 2006, and reviewed by the Planning Commission provide the façade shifts and roof shifts necessary to create architectural interest and break the building into smaller components.
10. The setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property line, platted street, or existing curb or edge of street.
11. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
12. The Development Agreement requires the Master Developer to provide water source capacity.
13. The Flagstaff Mountain Resort Development Agreement, as amended, requires reclamation of mine hazards.
14. The **Analysis** section of this staff report is incorporated herein.

Conclusion of Law:

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.

6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearing held in accordance with this Code.
13. The MPD, as conditioned, is consistent with the approved Flagstaff Mountain Resort Development Agreement, as amended.

Conditions of Approval:

1. The building plans and volumetrics for the project shall meet substantial compliance with the drawings dated April 24, 2006, and as reviewed by the Planning Commission.
2. A height exception for the Montage to 114 feet above a benchmarked grade (USGS 8346') is granted with the Master Plan. A height exception for the east side condominiums to 82 feet above benchmarked grades (USGS 8330' for north datum point and 8380' for south datum point) is granted with the Master Plan. Datum points are indicated on the site plans reviewed by the Planning Commission.
3. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the B-2 Master Planned Development area. The utility plan may include temporary utilities that must be removed (not just abandoned) upon completion of permanent utilities.
4. All regulated soils will be removed from the site and transported via SR 224 and SR 248 to the engineered repository at Richardson Flats. A specific hauling plan, similar to the previous soils hauling operation, must be approved by the Chief Building Official and will incorporate safety inspections, daily reports, and coordination between the City Police and Utah Highway Patrol.
5. Prior to issuance of any building permits for that unit or building which causes overall water consumption at Empire Pass to exceed 150 gallons per minute (approximately 75 units), the Master Developer shall have provided adequate water source capacity satisfactory to the City Attorney and Public Works Director.
6. A revised Mine Soils Hazard Remediation Technical Report (Exhibit 1 of the Technical Reports) shall be submitted to the Chief Building Official. Approval of the revised plan shall have been made by the Building Official prior to any building permit being issued. Prior to vertical construction of the project, UPCM

shall provide acknowledgement from the State of compliance with State mining regulations regarding operation, reclamation, surety, and post-mining land use permit requirements.

7. A revised Emergency Response Plan (Exhibit 7 of the Technical Reports) shall be submitted to the Chief Building Official. Approval of the revised plan shall have been made by the Building Official prior to any building permit being issued. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by construction of the Montage.
8. The revised Transit Plan dated November 27, 2006, as submitted by Fehr and Peers, Transportation Consultants, on behalf of the applicant will be implemented at Certificate of Occupancy for the Montage Hotel.
9. The \$1.8 million bond for the Richardson Flats Park and Ride, in a form approved by the City Attorney, shall be posted prior to any building permit issuance.
10. The 30 acres at Richardson Flats for the Park and Ride and future recreation facilities will be dedicated to the City (unless the City agrees to a lease), in a form approved by the City Attorney, prior to building permit issuance.
11. The additional 20 Employee Housing Units will begin construction within 24 months from the effective date of the amended Development Agreement (March 2, 2007) or post a financial guarantee in a form acceptable to the City Attorney equal to 10 percent of the estimated construction costs of the additional Affordable Units.

Sincerely,

Brooks T. Robinson
Principal Planner

