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28 April 2017

Francisco Astorga
Park City Planning Department
Via email: fastorga@parkcity.org

REGARDING: Proposed Density/Number of Lots for Alice Claim

Dear Francisco,

I write on behalf of King Development Group, LLC. Since King first filed its application in 2005, density has been raised and resolved in past work sessions and hearings with the Commission and has been resolved with the City Legal Department, but perhaps the Council is unfamiliar with that historical record. With that in mind, set forth below is a summary along with attached supporting documentation for review.

1. The Alice Claim application was deemed complete for purposes of vested rights in 2005 and is subject to the 2004 LMC provisions regarding density.
2. The Staff report dated July 27, 2005 (attached) tabulated a maximum allowed density of 56 lots for the project, 41 of those lots within the HR-1 zone district. The report provided clarification that factors such as grading, vegetation protection, steep slope and access will reduce the ultimate LMC/Subdivision Code compliant density. The Applicant has demonstrated that the 9 proposed lots are Code compliant and are clearly within the 56 lot maximum allowed density.
3. The memorandum dated October 30, 2008 by the Applicant's attorney (attached) provides a detailed analysis of the vested density at the time of the 2005 complete application. In summary, this memo concludes that the Planning Commission or City Council may not reduce density below that permitted in the underlying zones, but may only adjust the dimensions of lots, the location, and other adjustments for good, efficient planning. In other words, the underlying zoning sets the maximum number of lots, and the Planning Commission and City Council defines their size, and their location based on the Code and best planning practices. The Applicant has proven that the 9 lots proposed meet the requirements of the Code and the requested "Gully Plan" meets the direction provided by Staff and the Planning Commission to meet best planning practices.
4. The email dated January 20, 2009 from the City Legal Department (attached) states that "Staff agrees that the underlying density allows for the 9 lots" and continues "however any lots must meet the subdivision and all other criteria of the Land Management Code, and the location and potential development impacts need to be approved by the Planning Commission and City Council." The Applicant has proven that the 9 lots proposed meet the requirements of the Code and the requested "Gully Plan" meets the direction provided by Staff and the Planning Commission in regards to lot locations and minimizing potential development impacts.
5. The property currently has 16 lots of record made up of 14 full and partial lots within the platted HR-L zone district and 2 lots within the metes and bounds parcel (attached). The platted HR-L parcel is encumbered by existing unplatted roads, yet still retains space for potential home sites. The Applicant has offered to deed this land to the City, but until final approval, the property has vested rights to the existing plat.

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At the July 27, 2016 Planning Commission hearing, the Alice Claim project was recommended for approval. In that hearing, Commissioner Joyce noted that in his opinion, nine lots, if located in the right place and in the right size and consistent with the Historic District, is appropriate. Commissioner Joyce stated that once the Gully Plan was presented, the amount of open space and the land that was cleaned up goes to good cause. On the question of whether nine lots were too much, Commissioner Joyce stated that when it was nine big houses on the hillside and the ridgeline, the answer was yes. However, when it became nine small, reasonably sized comparative historic district houses in a format that fit well with the Historic District, he was comfortable with it.

The proposed development is for 9 lots on 9.03 acres, a density of 1DU/acre. Within only the HR-1 zone district the plan proposes 8 lots on 3.57 acres, a density of 2.2DU/acre. These extremely low densities provide a significant amount of open space, 7.99 acres across the entire site which equates to 88.5%. Within only the HR-1 zone district, the area platted as open space equals 2.83 acres which equates to over 79% open space.

The Applicant contends that the proposed development plan provides a density that is well within the limits of the underlying zoning, meets the criteria of the Code, establishes the land pattern of the underlying HR-1 zoning, and yet still establishes and protects a significant portion of the site as open space.

Finally, the Applicant has explained many times to the Planning Commission, Legal Department, and Planning Staff that equitable considerations support the 9-home density for Alice Claim. The Applicant would never have spent \$1 million in the middle of The Great Recession to complete the voluntary cleanup if it had no assurance from Park City of developing nine homes to recover King's cleanup costs. As a Voluntary Cleanup Co-Applicant with King in cleaning up the Park City parcel in Alice Claim and King's property, the City manifested its approval of developing nine homes in Alice Claim. King Development's substantial change in position by incurring all of cleanup costs of \$1 million bars Park City from reducing the 9 lot density of the Gully Plan.

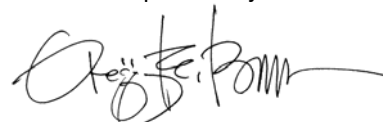
With this information we request that you clearly state in your staff report that the proposed density is well within the vested rights of the property.

Respectfully,
Marc Diemer
Associate Principal



DHM Design Corporation

Gregg E Brown
Director of Special Projects



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cc: King Development Group, LLC
Bradley R. Cahoon, Esq.