

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY HALL, COUNCIL CHAMBERS
AUGUST 8, 2012**



AGENDA

MEETING CALLED TO ORDER - 5:30 PM			<i>pg</i>
ROLL CALL			
ADOPTION OF MINUTES OF JULY 25, 2012			5
PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i>			
STAFF AND BOARD COMMUNICATIONS/DISCLOSURES			
CONTINUATION(S) – <i>Public hearing and continuation as outlined below</i>			
Richards/PCMC Parcel – Annexation Petition	PL-12-01482		
<i>Public hearing and continuation to August 22, 2012</i>			
429 Woodside Avenue – Plat Amendment	PL-12-01550		
<i>Public hearing and continuation to August 22, 2012</i>			
916 Empire Avenue – Steep Slope Conditional Use Permit	PL-12-01533		
<i>Public hearing and continuation to August 22, 2012</i>			
REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined below</i>			
1053 Iron Horse Drive, Public Works – Conditional Use Permit for Affordable Housing	PL-12-01576	27	
<i>Public hearing and possible action</i>			
2175 Sidewinder Drive, Prospector Square – Amendment to Record of Survey	PL-12-01522	59	
<i>Public hearing and possible recommendation to City Council</i>			
ADJOURN			

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

MINUTES – JULY 25, 2012

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
JULY 25, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel, Thomas Eddington, Katie Cattan, Francisco Astorga, Polly Samuels McLean

WORK SESSION ITEMS

General Plan – Information Update

Planner Katie Cattan reviewed the steps of the General Plan process. The process began with Visioning in 2009. Data was collected and interpreted and additional public input was obtained. The Staff identified issues and options, which was still ongoing, and they were drafting the stated goals and objectives. Planner Cattan reported that the Staff was currently in the process of drafting the General Plan and the strategies for implementation. Most of those have been laid out, but that process took time away from the public process.

Planner Cattan stated that the Staff was extremely close to having a draft document. She emphasized that the process was still in the draft stage. The next step was to meet with the task force groups and the public in an effort to bring forward a draft to the Planning Commission that has more community buy-in.

Planner Cattan stated that invitations were sent to the 11 people identified in the Staff report and the response had been positive. She and Director Eddington would meet with these individuals in a group setting twice in August and twice in September. At the same time the Planning Department would be setting up another round of neighborhood meetings for individual neighborhoods. Planner Cattan reviewed the format of the new General Plan as outlined in the Staff report. The intent is to go back to the neighborhoods with their ideas and hear public feedback. The next step in the process would be the Planning Commission and City Council vetting the plan.

Chair Wintzer asked when the Planning Commission would be involved. Planner Cattan encouraged the Planning Commission to get involved in the neighborhood meetings. The Planning Commission would have the opportunity to review the entire document after the neighborhood meetings. Chair Wintzer thought the Planning Commission should be involved before rather than after. If the Staff was looking for community buy-in, he felt it was important to get Planning Commission buy-in as they move through the process. He suggested more frequent updates or some other way for the Planning Commission to be involved before the General Plan is written.

Commissioner Hontz asked if the Staff intended to include the Planning Commission before meeting with the stakeholders. Planner Cattan replied that the Staff was thinking about going to the public first and then coming back to the Planning Commission with the findings. She would be happy to provide updates to the Planning Commission more frequently. Commissioner Hontz shared Chair Wintzer's concern. Next to the Staff, the Planning Commission looks to the General Plan the most. Therefore, they have the most desire to help shape the document. She thought the previous neighborhood meetings were good, considering the low participation, but she did not believe the data collected represented the entire community. Commissioner Hontz stated that because the Planning Commission uses the General Plan document all the time, and she preferred

to be involved sooner in the process.

Planner Cattan stated that for organization purposes it is helpful for the Staff to have the public provide feedback on the identified strategies for their individual neighborhoods. When the document is presented to the Planning Commission, the Staff could give them everything and show what was amended. However, in terms of resources and being organized, they felt this process was more effective. Planner Cattan explained that it was important to go through the process step by step to keep the draft organized and ready to present to the Planning Commission and the City Council.

Commissioner Worel asked if the Commissioners could see a draft of what would be presented in the neighborhoods. Planner Cattan answered yes. Director Eddington thought it would be beneficial for the Planning Commission to see a draft of what the Staff was proposing, prior to meeting with the stakeholders and the neighborhoods, to allow them the opportunity to provide input and guidance.

Chair Wintzer remarked that the Planning Commission deals with the problems that are created and they have memory and understanding of what those problems are. Involving the Planning Commission would be another set of eyes on the document.

Planner Cattan reiterated the importance of going back to the public and the difficulty in managing a community task force, neighborhood meetings for nine different neighborhoods and taking in Planning Commission input. She felt the task force meetings and the neighborhood meetings would take the majority of time over the next two months.

Commissioner Hontz thought they were putting too much emphasis on editing. She believed the Planning Commission was more interested in seeing the draft to understand what was being presented to the public and the task force. Chair Wintzer remarked that it was better for the Planning Commission to make suggestions before the Staff spends significant time and effort drafting the document and then have to go back to make the changes.

Commissioner Thomas stated that his intent as a Planning Commissioner was to be more actively involved in the process. It would be helpful to the Planning Commission if they could be involved with formulating some of the concepts earlier in the process.

Commissioner Savage proposed that the Planning Department notify the Planning Commission when the material is prepared that would be presented to the other forums. That would give the Planning Commission the opportunity to review that material and if they have comments, to channel those comments directly. The Staff could then take all comments from the Planning Commission, the task force and the neighborhood groups and consolidate it into a more comprehensive draft for the Planning Commission and City Council. The Commissioners concurred.

Commissioner Thomas thought they should be as open as possible with communication and to share ideas. The Planning Commission wanted the opportunity to brainstorm, but they did not want to hinder the process. Commissioner Thomas understood the Staff's concern about organization and going through each step; and he also agreed that the Planning Commission should be involved sooner rather than later.

Commissioner Strachan stated that in the end, the Planning Commission would be looking at the final document. If neighborhood input is way out of line with the history of the General Plan and the rest of the neighborhoods, he was unsure how that would be addressed.

Planner Cattan stated that she wanted to produce a very cohesive document for the Planning Commission, which is why the original thought was to present it to the Planning Commission after further editing with the task force and neighborhoods. However, she was willing to utilize Commissioner Savage's proposal and send individual pieces to the Planning Commission as they are presented to the task force and the neighborhoods.

The Work Session was adjourned.

DRAFT

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 25, 2012

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Jack Thomas, Mick Savage, Adam Strachan, Nann Worel

EX OFFICIO:

Thomas Eddington, Planning Director; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

July 11, 2012

MOTION: Commissioner Hontz moved to ADOPT the minutes of July 11, 2012 as written. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously by those who attended the meeting on July 11, 2012. Commissioner Strachan abstained since he was absent from that meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reported that potential dates for a joint meeting with the Snyderville Basin Planning Commission would be sent to the Commissioners the following week. The dates would be late August or early September.

Commissioner Savage asked if there were expectations or recommendations related to Planning Commission participation with the City Tour. Director Eddington noted that the Planning Commission had already been invited and he hoped several Commissioners would be able to attend. Anyone interested in participating should contact Patricia Abdullah. Chair Wintzer remarked that questions regarding the City Tour should be directed to ReNae Rezac. Director Eddington stated that the tour this year included projects in Las Vegas and Brian Head.

CONTINUATION(S) – Public Hearing and Continue to Date Specified

30 Sampson Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01487)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE 30 Sampson Avenue – Steep Slope CUP to a date uncertain. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

543 Woodside Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01507)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE 547 Woodside Avenue Slope CUP to a date uncertain. Commissioner Hontz seconded the motion.

916 Empire Avenue – Steep Slope CUP
(Application #PL-12-01533)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE 916 Empire Avenue – Steep Slope CUP to August 8, 2012. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1103/1105 Lowell Avenue – Plat Amendment
(Application #PL-11-01339)

Referring to the work session discussion, Chair Wintzer believed this application was a perfect example of why the Planning Commission needs to be involved in the General Plan. This area needs help with zoning and the only people who would recognize that are the ones trying to work with it.

Planner Astorga reviewed the request for a plat amendment. An existing duplex was built in the early 1980's. The policy at that time was to build over property lines rather than to allow for lot

combinations. The City required that the property was owned in common ownership and the properties were under the same tax ID number. That policy has since changed and the applicant was requesting a lot combination through a plat amendment to combine the entire portion currently owned by the same property owner. The owner has indicated a desire to add more units behind the duplex in the future; however, that was not part of this application.

Planner Astorga noted that the plat amendment would create a large lot of record at 8,680 square feet, which would yield a maximum footprint of approximately 2,665 square feet. He pointed out that the duplex is not historic and could be demolished. The maximum floor area, minus the 10' setback required in the HR-1 under height, and minus any articulation, would be approximately 8,000 square feet.

The Staff recognized that there were no historic structures on Lowell Avenue. On the east side of the street there are smaller scale buildings that follow the pattern of 25' x 75' lots. There is a pattern of condominiums and duplexes on the west side of the road. The proposed lot size is consistent with the pattern of larger homes. Understanding that this is a unique neighborhood in the HR-1 District, the Staff would work on finding appropriate zoning for the west side of Lowell Avenue when updating the General Plan.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval.

Commissioner Thomas assumed the slope of the property was over 30%. Chair Wintzer asked if this property would come back to the Planning Commission for a steep slope CUP. Planner Astorga replied that it would come back if construction takes places on slopes 30% or greater.

Chair Wintzer opened the public hearing.

Rich Heatherington stated that he is the owner immediately to the south on Lot 1 of the North Star subdivision, and they share the common access easement with 1103 Lowell. He noted that Mr. Van Hecke had sent an email expressing concerns with density, and he echoed those concerns. Mr. Heatherington remarked that the issue is with the access road that is shared by the two houses to the immediate south. He noted that the current condition of the road is dilapidated and the current density is close. In addition, the parking access where the structure is built blocks snow plow access and emergency vehicle access. Mr. Heatherington noted that if the plat amendment creates a lot over 8500 square feet they could eventually fit four units on the lot. The LMC requirement of two parking spaces per unit would add eight cars. He pointed out that in its current condition the road is nearly impassable with two cars. Mr. Heatherington was concerned about the access coming off of Lowell that accesses the lots in North Star. He asked if the road would be repaired, if the grade would be changed, or if better access would be created if density occurs in the future.

Chair Wintzer clarified that access for the lot was off of Lowell and not the subdivision. Planner Astorga replied that this was correct. Access was over the subject property. There is an easement and he believed the users would be responsible for maintaining the access easement and not this

applicant. He would verify that with the recorded easement and share the information with the neighbors. If the easement does not identify the responsible party, that would need to be worked out among the neighbors. It is not something the City could enforce. Planner Astorga remarked that three different easements were shown over the property, but he was unsure who owned it. Chair Wintzer assumed it would be owned by Lots 1, 2 and 3.

Assistant City Attorney McLean stated that the proposed plat had four recorded easements listed.

Commissioner Savage understood that the easements were physical descriptions of the right-of-way and who holds them. Therefore, the combination of the lots would have no impact on the location of the easements. Planner Astorga replied that this was correct. Commissioner Savage clarified that this evening they were only talking about the combination of the lots; and that the existing easements would stand going forward, subsequent to the combination of lots.

Chair Wintzer believed this subdivision was done at a time in Park City's history when there was not a lot of follow through. He suggested that Mr. Heatherington do his own follow up to find out who owns the easements and what they entail. Planner Astorga had the recorded documents in the file and he offered to provide copies to Mr. Heatherington. Director Eddington noted that the recorded easements should describe the parties and their responsibility.

Chair Wintzer closed the public hearing.

Chair Wintzer remarked that the question for the Planning Commission was whether a possible 8,000 square foot house was appropriate in this neighborhood. He thought the answer was ambiguous in the purpose statement of the zone; but the size was clearly inappropriate when looking at the character of the neighborhood.

Commissioner Worel clarified that if the Planning Commission allows the plat amendment to create one large lot, the options would be to build an 8,000 square foot house or to divide the lot into two smaller lots. Chair Wintzer remarked that once the lot combination occurs, the applicant would have to come back to the Planning Commission to request a subdivision. He did not believe it would be subdivided because the intent of the plat amendment was to clean up the lot line under the existing structure. Planner Astorga stated that the lots could not be subdivided unless the duplex was demolished.

Commissioner Savage asked if when the Planning Commission is faced with the question of recommending a lot line combination to the City Council, whether they have the purview to delve into the intended use of the property subsequent to the lot line combination and stipulate constraints on what can be done. He asked if the applicant would be subject to constraints imposed by the Planning Commission that would not exist if that lot combination were already in existence.

Assistant City Attorney McLean stated that good cause is one criteria for a lot line adjustment or plat amendment. In the past the Planning Commission and the City Council have considered the neighborhood and the compatibility of what could be built. The use itself cannot be controlled if it is a use permitted by Code, but they can place constraints on size if there are findings of good cause for compatibility with surrounding properties in the neighborhood.

Commissioner Hontz stated that she used to live on Lowell Avenue and when she walks the street now, it appears that the western portion of the street is relatively consistent in larger structures. Of all the places in Old Town, the western portion of Lowell is more compatible with larger structures. However, the eastern side has a unique smaller lot focus. She believed the Staff's analysis was accurate in terms of what occurs on Lowell Avenue. Commissioner Hontz stated that the subject lot and the existing structure were in need of attention and she felt it would benefit the neighborhood to have that cleaned up. On the other hand, an 8,000 square foot structure is very large and she had a hard time envisioning that for Old Town.

Commissioner Hontz referred to Findings of Fact #13 and #18 in the Staff report. She noted that #13 states that the current use of the property is considered legal non-conforming. However, #18 states that the current building on the site is non-complying. She assumed that the building itself was non-complying and the use was non-conforming. Director Eddington replied that this was correct.

Craig Elliott, representing the applicant, thought a duplex was an allowed use in the HR-1 zone. Planner Astorga explained that a duplex is allowed through a conditional use permit. The existing duplex did not go through the conditional use permit process.

Assistant City Attorney McLean explained that the duplex pre-dates the conditional use process, which is why it is considered a legally non-conforming use. She stated that if the duplex use stopped for more than a year, the applicant would be required to submit a CUP application for a duplex.

Assistant City Attorney McLean referred to Exhibit F, the neighborhood vicinity map, and asked Planner Astorga to comment on what each area represents in terms of square footage. Planner Astorga did not have numbers on the other properties; however, the subject property is a total of 3100 square feet for the entire structure. He recalled that the duplex was approximately 46' x 25', which was similar to the structure to the north. The structure sizes increased as they moved further to the north and the south.

Commissioner Strachan pointed out that one of two things could logically be done in the zone. An applicant could either apply for a zone change or the Planning Commission could put a limitation on the square footage of the structure. In his opinion, there is no way to meet the purpose statement of "encourage single family development on combinations of 25' x 75' lots". Commissioner Savage understood that the intent for delineating the footprint size in the Code as a function of the combination of lots was to make sure that as lots got bigger, houses did not scale linearly. Commissioner Savage agreed with the intent, but he was unsure whether this application could meet that requirement if the lots were combined. In this case, if the lot gets bigger the structure also gets bigger and out of proportion with the rest of the homes. Another issue is that an 8,000 square foot structure would not meet the purpose statement of "encouraging construction of historically compatible structures and keeping with the character and scale of the Historic District". Commissioner Strachan did not believe the "shoe" fits within the zone. He favored the idea of a zone change because larger houses belong in that area. However, large houses are not acceptable under the current zone structure.

Planner Astorga pointed out that if the applicant requested a zone change it would have to be supported by the entire neighborhood. Commissioner Strachan did not think that was unrealistic.

Commissioner Savage clarified that under the current zoning, the LMC specifies that if this lot combination is approved, an 8,000 square foot house would be allowed based on the resulting footprint. He was told that this was correct. Commissioner Savage pointed out that the applicant was requesting a lot line combination without any additional benefits that would not exist if the lot already existed inside the zone.

Craig Elliott reiterated that the intent of the plat amendment was to clean up the property. The owners could then come back for the conditional use permit process. Mr. Elliott believed the Planning Commission would get their questions answered through the CUP process and have the opportunity to discuss design options and compatibility.

Chair Wintzer remarked that an 8,000 square foot structure would not be allowed without the lot combination. The dilemma for the Planning Commission is what doors would be opened if they allow the plat amendment. This was their only chance to address the issues before making that decision.

Commissioner Strachan still supported a zone change as the appropriate process. Mr. Elliott stated that the applicant did not have the opportunity to make an application for a zone change as an individual because it would involve dealing with 40 or 50 property owners. Mr. Elliott believed a zone change should come from the City. Commissioner Strachan agreed that a zone change would not be an easy process; but without the zone change the applicant may be limited on the size of the structure because the Planning Commission and City Council could limit the lot size if they grant the lot combination. Mr. Elliott believed that would be significantly inconsistent with that side of the street. Commissioner Strachan pointed out that it would be consistent with the language of the zone. Mr. Elliott argued that the zone language was irrelevant in that location because it does not relate to what already exists. Mr. Elliott did not believe the applicant would follow through on the plat amendment if the lot size was reduced. It would not make sense to agree to a reduction on the property when the intent is to make the current non-conforming into a legal piece of property. He believed the local architects do what is best for the community in terms of size and design. Commissioner Strachan questioned the greed of property owners; not the skill of the design professionals. An owner could ignore the architect's recommendation and direct him to build the house he wants.

Commissioner Worel asked if the lot combination needed to be approved before the CUP, or if they could come together. Director Eddington stated that an applicant would have to have a buildable lot before applying for a CUP. Commissioner Thomas stated that the Planning Commission has seen applications that show the CUP and the plat amendment on the same agenda. The lot line adjustment is reviewed as the first item, followed by the CUP if the lot line was approved.

Commissioner Worel favored a concurrent process because the Planning Commission would know what the applicant intended to do with the property after the lot line adjustment. Mr. Elliott remarked that a concurrent process requires the applicant to go through the time and expense of approaching

a design on a piece of property that may not exist if the plat amendment is denied. It is a risk that goes beyond what the City requires.

Assistant City Attorney McLean stated that in terms of legal defensibility, this application was challenging because in looking at the tax records, the two units were platted over four lots and two parcels. In terms of consistency, not allowing this property to do what other properties have done along that same side of the street would be difficult to defend.

Commissioner Thomas stated that historically the Planning Commission has approved multiple lot combinations. He noted that the Code does not place a limit on the number of properties that could be combined. For that reason he believed this application was reasonable. Commissioner Thomas recognized that this lot combination would create a large lot, but they have already set precedent for allowing multiple lot combinations. Commissioner Strachan clarified that his preference for a zone change did not dispute past approvals by the Planning Commission. He was only trying to point out that a zone change would codify that lots of that size are allowed in the zone. Without the zone change, the current zoning stipulates that larger lots should not be allowed and that small lots are encouraged. He understood that the facts did not match the zoning and that large structures exist, which suggests that the lot lines should be combined and that a large house could be built. He believed the correct process would be to change the zone and then allow the home; rather than violate the current zone and allow the house because precedent was already set.

Commissioner Strachan thought the Planning Commission could grant the lot line combination this evening, and at the same time caution the applicant that when the CUP application comes forward, the lot size may be more significantly restricted in size than it would be if he obtained a zone change.

Commissioner Hontz referred to Finding #19 in the Staff report and revised the language to read, "The area of the lot combination is consistent with the lots on the western side of Lowell Avenue". Commissioner Hontz referred to Condition #4 and added the word "foot" after 10 to read, "A 10-foot wide snow storage easement will be required along the front of the property".

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 1103 Lowell Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed 3-2. Commissioners Savage, Strachan and Thomas voted in favor of the motion. Commissioners Hontz and Worel were opposed.

Findings of Fact – 1103/1105 Lowell Avenue

1. The site is located at 1103/1105 Lowell Avenue.
2. The site is within the HR-1 District.
3. The property owner requests to combine all of Lot 1 and Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition into one (1) lot of record.

4. The area is currently identified by Summit County as parcel No. SA-321-A.
5. Currently the site contains a three (3) story duplex.
6. The structure was built in 1978.
7. The subject area contains portion of Lot 30, 31, and 32 do not have access to a right-of-way.
8. The proposed subdivision plat creates one (1) lot of record consisting of 8,680 square feet.
9. The minimum lot area for a single family dwelling is 1,875 square feet.
10. The minimum lot area for a duplex is 3,750 square feet.
11. When the structure was built a two-family building (duplex) was an allowed use.
12. Currently a duplex is a conditional use.
13. The current use of the property is considered legal non-conforming.
14. The minimum lot width allowed in the district is twenty-five feet (25').
15. The proposed width is sixty-two feet (62').
16. The proposed lot combination meets the lot and site requirements of the HR-1.
17. The duplex does not meet current LMC standards for side setbacks and building height, i.e. vertical articulation.
18. The current building on the site is considered legal non-complying.
19. The area of the lot combination is consistent with the lots on the western side of Lowell Avenue.
20. The use is also consistent as this portion of Lowell Avenue has various duplex and condominium on the north and the south of the subject site.

Conclusions of Law – 1103/1105 Lowell Avenue

1. There is good cause for this Subdivision Plat as the lot lines going through the building will be removed, remnant parcels will become part of the legal lot of record. And the proposed lot will be consistent with the Lowell Avenue west portion of the street.

2. The Subdivision Plat is consistent with the 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 amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 1103/1105 Lowell Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All new construction will require modified 13-D sprinklers.
4. A 10-foot wide public snow storage easement will be required along the front of the property.

2. 80 Daly Avenue – Plat Amendment
(Application #PL-12-01488)

Planner Astorga noted that the Planning Commission previously reviewed this application for a plat amendment to combine two lots on April 11 and May 9, 2012. On May 9th, the Staff was directed to provide lot areas and footprints to the Daly Avenue comparison study. They were also directed to eliminate vacated Anchor Avenue from the footprint calculation. Planner Astorga stated that the revised study included all structures on Daly Avenue, separated by uses, the existing square footage according to Summit County Records, the lot size of each lot, and the calculated maximum footprint on each lot allowed per the LMC. Since it was impossible to physically measure every footprint, Planner Astorga informed the Planning Commission that the maximum footprint on the study was calculated from a formula using the square footage of each lot.

Planner Astorga reported that the applicant had provided a model as requested by the Planning Commission at the meeting on May 9th. The applicant also submitted an approximate footprint calculation for each of the proposed Lots A and B, as well as massing elevations.

Following the May 9th meeting, the item was continued several times to allow the Staff and the applicant the necessary time to obtain the requested information.

Planner Astorga reviewed an exhibit on page 52 of the Staff report, which was created to identify the owners of the Daly Avenue lots and the associated discrepancies. Planner Astorga commented on the remnant parcels. He noted that 60 Daly Avenue and the Daly Doubles Condominiums had been re-platted and were no longer an issue. Planner Astorga stated that if for any reason in the future the applicant, Mr. Anderson, or the property owner at that time, and Carlene Riley wish to remodel their structures, they would be required to go through the same re-platting process to consolidate the remnants and remove the lot lines to match the true ownership of the property. The Staff anticipates that the lots would meet the minimum requirements of the LMC; however, that analysis was not part of this application because they had not received the survey to verify the information.

Planner Astorga explained that lots like 68 Daly Avenue are called flag lots because of their unique situation regarding the minimum width. The City recognizes that lot as a buildable area because a building permit was issued in the late 1970's or early 1980's. Planner Astorga clarified that he would refer to it as a buildable area rather than a buildable lot, because the lot itself is identified as Lot 9.

Planner Astorga presented an image showing the plat amendment currently being reviewed. He noted that the Planning Commission previously requested that the applicant provide a model to show possible mitigation of impacts to Lot 68 for solar access and view mitigation.

Planner Astorga reviewed the history of plat amendments on Daly Avenue and how an average size was calculated to compare the house size to the footprints along Daly Avenue. He was very familiar with the project on 313 Daly Avenue, at which time the Staff recommended adding a limitation of the maximum house size per the study done at that time. That recommendation was supported by the City Council and the Planning Commission. Prior to that, records indicate that a limitation was placed in the HR-L District. Planner Astorga stated that approximately four months ago the Planning Commission and the City Council added another cap that was imposed by the property owner that limited the floor area to 2,000 square feet. The cap was included on the plat amendment. Planner Astorga believed the precedent had been set and they could move forward with it in this unique portion of the HR-1 District.

Planner Astorga reviewed the table on page 55 of the Staff report showing the ratio of the maximum house size to the allowed footprint for both Lower and Upper Daly Avenue. He noted that the numbers were supported by the analysis. He noted that the gross floor area of all structures on Daly Avenue was approximately 141% of the average maximum footprint allowed. Based on previous restrictions for Daly Avenue, the Staff recommended a cap of 200% for 80 Daly, which means that the proposed footprint would remain the same, but only two floors could be built. The proposed limitation would keep the house size more consistent with existing houses in the neighborhood, and still allow the applicant the flexibility to shift the structure one way or the other.

Planner Astorga clarified that the limitation would only apply to Lot B. The area of Lot A is 1875 square feet, which is the equivalent of a standard Old Town lot of 25' x 75'.

Commissioner Strachan requested clarification of the ratios identified in the table on Page 55. He asked if the house built on the footprint is 141% percent larger than the lot footprint. Planner Astorga answered yes.

Jonathan DeGray, representing the applicant, presented the massing model. The entire ownership of Lot B was represented as a 1,540 square foot footprint, including the Anchor Avenue portion. Eliminating Anchor Avenue from the calculation reduces the footprint from 1540 square feet to 1,384 square feet. Mr. DeGray noted that the applicant was still willing to exclude Anchor Avenue from the footprint. It was included in the massing model to show the worst case scenario.

Mr. DeGray remarked that Lot A was 1,875 square foot with an 844 square foot footprint. It is a two-story structure. He noted that the buildable portion of Lot A is the flat area to the front. There would be a 10-foot front yard and 10-foot rear yard setback, which would occupy a great extent of that steeper slope going up to the house behind. Mr. DeGray presented a photo taken from the front of Lot A looking at the building to the rear. He indicated the duplex to the right and stated that the garage elevation was the single story. The deck above with a window to the rear was the second story. The wall plates would be that height with a roof above. Mr. DeGray remarked that the roof of the proposed building would probably be into the sightline of the windows from the back, but no higher than 27' because of the elevation change from the front of the property to the rear.

Mr. DeGray reported that the applicant's position had not changed regarding the recommended building size. They would like to move forward with the reduced footprint at 1,384 square feet that excluded Anchor Avenue, and go through the Steep Slope CUP process to determine the appropriate square footage based on the setting. Mr. DeGray stated that 2768 square feet represents a building size that does not take into account the topography of the lot. A third to a half of the building would be buried and 2,768 square feet would be less usable than it would be if it were built somewhere else. Mr. DeGray felt there was unfairness in the evaluation that one number works and another number does not. He requested the ability to move forward with 1,384 square feet of footprint and let the Steep Slope CUP process play out.

Commissioner Strachan wanted to know how much smaller the proposed structure would be if the Planning Commission accepted the 200% ratio restriction. Mr. DeGray replied that the structure shown on Lot B at a 1540 square foot footprint represents a building that slightly exceeds 4,000 square feet with a garage. Commissioner Strachan asked for the ratio under the recommended 200% restriction. Mr. DeGray stated that under the 1500 square feet of footprint the ratio would be 2.7. He noted that 1384 square feet at 2.4 would be approximately 3300 square feet of structure. Mr. DeGray believed that under the Steep Slope CUP, a 3300 square feet house would work on the site and fit with the surrounding buildings, and still be sensitive to smaller non-historic structure to the south. He estimated that at least a third of the structure would be underground.

Chair Wintzer opened the public hearing.

Carlene Riley, a resident at 84 Daly Avenue, asked if they would cut off access to Pete Henderson's property. Mr. DeGray replied that the applicant was proposing to allow easement agreements that maintain the access and the deck extensions.

Ms. Riley wanted to know how close they would build to her house. Mr. DeGray stated that it was a 40-foot wide lot which requires a 5' side yard setback. The Staff had recommended a 7-foot side yard on Ms. Riley's side and the applicant agreed to that.

Ms. Riley asked about the intended distance from the road. She noted that her home was only 7' back from the road. Mr. DeGray calculated 15' as the required setback based on the lot width. Ms. Riley was not happy about removing the trees.

Brent Gold, legal counsel representing Pete Henderson, the owner of Lot 68, stated that during the meeting on May 9th considerable objections were raised by several of the Commissioners regarding the impacts of this proposal on Lot A, which is the lot immediately in front of Mr. Henderson's property. Concern was also raised regarding the issue of what constitutes a lot of record and whether it was permissible to proceed with this request when the only lot of record is Lot 9. Mr. Gold recalled from the discussion that it was a problem. He referred to comments by Planner Astorga in describing the events that took place in connection with construction on a portion of Lot 68. Mr. Gold remarked that it was a different time, a different day and a different world. What they are dealing with today is Lot 9, which is the only lot of record. How to handle a lot of record is not addressed in the Code for the type of subdivision that occurred many years ago under an entirely different Code.

Mr. Gold reiterated that the issue was raised by the Planning Commission on May 9th, but it was not addressed in the current discussions. Mr. Gold also recalled from the discussion a suggestion for a possible variance based on undue hardship on the applicant. He did not believe that issue had been resolved to this point. Mr. Gold remarked that on May 9th, Commissioners Pettit and Hontz had raised objections to the height and the impact on Lot 68. He noted that Mr. DeGray had provided new information that would seemingly limit in all respects the height of the structure to two floors. However, the proposed ordinance cites limitations on Lot B, but there are no limitations reflecting the conditions of the height proposed. In addition, there was no limitation on the allowed square footage. Mr. Gold calculated what he believed was the accurate square footage and reviewed illustrations to address the height. He noted that the space above the roof line, which extends the entire distance of Lot A in front of Mr. Henderson's property, covers all but approximately 2-1/2 to 3 feet of the first floor and entirely covers all of the windows on the first floor.

It appeared that the second floor was not obstructed by the roof. Mr. Gold stated that this was a problem due to the nature of the District and the concerns raised by former Commissioner Pettit and Commissioner Hontz. Mr. Gold requested clarification of the height. He noted that one document references a 26'-4" height limitation, and that limitation was not referenced in the ordinance. Mr. Gold believed the issue needed to be rectified.

Mr. Gold stated that in the survey provided by the applicant, the survey line shows the property boundary being used by the applicant for the top portion of the stairs appears to cover slightly more than half before it tapers down. The piece on the bottom was a concrete pad. Mr. Gold remarked that those improvements were built in 1981 and 1982. They were built according to a survey provided at the time the house was built. On May 9th, Commissioner Wintzer mentioned the re-monumentation in Park City in the early 1980's. That re-monumentation moved property lines anywhere from a few inches to several feet. His client emphatically claims ownership of that piece and an easement agreement would not suffice. Mr. Gold was prepared to provide all necessary

verification to support his claim. Based on the assumption that his client owns that property, the applicant adjusted the property boundaries from the adjoining Lot B so they could get the 1875 square feet required under the Code. If that line moves a fraction, they would be under the required square footage. He pointed out that they could still move the lot line farther into Lot B, but that would change the entire configuration and the entire proposal.

Mr. Gold stated that the applicant makes the argument that Lots 10 and 11 are buildable lots, and that the current solution renders a better resolution of the problem. Mr. Gold felt the better resolution remained to be seen. He did not believe all the problems with Lot A had been remedied. It was the general consensus that the Planning Commission has the authority and power to impose conditions and restrictions that cause the resolution of all problems rather than creating greater problems in the future. He suggested that they were not finished with this plat amendment process.

Chair Wintzer closed the public hearing.

Wade Budge, legal counsel representing the applicant, responded to the issues raised by Mr. Gold. With respect to whether a variance might be appropriate, Mr. Budge pointed out that the proposal meets what is required to create a lot in this area, including the required square footage. If Mr. Gold's point is an inappropriate use, that could not be solved through a variance. A use variance is prohibited by Utah law and therefore it is not applicable. Mr. Budge believed the focus should be whether or not the applicant meets all the requirements from a size perspective. A certified survey and Mr. DeGray's drawings show that both of the proposed lots were sufficient size for the zoning district.

Mr. Budge agreed that a condition had not been proposed for Lot A. The reason is that the natural size of the lot creates its own restriction due to the setback and height restrictions of the zone. They had presented the worst case scenario and understood the maximum footprint. A condition was not needed, but they would not be opposed if it was required because they already know that 844 square feet is the maximum footprint.

Mr. Budge commented on the encroachment issue. He believed the neighbors needed to work out the issue among themselves and not involve the Planning Commission. He proposed modifying Condition #4 and handed out proposed language that he had drafted. The revised condition would read, "Prior to plat recordation, an encroachment agreement or an encroachment license must be either agreed to or granted to allow the existing encroachments from 68 Daly Avenue to continue as they presently exist." Mr. Budge believed the revised language avoids involving the Planning Commission on the issue and allows the applicant the ability to work with Mr. Henderson to come to an agreement. If they cannot come to an agreement, it would be presented to the City with a proposal that would allow Mr. Henderson to continue using what the applicant views as his property. Mr. Budge stated that if there was a true dispute over ownership, the burden would be on the neighbor to come forward with evidence of ownership. He clarified that the ultimate goal was to keep the encroachments in place and allow them to continue as they exist.

Mr. Budge responded to the issue of square footage and setting a maximum for Lot B. Their strong preference would be to defer that to the Steep Slope CUP process. The architect could come forth

with an actual plan and under the CUP ordinance a number of criteria could be applied to determine whether the plan presented makes sense for the neighborhood. He pointed out that the Planning Commission makes the final decision on a CUP. If they forward a recommendation to the City Council specifying a size, the City Council would make the final decision and possibly set the size since they ultimately approve the plat. Mr. Budge stated that if the concern was making a future buyer aware of the size restriction, the applicant was willing to add a plat note stating that the actual size for Lot B would be determined through the Steep Slope CUP analysis process or a similar zoning process.

Mr. Gold requested time for a brief rebuttal. Mr. Gold remarked that there was a subtle difference between "must be agreed to" and "granted to allow". It is the difference between unilateral and bilateral. If the two owners cannot agree, Mr. Budge's client could dictate what the grant would be. His client was amenable to working out a solution with his neighbor, but it needs to be a bilateral process. If the Planning Commission approved the condition as proposed by Mr. Budge, it would be strictly unilateral.

Commissioner Savage asked if Mr. Gold had evidence that Mr. Henderson owns the property. Mr. Gold answered yes. Commissioner Savage wanted to know why the information had not been presented to the other side. Mr. Gold stated that the evidence was a survey that was done when the original house was destroyed by the tank that rolled down the hill.

Commissioner Savage asked Planner Astorga for the City's position related to the lot. Planner Astorga stated that he had searched for all records related to the reconstruction of the structure and the staircase, and he did not find any plans or surveys in the City files. He was happy to accept any information Mr. Gold could provide on the matter. Commissioner Savage clarified that the City's official position is that the property belongs to the applicant. Planner Astorga replied that this was correct, because the applicant had submitted a certified survey stamped by Alliance Engineering. Commissioner Savage believed the question was the record of property line. It appears that the City's record of property line indicates that the steps were built on their property and the applicant was willing to grant an ongoing, perpetual right for 68 Daly to have access to that staircase.

Mr. Gold respected Commissioner Savage's position; however, there were legal documents related to ownership of the property that goes beyond what is shown on City records.

Assistant City Attorney McLean clarified that the City relies on stamped surveys to form their position. If there is a dispute between property owners and each has a different survey, it is up to the property owners to litigate their dispute outside of the City forum. In this case the City has a licensed, stamped survey and they are required to rely upon that survey.

Commissioner Savage understood that for the purpose of the discussion this evening, the Planning Commission should assume that the property in question belongs to the applicant. Commissioner Hontz pointed out that the survey was stamped by the surveyor but it was never recorded at the County. Mr. DeGray stated that it would not be recorded until the plat was recorded.

Assistant City McLean stated that once a survey is stamped, the surveyor declares that they are certified based on their professional license and that the survey is accurate. Even when things are not recorded as a plat, the survey is filed with the County.

Commissioner Hontz disclosed that she lives on Upper Daly Avenue, which is not in the vicinity of this property, and it would not affect her comments or decision this evening.

Commissioner Hontz appreciated the work Planner Astorga and the Staff did on the Staff report, particularly since they tried to find a creative solution and a compromise. However, she respectfully disagreed with this particular solution. If they allow two units to be built at the proposed size, the whole community loses. Commissioner Hontz believed her comment from the May 9th meeting still stands today. If the Planning Commission allows what is proposed, they create harm by creating new impacts and issues related to snow storage, traffic, view shed, parking, etc. All harm would be caused directly from this application and not by anything that currently exists around it. Commissioner Hontz pointed out that in addition to exacerbating the existing problems, the proposal creates its own additional problems.

Commissioner Hontz referred to Conclusion #1, which asked if there was good cause. She appreciated the massing study because it demonstrated exactly what they would not want to see occur and how the impacts would be thrust upon this part of the neighborhood.

Commissioner Thomas concurred with Commissioner Hontz. In looking at the massing diagram, he believed one of the problems with the comparative analysis of density and massing was that the measurement was taken against buildings that were built historically; and those structures would not be allowed today. They would be averaging up in terms of size and massing with that approach and he did not believe that was the intent. Commissioner Thomas thought the Planning Commission was looking for commonality with the historic components of the community. Visual Aid 102 demonstrated massing that was dramatically out of scale with the adjacent historic home. Commissioner Thomas also struggled with the image on page 52 of the Staff report, which showed the scenario of ownership. He felt it was practical to have three units on three properties. A lot combination would add density and more negative impact to the neighborhood and adjacent property owners. Commissioner Thomas stated that he had issues with the application and he could not support it.

Commissioner Worel concurred with her fellow Commissioners. She also had an issue with the easement for the stairs. In her opinion, if the neighbors could agree on an easement it would have been done by now. Both sides were claiming ownership and she did not think the Planning Commission could approve the plat amendment without conclusively knowing who legally owns the property.

Commissioner Thomas stated that he would be able to support an application that had a smaller house in the center of Lot 10 that had a relationship with the house on Lot 11, and left the building pad alone in front of the other lot. He offered that alternative if the applicant was interested in that approach. It would allow him to build on his property and create a no-build zone on the adjacent property below the existing house. Commissioner Thomas believed the result would be a building configuration that is more consistent with Old Town.

Commissioner Strachan concurred. In his opinion, Lot 10 is the classic Old Town buildable lot. He recognized the unfortunate circumstance that at some point in the past Lot 9 was subdivided. He believed that when the subdivision occurred the property owner of all of Lot 9 assumed that he would make two buildable lots out of one. Commissioner Strachan agreed with Commission Thomas that a lot combination would increase the density. The increase is not envisioned by the current lot sizes and the history of applications on Daly Avenue that have come before the Planning Commission. He also agreed that the ownership issue needs to be resolved. He believed an approval could be conditioned on having an encroachment agreement; but that problem combined with the other problems already stated would not allow the Planning Commission to approve the application.

Commissioner Savage felt the application had gone through a rigorous Staff analysis and that the applicants had done their work sufficiently. Assuming that the survey is valid, he believed the applicant was entitled based on the Code and the precedent to create the realignment. Commissioner Savage thought it was an unfortunate situation for the neighbor behind, but when that neighbor built his house he was aware of the lot in front. Commissioner Savage felt strongly that when people purchase real estate they need to consider the rights of the surrounding property owners. Commissioner Savage supported the application as proposed and he would forward a positive recommendation to the City Council.

Chair Wintzer asked if the applicant wanted a vote this evening or if they preferred another continuation. Mr. DeGray stated that his client was not willing to make Lot 9 open space. Based on the comments this evening, he did not believe he had the ability to do what the Commissioners were asking. Mr. DeGray suggested that the Planning Commission should vote on the application this evening.

Assistant City Attorney McLean clarified that a negative recommendation would be based on their comments this evening. Findings of fact and conclusions of law would not be required because they were not recommending the plat amendment.

MOTION: Commissioner Thomas moved to forward a **NEGATIVE** recommendation to the City Council for the plat amendment for 80 Daly Avenue based on the comments expressed by the Planning Commission this evening. Commissioner Hontz seconded the motion.

VOTE: The motion passed 4-1. Commissioners Hontz, Thomas, Strachan and Worel voted in favor of the motion. Commissioner Savage was opposed.

The Park City Planning Commission meeting adjourned at 7:45 p.m.

Approved by Planning Commission: _____

REGULAR AGENDA

Planning Commission Staff Report



Subject: Park City Transit Residential
Conditional Use Permit
Author: Mathew Evans, Senior Planner
Project Number: PL-12-01576
Date: August 8, 2012
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the Conditional Use Permit request for the proposed Park City Transit Residential facility, hold a public hearing, and consider approving the request based on the Findings of Fact, Conclusions of Law and Conditions of Approval listed herein.

Description

Applicant: Brooks Robinson on behalf of Park City Municipal Corp.
Location: 1053 Iron Horse Drive
Zoning: General Commercial District
Adjacent Land Uses: Commercial/Industrial/Public-Government Facilities
Reason for Review: Conditional Use Permits require Planning Commission Review and Approval

Proposal

This is a Conditional Use Permit (CUP) proposal for a Multi-Unit Dwelling to be located at the City's Public Works Yard located at 1053 Iron Horse Drive. The property is located within the General Commercial (GC) Zone and "Multi-Unit Dwellings" are a Conditional Use within the GC zone designation.

Specific Request

The applicant is requesting approval for a proposed thirteen (13) unit residential building consisting of three (3) stories on a 2,070 square foot footprint with a total of 6,750 square feet, which includes a garage. The proposed overall height of the building will be forty-five (45) feet tall (top of rooftop patio roof) with a thirty-five (35) foot general height to the top of the tallest parapet wall.

The ground floor will contain one (1) ADA accessible guest unit (required by Building Code) and a five (5) car garage for transit "fleet vehicles". The two top floors will contain twelve (12) single-occupancy residential units of 200-250 square feet each containing a compact kitchen and sanitary facilities. A common area on each floor is also anticipated with a common washer and dryer, a closet, and additional seating areas.

Also anticipated is a roof-deck area and "tower" area necessary for the stairway landing, as required by Building Code, which leads to an outdoor seating area under the partially covered stairway landing tower roof. The top deck area will include a "green roof" with

plantings, a photovoltaic system and solar panels for hot water. The plans indicate that approximately 75% of the roof will have some function as described above, and approximately 25% of the roof structure, which is a typical flat-roof membrane, will not be accessible by the tenants.

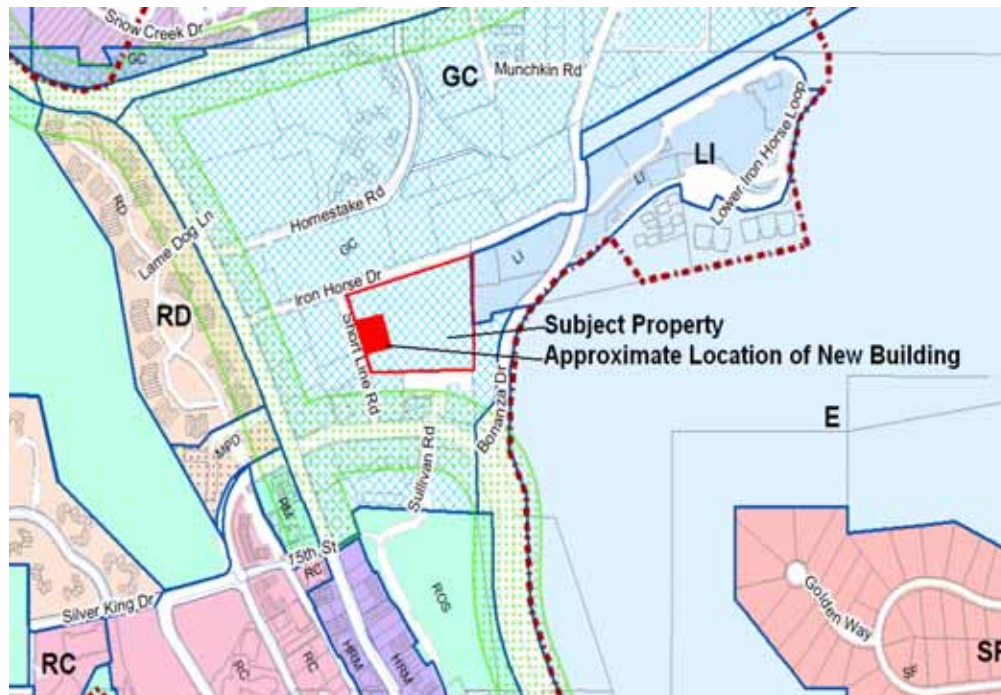


Background

On July 22, 2009, the Park City Planning Commission approved a CUP for the expansion of the Public Works facility. As part of that original discussion, a residential building for Transit Employees was contemplated but the proposal was not funded at that time. The Master Plan for the Iron Horse Facility was reviewed and approved by the Planning Commission with direction from the City Council in early summer 2009. The Master Plan discussion included the potential for seasonal housing on-site. The bus facility expansion was recently completed. Transit Staff applied to the FTA for a federal grant under the Bus Facilities and Livability program. The FTA awarded a grant in the amount of \$1.5 million for construction of the shell of the building.

On March 29, 2012, the City Council authorized the Public Works Staff to execute a Federal Transit Administration grant in the amount of \$1.5 million for the construction and equipping seasonal housing at the City's Iron Horse facility. The purpose of the grant is to construct new housing for seasonal transit employees. According to Transportation Planner Brooks Robinson, the City's transit operation experiences two peak demand periods during the year. The largest peak period occurs during the winter and summer. According to the applicant, the facilities are needed to continue attracting and retaining the same consistent group of seasonal bus drivers. The Transportation

Staff has identified the need for a dedicated transit seasonal housing facility as part of the City's Short Range Transit Development Plan.



Purpose of the General Commercial (GC) District

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

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

Analysis

The location of the proposed project is within the Bonanza-Park district of the City on the same property that currently houses the City's Iron Horse Maintenance Building, the newly constructed Bus Storage Building, and other buildings and structures associated with the Public Works functions of the City. The property is located in the General Commercial Zone Designation, both Essential Public Municipal Facilities and multi-unit residential buildings are contemplated uses within the GC Zone and the Bonanza Park Specific Plan. As previously stated, Multi-Unit Dwellings are a Conditional Use within the GC Zone.

The proposed Multi-Unit Dwelling will be located on the Short Line Road side of the City's Public Works Facility, directly in front of the newly constructed bus storage and maintenance facility. Both Short Line Road and Iron Horse Drive are designated as "Commercial Collector" streets within the City's Transpiration Master Plan. The City recently constructed a bus pull-out lane directly in front of the proposed new building to accommodate shift changes of drivers.

The City currently houses seasonal Transit drivers at the former fire station on Park Avenue. According to the applicant, having residential units for seasonal drivers is a benefit to the City in recruiting and retaining quality drivers, and the City benefits by having those employees living within the City close to work, thus further reducing trip generation into town, and reducing travel from Park Avenue to the Iron Horse facility which is currently necessary. Ultimately, the City plans to combine the old fire station property with surrounding properties also owned by the City, for a future project.

According to the plans submitted, the overall height of the proposed Multi-Unit Dwelling is forty-five feet (45') at the building's highest point atop of the roof which is above the stairway landing tower. The newly remodeled Administration and Maintenance building is fifty-one feet (51'). The maximum height allowed in the GC zone is thirty-five feet (35'). However, there are several exceptions listed within LMC § 15-2.18-4(A)(1-6) that provide for a building height exception. Staff and the Planning Director have reviewed the Plans and have determined that § 15-18-4(A)(4) applies to the proposal. This section of the code allows a height exception up to 50% of the zone height when approved by the Planning Director. The height exception does not allow the architectural feature to be habitable living space. The proposed extension above the maximum height is a Building Code required stairway landing tower and leads to the rooftop. The area is technically not "habitable" due to its limited size and function, and is only used for the required roof top access.

According to Land Management Code (LMC) § 15-2.18-2(B)(4) a Multi-Unit Dwelling is a conditional use in the GC District. The Commission must make a determination that the proposed project use meets the Conditional Use Permit criteria found in LMC § 15-1-10 as follows:

- (1) Size and location of the Site. **No unmitigated impacts.**

The proposed building is situated on Lot 1 of the Park City Public Works Subdivision, which is an improved lot with direct street access, utilities, sidewalks, etc. This lot is 5.11 acres in size (222,816.88 square feet) and contains several existing buildings including the Public Works administration, bus storage and maintenance facilities, and the fleet fueling stations. The residential building was previously contemplated to be located along Short Line Road south of the Administration building.

(2) Traffic considerations including capacity of the existing Streets in the Area. **No unmitigated impacts.**

According to the applicant, leasing restrictions for the residential units will prohibit personal vehicles and parking will not be provided for them. Due to the seasonal nature of the use, this prohibition is not a hindrance as many seasonal drivers do not come with personal vehicles. Each unit is anticipated to have only one occupant, but there may be couples who will share the space. There may be minor and incidental amounts of traffic generated (delivery, visitors, etc.). In this case, very limited additional traffic, if any, would be generated on Short Line Road, which is identified on the City's Transportation Master Plan as a "Commercial Collector Street" and has adequate capacity for additional trip generation and traffic.

The location of the proposed multi-unit dwelling is ideal in that there is ample shopping and recreation opportunities within walking distance of the proposed new building. Being the transit hub of Park City, residents will also have the ability to take advantage of the transit system, which makes regular stops for shift changes directly in front of where the new building will be located.

(3) Utility Capacity. **No unmitigated impacts**

Utilities are located at the site and were anticipated for this building during the recent expansion project.

(4) Emergency vehicle Access. **No unmitigated impacts**

Emergency vehicle access is from Short Line Road, south from Iron Horse Drive or north from Deer Valley Drive. Vehicles can also enter through the Public Works site.

(5) Location and amount of off-Street parking. **No unmitigated impacts**

As noted previously in (2), the leasing agreement will prohibit personal vehicles as no parking will be available for the seasonal drivers. However, as required by code, there is available parking available on-site for visitors and incidental deliveries, etc.

(6) Internal vehicular and pedestrian circulation system. **No unmitigated impacts**

Entry to the building will be from Short Line Road. No access will be allowed from the Public Works interior. This will provide some level of separation for the drivers from their living area and their work location.

(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses. **No unmitigated impacts**

In addition to the entry from Short Line Road as described in (6) above, a fence will screen a small patio and landscaped area from the nearby Administration building. This area will provide some privacy and intimacy for the unit on the ground floor.

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots. **No unmitigated impacts**

The proposed residential building is three stories tall and is approximately 60 feet long fronting on Short Line and 45 feet wide, being approximately two-thirds ($2/3^{\text{rd}}$) the size of the adjacent Administrative building. The proposed location is south of the Administrative building and roughly parallel to Short Line Road. The building will help screen views of the concrete parking deck and bus barn and the interior of the Public Works site. The proposed multi-unit dwelling will be the smallest building, by footprint, of any of the surrounding buildings on the site.

(9) Usable Open Space. **No unmitigated impacts**

The proposed building will occupy five (5) existing parking spaces on the Public Works site, which are being incorporated into the ground level of the building. A landscaped area and patio are proposed on the northwest corner as well as a patio and green-roof on top of the building. Parks and other usable open spaces are anticipated in the Bonanza-Park Specific Plan, which will ultimately offer additional open space areas to tenants of the multi-unit dwelling.

(10) Signs and lighting. **No unmitigated impacts**

No signs other than an address are anticipated. Any residential lighting will conform to the Park City Land Management Code.

(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. **No unmitigated impacts**

The area is largely populated with commercial and light-industrial buildings with architectural styles that reflect those uses. The Public Works facility contains buildings of a variety of sizes and materials. The main Administration building, which is adjacent to the proposed building, is of a contemporary style with light brick walls and a green-colored roof. Attached to the east end of the Administration building is the older bus maintenance facility with stucco exterior walls in a similar color to the Administrative building with the same roof. The recent addition of the bus storage and parking deck

are concrete with some architectural articulation to break up the massing of the structure. In addition to the aforementioned, the new bus maintenance building and the salt storage at the far east of the site are differentiated from the older buildings with gray metal panels, and different roof and windows styles and colors.

Other buildings in the area include the "Rite Aid" structure and buildings east on Iron Horse Drive that are a gray smooth-cut/split-faced block, commercial buildings west across Short Line Road that are also cement block with wood accents. Also nearby are the "Copper Bottom Inn" which is quasi-Tudor in styling, and the Frontier Bank building which is stylized "Craftsman" wood with stone accents.

The proposed residential multi-unit residential building is approximately 60 feet long fronting on Short Line Road and forty-five feet (45') wide, being approximately two-thirds (2/3rd) the size of the adjacent Administration building. Rather than try and match any of the "eclectic mix" of building styles in the area, the proposed building stands on its own. By footprint, it will be one of the smallest buildings in the immediate area. It will have a mix of materials from horizontal cementitious and vertical corrugated-metal siding, aluminum clad wood windows and a standing seam metal roof over the stair core and ground floor entry. A final review of the design and materials will be required prior to the issuance of the building permit.

(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. **No unmitigated impacts**

No mechanical factors will affect off-site properties. Any roof-mounted mechanical equipment shall be screened appropriately or placed below the top of the roof parapet to minimize noise and visual impacts.

(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas. **No unmitigated impacts**

Trash and recycling pick-up will be similar to other residential areas as it is anticipated that the building will have weekly roll-out cans that are stored under the stairway out of the public view. No other regular service deliveries are expected.

(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities. **No unmitigated impacts**

Park City Municipal Corporation will own and maintain the building. According to the applicant, a lease agreement with seasonal drivers will be monitored and management of the residential building will be contracted as with other City units (such as Silver Meadows).

(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Physical Mine Hazards, Slope retention, and appropriateness of the proposed Structure to the topography of the Site. **No unmitigated impacts**

The proposed building site, which is flat, is not within the Sensitive Lands Overlay but is within the Soils Boundary. As such, excavated soils that are characterized as regulated by the EPA must be disposed of in an approved manner. According to the applicant, it is anticipated that the soils will be retained on-site and capped.

Process

The approval of this application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This proposed plat amendment has gone through an interdepartmental review. There were no comments received by the Development Review Committee (DRC) members at the meeting or prior to the presentation of this item before the Planning Commission. A building permit will ultimately be required to complete the project and additional review by the Planning Staff will be necessary at that time. Snyderville Basin Water Reclamation District indicated to Staff that a sewer lateral for the anticipated project had previously been installed when the sewer lines in the area were recently upgraded.

Notice

The property was posted and notice was mailed to property owners within 300 in accordance with the requirements in the LMC. Legal notice was also published in the Park Record.

Public Input

No public input has been received by the time of this report; public input may be taken at the regularly scheduled Planning Commission public hearing.

Significant Impacts

There are no significant fiscal or environmental impacts as a result of this application.

Consequences of not taking the Suggested Recommendation

The City would not be able to build the proposed multi-unit building as proposed, and would have to continue housing Transit Employees at the "old fire station" building on Park Avenue.

Recommendation

Staff recommends the Planning Commission hold a public hearing the proposed Conditional Use Permit for the purpose of constructing a multi-unit building as described herein, and approving the same based on the fact that that proposal meets the criteria as outlined in the Conditional Use Permit criteria found in LMC § 15-1-10.

Findings of Fact

1. The site is located at 1053 Iron Horse Drive; the building will face Short Line Road.
2. The proposed Multi-Unit Dwelling is located within the Bonanza-Park Specific Plan Area and within the General Commercial (GC) Zone District.
3. The applicant is requesting a Multi-Unit Dwelling which is listed as a Conditional Use within LMC § 15-2.18-2(B)(4).
4. The proposed Multi-Unit Dwelling will be a three story building with a parking garage on the main level along with one ADA accessible guest unit, and with 6 units for each of the additional floors.
5. The LMC defines a Multi-Unit Dwelling as “a building containing four (4) or more Dwelling Units”, the proposed building would have twelve (12) dwelling units with one (1) ADA accessible “guest” unit, for a total of thirteen (13) units.
6. It is anticipated by the applicant that each unit will be leased to seasonal drivers who work for Park City.
7. As proposed, each unit will be 200-250 square feet and will include a compact kitchen and sanitary facilities. A common area on each floor is also anticipated, and will include a washer and dryer (clothing), a storage closet and seating.
8. The structure has a total of 6,750 square feet and is comprised of three (3) stories with a roof top which includes an enclosed landing and doorway to a partially covered rooftop patio for the enjoyment of the tenants.
9. According to the applicant, each tenant will be required to sign a rental agreement that prohibits the tenant from keeping a personal vehicle on-site. It is anticipated that the tenants will not have personal vehicles kept on the site, and thus there are minimal traffic impacts associated with the use.
10. The parking ration requirements found in LMC § 15-3-6(A) residential uses, multi-unit dwellings, indicates that one (1) parking space per unit is required, thus a total of twelve (12) parking spaces is necessary to comply with the code. The applicant is proposing five (5) covered parking spaces and there are in excess of seven (7) additional uncovered parking spaces to meet this minimum requirement, although it is not anticipated that tenants will park personal vehicles on-site due to the lease restrictions proposed by the applicant.
11. No rooms are anticipated to be available for nightly rental or lockout purposes. Tenants will not be permitted to sublease their rented units.
12. The proposed use is located on Short Line Road which is designated on the City’s Transportation Master Plan as a “Commercial Collector Street”, which is within a block of two (2) “Arterial Streets”, Bonanza Drive and Park Avenue.
13. No additional utility capacity is required for this project. Snyderville Basin Water Reclamation District has indicated to Staff that they anticipated this project when they were updating the sewer lines in the area and previously installed a sewer lateral to the property at the desired location of the new multi-unit dwelling.
14. Emergency vehicles can easily access the project because of its central location and proximity to two large collector streets.
15. Street parking in front of the building is not anticipated or allowed. The area directly in front of the proposed building on Short Line Road has been constructed as a bus stop with a transitional lane taking up the entire frontage of the existing parking lot.

16. The parking area is directly accessed off of Short Line Road directly adjacent to the existing Iron Horse Administrative Building and in front of the Iron Horse Bus Terminal Building.
17. Fencing, screening is not anticipated with this project. Landscaping is currently being installed between the parking lot and Short Line Road within the existing landscape strip. This proposal will actually remove some of the landscaped areas, but rooftop landscaping on the proposed building will help to mitigate the loss of ground-level landscaping.
18. The building mass, bulk, orientation and the location on the site are not out of character with other existing buildings within the general vicinity. Most of the buildings in the area are characterized as quasi-industrial and commercial in nature, mostly using split-faced/smooth-faced block and wood siding.
19. The proposed height of the building is three (3) full stories (roughly thirty-two feet) with an overall height of 45 feet to the top of the roof structure over the top landing that leads to the roof deck. The Planning Director has determined that § 15-.18-4(A)(4) of the LMC applies to the proposal, which allows for a height exception up to 50% of the allowed zone height. In this case, the tower is a staircase landing required by building code for rooftop access, and is not considered habitable space.
20. No signs or signage is anticipated, and any future signs will be subject to the Park City Sign Code.
21. All future lighting will be subject to the LMC development standards related to lighting.
22. Park City Municipal Corporation will own and maintain the proposed Multi-Unit Building, and a lease agreement with seasonal drivers will be monitored and management of the residential building will be contracted as with other City owned housing units.
23. Due to the size of the existing buildings surrounding the proposed site, there are no issues with the physical design and compatibility with surrounding structures in mass, scale, and style.
24. The applicant has indicated that no noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated within the GC District. Mechanical roof equipment shall be screened behind and below a roof parapet.
25. The applicant has indicated that the proposed use as a Multi-Unit Dwelling generate a negligible amount of increase in delivery and service vehicles to the area. Tenants are within reasonable walking distance to retail commercial uses, banks, recreation facilities, restaurants, etc.
26. The proposal is not located within the Sensitive Lands Overlay zone, but is located within the Soils Boundary and thus any removal of excavated soils are regulated by the EPA must be disposed of in an approved manner. According to the applicant, it is anticipated that the soils will be retained on-site and capped.

Conclusion of Law

1. The proposed application as conditioned complies with all requirements of the Land Management Code.
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.

3. The use as conditioned is consistent with the Park City General, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All standard conditions of approval shall continue to apply.
2. The proposed Multi-Unit Dwelling will have a maximum of twelve (12) units with one (1) required ADA accessible guest unit for a total of thirteen (13) units.
3. Nightly rentals are prohibited.
4. Twelve (12) on-site parking spaces for the use of the tenants, as shown on the plans, shall be provided even if tenants are prohibited by the lease agreement from having a vehicle on site.
5. Substantial compliance with the preliminary plans submitted in terms of scale, massing, height, general location, rooftop amenities, building materials, etc., shall be required. Any substantial changes to the plans submitted for review with this Conditional Use Permit shall require a modification to the approved Conditional Use Permit through the application process for such.
6. Because the property is located within the Soils Boundary, any removal of excavated soils are regulated by the EPA must be disposed of in an approved manner or retained on-site and capped appropriately.
7. Roof-top installed mechanical equipment shall be screened in back of and below the parapet wall.
8. Any future signs will be subject to the Park City Sign Code.
9. All future lighting will be subject to the LMC development standards related to lighting.

Exhibits

Exhibit A – Existing Subdivision Map, Proposed Site Plan, Elevations

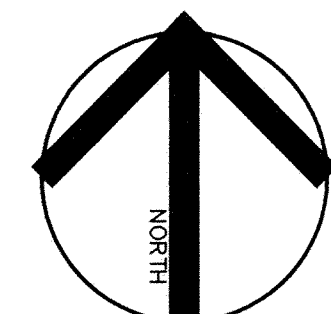
Exhibit B – Minutes and CUP July 22, 2009, the Park City Planning Commission meeting which approved a CUP for the expansion of the Public Works facility Barn

PARK CITY PUBLIC WORKS SUBDIVISION PLAT

LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

IRONHORSE SUBDIVISION II

1st AMENDED IRONHORSE PARK COMMERCIAL SUBDIVISION



SCALE 1" = 40'

LEGAL DESCRIPTION:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL E OF THE FIRST AMENDED RECORD OF SURVEY PLAT IRONHORSE PARK COMMERCIAL SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER AS PLAT ENTRY NO. 425123; THENCE SOUTH 1°47'42" EAST ALONG THE WESTERN BOUNDARY OF SAID SUBDIVISION A DISTANCE OF 468.82 FEET TO THE NORTHEAST CORNER OF DEER VALLEY DRIVE SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER AS PLAT ENTRY NO. 434627, BASIS OF BEARING BEING BETWEEN FOUND CORNERS ALONG SAID LINE; THENCE SOUTH 88°12'18" WEST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 343.52 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE SOUTH 1°47'42" EAST ALONG THE WESTERN LINE OF SAID SUBDIVISION A DISTANCE OF 201.13 FEET TO A POINT ON A 580.00 FOOT NON-TANGENT CURVE TO THE LEFT, RADIUS POINT BEARS SOUTH 3°37'30" EAST, SAID POINT ALSO BEING ON THE NORTH LINE OF DEER VALLEY DRIVE RIGHT-OF-WAY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER AS ENTRY NO. 199139, BOOK M242, PAGE 212-213; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND THROUGH A CENTRAL ANGLE OF 0°32'30", A DISTANCE OF 5.48 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 86°00'00" WEST A DISTANCE OF 107.69 FEET TO A POINT ON A 15.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, CENTER POINT BEARS NORTH 82°10'52" EAST, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY OF SHORT LINE ROAD; THENCE LEAVING SAID DEER VALLEY DRIVE RIGHT-OF-WAY, NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID SHORT LINE ROAD RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE OF 3°48'42", A DISTANCE OF 1.00 FOOT; THENCE CONTINUING ALONG SAID SHORT LINE ROAD RIGHT-OF-WAY THE FOLLOWING FOUR (4) CALLS: 1) NORTH 4°00'00" WEST A DISTANCE OF 54.29 FEET TO A POINT ON A 250.00 FOOT RADIUS CURVE TO THE LEFT; 2) THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND THROUGH A CENTRAL ANGLE OF 17°00'03", A DISTANCE OF 74.18 FEET; 3) THENCE NORTH 21°00'00" WEST A DISTANCE OF 403.66 FEET TO A POINT ON A 15.00 FOOT RADIUS CURVE TO THE RIGHT; 4) THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND THROUGH A CENTRAL ANGLE OF 95°27'17", A DISTANCE OF 24.99 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF IRONHORSE DRIVE, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER AS ENTRY NO. 317180, BOOK 546, PAGE 471; THENCE LEAVING SAID SHORT LINE ROAD RIGHT-OF-WAY LINE NORTH 74°26'14" EAST ALONG SAID IRONHORSE DRIVE RIGHT-OF-WAY LINE A DISTANCE OF 612.28 FEET TO THE POINT OF BEGINNING.

CONTAINS 5.71 ACRES, MORE OR LESS

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that by the virtue of a corporate resolution, Park City Municipal Corporation, owner of the herein described tract of land, to be known hereafter as the PARK CITY PUBLIC WORKS SUBDIVISION PLAT, do hereby certify that I have caused this plat to be prepared, and does hereby consent to the recordation of this plat.

ALSO, the owner, or his/her representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with and irrevocable of dedication.

In witness whereof, I have hereunto set my hand this 24 day of JANUARY, 2006.

Dana Williams
Dana Williams, Mayor
Park City Municipal Corporation

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
County of Summit
Personally appeared before me this 24 day of January, 2006 the following:
Dana Williams, who after being duly sworn, acknowledged to me that he is Mayor, Park City Municipal Corporation and that he signed the owners dedication freely and voluntarily for and on behalf of said corporation and that said corporation executed the same.

MY COMMISSION EXPIRES 7/13/06
RESIDING IN Summit County Utah

Sharon C. Bauman
NOTARY PUBLIC
Notary Public
SHARON C. BAUMAN
445 Merrett Avenue, P.O. Box 1480
Park City, Utah 84060
My Commission Expires
July 13, 2006
State of Utah

NOTES

1. THE PROPERTY LIES WITHIN THE PROSPECTOR SOILS DISTRICT BOUNDARY AND MAY HAVE OTHER ENVIRONMENTAL ISSUES AS WELL RELATING TO ITS INDUSTRIAL USE IN THE PAST.
2. ANY FUTURE DEVELOPMENT ON LOT 2 REQUIRES THE PROPERTY OWNER TO PROVIDE SIX (6) UNDERGROUND PARKING SPACES FOR PERMANENT USE BY COPPER BOTTOM INN PROPERTY OWNERS AND THEIR LESSEES AND ASSIGNS. THE COPPER BOTTOM INN PROPERTY OWNERS AND THEIR LESSEES AND ASSIGNS ARE PERMITTED THE USE OF UP TO SIX (6) ADDITIONAL PARKING SPACES ON LOT 2, PROVIDED THAT SAID USE IS LIMITED TO THE TIME BETWEEN 6PM AND 7AM. MAINTENANCE AND ENFORCEMENT OF SAID PARKING SPACES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

SURVEYOR'S CERTIFICATE

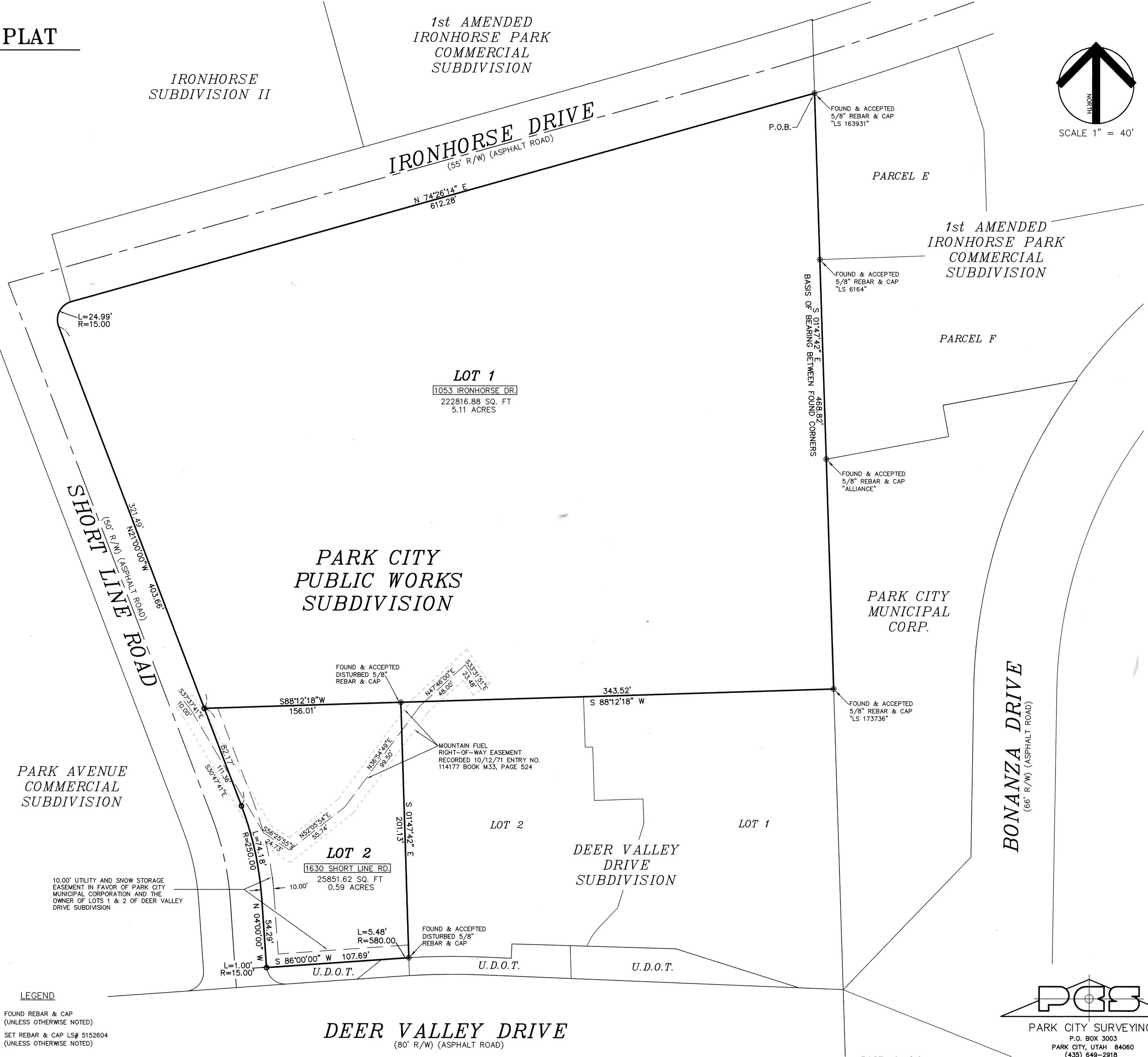
I, CHRISTOPHER BRAUN, OF OAKLEY UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 5152604. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREIN DESCRIBED PROPERTY AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

Christopher R. Braun
CHRISTOPHER R. BRAUN
1/19/2006
DATE

PARK AVENUE COMMERCIAL SUBDIVISION

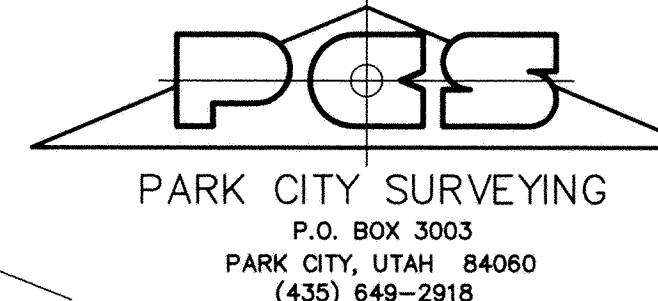
PARK CITY PUBLIC WORKS SUBDIVISION

DEER VALLEY DRIVE SUBDIVISION



- LEGEND**
- FOUND REBAR & CAP (UNLESS OTHERWISE NOTED)
 - SET REBAR & CAP L’S (UNLESS OTHERWISE NOTED)

DEER VALLEY DRIVE (80' R/W) (ASPHALT ROAD)

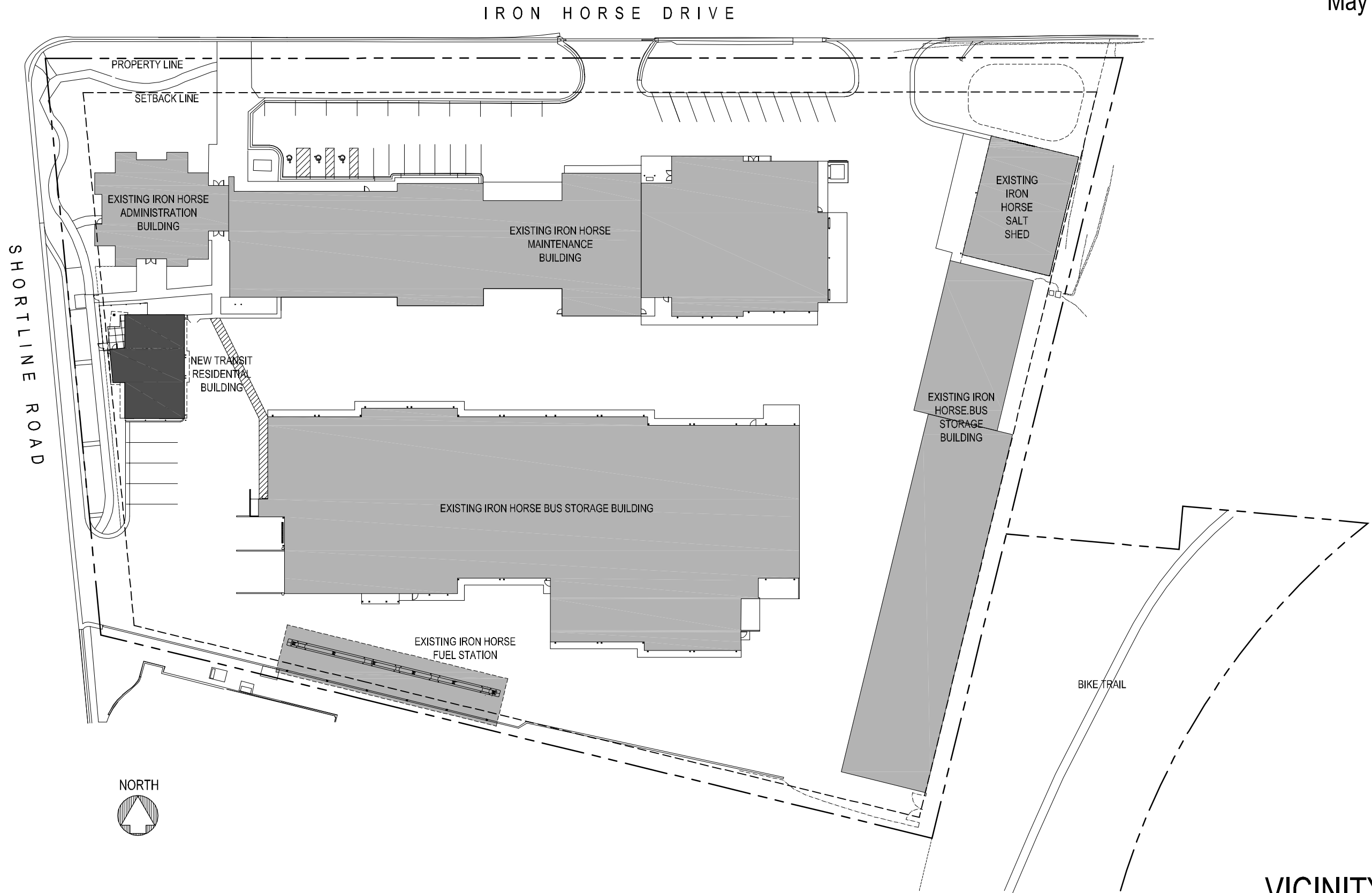


PAGE 1 of 1

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<p>PARK CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS <u>31</u> DAY OF <u>January</u> A.D. 2006. <i>(Signature)</i> CHAIRMAN</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>2</u> DAY OF <u>January</u>, 2006 A.D. BY <i>(Signature)</i> PARK CITY RECORDER</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>24</u> DAY OF <u>January</u>, 2006 A.D. BY <i>(Signature)</i> S.B.W.R.D.</p>	<p>ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>31</u> DAY OF <u>JANUARY</u>, 2006 A.D. BY <i>(Signature)</i> PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>7</u> DAY OF <u>January</u>, 2006 A.D. BY <i>(Signature)</i> PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>1</u> DAY OF <u>January</u>, 2006 A.D. BY <i>(Signature)</i> MAYOR</p>	<p>768342 RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Coalition Title</u> DATE <u>2-13-06</u> TIME <u>10:33 AM</u> BOOK <u> </u> PAGE <u> </u> \$32.00 FEE <i>(Signature)</i> RECORDER</p>
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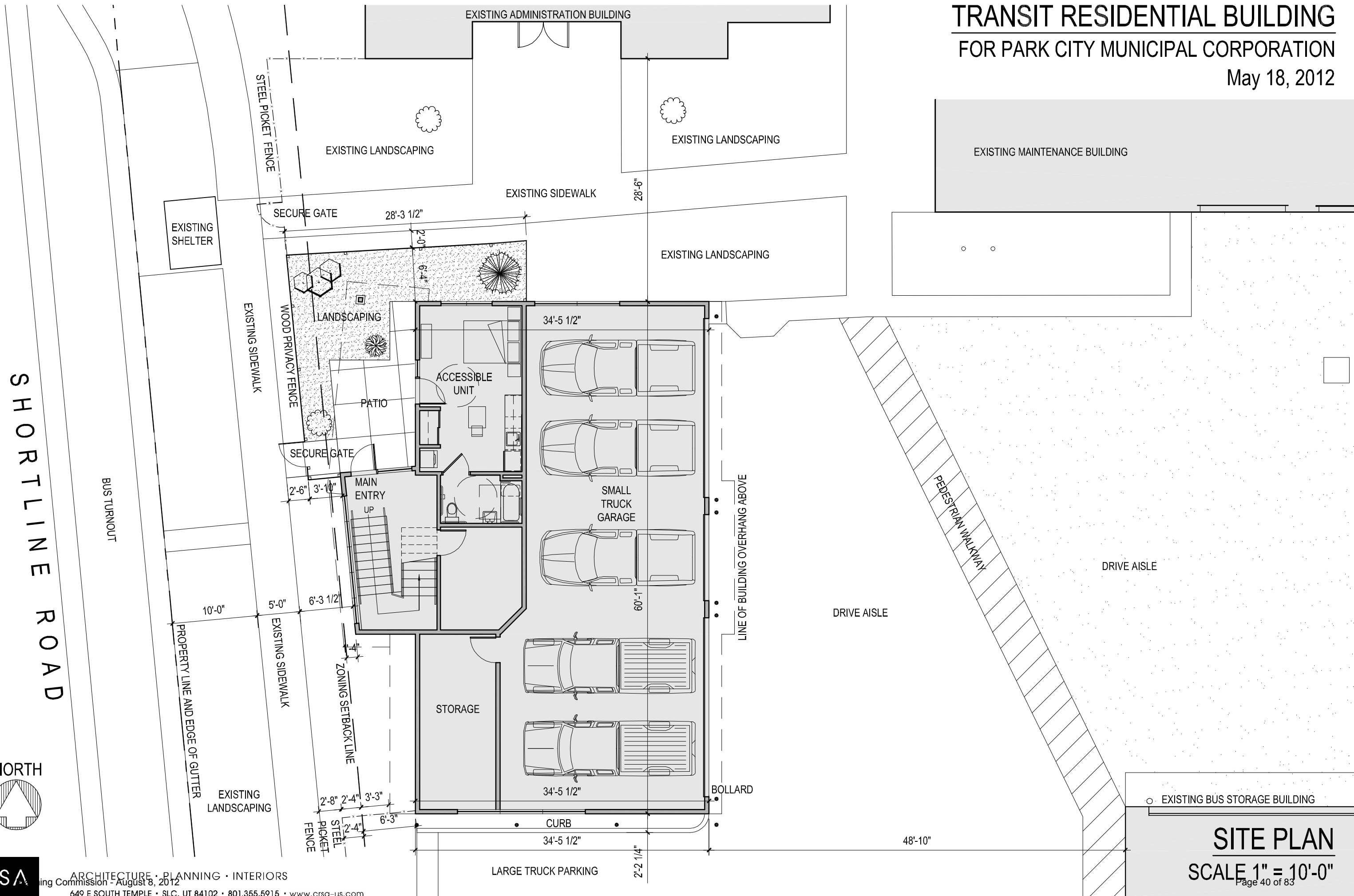
TRANSIT RESIDENTIAL BUILDING
FOR PARK CITY MUNICIPAL CORPORATION
May 18, 2012



TRANSIT RESIDENTIAL BUILDING

FOR PARK CITY MUNICIPAL CORPORATION

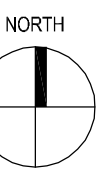
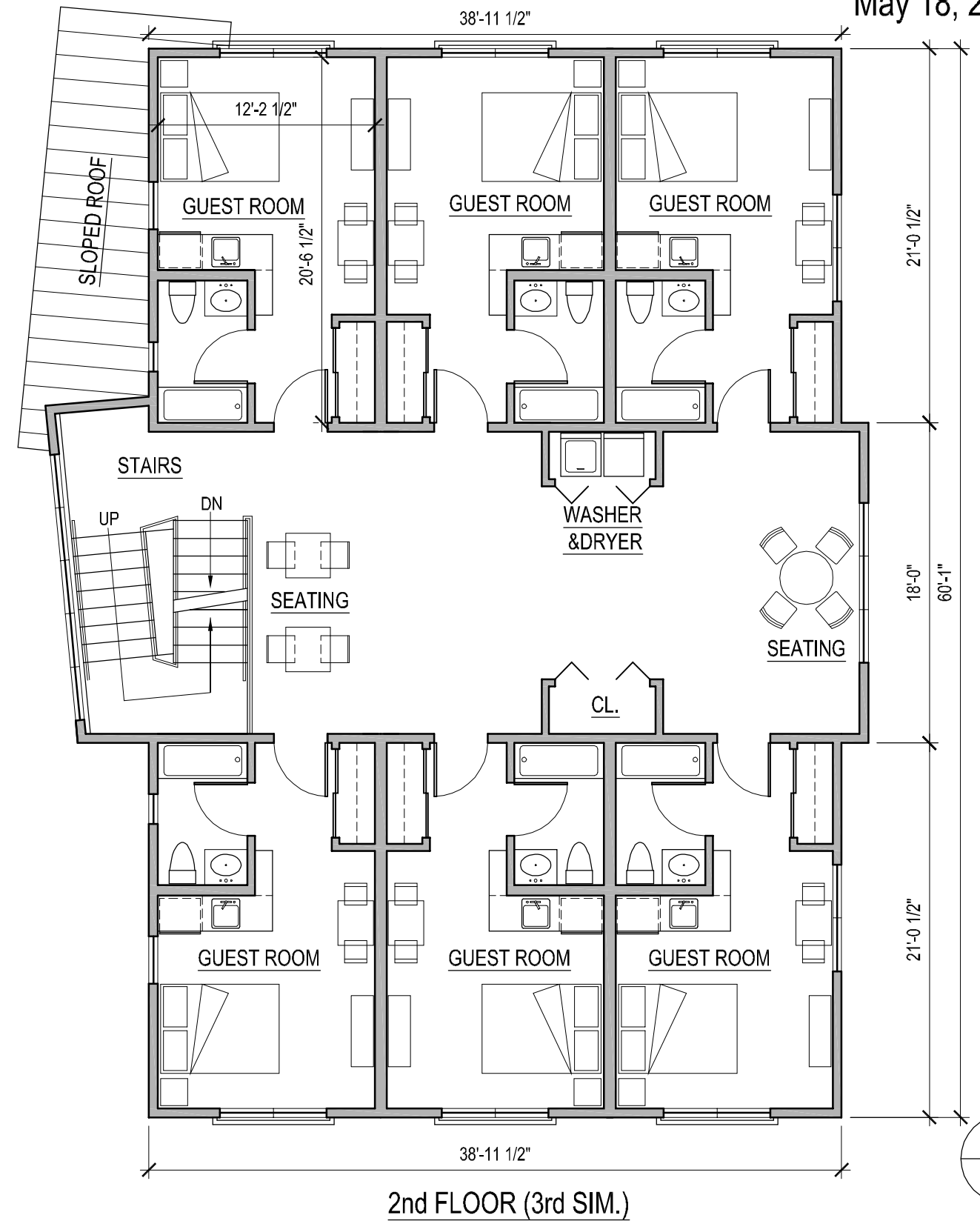
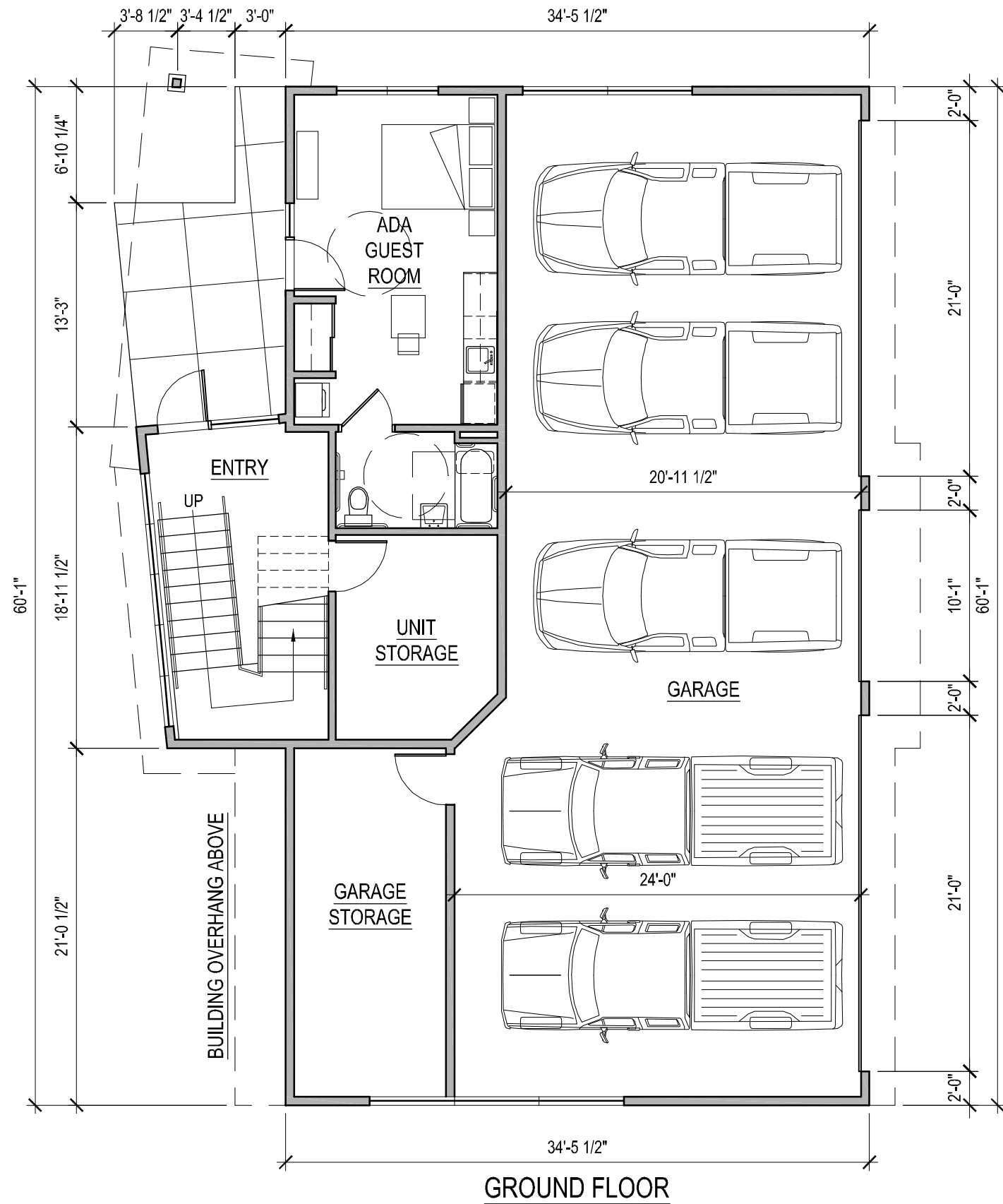
May 18, 2012



TRANSIT RESIDENTIAL BUILDING

FOR PARK CITY MUNICIPAL CORPORATION

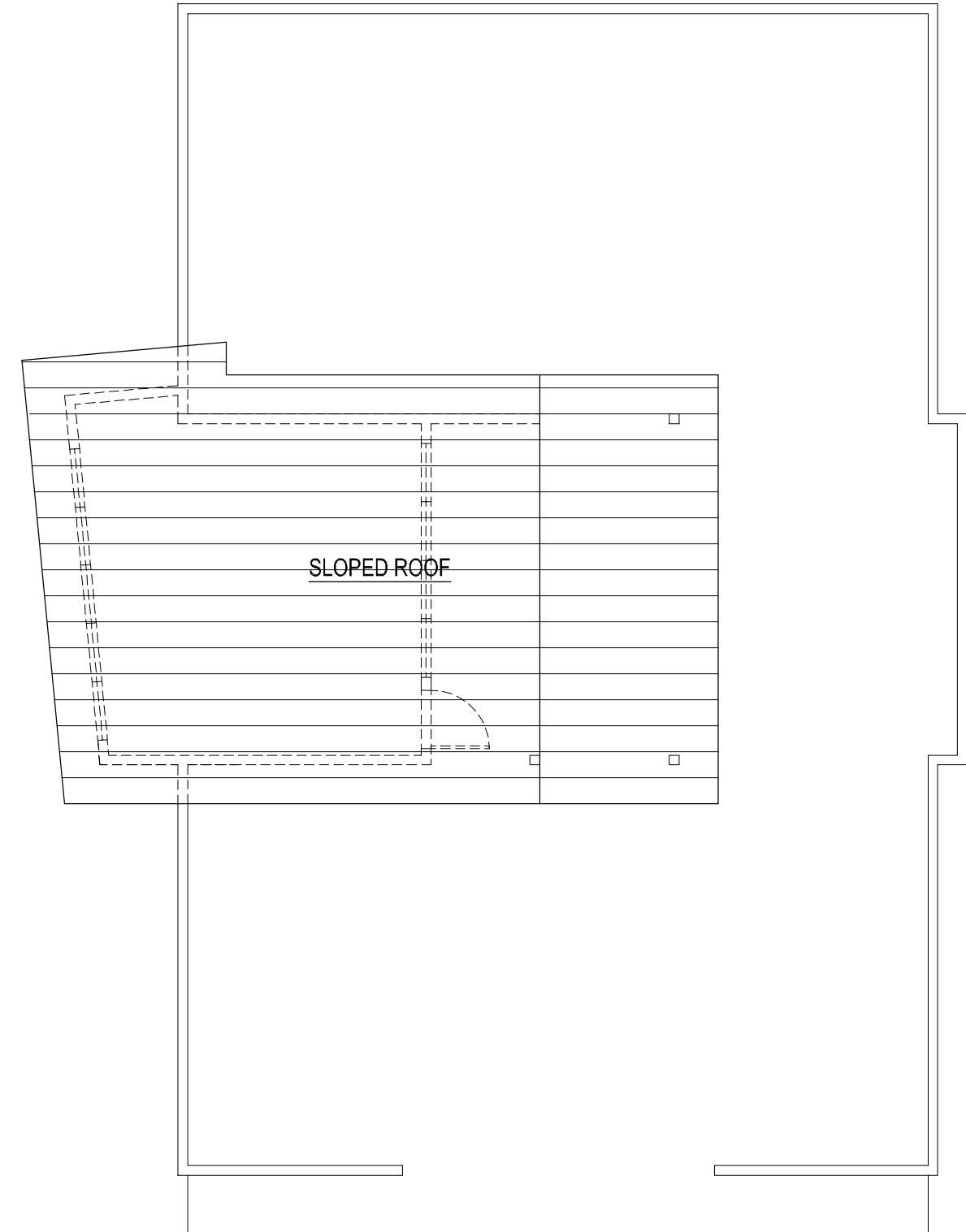
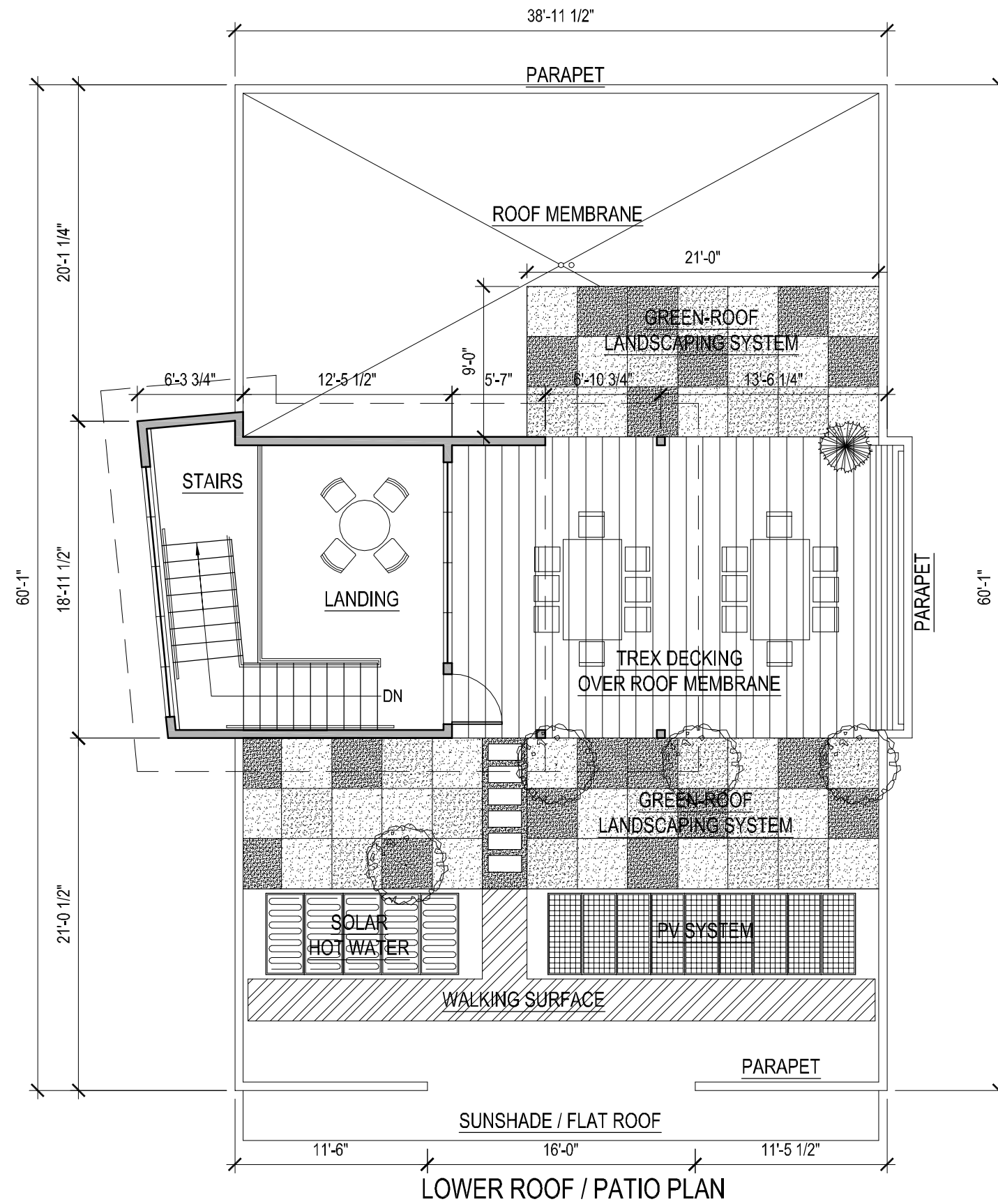
May 18, 2012



TRANSIT RESIDENTIAL BUILDING

FOR PARK CITY MUNICIPAL CORPORATION

May 18, 2012



UPPER ROOF PLAN

ROOF PLANS

1/8" = 1'-0" SCALE
Page 42 of 83

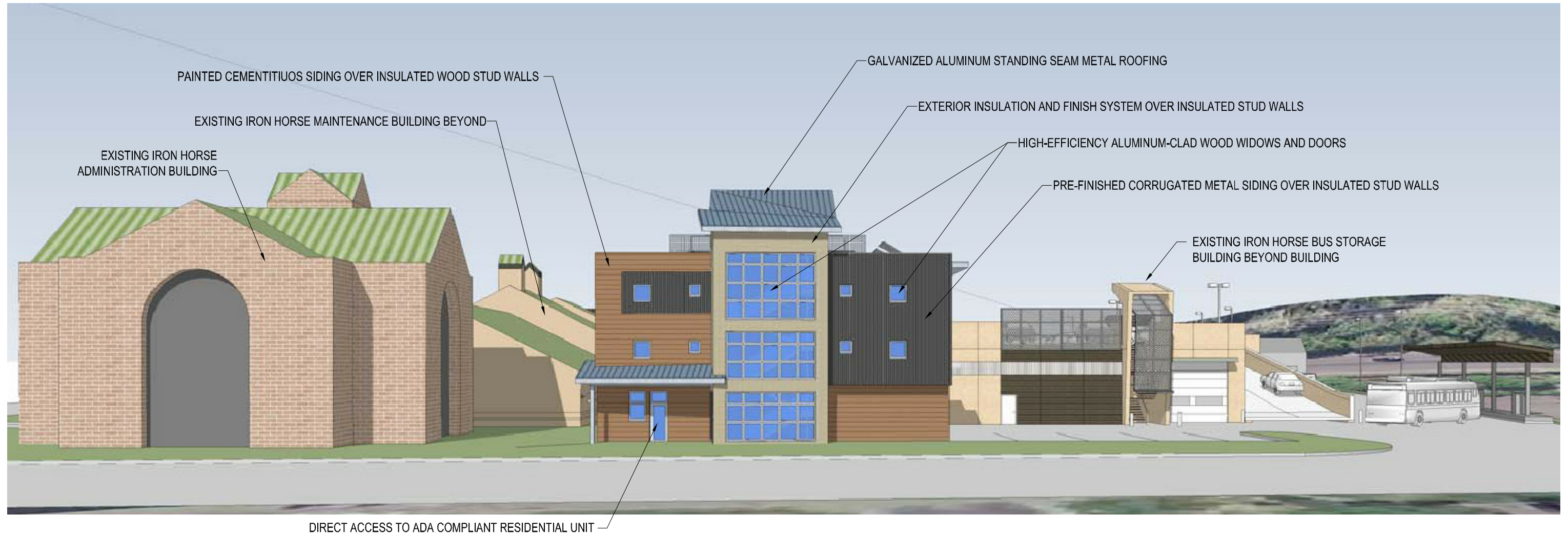
TRANSIT RESIDENTIAL BUILDING FOR PARK CITY MUNICIPAL CORPORATION

May 18, 2012



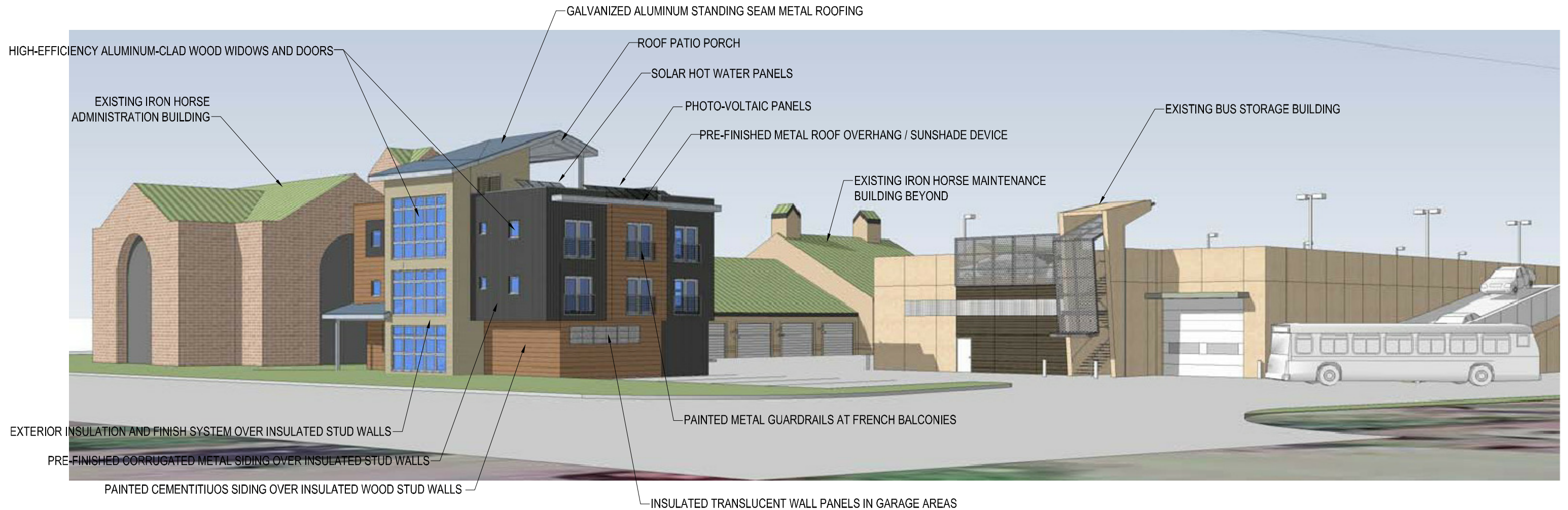
MODEL VIEW FROM SHORT LINE ROAD - LOOKING SOUTH EAST

TRANSIT RESIDENTIAL BUILDING
FOR PARK CITY MUNICIPAL CORPORATION
 May 18, 2012



VIEW #2 FROM SHORTLINE ROAD - LOOKING EAST

TRANSIT RESIDENTIAL BUILDING
FOR PARK CITY MUNICIPAL CORPORATION
 May 18, 2012



VIEW #3 FROM SHORTLINE ROAD - LOOKING NORTH EAST

TRANSIT RESIDENTIAL BUILDING FOR PARK CITY MUNICIPAL CORPORATION

May 18, 2012

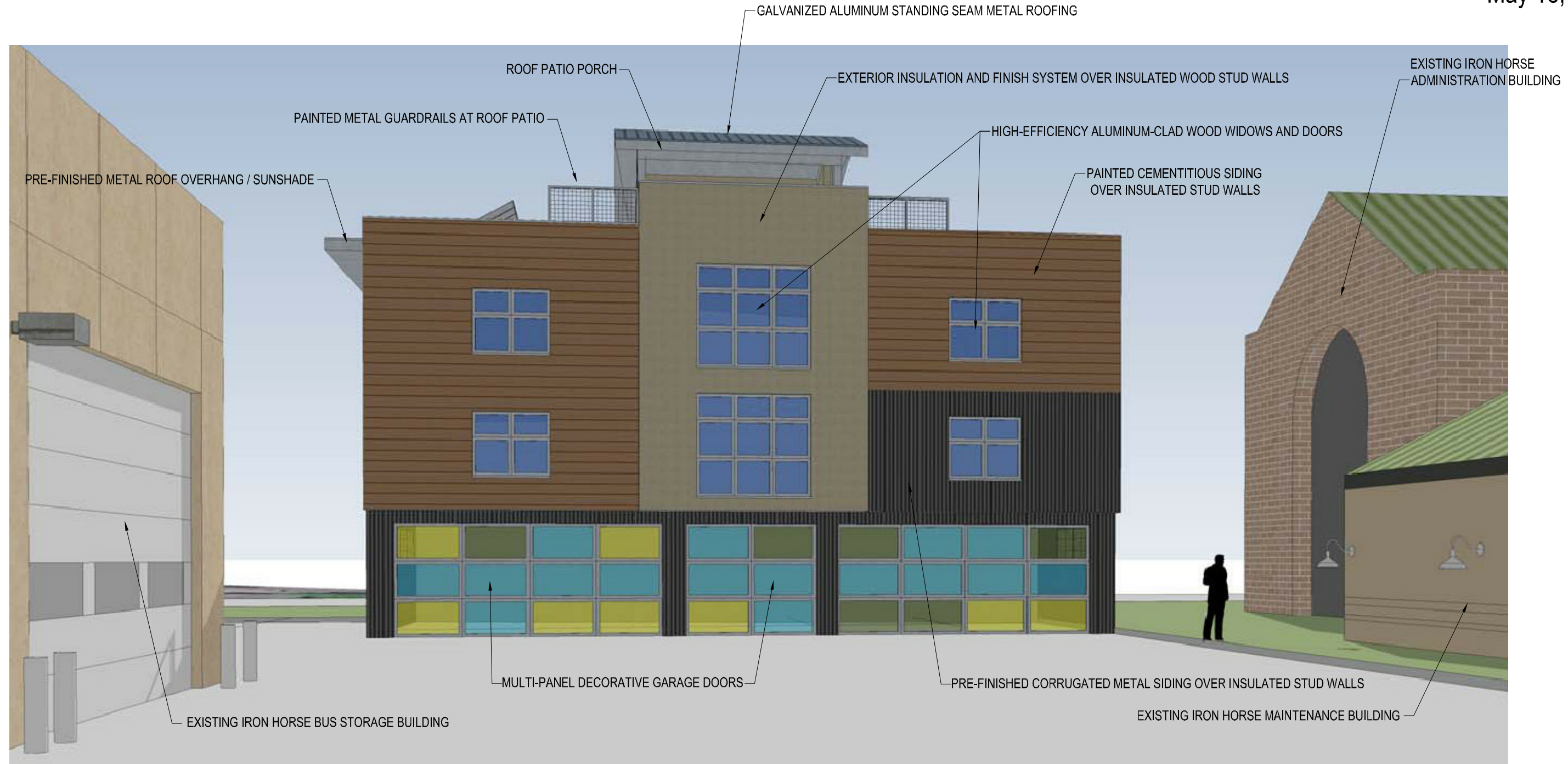


VIEW FROM BUS STORAGE BUILDING - LOOKING NORTH WEST

TRANSIT RESIDENTIAL BUILDING FOR PARK CITY MUNICIPAL CORPORATION

May 18, 2012

EXISTING IRON HORSE BUS STORAGE BUILDING BEYOND BUILDING



VIEW #5 FROM SITE INTERIOR - LOOKING WEST



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Planning Commission - August 8, 2012

NO SCALE

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TRANSIT RESIDENTIAL BUILDING
FOR PARK CITY MUNICIPAL CORPORATION
 May 18, 2012



VIEW #6 FROM SITE INTERIOR LOOKING DOWN ON ROOF PATIO

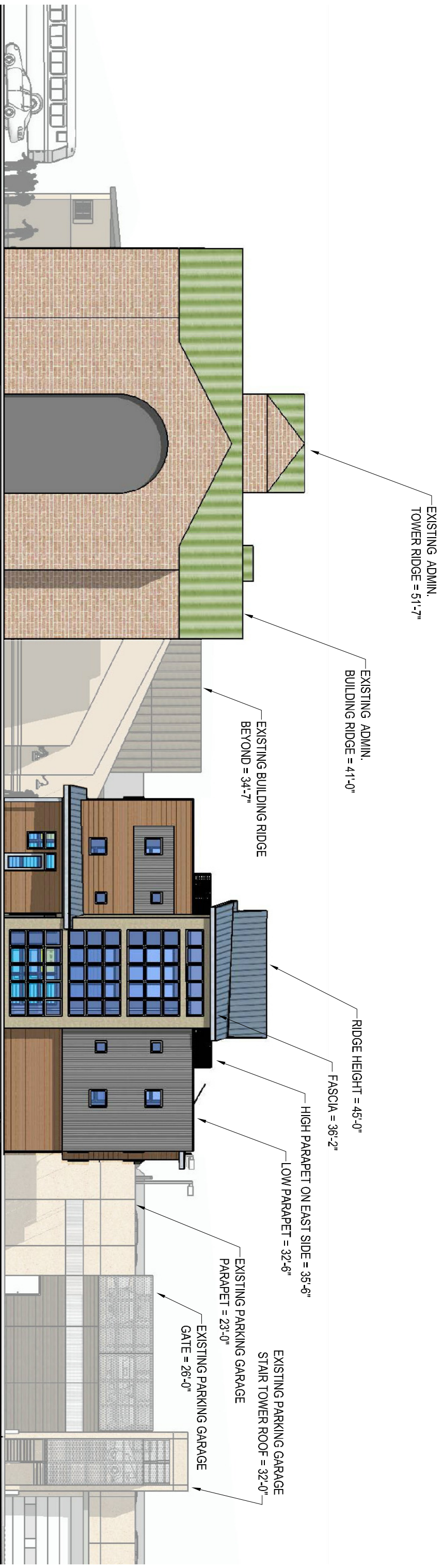
TRANSIT RESIDENTIAL BUILDING
FOR PARK CITY MUNICIPAL CORPORATION
May 18, 2012



VIEW #7 PHOTO MONTAGE FROM SHORT LINE ROAD

TRANSIT RESIDENTIAL BUILDING FOR PARK CITY MUNICIPAL CORPORATION

June 8, 2012



WEST ELEVATION SHOWING ROOF HEIGHTS

NO SCALE

currently exists. In connection with that, a small southwest deck was to be created and that also would not occur. Mr. Wells felt these revisions addressed concerns from the last meeting regarding changes to the exterior appearance. The revised proposal does not change the exterior at all. Mr. Wells noted that the applicant had submitted revised elevations and the matter was scheduled before the Planning Commission on August 12th.

Chair Thomas continued the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE this item to August 12, 2009. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

4. 7620 Royal Street East, Royal Plaza - Amendment to Record of Survey

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas continued the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE this item to August 12, 2009. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA/PUBLIC HEARINGS

1. 1053 Iron Horse Drive - Conditional Use Permit

Planner Cattan that the Planning Commission previously reviewed this item during a work session. At that time, the plans were not finalized and Kent Cashel, Public Works Transportation Manager, presented their concept plans and answered questions.

The Staff had reviewed the 1053 Iron Horse Drive conditional use permit and found compliance with the Land Management Code requirements, including landscaping on the site, height and setbacks. A diagram in the Staff report outlined the requirements for landscaping and snow storage.

Planner Cattan stated that an essential municipal public facility is a conditional use within the GC zone. This application is an expansion of a conditional use approved in the late 1990's. The CUP was being reviewed again because the use would be intensified.

Planner Cattan reported that the site makes up 5.1 acres. A primary issue for discussion is parking. Planner Cattan noted that in the study for 2010 there would be an excess of 32 parking spaces on the site. With the demand projected for transportation in Park City by 2030, the need for an

additional 23 spaces could not be accommodated on this site. Planner Cattan stated that the parking analysis includes the LMC requirements for parking. However, this is a public transit facility where public transportation begins for the drivers. Planner Cattan noted that there is a unique overlapping of shifts for drivers that is not considered in the parking analysis. She asked the Planning Commission to keep that in mind when talking about parking demand and extra spaces.

Planner Cattan recalled that during the last meeting Commissioner Wintzer raised a concern for Short Line Drive and the impact to the residents and neighbors. She met with Kent Cashel and talked about mitigation. There will be a management plan that stacks the buses within the property. In addition, there will be a new circulation pattern for fueling on site. Planner Cattan noted that Mr. Cashel was present to explain how the buses would circulate through the property and emphasize his commitment to keep the buses from stacking on Short Line Drive.

Planner Cattan reviewed a site plan of the proposal.

Kent Cashel addressed questions raised at the last meeting that were policy or program related. Mr. Cashel recalled concerns about sensitivity to the neighbors. He stated that all the queuing and stacking, fuel wait times and bus washing will all be accomplished on site. He believed the Staff report contained a proposed circulation pattern that is much better than current circulation pattern. The bus washes were relocated, as well as the fueling stations.

Mr. Cashel appreciated the comments about Short Line. He noted that the shift changes currently occur on Short Line, but due to the increased amount of traffic on that road, they are looking to move that transfer off site and incorporate it into the transit center. They are still working on the details and he did not have a design element to present. He wanted the Planning Commission to understand that they are sensitive to the comments regarding Short Line and intend to address them.

Mr. Cashel recalled a concern about buses warming up in the morning. Due to the expanded ability to store all the equipment inside, the warm up time is minimal. He noted that there is a City Idling Ordinance and five minutes is the longest idling time allowed. Mr. Cashel intended to reduce the warm up time below five minutes so the buses will be started and moved off site in a short period of time. Mr. Cashel stated that the double deep and triple deep bus barn would allow them to do much of the work in the morning inside the bus barn.

Mr. Cashel addressed the comment about flexibility of the design if they should go to a bigger or longer bus. He stated that the space as designed would allow them to accommodate larger buses, although it may not be the most efficient use of the space. The plan is formulated to park three 35-foot buses. If in the future they use a longer bus or a different type of equipment, the structure could accommodate that change.

Mr. Cashel commented on employee parking and the unique situation in how the shifts overlap. He noted that the calculations are based on a one shift shop. He believes it will be necessary to institute a management plan to park most of the employees at the Park and Ride, particularly during the peak period. The number of parking spaces on site will work, but they do not have excess

parking. Mr. Cashel recalled a concern about the acceleration of this project. He explained that availability of stimulus fund money drove the timing. This project was already in the planning stage and the stimulus money forced it forward. Mr. Cashel clarified that they needed the stimulus money to do the project.

Joe Millalo, the project architect, introduced the design team and noted that they were the same team that designed the Park City Transit Center. Mr. Millalo walked through the site plan to orient the Planning Commission to the project site and surrounding properties. He stated that the driving force of the entire site of 5.1 acres, was the need for a 60 foot bus aisle, which is what a standard bus needs to make a turn. He indicated the location of the bus aisle and indicated a 25-foot pinch point that allows for two buses to pass. One bus would go out to Iron Horse and the other out to Short Line.

Mr. Milano stated that the major part of the project was an 9,000 square foot addition to the existing maintenance facility. They also added four maintenance bays and tool storage and tire storage. In addition, two new restrooms were added in that area. Currently, there is a concrete salt storage bin on site, which is located in the area of the maintenance addition. That salt storage bin was moved towards the edge so trucks could be loaded during winter storms without disturbing the flow of traffic for the buses in and out of the facility. That current bin is not covered but the new bin will have a metal roof and concrete walls. Since the bin will be visible from Iron Horse Drive, a suggestion was made to add architectural detailing that would match the existing building. Mr. Millalo felt that would be possible. He noted that the maintenance addition would exactly match the color, style and materials of the existing building and would be an extension of the existing building.

Mr. Millalo stated that the parking garage would be enclosed on the grade level with insulated wall panels. The garage will be tempered and heated so the buses would not have to spend time idling during the winter months. There will be ample room for the buses to park in the garage though the 20 year build out. It will be three buses deep and the buses can stack and drive through. Mr. Millalo was confident that the logistics could be worked out with the owner to move the buses in and out as needed. He indicated a ramp that comes up at 14% grade. The ramp will be heated in the winter and any ice build up would melt off. The upper deck will contain 86 stalls for regular size cars and small trucks. No buses or larger vehicles would be stored on the upper deck. It will be primarily employee parking. Mr. Millalo reviewed the elevations for the parking garage.

Mr. Millalo stated that snow removal would occur by a front-end loader which will push the snow off the edge. In order to meet the 15% square foot requirement for snow storage capacity, they propose to use the adjacent site, which is currently an unused grassy field, when the snow exceeds the facility snow storage.

Mr. Millalo referred to the site plan and the area they propose to create for seasonal housing. There would be garages at the ground level with two levels of living above. The second level would be common area and the upper level would house 15 dormitory style rooms. This would provide lodging for as-needed seasonal bus drivers. Mr. Millalo noted that seasonal housing is not currently

in the budget; however, they would like to stub out sewer, water, gas and electric so when funds become available they can design that facility.

Mr. Millalo noted that a two-pump fuel island is attached to the bus storage building. Buses coming in off their routes would fuel at that location. If they stack up more than two buses deep, the bus would swing around and cue in front of the maintenance facility and pull in to the fueling island. All the cuing for fueling would occur on site and off the street. Once the bus fills with fuel it will move to the bus wash. Once washed, the bus will be parked in one of the storage bins.

Scott, Bergans, the project designer, noted that the project has three completely different buildings. One is a series of existing bus barns on the east side that was built in two phases, a second building is the administration and maintenance building that was built in the early 1990's. The third is the proposed addition. In addition to dealing with circulation and functional issues, they needed to find the best way to address concerns for Iron Horse Drive and Short Line Drive and how the buildings relate to each other.

Mr. Bergans stated that the bus storage and parking garage is a free-standing, completely new stand alone building that needs to relate to the other buildings, but still be its own modern vernacular. He noted that the maintenance addition intentionally has a consistent elevation on Iron Horse. This makes the building look like it was done at the same time but still meets the zoning ordinance for setbacks and varying heights and elevations. Mr. Bergans reviewed the materials and colors proposed.

Mr. Bergans stated that they actually tested the turning radius of a bus on the site so they could design the building to function effectively. They ended up with drive-through areas where three buses stack in two bays. Each door is 14 feet wide and two bays wide. The building was stepped back and forth for building articulation and to meet the zoning ordinance. He indicated storage space that would replace existing storage space that would be displaced by bus parking. Mr. Bergans remarked that the operation would function much more efficiently and he believed they had improved the overall facility.

Mr. Bergans stated that they addressed the issue of Short Line by creating a more articulated and more interesting facade. They also plan to landscape along Short Line in the landscape strip between the parking. Mr. Bergans presented slides showing the overall project from various views.

Mr. Cashel stated that during City Council meeting last week, they were to directed to move the design for seasonal housing on a parallel path with this project. Funding has not been identified but the City Council is very interested in having that piece designed and potentially bid as a bid alternate.

Chair Thomas thought the project was well-designed and he was comfortable with the floor plan and elevations. He particularly liked the bus parking and maintenance component of the building. However, he struggled with the connection to the '90's era building. In his mind it creates a very long facade with the same materials and colors. He suggested that they find a way to modify the

materials and colors in the addition and not marry it to this '90's mediocre building. Chair Thomas stated that this has been done in other areas of the community to minimize the visual impact of an extremely long facade. He liked the form and how they had broken up the elevations and the shifts.

Alan Roberts, a member of the design team, stated that the building on the corner of the existing building is actually brick. The rest of that bar is stucco and it is lower. Therefore, that side already has two different materials and two different heights. The building on the end is a bookend, and they went back up with the height for both aesthetics reasons and because functions inside require it to be tall. He believed the forms were right. Mr. Roberts stated that they could go back to brick and make it similar to the other bookend. It could also be a different color or a metal material. He thought the issue may be too much stucco. Mr. Roberts stated that they could work to change the skin of the building and keep the forms as they are.

Commissioner Wintzer agreed with Chair Thomas. He believed they could accomplish a different look with the same form by using creative metal siding or other materials. Commissioner Wintzer referred to the movable fences where they would push off the snow and recommended cantilevering the floor so the snow could either be pushed into a truck or away from a building. He felt that was more practical than dumping the snow on the side of the building and trying to pick it up.

Commissioner Peek referred to a comment about moving the shift transfer up to the Old Town Transit Center and asked if that would affect parking in Old Town. Mr. Cashel clarified that the parking would not be shifted to the Transit Center. The shifts would start and end at Iron Horse. The drivers would be shuttled via buses. Commissioner Peek was concerned about odor and steam impacts from 38 buses stored inside a building and asked about the exhaust fans. He was told that currently the exhaust fans are side wall fans. Commissioner Peek asked if that would impact people off-site. Mr. Roberts stated that there would be significant planting along the perimeter property lines. They are required to have a certain amount of green space and there will be screening in the form of planting along Short Line and the bank property.

Commissioner Peek asked about salty snow draining into Poison Creek. Mr. Cashel was unsure of the exact plan but drainage would be contained on site. He noted that there is on-site storage currently. They have also been asked to look at some type of snow melt. Mr. Cashel pointed out that the City Environmental Specialist would not allow them to drain into the creek.

Commissioner Peek asked if there was a provision to recycle water from the bus washing. He was told that it was recycling bus wash. The project is as green as they could afford to make it. There are a number of green sustainable LEED based elements in the project. Commissioner Peek agreed with Commissioners Thomas and Wintzer regarding colors and materials on the maintenance building.

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas closed the public hearing.

Commissioner Thomas stated that he was satisfied with the project and he would be comfortable with a condition of approval that modified the materials and/or colors of the maintenance buildings. Commissioner Wintzer agreed.

Given the amount of hardscape on the site, Commissioner Pettit asked if they had considered putting the employee parking underground versus the upper deck and using the roof area as a green roof. Mr. Millalo replied that another firm had done a study for different parking scenarios and determined that underground parking was the most expensive. Mr. Cashel explained that the structural elements to handle the weight of the equipment were very expensive. In addition, he was not convinced that they could have achieved the needed storage with that approach. Mr. Roberts stated that during the City Council meeting, a council member suggested exploring the possibility of a third level or partial third level on the parking structure for employee housing and administration, as opposed to expanding the current administration building. If they do that, it would allow the possibility for a green roof. Commissioner Pettit preferred to keep the door open for that option. Planner Cattan recalled an order from the City Council to make sure the structural engineering is in place to accommodate a third level if they choose that option.

Commissioner Pettit commented on the life expectancy of this particular facility and the likelihood that they will see changes in buses and fuel types. She wanted to know if a retrofit of this facility to accommodate those changes was built into the design. Mr. Cashel stated that regardless of what happens in the future, there would be some type of bus. It may be powered differently, but there will be long vehicles that hold a lot of people. He felt this building would provide that flexibility. What fuel they would be using in the future is unknown. Mr. Cashel noted that they are planning to put a fueling site in place that would handle the bio-diesel they currently run. Therefore, they would have to accommodate some type of new fuel.

Commissioner Pettit stated that since this is a City project, she felt they should not be shy about green building elements. Mr. Roberts replied that they are a very green firm and they could identify all the green features of the building. Commissioner Pettit felt it was important for the City to set the example for green buildings.

Commissioner Wintzer recommended adding condition #8 to the conditions of approval stating that the applicant will look at alternative skin material for the addition to the maintenance building. Commissioner Peek agreed and suggested language as follows. "Materials on northwest corner existing Public Works building to differ from adjoining stucco facade". Chair Thomas thought it should say, "and/or color" to hold open the option to use stucco if they change the color.

Planner Cattan clarified condition #8 would read, "The materials and/or colors on the northwest corner addition to the existing public works building to differ from adjoining stucco facade".

Chair Thomas pointed out that it is the northeast corner and not the northwest corner.

MOTION: Commissioner Wintzer made a motion to APPROVE the CUP for the maintenance facility at 1053 Iron Horse Drive in accordance with the Findings of Fact, Conclusions of Law and Condition of Approval as amended. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1053 Iron Horse Drive

1. The subject property is at 1053 Iron Horse Drive in Park City, Utah.
2. The proposed use is on City owner property.
3. The property is located in the General Commercial District (GC).
4. A transit operations facility is an essential municipal facility and requires a CUP in the GC zone. The existing transit operations center is expanding and therefore, must obtain a CUP to reflect the proposed intensification of the use on the site.
5. The proposed changes include an addition to the existing building along Iron Horse Drive, a new covered salt storage structure, a fuel island canopy, and a new maintenance and bus storage facility toward the rear of the property.
6. The proposed changes meet the parking requirements of the LMC.
7. The three uses on the property will be office intensive, residential dormitory (employee housing), and essential municipal facility (light industrial).
8. No signs are proposed within this application.
9. The existing roads system can handle the projected increase in traffic.
10. The proposed use will not impede pedestrian circulation, emergency access or any other public safety measure.

Conclusions of Law - 1053 Iron Horse Drive

1. The application satisfies all Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (Section 15-1-10).
2. The applicant complies with all requirements of this LMC.
3. The use is consistent with the Park City General Plan, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

**Planning Commission
Staff Report**



Subject: 4th Supplemental Plat
Prospector Square Sub.
Author: Mathew Evans, Sr. Planner
Project Number: PL-12-01522
Date: August 8, 2012
Type of Item: Administrative – Amendment to Condominium Plat

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the 4th Supplemental Plat Prospector Square Condominiums and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Josh Arrington on behalf of the Prospector Square Home Owners Association
Location: 2175 Prospector Drive
Zoning: Residential Development (RD) District
Adjacent Land Uses: Residential, Resort and Commercial
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

The applicants are proposing changes to the existing Prospector Square Conference Center that require an amendment to the plat. The applicants are proposing a rebuild of the entrance to the existing building and a remodel of the remaining portion that will closely match the recent remodeling of the adjacent Silver Mountain Sports Club. The applicants are proposing to create a “plaza” space where the main entrance to the building is currently located, and to relocate the entrance to the opposite side of the proposed new plaza. The idea is to “swap” foot print square footage for common space in order to accommodate the new entrance. The proposal adds 170 square feet of unclassified space, and a 467 square feet balcony on the second floor above the new entrance, as well as moves the existing footprint. Because the building is platted as a one (1) unit condominium, the plat amendment is necessary due to the change of the outline of the building footprint (even the overall footprint is not changing). In addition, the plat amendment will accurately reflect the “as built” footprint of the building.

Background

This item was originally continued from the June 13th Planning Commission meeting due to the fact that Staff was not aware of a vote by the homeowners to authorize the re-plating of the Conference Center Plat as proposed. Since then the applicant has provided Staff with minutes from their annual meeting held on April 29 and 30,

2011, wherein 93% of the property owners agreed a bond to a \$3,000,000 bond renovate the conference center building. However, as required by State Law, an official ballot will be required to be mailed to all households, and 2/3^{rds} of said households must vote in the affirmative to allow for the plat amendment prior to the recording of the plat. This will be a requirement of the approval prior to the recordation of the plat.

On April 5, 2012, the City received the application for the Prospector Square Condominiums 4th Amended condominium plat. Technically the applicant met the minimum requirements for submitting the application with the homeowners vote to bond for the proposed remodel of the Prospector Square Conference Center Building, as the submittal requirements state the following:

“If a Home Owner’s Association is the applicant than the representative/president must attach a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CCRs.”

The Prospector Square Condominiums Association of Unit Owners Bylaws and Declarations require the owners to vote at their annual meeting on matters related to the facilities and common areas. A vote was taken to bond for the construction of the new entrance. A detailed account of the annual meeting was presented to Staff on July 12, 2012 and is attached hereto as exhibit “F”.

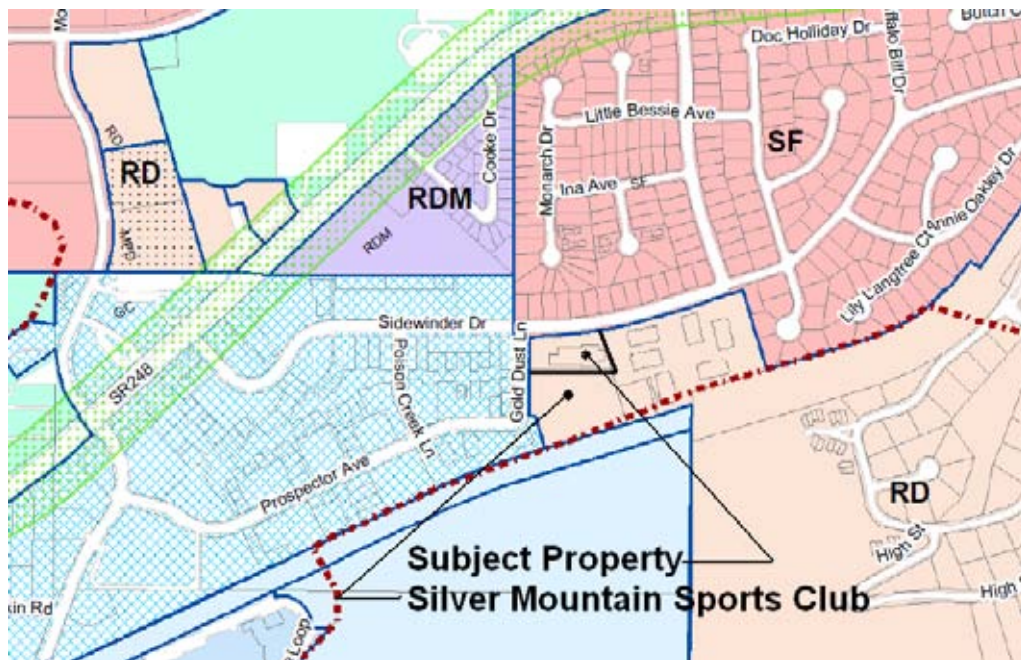
The property is located generally at 2175 Sidewinder Drive, on the southeast corner of Sidewinder Drive and Gold Lane. The property is located within the Residential Development (RD) and borders the General Commercial (GC), Single Family (SF), and Estate (E) Zone designations.

The conference center was built based upon the recordation of a supplemental plat known as the Prospector Square Condominiums 3rd Supplemental Plat which was recorded in 1981 as a one-unit plat for the Prospector Square conference center. The property is adjacent to the Silver Mountain Sports Club. The conference center was originally built to house events for the guests staying at the adjacent Prospector Square condo units. The existing building has multiple rooms for various uses associated Prospector Square Condominiums, including a 400 seat auditorium for movies and special events, conference rooms, office space on the ground and upper floors, a lobby, and locker rooms and restrooms for the use of residents and guests using the pool facilities.

Purpose of the Residential Development (RD) District

The purpose of the Residential Development RD 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.



Analysis

Staff finds good cause for this plat amendment. The applicant is not proposing to increase the footprint or square footage of the existing building. The proposal simply moves 2,300 square feet of the building footprint as currently built and delineated on the plat limited common area, to an area currently un-built and held as limited common area, and swaps the footprint for new limited common area. The proposal will not increase or cause any non-conformity with respect to setback, building footprint, building size, etc. The proposal may not cause a need for additional parking (see further analysis). The area to be moved will remain as a lobby use, which is the use of the area currently except for the addition of a loft area which will contain a new unclassified 170 square foot addition and balcony. The conference center on the main floor contains several conference rooms. The existing enclosed lobby area (2,300 square feet of common area) will be removed.

The 4th Supplemental plat accurately reflects the existing building footprint along with the proposed change. The 3rd supplement shows basic building detail on the plat, the proposed 4th Supplemental plat shows the building how it was actually built.

The property is located in the RD zone designation. The RD zone allows private Recreation Facilities as a permitted use. The RD also allows both public and commercial Recreation Facilities and similar uses as a Conditional Use. The conference center would likely fall under one of these categories within the LMC as the building is used by the homeowners and guests of the Prospector Square Condominiums. According to the applicant, uses with the building include a 400 seat movie theater, office space, conference rooms, locker rooms, and a lobby area. All of these uses are contemplated within the zone as either an “Allowed Use” or a “Conditional Use.” The applicant is not proposing to expand any of these areas with exception to the addition of 170 square feet of conference space. Uses listed within the RD Zone support the existing uses within the building, including:

- Recreation Facility, Private – “Allowed Use” per LMC § 15-2.13-2(A)(15)
- Private Residence Club Project and Conversion - “Conditional Use” per LMC § 15-2.13-2(B)(15)
- Office, General – “Conditional Use” per LMC § 15-2.13-2(B)(16)
- Entertainment Facility, Indoor - “Conditional Use” per LMC § 15-2.13-2(B)(35)

The conference rooms, which take up the majority of space within the building, are not specifically classified as an Allowed or Conditional use within the RD zone. These areas could be classified as “general assembly” because they do not have fixed seating areas and are used for large gatherings, much like a Homeowners Association club house would be. The area could also be classified under the “Private Residents Club” designation, which is a Conditional Use within the RD Zone.

The applicant is not specifically proposing an expansion to any of the aforementioned uses with exception to the proposed 170 square foot addition of yet to be classified space on the second floor above the proposed new lobby area. Because the site and building plan is not being approved at this time, there is no determination to make regarding the proposed space. There is a likelihood that the applicant may need to apply for a Conditional Use Permit if the space involves a use that is listed as “Conditional” in the RD Zone. That determination will have to be made at the time when the building plans are submitted for final review. Parking may also be an issue with the additional space depending upon its classification.

The building houses offices for the management staff. The grounds include a swimming pool and other amenities for the residents and guests. The area interior area to be modified is the front desk and lobby and the addition of a balcony and the additional yet to be classified interior space on the second floor. The prospector square condos have a number of permanent residences, but the majority of the units

are rented out for nightly rentals. The new lobby area is primarily for the benefit of the public where guests come to check in/out.

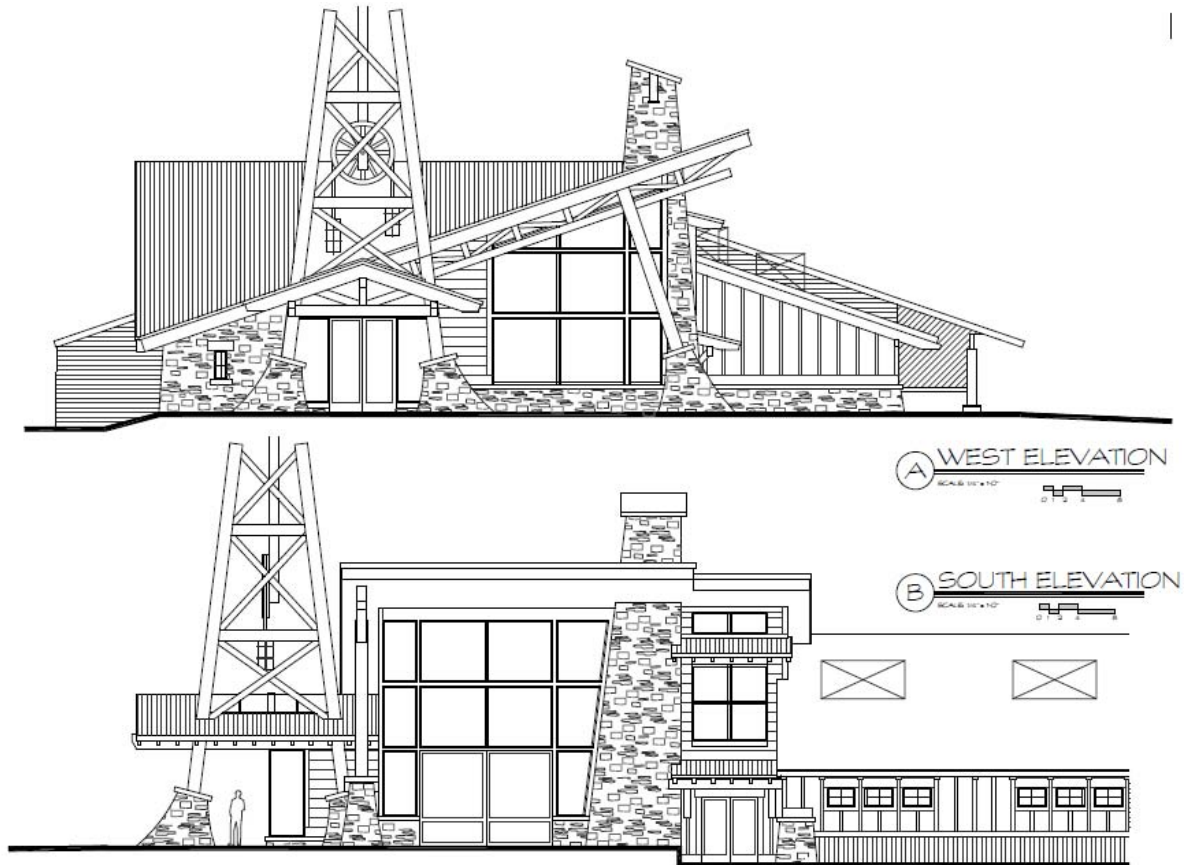


With exception of the yet to be classified addition of 170 square feet, the proposed changes do not increase the parking requirement for the overall development and no additional parking has been contemplated by the applicant. The facility uses within the building will not change. Parking standards as listed within 15-3-6(A) list the required parking stalls for every use. Per the applicant, the use of the building is categorized as general assembly, indoor entertainment theater, private recreation facility, and offices. Each use has a parking required based on either the amount of fixed seats, square footage, or maximum occupancy. It cannot be assumed that the parking standards were met when the facility was originally built. Depending upon the classification of the additional interior space of 170 square feet, there may be no additional parking requirements. Prior to the issuance of the building permit, the applicant will be required to apply for a "Nonconforming Use Determination" by the Planning Director.

The applicant is proposing an exterior rebuild and remodel of the main entrance to building. The new entry plaza and the moving of the main entrance is cause for the plat amendment. Other changes include the addition of dormers to the roof of the remaining portion of the building, and other changes to the exterior to match the proposed remodeled section of the front entrance (See exhibit "C"). With exception to the rebuilding of the entrance lobby area and the 170 square feet of yet to be classified interior space and the 467 square foot balcony, there are no substantial changes to the interior of the building being proposed at this time.

On the following page is the proposed conceptual architectural renderings for the main entrance (west elevation) and south elevation for the Prospector Conference Center. The plat amendment alone would not require the full submittal of building

plans with the application. The building permit application will be required to meet the minimum requirements of Chapter 15-5 (Architectural Review) which is an administrative review by Staff. Thus the elevations and plans provided by the applicant at this state are for illustration purposes only:



The proposed tower element and chimney will require a height exception per LMC § 15-2.18-4(A). The maximum height allowed within the RD zone is twenty-eight feet (28'). The proposed tower element is forty-two feet (42') and the proposed chimney is thirty-seven feet (37'). LMC § 15-2.13-4(A)(4) allows the Planning Director to grant a height exception up to fifty-percent (50%) above the allowed zone height for church spires, bell towers and similar architectural features subject to Chapter 15-5 (design guidelines), and § 15-2.18-4(A)(2) allows for an automatic exception for chimneys five feet (5') "above the tallest portion of the building." Another automatic exception is granted for roofs with a 4:12 pitch or greater. As proposed, the roof will have a 4:12 pitch. The building will have an overall height of thirty-feet (30'), thus the chimney can extend no more than thirty-five feet (35') above the maximum roof height. The applicant will be required to amend the final plans accordingly as they are simply concept at this point.

Parking is likely nonconforming to meet today's LMC requirements. There are approximately 35 parking spaces directly in front of and to the side of the existing Prospector Square Conference Building entrance. According to the applicant, these

parking spaces are usually used by Staff and visitors to the facility. There is a common driveway and fifty additional parking stalls directly to the south of the building that is shared with Silver Mountain Resort, although the City is not aware of or a party to any such agreement between the two property owners to allow for shared parking. There are also twenty-three (23) parking spaces directly adjacent to the rear of the building on the east side that is likely shared with the Prospector Square residential condominiums. There is also off-street parking along Sidewinder Drive and limited parking along Gold Dust Lane.

Per LMC § 15-3-6(B) parking standards for non-residential uses, private facilities for use by HOA's requires one (1) parking space per every four (4) persons maximum rated occupancy. Per LMC § 15-3-6(B)(Nonresidential Uses) the parking considerations would be based on the following:

- 400 Seat auditorium – one (1) space for every five (5) seats = 80 spaces
- 2,400 square feet of general assembly for conferences and ownership club activities: - five (5) space for every 1,000 square feet of floor area = 10 spaces
- 2,450 square feet of general office space (ground floor) – three (3) spaces for every 1,000 square feet = 7 spaces (approximately)
- 1,031 square feet of office space (second floor) = 3 spaces
- 1,350 square foot lobby – No requirement = 0 spaces
- 170 square feet of undetermined and unclassified space – unknown, may require additional parking based on anticipated use. If no additional parking can be achieved, the space classification may have to be one that has no additional parking requirement, such as storage, etc.

Based on the information above, the parking requirement under today's standards would likely be approximately 100 parking spaces. The required "Nonconforming Use Determination" by the Planning Director will have to address the nonconforming parking issue prior to the issuance of a building permit. This will be a condition of approval.

Lot Requirements

The following lot requirements apply to all developments within the RD Zone:

- Minimum Lot Size – None
- Maximum Density – three (3) residential dwelling units per acre
- Front Yard Setback – Twenty feet (20')
- Rear Yard Setback – Fifteen feet (15')
- Side Yard Setbacks – Twelve feet (12')

There is no maximum building size for Floor Area Ratio requirements for nonresidential buildings with the RD Zone. The property is considered a corner lot, and the building is situated the corner of Sidewinder Drive and Gold Dust Lane.

Because of that, the front yard setback requirements would apply to both sides of the building. Currently the building is located eighty feet (80') from Gold Dust Lane and fifty feet (50') from Sidewinder Drive. The proposed relocation of the lobby will not violate the front yard setbacks. The building is nonconforming with respect to rear and side yard setbacks. The rear yard setback on the south side of the building opposite of Sidewinder Drive, has a setback of sixteen (16) and eight (8) feet respectively. The required rear yard is fifteen feet. The side yard on the east side of the building is nineteen (19) and six (6) feet. The minimum side yard setback is twelve feet (12'). The lobby area relocation will actually increase the rear yard setback for the creation of the plaza. The new portion of the building will have a front yard setback of eighty (80) and fifty (50) feet, and a rear yard setback increase from sixteen feet (16') to forty-six feet (46'). The new plaza area will not have structures and thus do not have setback requirements.

Good Cause

Good cause is found to approve the Plat Amendment based on the desire of the owners of the Prospector Square Condominiums to make exterior improvements to the main entrance of the existing building originally constructed in 1982, and said improvements will result in the need to amend the existing record of survey plat. Said improvements will provide positive benefits to the neighborhood and to the City due to the fact that the rebuilding of the entrance will likely add aesthetic value to the property and surrounding properties, and may encourage other property owners nearby to contemplate their own building remodels and other similar improvements.. The Prospector Square Conference center is also used during Sundance and will be seen and utilized by visitors and tourists alike. The proposed lobby relocation will not cause any increase to the level of nonconformity in terms of building size or reduced setbacks.

Process

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

Department Review

This proposed plat amendment has gone through an interdepartmental review. There were no comments received by the Development Review Committee (DRC) members at the meeting or prior to the presentation of this item before the Planning Commission. A building permit will ultimately be required to complete the work necessary for the remodel.

Notice

The property was posted and notice was mailed to property owners within 300 in accordance with the requirements in the LMC. Legal notice was also published in the Park Record.

Public Input

No public input has been received by the time of this report; public input may be taken at the regularly scheduled Planning Commission public hearing. Public input was taken at the original meeting from one (1) property owner who voiced concern regarding the cost of the entrance relocation.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Prospector Square Condominiums 4th Supplemental Plat; or
- The Planning Commission may forward a negative recommendation to the City Council for the Prospector Square Condominiums 4th Supplemental Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Prospector Square Condominiums 4th Supplemental Plat to a date certain.

Significant Impacts

There are no significant fiscal or environmental impacts as a result of this application. The proposal is to swap common area for building space; there will be no additional square footage added, no additional building footprint.

Consequences of not taking the Suggested Recommendation

The recorded condominium plat stays as is and the owners of the Conference Center will not be permitted to move the entrance and create a plaza area as proposed.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Prospector Square Condominiums 4th supplemental plat and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Draft Ordinance

Exhibit A – Proposed Plat

Exhibit B – Vicinity Map

Exhibit C – Elevations for the Prospector Square Conference Center

Exhibit D – 3rd Supplement

Exhibit E – Original ROS

Exhibit F – Summary of Annual Meeting

Draft Ordinance No. 12-

AN ORDINANCE APPROVING THE 4th SUPPLEMENTAL PLAT PROSPECTOR SQUARE CONDOMINIUMS LOCATED AT 2175 SIDEWINDER DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at approximately 2175 Sidewinder Drive have petitioned the City Council for approval of the Prospector Square Condominiums 4th Supplemental Plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on August 10, 2012, to receive input on the Prospector Square Condominiums Record of Survey Plat;

WHEREAS, the Planning Commission, on August 10, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 4th Supplemental Plat Prospector Square Condominiums.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Prospector Square Condominiums Record of Survey Plat as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2175 Sidewinder Drive on the southeast corner of Sidewinder Drive and Gold Dust Lane.
2. The property is within the Residential Development (RD).
3. The Plat Amendment will allow the applicant to move 2,300 square feet of building footprint for the purpose of creating a plaza in front of a new entrance to the existing building.
4. The 2,300 square feet of building footprint which serves as the entrance to the conference center will be relocated to the opposite side of the proposed new plaza.
5. The current building area is limited common and the new plaza is common area. The area where the building footprint will be relocated is currently common area and will be designated limited common area.

6. The proposal moves the existing footprint and adds 170 of yet to be classified additional square feet to the overall square footage of the building, as well as a 467 square foot balcony.
7. Parking is likely nonconforming due to the fact that the code requirements for parking have changed since the original building was constructed. The new square footage may or may not add an additional parking requirement based on the proposed use of the additional square footage. A "Nonconforming Use Determination" by the Planning Director is necessary to determine the nonconforming status of the parking.
8. On April 29 and 30th of 2011, the Homeowners held their annual meeting and 93% of those in attendance voted in the affirmative to allow improvements to the building. A separate vote to allow for the plat amendment will be necessary prior to the recording of the plat, and two-thirds of all households must agree in the affirmative to allow for the plat amendment as proposed.
9. The proposed plat amendment and building relocation will not increase the level of nonconformity with respect to building size or setbacks. Portions of the building do have nonconforming setbacks; however, the lobby relocation will actually increase the rear yard setback from 16 to 46 feet.
10. The proposed plat amendment will not cause any other nonconformities or noncompliance situation within the Residential Development (RD) Zone Designation as there is no increase in the total number of units or the building footprint. The proposal will not cause any increase to the level of nonconformity with respect to building uses. All of the current uses within the building are either an Allowed or Conditional Use with the RD Zone.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The 4th Supplemental Plat, as approved, must be recorded prior to the issuance of a certificate of occupancy for the construction work related to the proposed project.

4. This plat is supplemental to the 1978 Prospector Square Condominiums supplemental plat and all conditions of approvals and notes of that Record of Survey continue to apply.
5. An official ballot authorizing the Home Owners Association President to execute the plat amendment shall be required prior to the recording of the plat. Said ballot must be mailed to all households where no less than 2/3rds of all owners must agree to allow the plat amendment as proposed.
6. A "Nonconforming Use Determination" by the Planning Director will be necessary to determine compliance for parking; will be required prior to the issuance of any building permits associated with the proposed project.

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

PASSED AND ADOPTED this _____ day of August, 2012.

PARK CITY MUNICIPAL CORPORATION

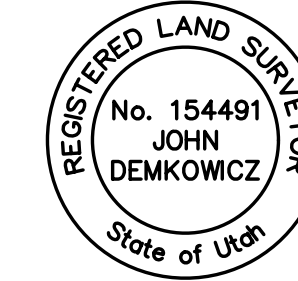
Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of PROSPECTOR SQUARE CONDOMINIUMS, a Utah Condominium Project in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify that the information on this plot is accurate

John Demkowicz _____ Date _____

BOUNDARY DESCRIPTION

Conference Center as the same is identified as established in the Third Supplemental Plat, PROSPECTOR SQUARE CONDOMINIUMS, recorded August 7, 1981 as Entry No. 182367; and the Fourth Amended declaration of Covenants, Conditions and Restrictions recorded August 7, 1981 as Entry No. 182368 in Book M195 at Page 223 of the official records in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, on behalf of the Prospector Square Condominiums Homeowners Association, having complied with the requirements of both Statutes and the Recorded Declaration hereby consent to the recording of this amended record of survey map.

By: _____
Miguel Gasca
President, Prospector Square Condominiums Owners Association

ACKNOWLEDGMENT

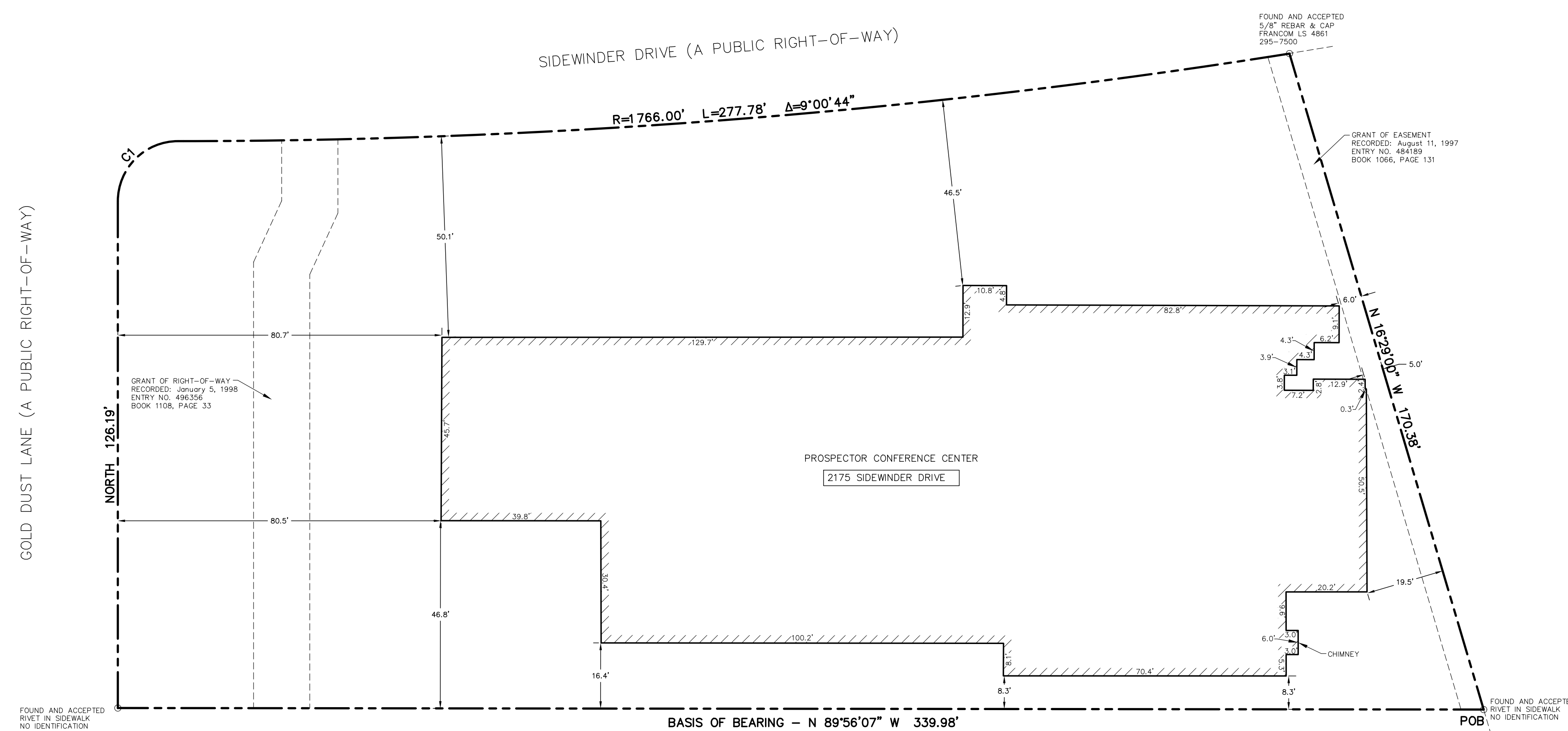
State of Utah)
) ss.
County of Summit)
On the _____ day of _____, 2012, personally appeared before

me, Miguel Gasca who being by me duly sworn, did say that he is the president of Prospector Square Condominium Homeowners Association of Unit Owners, and as such is fully authorized to execute the foregoing amended declaration and he duly acknowledged to me that he executed the same.

A Notary Public commissioned in Utah
Printed Name _____
Residing in: _____
My Commission Expires: _____

NOTES

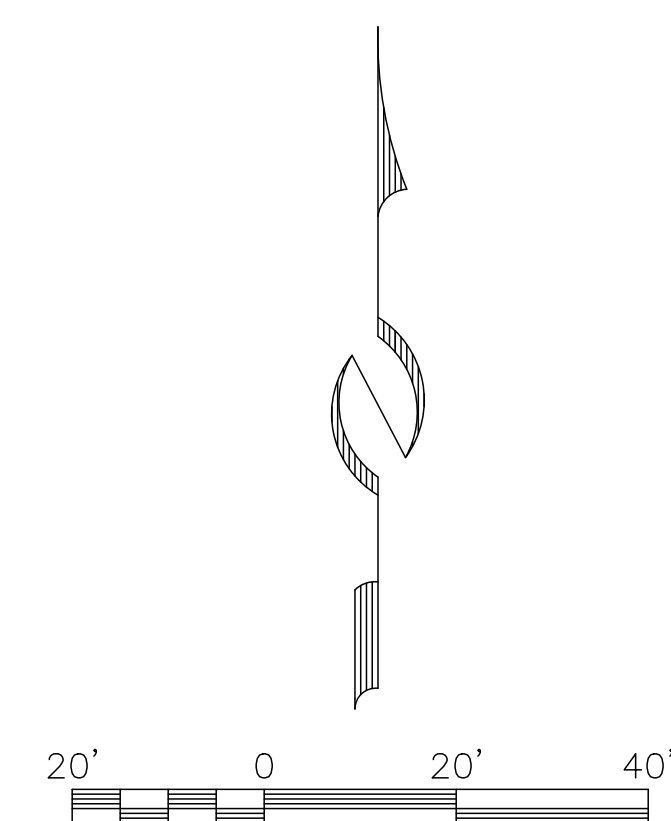
1. Refer to the 3rd Supplemental plat of PROSPECTOR SQUARE CONDOMINIUMS, recorded August 7, 1981, as Entry No. 182367, for further details.
2. All ties are either radial or perpendicular to property lines.



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	15.00	23.56	90°00'01"

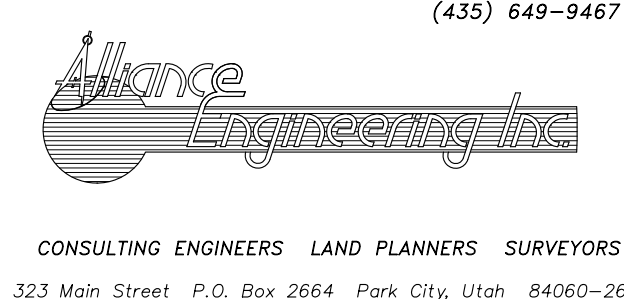
4TH SUPPLEMENTAL PLAT
PROSPECTOR SQUARE CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

4/5/12 JOB NO.: 3-3-12 FILE: X:\Prospector\dwg\sr\plat2012\030312-plat.dwg



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D.
BY _____

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF OCTOBER, 2012 A.D.
BY _____ CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2012 A.D.
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D.
BY _____ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.
BY _____ PARK CITY RECORDER

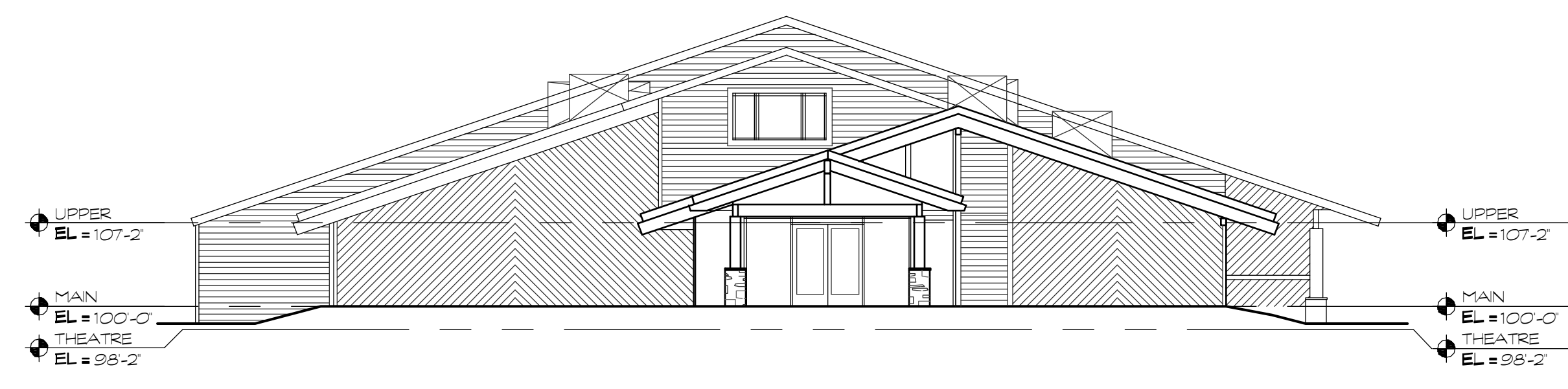
COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF NOVEMBER, 2012 A.D.
BY _____ MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____

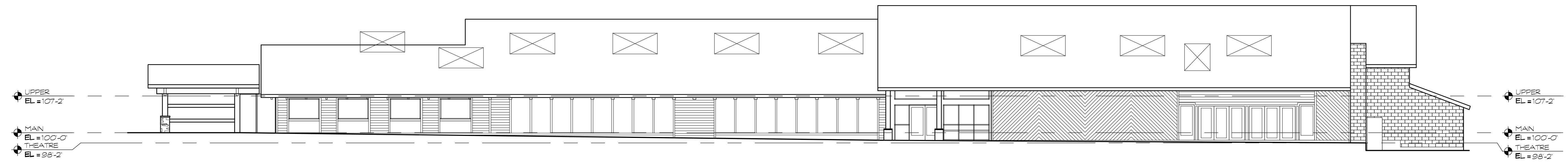
NOTE
SEE SHEET A-3.0
FOR PROJECT
NOTES & INFO

09 MAY 2012
REVISIONS

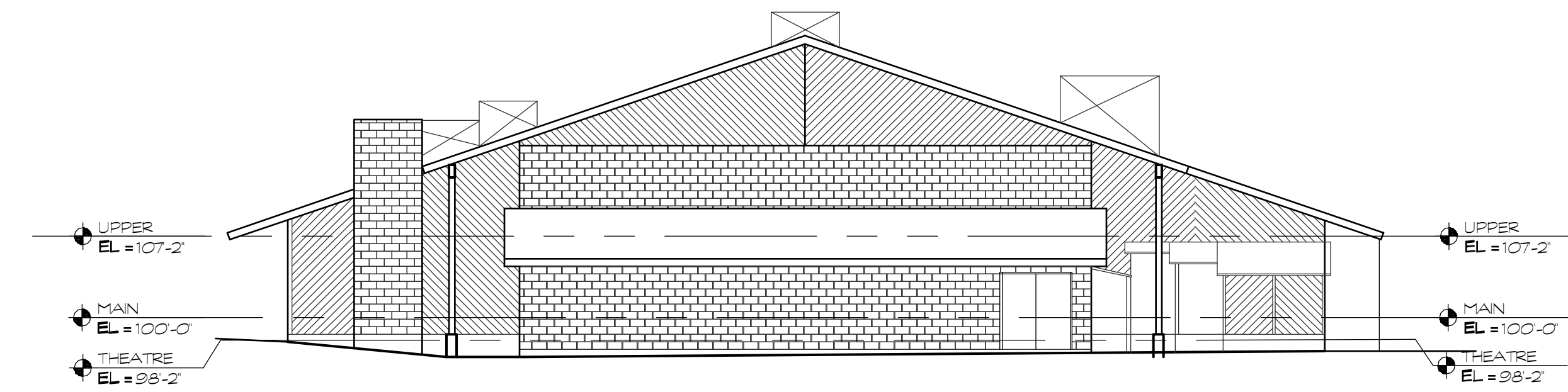
THE ABOVE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND SHALL REMAIN HIS OR HER PROPERTY. NO PART THEREOF SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AND SHALL NOT BE EXTENDED TO ANY OTHER MATTER. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AND SHALL NOT BE EXTENDED TO ANY OTHER MATTER. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AND SHALL NOT BE EXTENDED TO ANY OTHER MATTER.



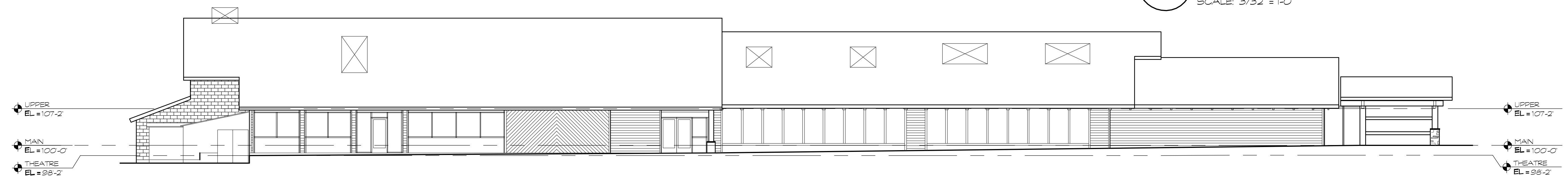
A EXISTING ELEVATION
SCALE: 3/32" = 1'-0"



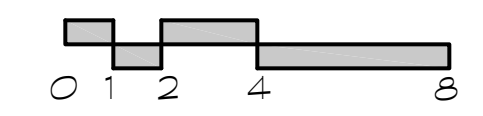
B EXISTING ELEVATION
SCALE: 3/32" = 1'-0"



C EXISTING ELEVATION
SCALE: 3/32" = 1'-0"



D EXISTING ELEVATION
SCALE: 3/32" = 1'-0"



A RENOVATION FOR THE PROSPECTOR:
CONFERENCE CENTER
2200 SIDEWINDER DRIVE
THE PROSPECTOR
PARK CITY, UT

U P W A L L
D E S I G N
1025 EAST HOLLYWOOD AVE. S.L.C. UT (801)485-0708

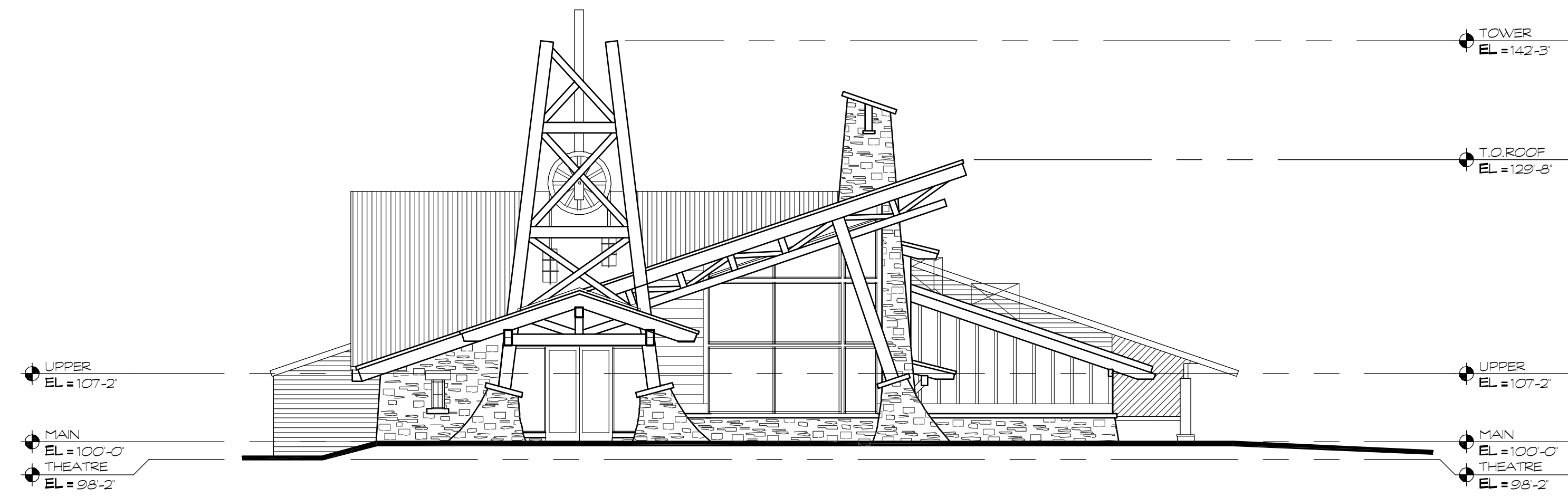
A3.1

NOTE
SEE SHEET A-3.0
FOR PROJECT
NOTES & INFO

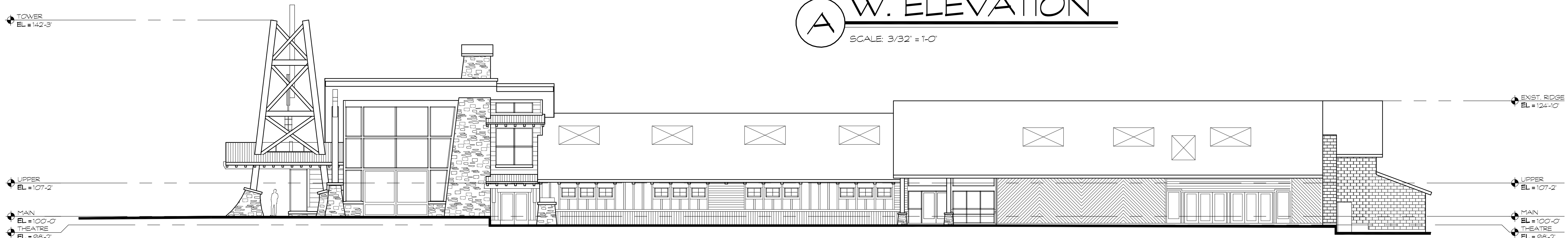
09 MAY 2012

REVISIONS

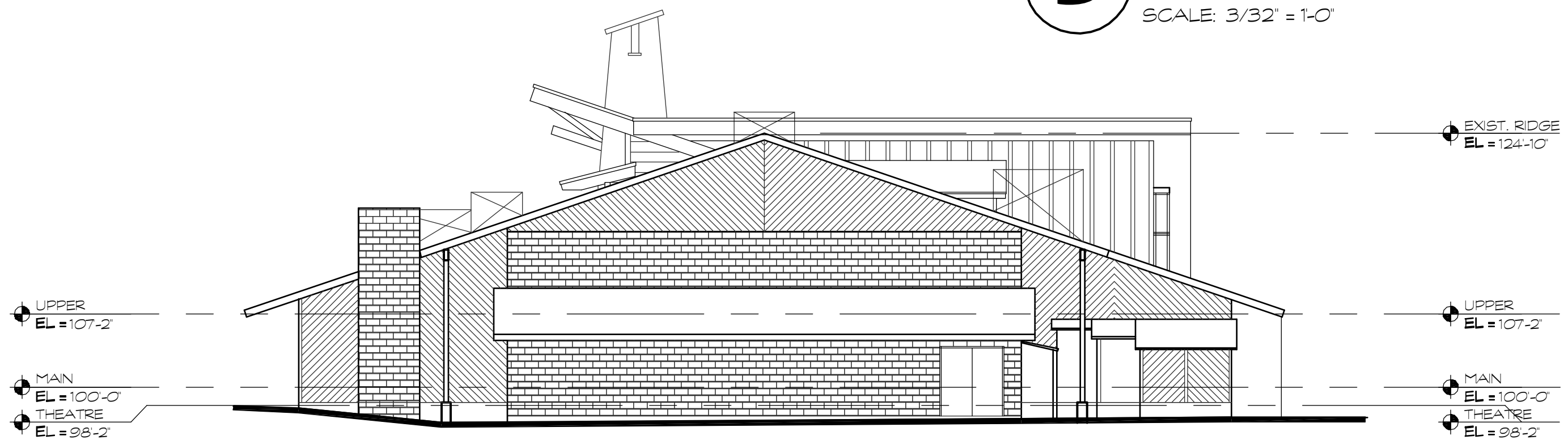
THE ABOVE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF UPWARD DESIGN. NO PART THEREOF SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF UPWARD DESIGN. THIS PROJECT IS THE PROPERTY OF UPWARD DESIGN. ANY REVISIONS TO THIS PROJECT SHALL BE MADE BY UPWARD DESIGN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL GOVERNMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL GOVERNMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL GOVERNMENTS.



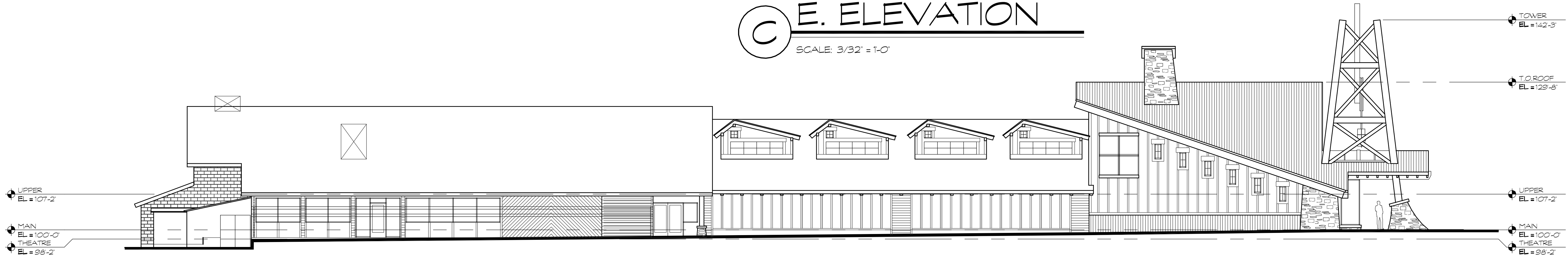
A W. ELEVATION
SCALE: 3/32" = 1'-0"



B S. ELEVATION
SCALE: 3/32" = 1'-0"



C E. ELEVATION
SCALE: 3/32" = 1'-0"



D N. ELEVATION
SCALE: 3/32" = 1'-0"

A RENOVATION FOR THE PROSPECTOR:
CONFERENCE CENTER
2200 SIDEWINDER DRIVE
PARK CITY, UT

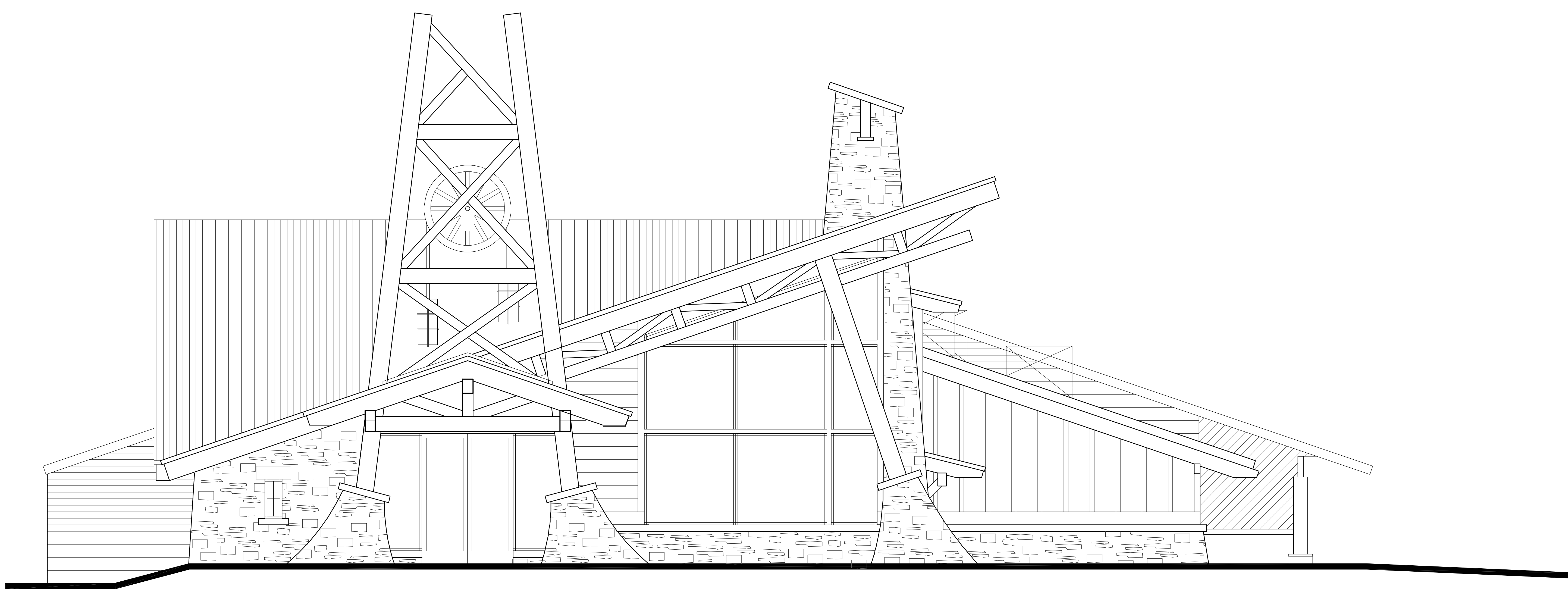
UPWARD DESIGN
1025 EAST HOLLYWOOD AVE., S.L.C., UT (801)485-0708

A3.2

NOTE
SEE SHEET A-3.0
FOR PROJECT
NOTES & INFO

09 MAY 2012
REVISIONS

THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE REVISIONS THEREON ARE THE PROPERTY OF UPWALL DESIGN, INC. AND SHALL REMAIN THE PROPERTY OF UPWALL DESIGN, INC. NO PART OF THIS DRAWING OR ANY INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF UPWALL DESIGN, INC. ALL RIGHTS ARE RESERVED. UPWALL DESIGN, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION AND DATA CONTAINED HEREIN. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE ARCHITECT AND/OR ENGINEER. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE ARCHITECT AND/OR ENGINEER. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE ARCHITECT AND/OR ENGINEER.



A WEST ELEVATION
SCALE: 1/4" = 1'-0"
0 1 2 4 8



B SOUTH ELEVATION
SCALE: 1/4" = 1'-0"
0 1 2 4 8

A RENOVATION FOR THE PROSPECTOR:
CONFERENCE CENTER
2200 SIDEWINDER DRIVE
PARK CITY, UT

UPWALL
DESIGN
1025 EAST HOLLYWOOD AVE. S.L.C. UT (801)485-0708

A3.3
Page 74 of 83

NOTE
SEE SHEET A-3.0
FOR PROJECT
NOTES & INFO

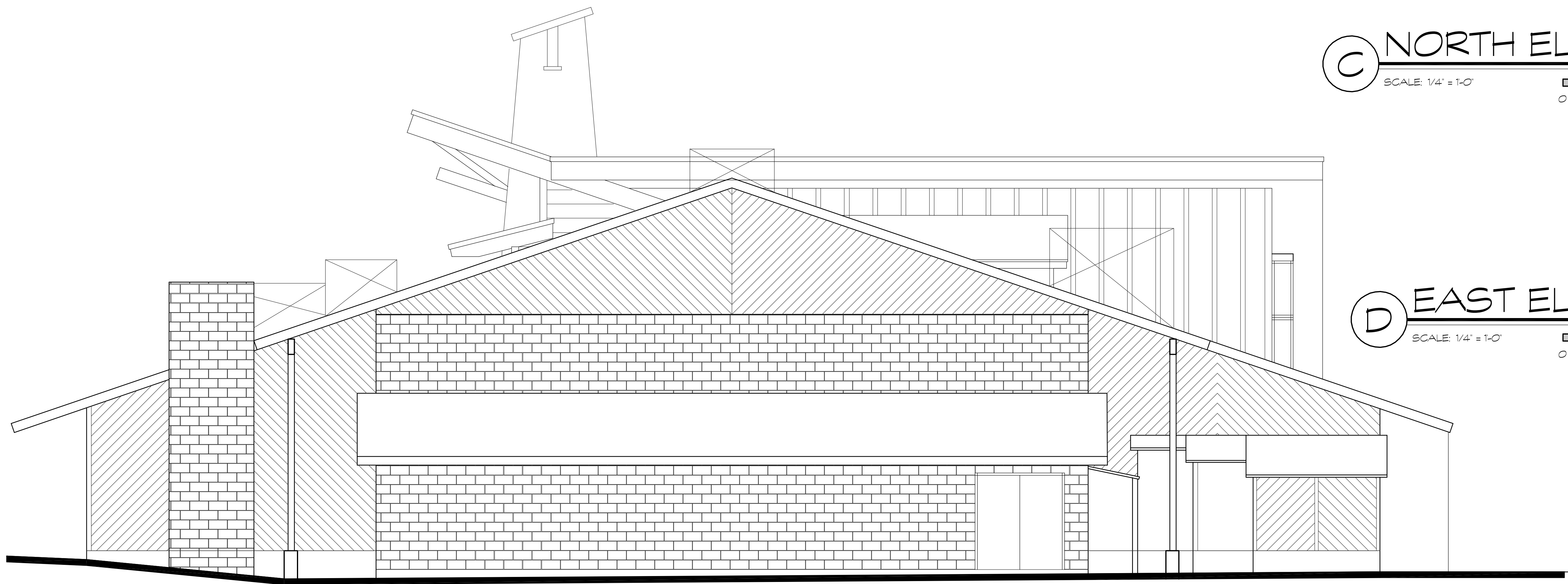
09 MAY 2012

NO.	DESCRIPTION	DATE

THE ABOVE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF U.P.W.A.L.F.N. AND SHALL REMAIN THE PROPERTY OF U.P.W.A.L.F.N. NO PART THEREOF SHALL BE COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF U.P.W.A.L.F.N. U.P.W.A.L.F.N. ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS AND SPECIFICATIONS. THE USER OF THESE DRAWINGS AND SPECIFICATIONS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. U.P.W.A.L.F.N. SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE DRAWINGS AND SPECIFICATIONS. U.P.W.A.L.F.N. SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION COSTS OR DELAYS ARISING FROM THE USE OF THESE DRAWINGS AND SPECIFICATIONS. U.P.W.A.L.F.N. SHALL NOT BE RESPONSIBLE FOR ANY CHANGES TO THESE DRAWINGS AND SPECIFICATIONS MADE BY ANY OTHER PARTY. U.P.W.A.L.F.N. SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION COSTS OR DELAYS ARISING FROM THE USE OF THESE DRAWINGS AND SPECIFICATIONS. U.P.W.A.L.F.N. SHALL NOT BE RESPONSIBLE FOR ANY CHANGES TO THESE DRAWINGS AND SPECIFICATIONS MADE BY ANY OTHER PARTY.



C NORTH ELEVATION
SCALE: 1/4" = 1'-0"
0 1 2 4 8

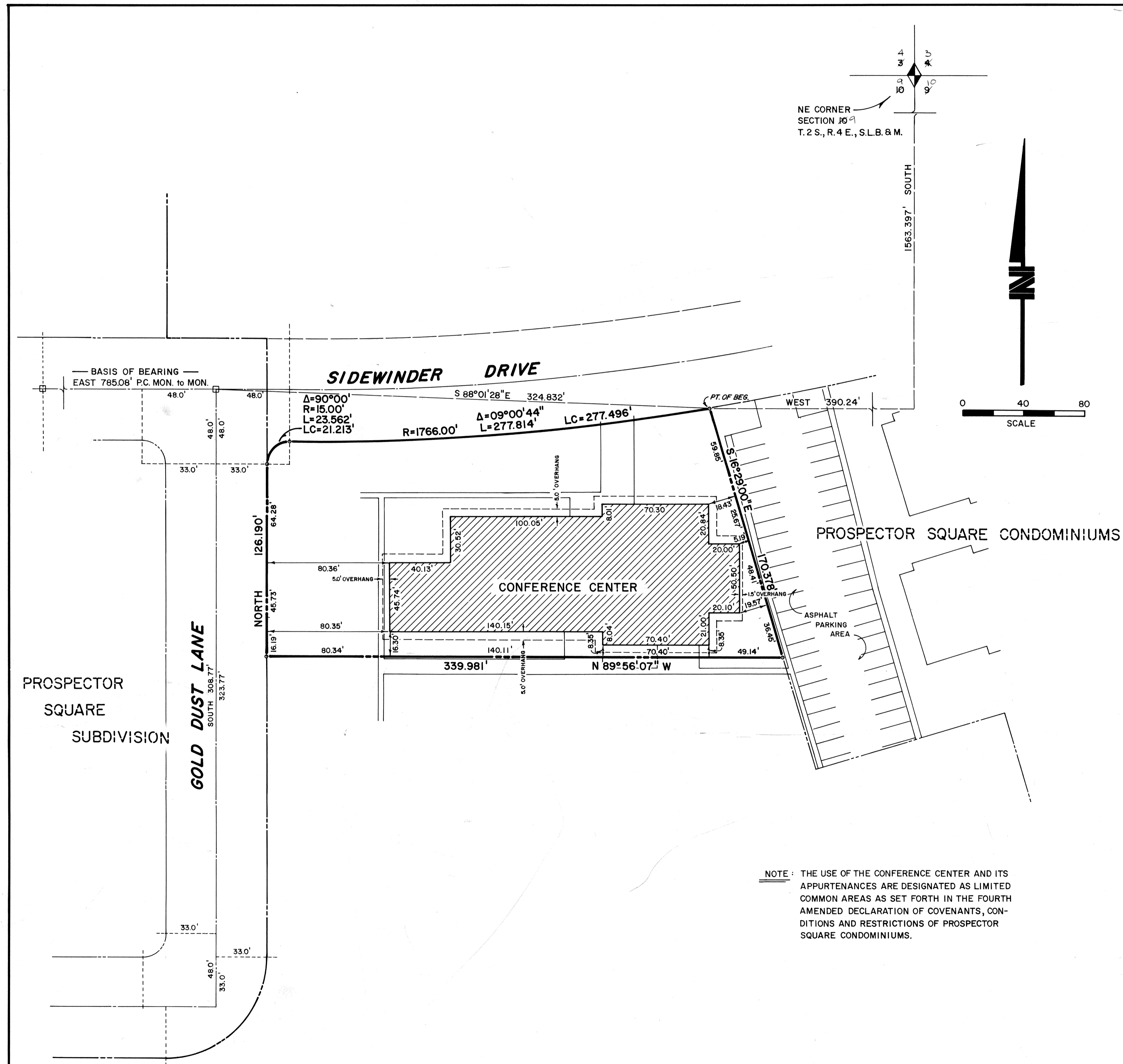


D EAST ELEVATION
SCALE: 1/4" = 1'-0"
0 1 2 4 8

A RENOVATION FOR THE PROSPECTOR:
CONFERENCE CENTER
2200 SIDEWINDER DRIVE
THE PROSPECTOR
PARK CITY, UT

U P W A L F N
D E S I G N
1025 EAST HOLLYWOOD AVE. S.L.C. UT (801) 483-0708

A3.4



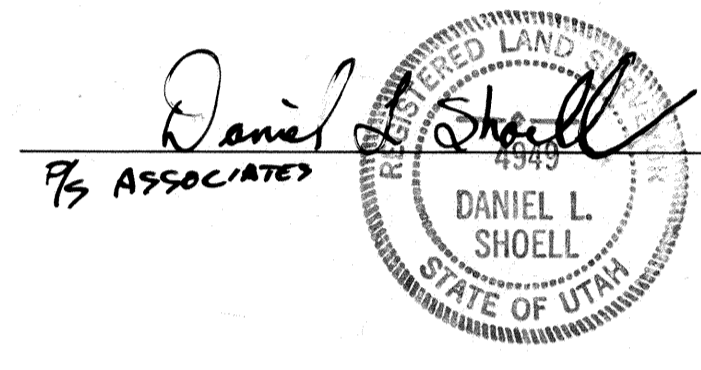
SURVEYOR'S CERTIFICATE

I, Daniel L. Shoell, A REGISTERED UTAH LAND SURVEYOR HOLDING CERTIFICATE NO. 4949
DO HEREBY CERTIFY THAT I HAVE SURVEYED THE FOLLOWING DESCRIBED TRACT OF LAND:

BEGINNING AT A POINT ON THE SOUTH LINE OF SIDEWINDER DRIVE, SAID POINT BEING SOUTH 88°01'28" EAST 324.832 FEET FROM THE INTERSECTION OF SIDEWINDER DRIVE AND GOLD DUST LANE, AND MORE SPECIFICALLY DESCRIBED AS BEING SOUTH 1563.397 FEET AND WEST 390.240 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 3-4-9-10 OF TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 16°29'00" EAST 170.378 FEET; THENCE NORTH 89°56'07" WEST 339.981 FEET TO THE EAST LINE OF GOLD DUST LANE; THENCE DUE NORTH ALONG SAID EAST LINE 126.190 FEET TO A POINT OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, CENTER BEARS EAST 15.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 23.562 FEET (DELTA = 90°00'00") TO THE SOUTH LINE OF SIDEWINDER DRIVE, SAID POINT ALSO BEING ON A 1766.00 FOOT RADIUS REVERSE CURVE TO THE LEFT, CENTER BEARS DUE NORTH 1766.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 277.814 FEET (DELTA = 09°00'44") TO THE POINT OF BEGINNING. SUBJECT TO ALL LIENS, ENCUMBRANCES AND EASEMENTS OF RECORD.
CONTAINS 1.0819 ACRES

I FURTHER CERTIFY THAT THE ABOVE DESCRIPTION DESCRIBES THE LAND SURFACE UPON WHICH HAS BEEN CONSTRUCTED BUILDINGS KNOWN AS THE PROSPECTOR SQUARE CONDOMINIUMS CONFERENCE CENTER BY MEANS OF A SUPPLEMENTAL PLAT IN ACCORDANCE WITH UTAH CONDOMINIUM OWNERSHIP ACT AND PROVISIONS OF THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF PROSPECTOR SQUARE CONDOMINIUMS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER AUGUST 2, 1978, ENTRY NO. 148128, BOOK M-117, PAGE 249, AS AMENDED AUGUST 11, 1978, ENTRY NO. 148407, BOOK M-117, PAGE 724.
I FURTHER CERTIFY THAT THE REFERENCE MARKERS AS SHOWN ON THIS PLAT ARE LOCATED AS SHOWN AND ARE SUFFICIENT TO READILY RETRACE OR RE-ESTABLISH THIS SURVEY.

DATE 5-26-81



OWNER'S CERTIFICATE AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT WE ARE ALL THE MEMBERS OF THE PROSPECTOR SQUARE CONDOMINIUMS ASSOCIATION OF UNIT OWNERS MANAGEMENT COMMITTEE AND THAT WE ARE THE RECORD OWNERS OF THE REAL PROPERTY DESCRIBED ABOVE AND THAT PURSUANT TO THE UTAH CONDOMINIUM OWNERSHIP ACT DO HEREBY CONSENT TO THE RECORDED OF THIS THIRD SUPPLEMENTAL SURVEY MAP AND THE FORTH AMENDED DECLARATION OF THE COVENANTS, CONDITIONS AND RESTRICTIONS OF THE PROSPECTOR SQUARE CONDOMINIUMS.

THE PROSPECTOR SQUARE CONDOMINIUMS ASSOCIATION OF UNIT OWNERS
MANAGEMENT COMMITTEE

Jerald Harvey JERALD HARVEY
Douglas S. Adams DOUGLAS S. ADAMS
Sheila Steiner SHEILA STEINER

ACKNOWLEDGEMENT

STATE OF UTAH }
COUNTY OF Summit } S.S.

ON THE 28th DAY OF May, 1981, PERSONALLY APPEARED BEFORE ME JERALD HARVEY, DOUGLAS S. ADAMS, AND SHEILA STEINER, WHO BEING BY ME DULY SWORN DID SAY THAT THEY ARE ALL MEMBERS OF THE MANAGEMENT COMMITTEE OF THE PROSPECTOR SQUARE CONDOMINIUMS ASSOCIATION OF UNIT OWNERS AND AS SUCH ARE FULLY AUTHORIZED TO EXECUTE THE FOREGOING AMENDED DECLARATION, AND THEY EACH DULY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: 11/83

Nancy Wengler
NOTARY PUBLIC
RESIDING IN Hurricane, Utah

NOTE: THE USE OF THE CONFERENCE CENTER AND ITS APPURTENANCES ARE DESIGNATED AS LIMITED COMMON AREAS AS SET FORTH IN THE FOURTH AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF PROSPECTOR SQUARE CONDOMINIUMS.

NOTE: THIS RECORD OF SURVEY MAP IS SUPPLEMENTAL TO AND IN NO WAY REPLACES THE RECORD OF SURVEY MAP FILED AUGUST 2, 1978, AS ENTRY NO. 148127, IN THE RECORDS OF THE COUNTY RECORDER OF SUMMIT COUNTY. THE PURPOSE OF THIS SUPPLEMENTAL PLAT IS TO ADD ADDITIONAL LAND TO PROSPECTOR SQUARE CONDOMINIUMS PURSUANT TO PROVISIONS OF THE UTAH CONDOMINIUM OWNERSHIP ACT AND THE DECLARATION GOVERNING PROSPECTOR SQUARE CONDOMINIUMS.

P/S ASSOCIATES, INC.
ENGINEERS AND SURVEYORS
307 WEST 200 SOUTH ST. - SUITE 5002
SALT LAKE CITY, UTAH, 84101
PHN: (801) 532-7681
P/S NO. 170-01-04 4/81 BCB

PARK CITY APPROVAL
ON THIS 28th DAY OF May, 1981, THE CITY OF PARK CITY, A BODY CORPORATE OF THE STATE OF UTAH AND THE MUNICIPALITY IN WHICH THE AREA DESCRIBED IN THE SUPPLEMENTAL PLAT OF PROSPECTOR SQUARE CONDOMINIUMS IS LOCATED, HEREBY GIVES FINAL APPROVAL TO SAID PROJECT, TO THE AMENDED DECLARATION RECORDED CONCURRENTLY HERewith, TO THE RECORD OF SURVEY MAP, AND TO THE ATTRIBUTES OF SAID PROJECT ALL IN ACCORDANCE WITH SECTION 57-8-35(3) OF THE UTAH CONDOMINIUM OWNERSHIP ACT, AS AMENDED AND EXPANDED BY THE LAWS OF UTAH 1975 CHAPTER 173 SECTION 18.
ATTEST: M. R. Olson RECORDER
PARK CITY BY John E. Benge MAYOR

3RD SUPPLEMENTAL PLAT
PROSPECTOR SQUARE CONDOMINIUMS
"A UTAH CONDOMINIUM PROJECT"
LOCATED IN THE NORTHEAST QUARTER OF SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

SHEET NO.
1/1

RECORDED NO. 182367
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF COTTONWOOD TITLE
DATE 8-7-81 TIME 9:31 BOOK filed PAGE
10.50
FEE \$
Wanda Y. Springs
SUMMIT COUNTY RECORDER

SERIAL # PSC-UNIT#

SURVEYOR'S CERTIFICATE

I, James G. West, a registered Utah Land Surveyor holding Certificate (License) Number 3082 do hereby certify that I have Surveyed the following described Tract of Land:

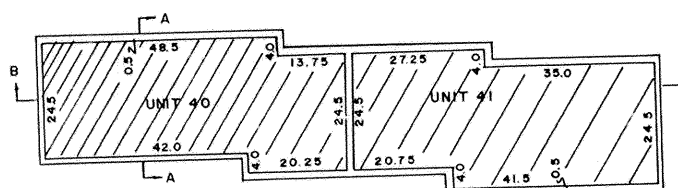
Beginning at a point South 1919.66 feet and West 148.66 feet from the Northeast corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian said point also being on the Northern right-of-way line of the Union Pacific Railroad, and running thence North 16°50'12" West 160.48 feet; thence South 73°09'48" West 130.55 feet; thence North 16°29' West 250.80 feet to a point on a 1766.00 foot radius curve to the left, the radius point of which is North 9°04'48" West 1766.00 feet; thence North easterly along the arc of said curve and Southerly right-of-way line of Sidewinder Drive 248.20 feet to a point of tangency; thence North 73°00' East along the said Southerly right-of-way line 375.07 feet; thence South 17°00' East 345.91 feet to the Northernly right-of-way line of the Union Pacific Railroad; thence South 73°09'48" West along said Northernly right-of-way line 325.84 feet; thence South 0°04'58" West along said Northernly right-of-way line 52.26 feet; thence South 73°09'48" West along said Northernly right-of-way line 151.45 feet to the point of beginning.

Contains 4.811 acres.

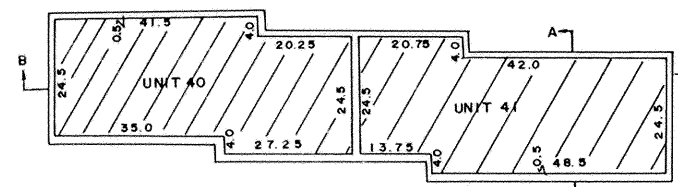
I further certify that the above description describes the land surface upon which has been constructed Prospector Square Condominiums Phase II in accordance with the Utah Condominium Ownership Act. I further certify that the reference markers as shown on this plat are located as shown and are sufficient to readily locate or reestablish this survey.

Feb 6, 1979
DATE

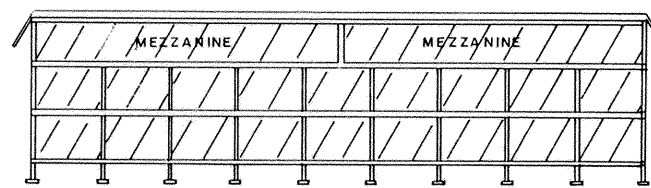
James G. West
Utah Registered Land Surveyor
Certificate (License) No. 3082



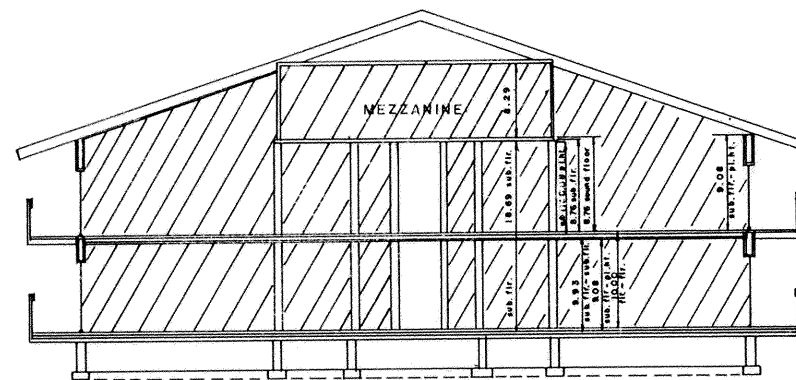
MEZZANINE FLOOR PLAN
BLDG. 4, 5, 6, 8, 9



MEZZANINE FLOOR PLAN
BLDG. 7



"B" CROSS SECTION
BLDG. 4 thru. 9



"A" CROSS SECTION
BLDG. 4 thru. 9

OWNER'S CERTIFICATE AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that Keith E. Garner, President and Eugene L. Kimball, Secretary of K & M, Inc., a Utah Corporation, which is the owner of the tract of land described hereon on which is located Phase II of Prospector Square Condominiums, a Utah condominium project, do hereby make this Certificate and on behalf of said corporation and have caused a survey to be made and this Second Supplemental Record of Survey Map which consists of one sheet, to be prepared and said corporation does hereby consent to recording of this Second Supplemental Record of Survey Map in accordance with the Utah Condominium Ownership Act and the Second Amended Declaration of Covenants, Conditions and Restrictions of Prospector Square Condominiums.

IN WITNESS WHEREOF, I have set my hand this 3RD day of MAY 1979.

Keith E. Garner
KEITH E. GARNER, PRESIDENT

Eugene L. Kimball
EUGENE L. KIMBALL, SECRETARY

NOTE:

This Record of Survey Map is supplemental to and in no way replaces the Record of Survey Map filed August 2, 1978, as Entry No. 148127, and the First Supplemental Record of Survey Map filed December 8, 1978, as Entry No. 155666, both in the records of the County Recorder of Summit County. The purpose of this Second Supplemental Record of Survey Map is to incorporate certain convertible space located within Units on the Additional Land of Prospector Square Condominiums pursuant to provisions of the Utah Condominium Ownership Act and Second Amended Declaration of Covenants, Conditions and Restrictions of Prospector Square Condominiums, as filed December 8, 1978, as Entry No. 151587, in the records of the County Recorder of Summit County, Utah.

NOTES:

- All interior dimensions are to the Finished Surfaces.
- All areas not cross-hatched on this sheet are to be Common Areas and Facilities.
- All areas cross-hatched on this sheet are part of the units.
- The buildings and their location is as shown on the 1st Supplemental Plat.

NOTE: All building corners are 90°

NOTE: Numbering of rooms is for all buildings, all levels

I, James G. West, do hereby certify that the building specifications contained on this 2nd Supplemental Plat of Prospector Square Condominiums A Utah Condominium Project, are and will be as shown on this plat.
Feb 6, 1979
DATE
James G. West
Registered Utah Land Surveyor
License No. 3082

PARK CITY APPROVAL
On this 2ND day of MAY 1979, the City of Park City a body corporate of the State of Utah and the Municipality in which the Prospector Square Condominiums are located, do hereby give, ratify and approve the changes made by this Second Supplemental Record of Survey Map and Third Amended Declaration of Covenants, Conditions and Restrictions and to the attributes of said Plat, which are mentioned in Section 57-B-35(3) of the Utah Condominium Ownership Act as amended and expanded by the laws of Utah, 1975, Chapter 173.
ATTEST:
BY: John C. Breda
Recorder Mayor

ACKNOWLEDGEMENT
STATE OF UTAH
COUNTY OF SALT LAKE)
BE IT REMEMBERED On this 3RD day of MAY 1979, personally appeared before me, the undersigned Notary Public in and for said county and state, Keith E. Garner, President and Eugene L. Kimball, Secretary of K & M, Inc., a Utah Corporation, who being duly sworn, did say that the within and foregoing Owner's Certificate and Consent to Record was duly executed and signed for and in behalf of said corporation and that said corporation did execute the same.
Notary Public Anna Flanagan
My Commission Expires SEPT. 2, 1979 Residing at SALT LAKE

RECORD OF SURVEY MAP
PROSPECTOR SQUARE CONDOMINIUMS
2ND SUPPLEMENTAL PLAT
"A UTAH CONDOMINIUM PROJECT"
LOCATED IN THE NORTH EAST QUARTER OF SECTION 9, & NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH RANGE 4 EAST S.L.B.&M.

RECORDED
RECORDED NO. 155666 (155666)
FILED AND RECORDED FOR K & M INC.
PAGE 1 BOOK FILED
RECORDED 5/10/79 at 3:31
FEE \$ 16.00
SUMMIT COUNTY RECORDER

PREPARED BY
J. J. JOHNSON & ASSOCIATES
1700 PARK AVENUE, P.O. BOX 1661
PARK CITY, UTAH 84060 - PH. 801-649-9811

SERIAL # PSC-UNIT#

SURVEYOR'S CERTIFICATE

I, James G. West, a registered Utah Land Surveyor holding Certificate (License) Number 3082 do hereby certify that I have surveyed the following described Tract of Land:

Beginning at a point South 1919.66 feet and West 148.66 feet from the Northeast corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the Northern right-of-way line of the Union Pacific Railroad, and running thence North 16° 50' 12" West 160.48 feet; thence South 73° 09' 48" West 130.55 feet; thence North 16° 29' West 250.80 feet to a point on a 1766.00 foot radius curve to the left, the radius point of which is North 9° 00' 48" West 1766.00 feet, thence Northeast along the arc of said curve and Southerly right-of-way line of Sidewinder Drive 246.20 feet to a point of tangency, thence North 73° 00' East along the said Southerly right-of-way line 375.07 feet; thence South 17° 00' East 345.91 feet to the Northern right-of-way line of the Union Pacific Railroad, thence South 73° 09' 48" West along said Northern right-of-way 325.84 feet; thence South 0° 04' 59" West along said Northern right-of-way line 52.26 feet; thence South 73° 09' 48" West along said Northern right-of-way line 151.45 feet to the point of beginning.

Contains 4.811 acres

I further certify that the above description describes the land surface upon which has been constructed buildings to be added to Prospector Square Condominiums by means of this Supplemental Plat in accordance with Utah Condominium Ownership Act and provisions of the Declaration of Covenants, Conditions and Restrictions of Prospector Square Condominiums recorded in the office of the Summit County Recorder August 2, 1978, Entry No. 148128, Book M-117, Page 249, as amended August 11, 1978, Entry No. 148407, Book M-117, Page 724. I, further certify that the reference markers as shown on this plat are located as shown and are sufficient to readily retraced or reestablish this survey.

Sept 13, 1978
DATE

James G. West
James G. West
Utah Registered Land Surveyor
Certificate (License) No. 3082

OWNERS CERTIFICATE AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that Keith E. Garner, President and Eugene L. Kimball, Secretary of K.B.M., Inc., a Utah Corporation, which is the owner of the tract of land described hereon as the Prospector Square Condominiums Supplemental Plat, an expandable area of Utah Condominium Project located on land hereinafter made the subject of a Record of Survey Map filed August 2, 1978, as Entry No. 148128 in the records of the County Recorder of Summit County, do hereby make this certificate for and on behalf of said corporation have caused this survey to be made and this Supplemental Record of Survey Map which consists of two sheets to be prepared and said corporation has consented and does hereby consent to recordation of this Record of Survey Map in accordance with the Utah Condominium Ownership Act.

IN WITNESS WHEREOF, I have set my hand this 26th day of Sept. 1978

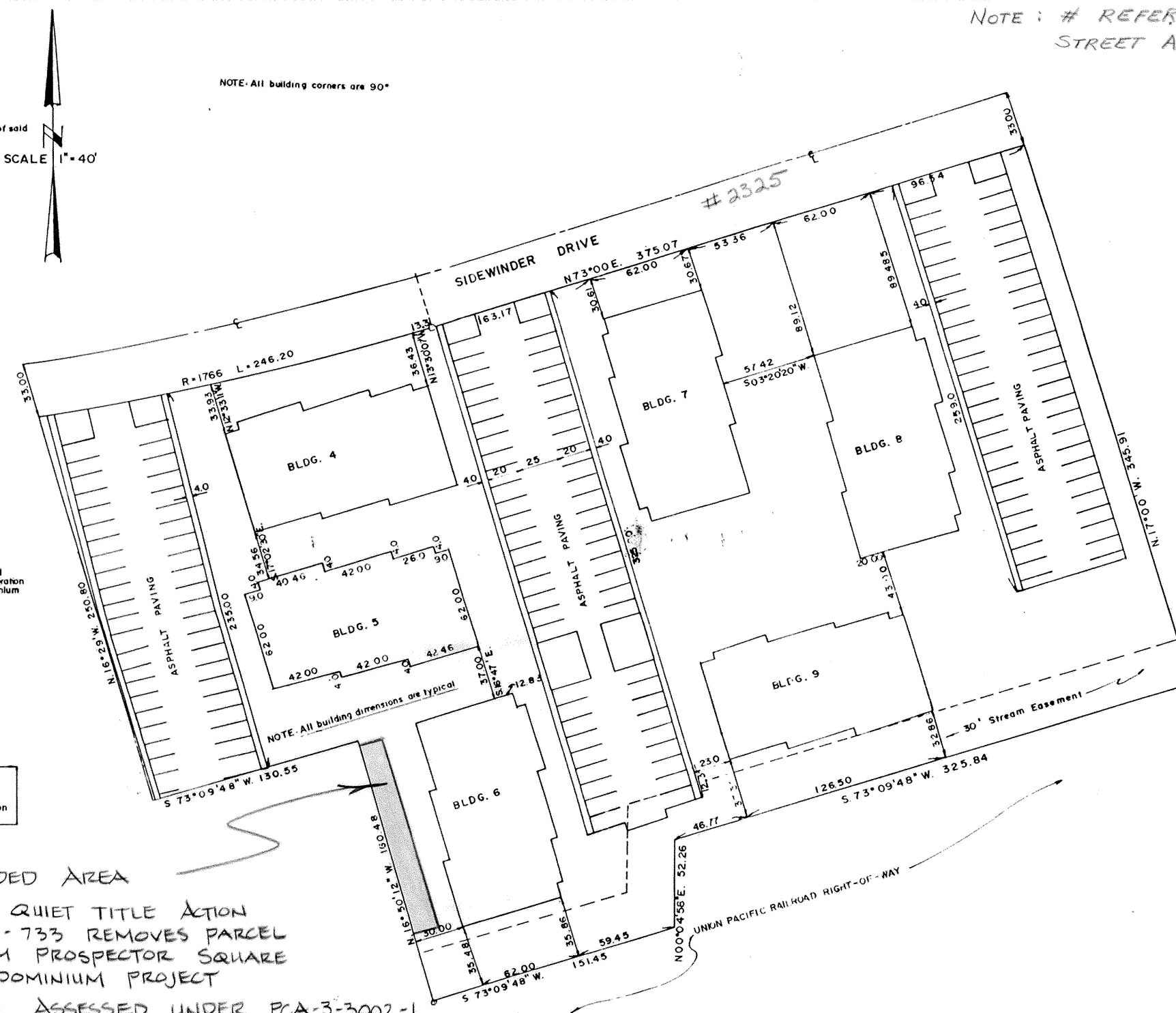
Keith E. Garner
KEITH E. GARNER, PRESIDENT

Eugene L. Kimball
EUGENE L. KIMBALL, SECRETARY

NOTE: This Record of Survey Map is supplemental to and in no way replaces the Record of Survey Map filed August 2, 1978, as Entry No. 148128, in the records of the County Recorder of Summit County. The purpose of this Supplemental Plat is to add Additional Land to Prospector Square Condominiums pursuant to provisions of the Utah Condominium Ownership Act and the Declaration governing Prospector Square Condominiums.

SHADED AREA
SEE QUIET TITLE ACTION
B18-733 REMOVES PARCEL
FROM PROSPECTOR SQUARE
CONDOMINIUM PROJECT
NOW ASSESSED UNDER PCA-3-3002-1
SEE NE 1/4 SEC. 9, T 2S, R 4E, S.L.B.M.

NOTE: # REFERS TO STREET ADDRESS



PARK CITY APPROVAL

On this 26th day of Sept. 1978, the City of Park City a body corporate of the State of Utah and the Municipality in which the area described in the Supplemental Plat of Prospector Square Condominiums is located, hereby gives final approval to said project, to the amended Declaration recorded concurrently herewith, to the Record of Survey Map which consists of two sheets, and to the title block of said project all in accordance with Section 57-8-35(3) of the Utah Condominium Ownership Act, as amended and expanded by the Laws of Utah 1975 Chapter 173 Section 18.

ATTEST:

PARK CITY

John W. Johnson
Recorder

By: [Signature]
Mayor

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SUMMIT
BE IT REMEMBERED ON this 26th day of September 1978, personally appeared before me, the undersigned Notary Public in and for said county and state, Keith E. Garner, President and Eugene L. Kimball, Secretary of K.B.M., Inc., a Utah Corporation, who being duly sworn, did say that the within and foregoing Owner's Certificate and Consent To Record was duly executed and signed for and in behalf of said corporation and that said corporation did assent to the same.

My Commission Expires SEPT 2, 1979
Residing of [Signature]

PROSPECTOR SQUARE CONDOMINIUMS SUPPLEMENTAL PLAT

"A UTAH CONDOMINIUM PROJECT"

LOCATED IN NORTHEAST QUARTER OF SECTION 9, 8
NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH
RANGE 4 E. S.L.B.M.

RECORDED

RECORDED NO. 151588

FILED AND RECORDED FOR [Signature]

PAGE - BOOK - 3:11

FEE \$ 127.00

SUMMIT COUNTY RECORDER

SHEET 1 of 2

PREPARED BY
J. J. JOHNSON & ASSOCIATES

1700 PARK AVENUE, P.O. BOX 1661

PARK CITY, UTAH, 84060 - PH. 801-649-9811

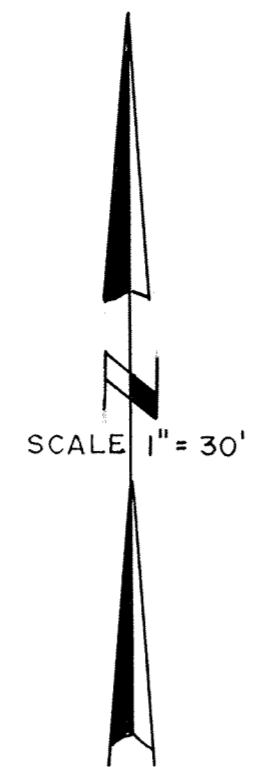
SURVEYORS CERTIFICATE

I, James G. West, a registered Utah Land Surveyor holding Certificate (License) Number 3082 do hereby certify that I have Surveyed the following described Tract of Land:

Beginning at the Northwest corner of Lot 44 of the amended plat of Prospector Square Subdivision, a subdivision located in the Northeast quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence North 64°24' East 79.00 feet along the Northerly boundary of said Lot 44, to a point of a 367.00 foot radius curve to the right, the radius point of which is South 25°36' East 367.00 feet; thence Northeasterly along the arc of said curve and Northerly boundary of Lot 44, 163.98 feet to a point of tangency; thence East 174.47 feet along said Northerly boundary of Lot 44 to a point of 66.00 foot radius curve to the left, the radius point of which is North 66.00 feet; thence Northeasterly along the arc of said curve 103.67 feet; thence East 25.00 feet; thence South 16°50'12" East 143.38 feet to the Northerly right-of-way line of the Union Pacific Railroad; thence South 73°09'48" West 193.05 feet along said Northerly right-of-way line to a point of a 1482.40 foot radius curve to the left, the radius point of which is South 16°50'12" East 1482.40 feet; thence Southwesterly along the arc of said curve and Northerly right-of-way line 226.39 feet to a point of tangency; thence South 64°24'48" West along said Northerly right-of-way line 67.36 feet; thence North 25°36' West 186.19 feet to the point of beginning.

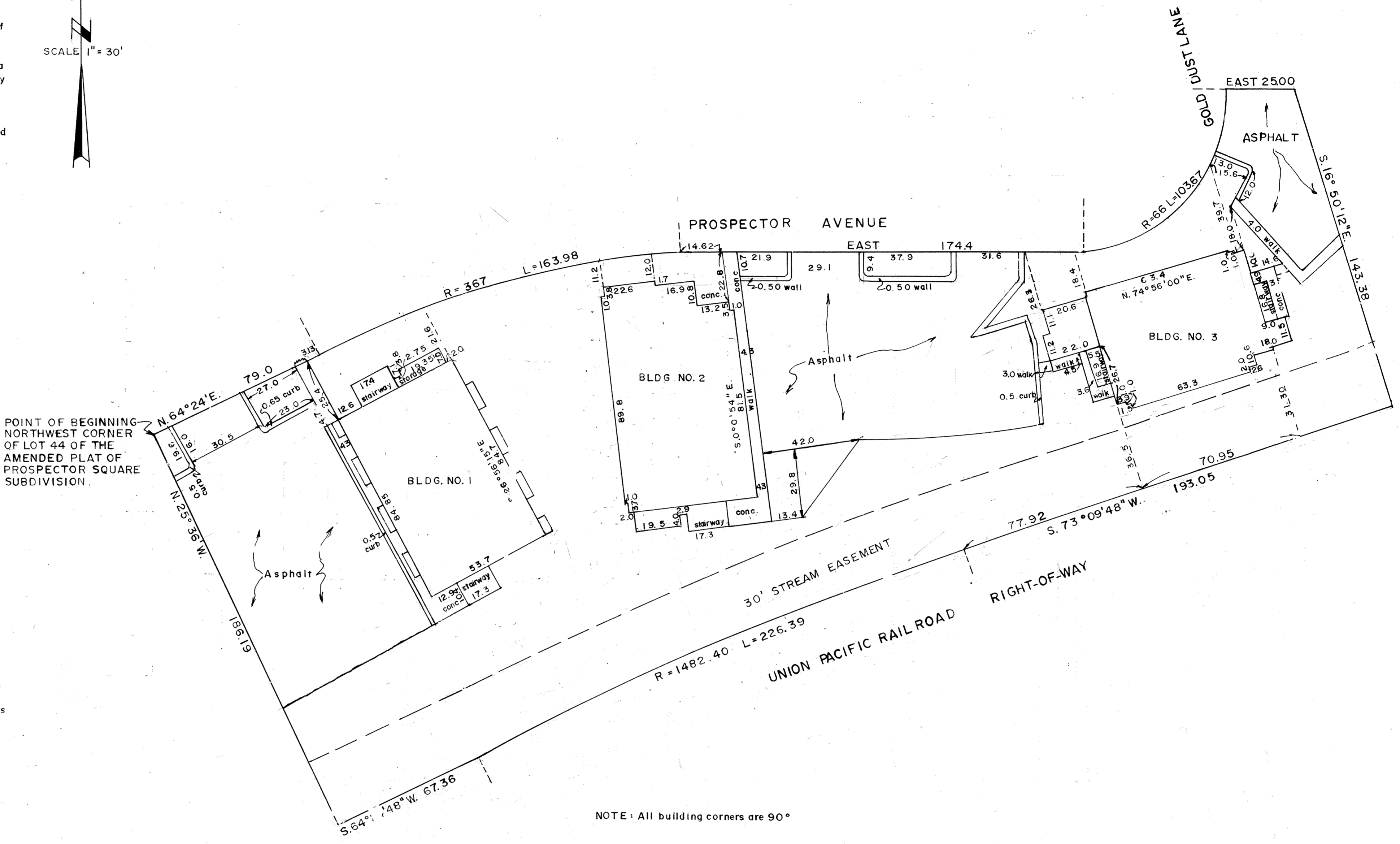
Contains 1.743 acres

I further certify that the above description describes the land surface upon which has been constructed Prospector Square Condominiums in accordance with the Utah Condominium Ownership Act. I further certify that the reference markers as shown on this plat are located as shown, and are sufficient to readily retraced or re-establish this survey.



July 18, 1978
DATE

James G. West
James G. West
Utah Registered Land Surveyor
Certificate (License) No. 3082



OWNERS CERTIFICATE AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that Keith E. Garner, President and Eugene L. Kimball, Secretary of K&M, Inc., a Utah Corporation, who is the owner of the tract of land described hereon and the Prospector Square Condominiums, A Utah Condominium Project located on said land, do hereby make this certificate for and on behalf of said corporation by causing a survey to be made and this record of survey map which consists of 2 sheets to be prepared and said corporation has consented and do hereby consent to recordation of this record of survey map in accordance with the Utah Condominium Ownership Act.

IN WITNESS WHEREOF, I have set my hand this 28 day of July 1978
Keith E. Garner KEITH E. GARNER, PRESIDENT
Eugene L. Kimball EUGENE L. KIMBALL, SECRETARY

NOTE: All building corners are 90°

SHEET 1 of 2

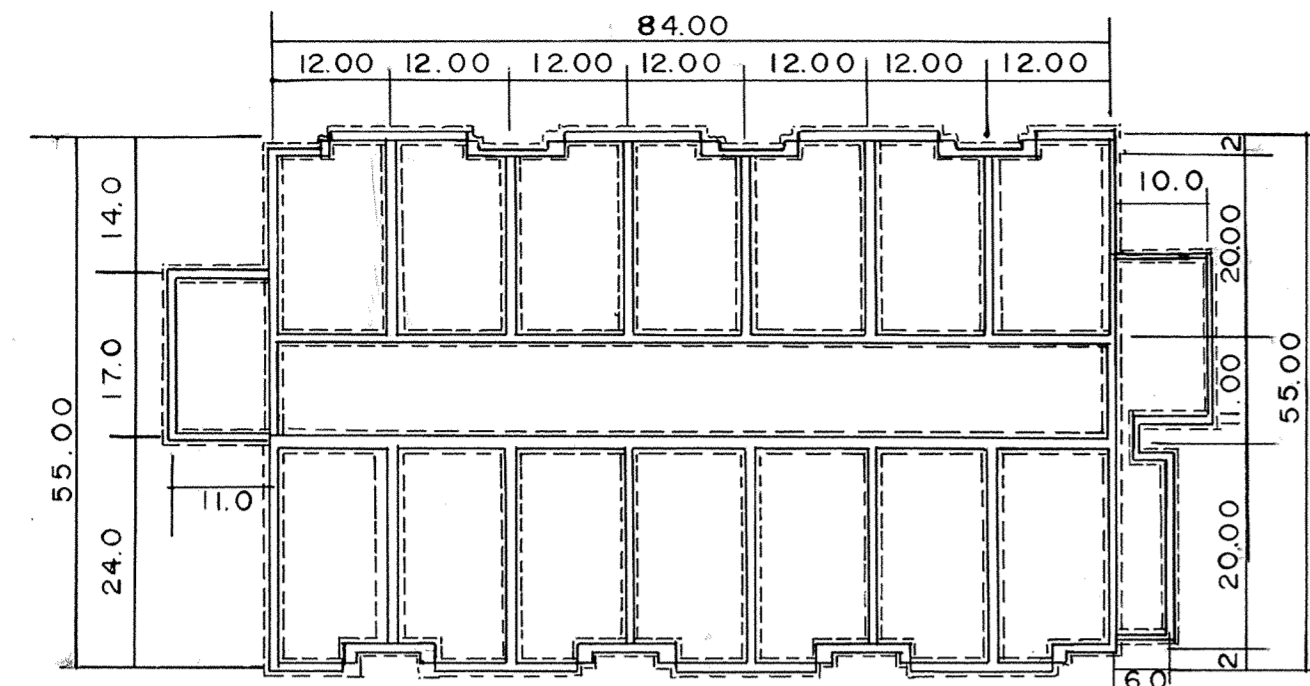
PARK CITY APPROVAL
On this 31st day of July 1978, the City of Park City Corporation of the State of Utah and the Municipality in which the Prospector Square Condominiums is located, hereby gives final approval to said project, to the declaration recorded concurrently herewith, to the record of survey map which consists of 2 sheets and to the attributes of said project which are mentioned in Section 57-8-35(3) of the Utah Condominium Ownership Act, as amended and expanded by the laws of Utah, 1975, Chapter 173 Section 18.
ATTEST: *Shirley W. Latham* Recorder
PARK CITY
Jim E. Latham Mayor

ACKNOWLEDGEMENT
STATE OF UTAH)
COUNTY OF SALT LAKE) SS
BE IT REMEMBERED On this 28th day of JULY 1978, personally appeared before me, the undersigned Notary Public in and for said county and state, Keith E. Garner, President and Eugene L. Kimball, Secretary of K&M, Inc., a Utah Corporation, who being duly sworn, did say that the within and foregoing Owner's Certificate and Consent To Record was duly executed and signed for and in behalf of said corporation and that said corporation, *James G. West* Notary Public, residing at SALT LAKE My Commission Expires SEPT. 2, 1979

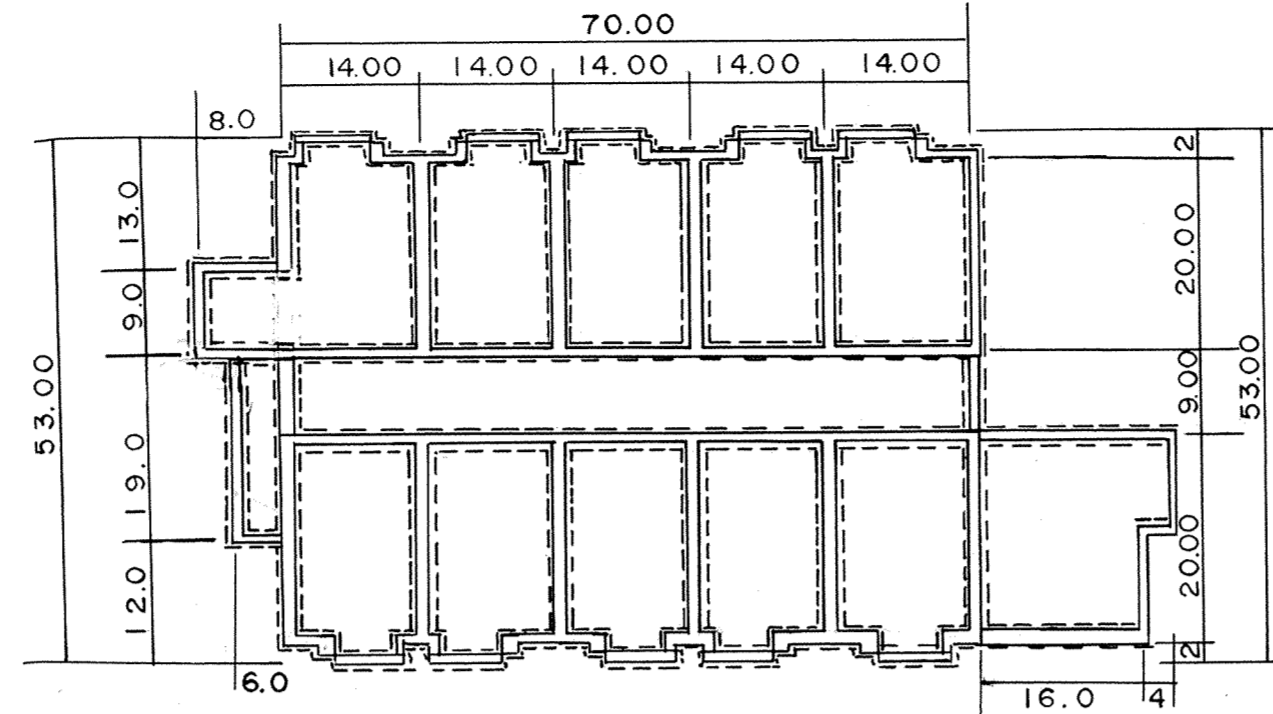
PROSPECTOR SQUARE CONDOMINIUMS
"A UTAH CONDOMINIUM PROJECT"
LOCATED IN NORTHEAST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST S.L.B. & M.

RECORDED ORIGINAL
RECORDED NO. 148127 August 2, 1978
FILED AND RECORDED FOR Western States Title
PAGE _____ BOOK _____
FEE \$ 74.50 *Standa G. Springs*
SUMMIT COUNTY RECORDER

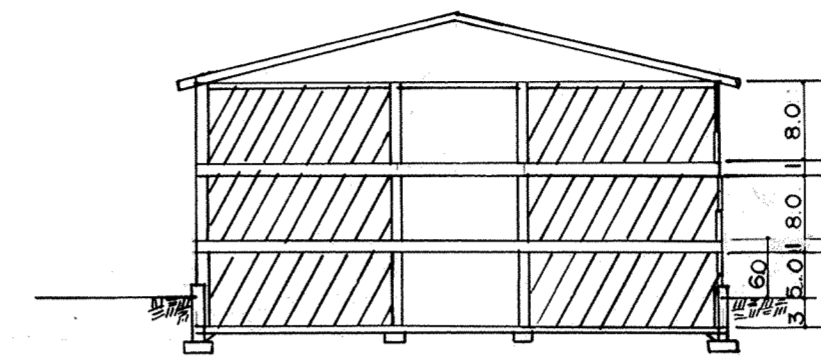
PREPARED BY
J. J. JOHNSON & ASSOCIATES
1700 PARK AVENUE, P.O. BOX 1661
PARK CITY, UTAH, 84060 - PH. 801-6499811



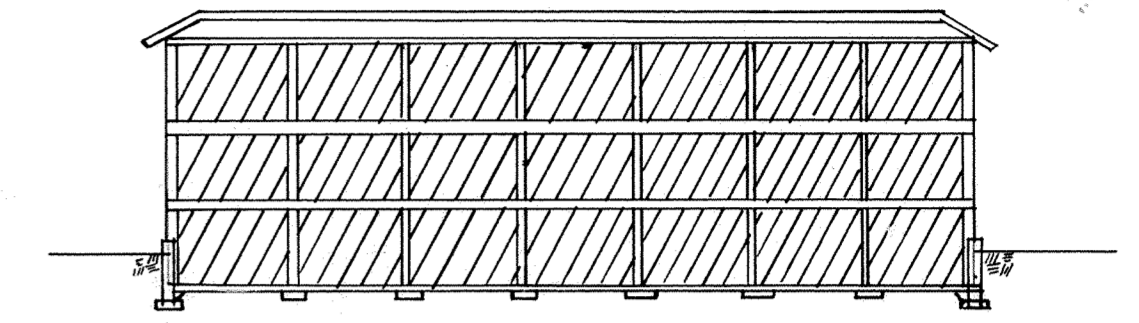
BLDG. NO. 1
FOUNDATION PLAN



BLDG. NO. 3
FOUNDATION PLAN

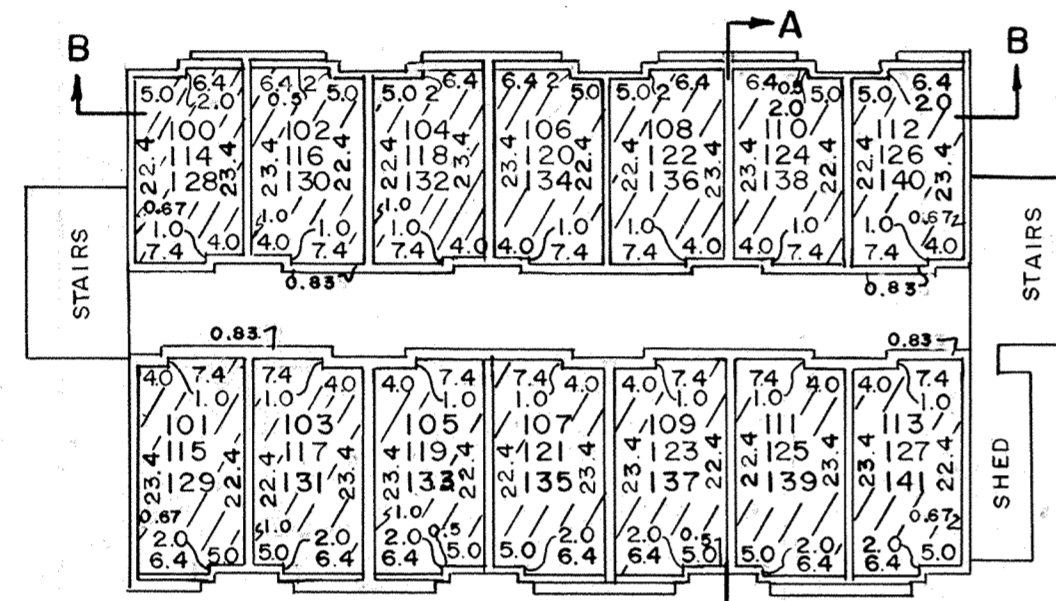


"A" CROSS SECTION
BLDGS. 1 and 2

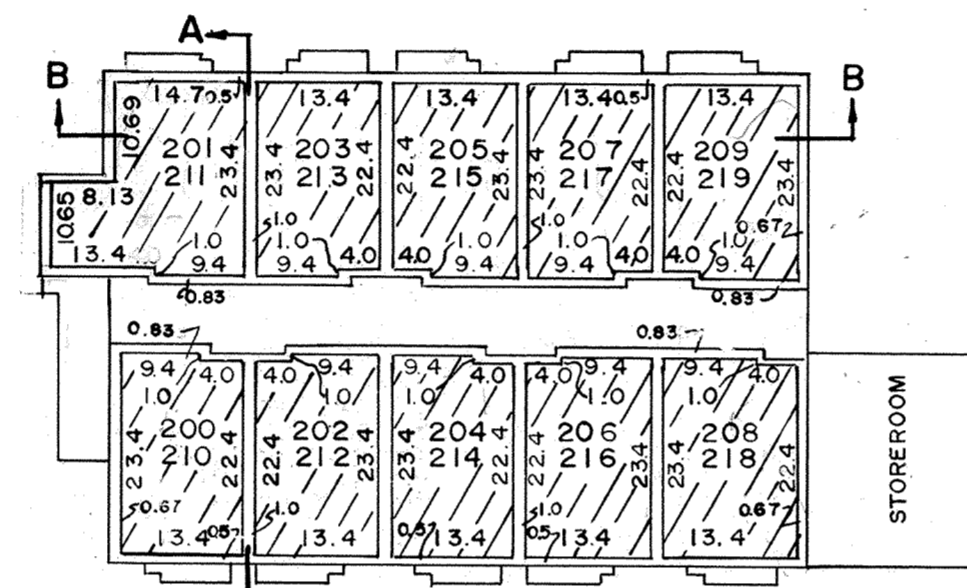


"B" CROSS SECTION
BLDGS. 1 and 2

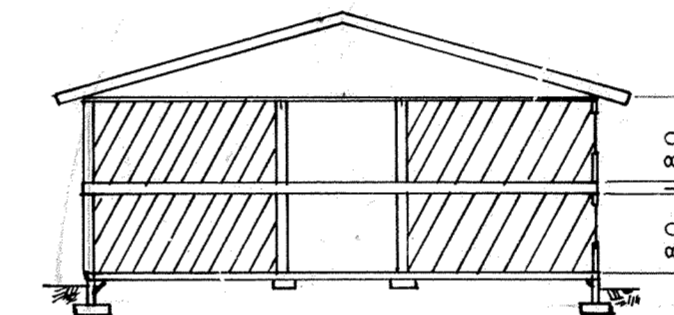
NOTE: ALL WEATHER WOOD FOUNDATION
SYSTEM W/2 x 6 PRESSURE TREATED
WOOD EXTERIOR PLYWOOD 1/2" - PS-1-74



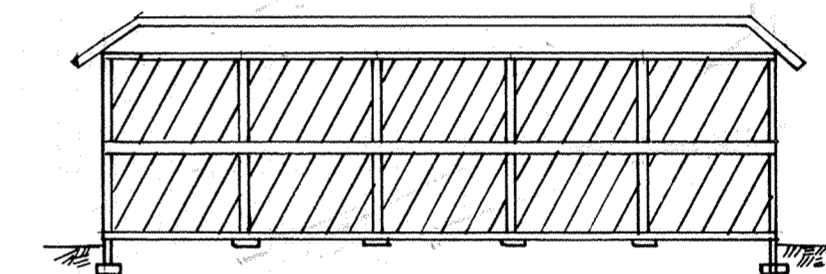
BLDG. NO. 1
FLOOR PLAN
1ST., 2ND. and 3RD FLOORS



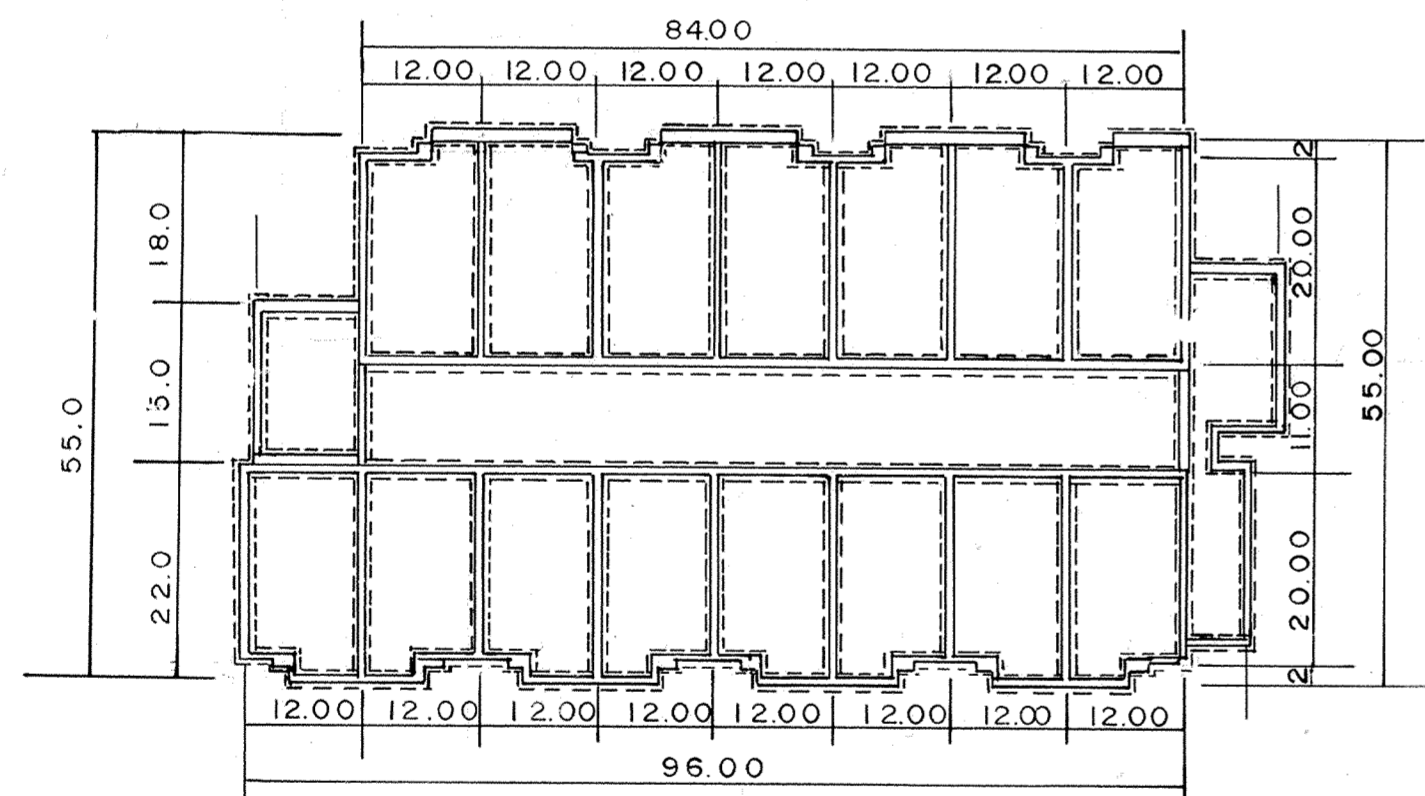
BLDG. NO. 3
FLOOR PLAN
1ST and 2ND FLOORS



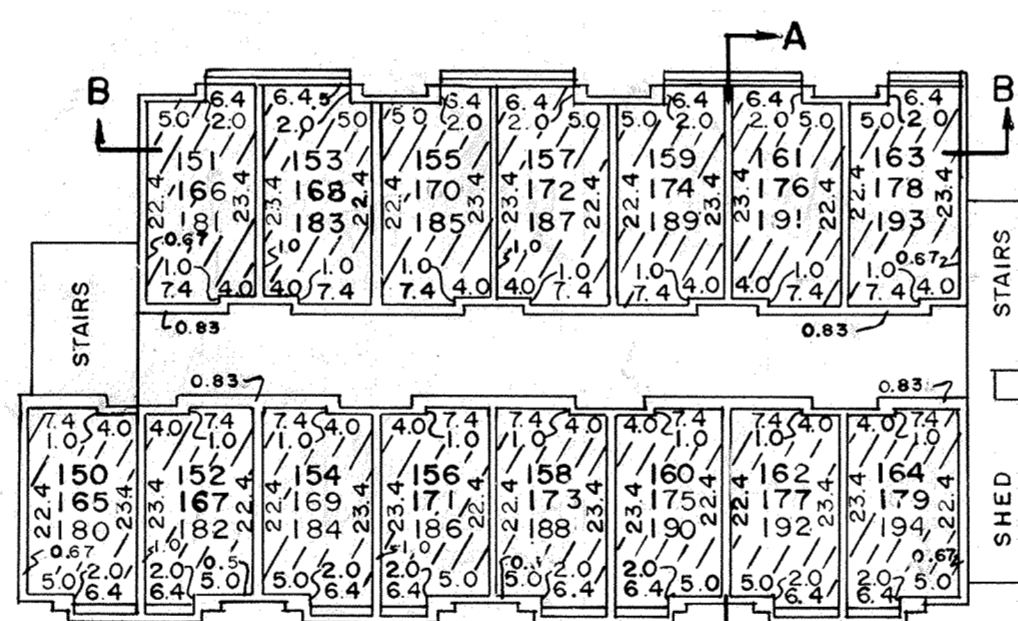
"A" CROSS SECTION
BLDG. 3



B CROSS SECTION
BLDG. 3



BLDG. NO. 2
FOUNDATION PLAN



BLDG. NO. 2
FLOOR PLAN
1ST., 2ND. and 3RD FLOORS

UNIT ELEVATIONS

BUILDING NO. 1			BUILDING NO. 2			BUILDING NO. 3		
Unit No.	Floor	Ceiling	Unit No.	Floor	Ceiling	Unit No.	Floor	Ceiling
100 thru 113	6767.68	6785.68	150 thru 164	6764.30	6772.30	200 thru 209	6763.38	6771.38
114 thru 127	6786.68	6794.68	175 thru 179	6773.30	6781.30	210 thru 219	6772.38	6780.38
128 thru 141	6795.68	6803.68	18. thru 194	6782.30	6790.30			

- NOTES:
- All interior dimensions are to the Finished Surfaces
 - All areas not cross-hatched on this sheet are to be Common Areas and Facilities.
 - All areas cross-hatched on this sheet are part of the units

NOTE: All building corners are 90°.

I James G. West, do hereby certify that the building specifications of
PROSPECTOR SQUARE CONDOMINIUMS A Utah Condominium Project are
and will be as shown on this plan
July 18, 1978
DATE
James G. West
Registered Utah Land Surveyor
License No. 3082

PROSPECTOR SQUARE CONDOMINIUMS

"A UTAH CONDOMINIUM PROJECT"

LOCATED IN NORTHEAST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST S.L.B. & M.

RECORDED ORIGINAL

RECORDED NO. 148127 Aug. 2, 1978

FILED AND RECORDED FOR Western States Title

PAGE BOOK

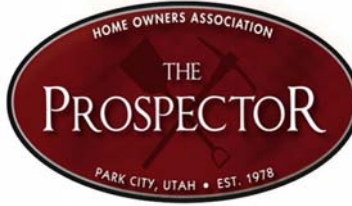
FEE \$74.50 Wanda Y. Spriggs
SUMMIT COUNTY RECORDER

PREPARED BY

J. J. JOHNSON & ASSOCIATES

1700 PARK AVENUE, P.O. BOX 1661

PARK CITY, UTAH 84060 - PH. 801-6499811



The Prospector Condominium Association of Unit Owners 2011 Annual Meeting Summary

Introduction:

First of all, thank you to all homeowners who attended the Annual meeting weekend on April 29 - 30th 2011, and also for those who were unable to attend but were diligent in returning their proxies. As *The Prospector* moves forward with its business, it is important that owners stay engaged and involved in the decisions that are being made. We encourage those of you who have not participated in the process to do so in the future as we make important choices, and take steps forward into the future of the property as a whole. The HOA has a member only web-site, where much information can be located. Sign up at www.prospectorhoa.org.

Pre-meeting business sessions:

On Friday April 29th we held a series of business sessions, which several people attended. The first meeting scheduled was a presentation to homeowners about financing real estate investments. The presentation, targeted initially to realtors, had recently been held at *The Prospector* as part of an ongoing educational event series. Management is developing this educational series with the AIM to develop off-season business. Following this, open business sessions were held to inform interested homeowners of matters regarding finances, marketing, and general management of the property. It was also an opportunity for homeowners to have their queries and concerns addressed prior to the business of the Annual meeting. As in previous years a tour of premium units was organized to showcase the potential of units in the property. In the evening homeowners enjoyed dinner by Chef Wu of Cafe Anh Hong, and a theater show of *Robin Hood*, presented by Prospector Arts.

Annual meeting:

The Annual meeting was held on Saturday 30th April 2011 at 10 a.m. While attendance was down slightly yet again this year, a total of 123 units were represented at the meeting in person or by proxy, and we were able to achieve a quorum with 35.23% of total square

footage represented. The by-laws require that 25% of the total square footage be present, in person or by proxy.

Summary of agenda:

1. Greeting and approval of minutes from 2010 Annual meeting: President, Mig Gasca, greeted the attendees, and the minutes from the 2010 Annual meeting were approved.

2. By-law CC&R amendments: Several changes to the by-laws and CC&Rs were presented to attendees. Changes were necessitated in order to protect homeowners and also to allow business to operate more efficiently. The following is a summary of the changes. Please note that this is not the finalized wording. Upon approval the legal wording will be finalized by the lawyers.

1. Changes to the by-laws and CC&Rs will require approval of 67% of members, either in person or by proxy upon establishing a quorum of 25% at the Annual meeting.
2. Owners must be in “good standing” (i.e. no later than 60 days past dues) in order to vote either in person or by proxy at the Annual meeting.
3. Damage caused by a Unit owner’s failure to maintain all appliances, fixtures, plumbing and electrical connections, shall be the responsibility of the Unit owner to pay for all damage to adjacent Unit owner’s, and HOA common area(s). Unit owner responsibilities are contained in the CC&Rs of the Association.
4. All Unit owners past 60+ days on all dues, including special assessments will be subject to the following: restriction on use of certain common areas i.e. recreation facilities, convention center, and parking lots, shut off of utilities upon notification to the Unit owner and tenant(s), collection of all rents paid to Unit owner by tenants upon notification to Unit owner and tenant(s).
5. Collection of fines as defined in the HOA Rules and Regulations.
6. Notification to Unit owners for budgeted expenses to be increased from \$10,000 to \$50,000.
7. All lenders shall pay past due amounts, including dues, special assessments, A/R amounts upon foreclosure.

Vote: Approved All of the By-law changes were approved by 92.88 % of the voting membership. Recently, Utah state condominium law was updated by State statute. Many changes supercede HOA CC&Rs, By-laws, and Rules. One such law mandates that any dissenting member, who disapproves, obtain and present 51% of the voting membership that doesn’t concur, within 60 days upon notification.

3. Election of board member: Several months ago, Walt Bishop retired due to ill health, and was replaced on the Board by Helen Swan. We thank him for his time and service. The position on the Board, however, was due for re-election. Helen Swan ran for election, with no other persons running.

Vote: Helen Swan was elected to a three (3) year term to serve on the Management Committee by 100% of the voting membership.

4. Budget for 2011-2012: Jerry Greenfield explained the budget for 2011-2012. Accounting has experienced ongoing difficulty in reporting the monthly and annual reporting process to the Board with the annual budget only being approved at the end of the Annual meeting in April. A call was made to change the budget process with the Annual meeting to be held in October of each year. This will allow for the annual budget to be approved ready for the following calendar year.

Vote: Approved 100% of the voting membership approved the budget. Also approved was the motion to reset the Annual meeting to October of each year. The next special meeting will be in October 2011, and the new 2012 budget will be reviewed by the HOA membership for approval at that time. Any HOA dues or assessments approved for 2011 will terminate on December 31st 2011. The Annual meeting will be held every fall thereafter.

5. Assessments: The SALP assessment of \$95.00 per unit monthly was approved in the budget to a new monthly rate of \$59.50, with a slight reduction of the monthly HOA dues. Payment at the new rate will start June 1st 2011, and owners will be informed in further detail.

6. Renovations: The major decision for homeowners this year was the renovation of the property.

Vote: The floor voted by a margin of 92.88% to allow the Board to encumber the common area up to three million dollars (\$3,000,000) with a ten year (10 year) loan in order to renovate the property. This will be a separate assessment. We have been in discussions with a lender regarding the details and interest rate. Several owners requested the possibility of being able to pay the entire assessment amount up front. The Board will accept this, and details will be forwarded at a later date. Importantly, the vote will allow the Board to move ahead with architectural and design plans to move the property forward.

Best Regards,

Prospector Management Committee