

PARK CITY PLANNING COMMISSION MEETING SUMMIT COUNTY, UTAH November 14, 2018

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Park City, Utah will hold its regularly scheduled meeting at the City Council Chambers, 445 Marsac Ave Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, November 14, 2018.

- I. ROLL CALL
- II. MINUTES APPROVAL
 - II.A. Consideration to approve the Planning Commission Meeting Minutes from October 24, 2018.

October 24, 2018 Minutes

- III. PUBLIC COMMUNICATIONS
- IV. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES
- V. CONTINUATIONS
- VI. CONSENT AGENDA
- VII. WORK SESSION
- VIII. REGULAR AGENDA
 - VIII.A. 638 Park Avenue City Council Remand of a Conditional Use Permit (CUP) for a Private Event Facility Back to Planning for Additional Review.

(A) No Action Required PL-16-03412 Staff Report

VIII.B. 8680 Empire Club Drive - Residences at the Tower and Tower Club Conditional Use

Permit for 14 residential units and addition to the Tower Club.

(A) Public Input (B) Action PL-18-03984 Staff Report

Exhibits

VIII.C. 8680 Empire Club Drive - Residences at the Tower Condominium Plat.

(A) Public Input (B) Recommendation to City Council

PL-18-04006 Staff Report

Exhibits

VIII.E. 510 Ontario Avenue - Plat Amendment & Roundabout Condominiums 1st Amendment.

(A) Public Input (B) Recommendation to City Council

PL-16-03410 Staff Report

Exhibits

VIII.F. 416 Ontario Avenue - Frandsen Plat Amendment.

(A) Public Input (B) Recommendation to City Council

PL-18-03978 Staff Report

Exhibits

VIII.G. Consideration to Appoint John Kenworthy and Mark Sletten as Representatives for Planning Commission in the Transportation Master Plan Committee.

Staff Report

IX. ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Planning Commission Chair Person. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

*Parking validations will be provided for Planning Commission meeting attendees that park in the China Bridge parking structure.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 24, 2018

COMMISSIONERS IN ATTENDANCE:

Vice-Chair John Phillips, Sarah Hall, John Kenworthy, Mark Sletten, Laura Suesser

EX OFFICIO: Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Tippe Morlan, Planner; Francisco Astorga, Planner; Mark Harrington, City Attorney

REGULAR MEETING

ROLL CALL

Vice-Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Band and Thimm, who were excused.

Vice-Chair Phillips reported that the Planning Commission had a site visit to the Spiro Water Treatment Plant in preparation for reviewing the Three Kings Water Treatment Plan on the Agenda this evening. The Commissioners were given a brief description on what the treatment plant does currently, and what the goal is for the future. Vice-Chair Phillips remarked that the majority of the site visit was to get a visual of the site. They walked around the perimeter, particularly the south facing side.

Vice-Chair Phillips anticipated a presentation from the applicants during the Three Kings Water Treatment Plan discussion.

ADOPTION OF MINUTES

October 10, 2018

Vice-Chair Phillips referred to page 7, first paragraph, second sentence, and changed the word The to **They** to correctly read, "**They** will have to be located on private property, but the City cannot require a business license."

MOTION: Commissioner Sletten moved to APPROVE the Minutes of October 10, 2018 as amended. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson reported that the next two Planning Commission meetings were scheduled for November 14th and December 12th.

Commissioner Kenworthy disclosed that he owns a home on Woodside near the home being discussed this evening.

Commissioner Sletten disclosed that he owns property in the sister complex to the 7704 Village Way item on the agenda. He did not believe it would affect his ability to participate in that matter this evening.

Commissioner Suesser disclosed that she would be recusing herself from 675 Round Valley Drive due to a conflict of interest.

Vice-Chair Phillips clarified that they would still have a quorum for 675 Round Valley Drive because as Vice-Chair he retains the ability to vote.

CONTINUATIONS – (Public Hearing and Continue to date specified.)

<u>2563 Larkspur Drive – Amended Lot 39 West Ridge Subdivision Phase II – Plat Amendment request to move the platted reserved open space delineation back, decreasing it by 764 square feet.</u> (Application PL-18-03903)

MOTION: Commissioner Kenworthy moved to CONTINUE 2563 Larkspur Drive to December 12, 2018.

VOTE: The motion passed unanimously.

CONSENT AGENDA

- 1. <u>324 Woodside avenue Steep Slope Conditional Use Permit (SS-CUP Construction of a new single-family dwelling with driveway access projecting over an existing Slope of 30% or greater. (Application PL-18-03998)</u>
- 2. <u>180 Daly Avenue Steep Slope Conditional Use Permit (SS-CUP) Construction of an addition to a historic house, with a Building Footprint in </u>

excess of two hundred square feet (200 sf) located on an existing Slope of 30% or greater. The site is a developed site with a historic house that is designed as "Significant" on the Historic Sites Inventory. (Application PL-16-03085)

- 3. <u>182 Daly Avenue Conditional Use Permit (CUP) The applicant is proposing to construct a Duplex Dwelling on a vacant lot at 182 Daly Avenue.</u>
 (Application PL-17-03708)
- 4. <u>182 Daly Avenue Steep Slope Conditional Use Permit (SS-CUP) Construction of a new Duplex Dwelling with a Building Footprint in excess of two hundred square feet (200 sf) located on an existing Slope of 30% or greater. (Application PL-16-03084)</u>

Vice-Chair Phillips opened the public hearing on the Consent Agenda items. There were no comments. Vice Chair Phillips closed the public hearing.

MOTION: Commissioner Sletten moved to APPROVE the Consent Agenda. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 324 Woodside Avenue

- 1. The property is located at 324 Woodside Avenue.
- 2. On October 3, 2018, the City received an application for a Steep Slope Conditional Use Permit (SS-CUP) for "Construction on a Steep Slope" at 324 Woodside Avenue; the application was deemed complete on October 3, 2018.
- 3. The property is located in the Historic Residential (HR-1) District.
- 4. The lot contains 3,037.5 square feet. It is a downhill lot, and the average slope of the lot is approximately 32%. The average slope within the footprint area is approximately 21.7%. Nevertheless, the average slope beneath the proposed driveway is approximately 66.67%; per LMC 15-2.2-6(A)(3), a Steep Slope CUP is required for any Access driveway located on or projecting over an existing slope of 30% or greater.
- 5. Staff has found that the Historic District Design Review (HDDR) application complies with the Design Guidelines and Land Management Code, as redlined. The complete HDDR application was submitted on June 1, 2018.
- 6. A single-family dwelling is an allowed use in the HR-1 District.
- 7. Access to the property is from Woodside Avenue, a public street.
- 8. Two (2) parking spaces are proposed on site, one in a single-car garage and one on the driveway.

- 9. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes, and duplexes. The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments, with a few three- to four-story houses.

 10.An overall building footprint of approximately 1,200 square feet is proposed. The
- 10.An overall building footprint of approximately 1,200 square feet is proposed. The maximum allowed footprint for this lot is 1,201 square feet.
- 11. The proposed structure complies with the front and rear setbacks. The minimum front and rear setbacks are ten feet (10'), for a total of twenty feet (20'); the applicant is proposing a ten foot (10') front setback and nineteen foot (19') rear setback, for a total of twenty feet (29').
- 12. The proposed structure complies with the side setbacks. The minimum side setbacks are three feet (3'), for a total of six feet (6'). The structure has a three foot (3') side setback for both the north and south side yards for a total of six feet (6').
- 13. The proposed structure is approximately 25.0125 feet above existing grade at the tallest portions. The maximum height in the HR-1 is twenty-seven feet (27').
- 14. The proposed structure has an interior height of thirty-five feet (35'). The maximum interior height is thirty-five feet (35').
- 15. The proposed development is located on the lot in a manner that reduces the visual and environmental impacts of the structure. The majority of the mass and bulk of the building has been broken up into smaller components. Only a one- to two-story structure will appear above grade on the hillside.
- 16. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this single-family dwelling on the cross canyon views and the Woodside Avenue streetscape. The proposed single-family dwelling is compatible with the surrounding structures as the majority of the mass and bulk of the single-family dwelling will be below Woodside Avenue and thus not visible from the right-of-way.
- 17.Access points and driveways have been designed to minimize grading of the natural topography and reduce the overall building scale. The proposed driveway leads to one (1) single-car garage and one driveway parking space.
- 18. There is an existing concrete retaining wall in the front yard that maintains the grade of Woodside Avenue. To the east of this wall, the grade drops drastically and flattens out.
- 19. The applicant is proposing to construct the new house on this flatter portion of the lot. One stone retaining wall measuring approximately 3.2 feet in height will be necessary in the front setback in order to maintain the grade between the concrete retaining wall and exterior front wall of the new house. On the north and south side elevations, only two retaining walls measuring approximately 3.25 feet in height are needed to retain the grade. The applicant is not proposing to change grade more than 4 feet around the periphery of the structure and has largely maintained Natural Grade.

- 20. The applicant is proposing a driveway leading to one parking space in the driveway and one (1) single-car garage. By incorporating a bridged driveway, the applicant has reduced the need for grading and drastically changing the topography of the front yard. Existing grade at the front of the lot will be maintained by the existing concrete retaining wall. Within the front setback, the grade will be largely maintained. A single stone retaining wall, in addition to the existing retaining wall, will be used in the front yard.
- 21.At the edge of curb, the applicant has incorporated a driveway with a maximum width of 12 feet. This driveway design is consistent with the width of driveways in the Historic District
- 22. The proposed structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The design steps with the grade of the lot which allows for the mass and scale to be compatible with development patterns in the Historic District 23. The applicant broke up the mass of the proposed structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of individual smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to three stories in height, which is compatible with the neighborhood overall. 24. The applicant has incorporated setback variations to prevent a wall effect and
- reduce the building scale and setbacks on adjacent structures.

 25. The proposed design is articulated and broken into compatible massing
- components. The design includes setback variations and lower building heights for portions of the structure. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

 26.No lighting has been proposed at this time. Lighting will be reviewed at the time of
- the Building Permit application for compliance with the LMC lighting code standards and Design Guidelines.
- 27. The property was posted and notice was mailed to property owners within 300 feet on October 10, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on October 6, 2018.
- 28. The property is located outside of the Soils Ordinance.
- 29. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 314 Woodside Avenue

- 1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
- 2. The Use is consistent with the Park City General Plan, as amended.
- 3. The effects of any differences in use or scale have been mitigated through careful

planning.

Conditions of Approval – 341 Woodside Avenue

- 1. All Standard Project Conditions shall apply.
- 2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
- 3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
- 4. This approval will expire on October 24, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
- 5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on October 24, 2018, and the Final HDDR Design.
- 6. All new retaining walls within the rear and side setback areas shall not exceed six feet (6') in height measured from final grade and retaining walls within the front setback area shall not exceed four feet (4') in height measured from final grade. An exception may be granted by the City Engineer per the LMC, Chapter 4.
- 7. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
- 8. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
- 9. Construction waste should be diverted from the landfill and recycled when possible.
- 10.To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
- 11.All excavation work to construct the foundation of the proposed single family dwelling shall start on or after April 15th and be completed on or prior to October 15th

The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the

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need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

12. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

Findings of Fact – 180 Daly Avenue

- 1. The property is located on 180 Daly Avenue.
- 2. On July 12, 2018, the Park City Council approved the Daly Delight Plat Amendment located at this address through Ordinance 2018-37; the plat has not yet been recorded.
- 3. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
- 4. Following recordation of the plat, Lot A at 180 Daly Avenue will contain a total of 3,986 square feet.
- 5. A single family dwelling is an allowed use in the HR-1 District.
- 6. A Historic District Design Review (HDDR) application is currently under review.
- 7. On October 3, 2018, the Historic Preservation Board approved the applicant's proposed Material Deconstruction.
- 8. On January 20, 2016, the City received an application for a Steep Slope Conditional Use Permit; the application was deemed complete on December 12, 2017.
- 9. Access to the property is from Daly Avenue, a public street.
- 10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes. The streetscape on the west side of the road, is dominated by historic garages, sheds, and pedestrian entryways.
- 11. The proposal will create a single family dwelling of 3,276 square feet, including the basement area.
- 12.An overall building footprint of 1,568 square feet is proposed following construction of the addition. The maximum allowed footprint for this lot is 1,593 square feet.
- 13. The proposed addition complies with all setbacks. The minimum front and rear yard setbacks are 12 feet. The minimum side yard setbacks are 5 feet.
- 14. The historic house currently has a front yard setback of 11 feet, less than the required 12 feet. Per Land Management Code 15-2.2-4 Existing Historic Structures that do not comply with the Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-complying Structures.
- 15. The proposed addition complies with the twenty-seven feet (27') maximum building

height requirement measured from existing grade. Portions of the house are less than twenty-seven feet (27') in height and the tallest portion of the building is 18.4 feet above existing grade.

16. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Park Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.

17. The lot has an average slope of 43.5% and in some areas, the slope is as much as 83%. The front portion of the lot where the historic house sits is relatively flat; however, the grade quickly steepens to form the wall of the canyon directly west of the historic house.

18. The development is located and designed to reduce visual and environmental impacts of the Structure. Because the historic house sits at the front of the lot and on a flat portion of the lot, much of the bulk and mass of the new addition is buried in the hillside and is not visible from Daly Avenue. On the north and south sides of the new addition, only one to two stories will be visible above Final Grade. Retaining walls will be used to terrace the grade in four foot segments within the side yards. 19. A visual analysis has been provided and it has been determined that the potential impacts for the project have been mitigated through screening, slope stabilization, erosion mitigation, vegetation protection, and other methods. The proposed addition fits within the context of the slope, neighboring structures and existing vegetation. According to the survey, there are five (5) existing trees on the lot. The applicant proposes to retain the three (3) trees at the front of the site and replace the other two (2) trees with seven (7) new white pine trees. The visual analysis has demonstrated that the proposed design is visually compatible with the neighborhood and is similar in mass and scale to surrounding structures.

20.Access points have been designed to minimize Grading of the natural topography and reduce overall Building Scale. No new driveway or vehicular access to the site is proposed. The site will continue to be accessible from Daly Avenue, and the front door of the building is on the historic house.

21. The applicant has incorporated terraced retaining walls to regain Natural Grade. Finished Grade will be within 4 feet of existing grade following completion of the project. The retaining walls do not exceed 4 feet in height and vegetation will be planted on the terraces to further minimize the visibility of the retaining walls.

22. The buildings, access, and infrastructure have been located to minimize cut and fill that would alter the perceived topography of the site. The new structure's building pad has been located to minimize cut and fill. Though taller than the historic house, the new addition will be set back at least 10 feet from the rear wall of the historic house to help further visually separate it from the historic house. A long shed roof on the façade will help reduce the perceived size of the new addition and make the addition appear to be stepping up the hill. The applicant has been able to hide much

of the bulk and mass of the addition underground.

- 23. The building has is oriented along the Lot's existing contours, and the main ridge of the new three-story addition will be parallel to the grade. This allows the east side of the gable roof to slope down with the grade. The tallest portion of the structure is 18.4 feet above existing grade, and some portions of the new addition will be only 6.4 feet above existing grade. The proposed design complies with the Design Guidelines for Historic District and Historic Sites as exterior elements of the new development are of human scale and compatible with the neighborhood. 24. The design of the new addition has prevented a "wall effect" along the Street. The mass of the new addition has been staggered so that the three-story addition is visually separated from the historic house and much of its mass and bulk has been buried in the hillside. The articulation of the massing pattern reduces the overall perceived mass of the structure.
- 25. The volume of the Structure has been limited in order to minimize its visual mass and mitigate the differences in scale between the existing Historic House and the new addition. The taller portions of the new addition are physically and visually separated from the historic house. Setback variations and lower building heights have further reduced the overall mass and scale. The proposed mass and architectural design components are compatible with both the volume and massing of other single family dwellings in the areas. By burying much of the mass underground, the differences in scale between the new addition and surrounding structures have been minimized.
- 26. The proposed new addition has a height of 18.4 feet above Existing Grade, much lower than the maximum zone height of 27 feet. The roof of the new addition has been designed to allow for a long shed roof to slope downhill towards Daly Avenue. The mass of the roof form has been broken up by gable-roofed dormers. The overall interior height of the structure is 34.6 feet.
- 27.No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.
- 28. The property was posted and notice was mailed to property owners within 300 feet on October 17, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on October 6, 2018.
- 29. The property is located outside of the Soils Ordinance.
- 30. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 180 Daly Avenue

- 1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B)
- 2. The CUP, as conditioned, is consistent with the Park City General Plan.

- 3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
- 4. The effects of any differences in use or scale have been mitigated through careful planning.

<u>Conditions of Approval – 180 Daly Avenue</u>

- 1. All Standard Project Conditions shall apply.
- 2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
- 3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
- 4. No building permit shall be issued until the Daly Delight Plat Amendment is recorded with the Summit County Recorder's Office.
- 5. This approval will expire on October 24, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
- 6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on October 24, 2019, and the Final HDDR Design.
- 7. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
- 8. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
- 9. Construction waste should be diverted from the landfill and recycled when possible.
- 10.All excavation work to construct the foundation shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
- 11. Final landscape plan shall be provided at the time of the building permit and shall include existing vegetation, and include a replacement plan for any significant vegetation proposed to be removed.
- 12. The property is located outside the Park City Landscaping and Maintenance of Soil

Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

Findings of Fact - 182 Daly Avenue - CUP

- 1. The property is located at 182 Daly Avenue.
- 2. The Park City Council approved the Daly Delight Plat Amendment at this location on July 12, 2018. The final Mylar has not yet been recorded.
- 3. The Historic District Design Review (HDDR) application for the proposed for the new Duplex Dwelling is on hold, pending Planning Commission approval of the Steep Slope Conditional Use Permit and Duplex Dwelling Conditional Use Permit.
- 4. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
- 5. A Duplex Dwelling is a conditional use in the HR-1 District.
- 6. Following recording of the plat amendment, the lot will contain 5,329 square feet. This is an uphill lot with an average slope of approximately 44%.
- 7. Access to the property is from Daly Avenue, a public street.
- 8. Two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaced in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.
- 9. The neighborhood is characterized by a mix of historic and non-historic residential structures (single-family and Duplex Dwellings). The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments.
- 10.An overall building footprint of 1,974 square feet is proposed. The maximum allowed footprint for this lot is 1,975 square feet.
- 11. The proposed Duplex Dwelling complies with the front and rear yard setbacks. The minimum front and rear yard setbacks are 12 feet, for a total of 25 feet; the applicant is proposing a 12 foot front yard and 19 foot rear yard setback, for a total of 31 feet.
- 12. The proposed addition complies with the side yard setbacks. The minimum side yard setbacks are 5 feet, for a total of 14 feet. The historic house has a 9 foot side yard setback on the north and 5 foot setback on the south, for a total of 14 feet.
- 13. The proposed Duplex Dwelling complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height. The 10 foot minimum horizontal step in the downhill façade has a maximum height of 23 feet with a 24 foot 6 inch tall architectural feature measuring 11 feet 4 inches wide (which equates to less than 25% of the façade width). The Contributory Roof Form has a 7:12 pitch which

complies with the Contributing Roof Form requirement of 7:12 – 12:12 pitch. The Secondary Roof Form has a 3:12 pitch and is subordinate to the Contributory Roof Form.

- 14. The proposed addition has an interior height of 35 feet, which complies with the required interior height of 35 feet.
- 15. There are no unmitigated impacts to LMC 15-1-10(E)(1) Size and location of the site, as the Lot containing the Duplex Dwelling is 5,329 square feet. Per LMC 15-2.2-3 Lot And Site Requirements, Developments consisting of a Duplex Dwelling require a Lot Area at least equal to 3,750 square feet. The proposed site complies with the minimum lot size for a Duplex Dwelling.
- 16. There are no unmitigated impacts to LMC 15-1-10(E)(2) Traffic considerations including capacity of the existing Streets in the Area, as the Duplex Dwelling will be adding additional vehicles to Daly Avenue, as do all developments on Daly Avenue. Staff does not find that the proposed Duplex Dwelling will add any more vehicles to Daly Avenue than what would be added if two (2) Single-Family Dwellings were constructed on this site (had it been divided into two lots). This site could hold two (2) Single-Family Dwellings on two lots within the same property boundary, but the applicant has proposed to construct a Duplex Dwelling on a single lot instead. The proposed design meets the requirements for parking as indicated in the Review Criteria 5.
- 17. There are no unmitigated impacts to LMC 15-1-10(E)(3) Utility capacity, as this project has been reviewed by the applicable utility companies and internal departments. No concerns were brought up by those entities during their review. The applicant has provided information regarding the proposed utility plan on the Site Plan (Sheet A1.0).
- 18. There are no unmitigated impacts to LMC 15-1-10(E)(4) Emergency vehicle access as Emergency vehicles will access the site directly from Daly Avenue. No issues have been identified at this time.
- 19. There are no unmitigated impacts to LMC 15-1-10(E)(5) Location and amount of off street parking, as two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaced in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces. 20. There are no unmitigated impacts to LMC 15-1-10(E)(6) Internal vehicular and pedestrian circulation system, as vehicular and pedestrian access to the site is from Daly Avenue, a public road. The proposed driveways lead to two (2) single-car garages. At the edge of curb, the applicant has incorporated driveways with a maximum width of 12 feet. This driveway design is consistent with the driveways of new construction in the Historic District.
- 21. There are no unmitigated impacts to LMC 15-1-10(E)(7) Fencing, Screening and landscaping to separate the Use from adjoining Uses, as Fencing and/or screening

has not been proposed for the site. This is consistent with the Daly Avenue streetscape because a Duplex Use is not uncommon on Daly Avenue. The applicant has incorporated a series of terraced retaining walls to regain Natural Grade along the periphery of the structure. These terraced retaining walls will be vegetated in each terrace which will help to shield any further impact. The retaining walls throughout the site will not change grade more than 4 feet from Existing Grade.

- 22. There are no unmitigated impacts to LMC 15-1-10(E)(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots, as The proposed Duplex Dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The Duplex Dwelling steps with the hillside which minimizes the mass and scale while still contributing to the development pattern of the Historic District. The applicant has incorporated a series of terracing retaining walls which eliminated the need for large and out of scale retaining walls.
- 23. There are no unmitigated impacts to LMC 15-1-10(E)(9) Usable Open Space, as the proposed structure complies with all applicable lot and site requirements, thus providing open space similar to that provided by other development on Daly Avenue 24. There are no unmitigated impacts to LMC 15-1-10(E)(10) Signs and lighting, as the proposal does not include any signs. All exterior lighting features will be down-lit and shielded.
- 25.There are no unmitigated impacts to LMC 15-1-10(E)(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, as the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. The applicant has staggered the units of the duplex to reduce the overall width and bulk at the street. The applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.
- 26. There are no unmitigated impacts to LMC 15-1-10(E)(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site, as the mechanical room for the proposed project is located within the building and is not accessible from the exterior of the building.
- 27. There are no unmitigated impacts to LMC 15-1-10(E)(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas, as this is a Duplex Dwelling which is consistent with other residential uses on Daly Avenue. No delivery, loading, or trash pick-up areas will be more intensive than the existing development on the street.
- 28. There are no unmitigated impacts to LMC 15-1-10(E)(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, as this property with be sold to a private property owner. Each unit will be under one owner until a condominium plat amendment is recorded (there is no Condominium Plat Amendment application on file with the Planning Department at this time).

29. There are no unmitigated impacts to LMC 15-1-10(E)(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site, as the property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore is not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law. Staff has included this as Condition of Approval #13 of the Steep Slope Conditional Use Permit. 30. There are no unmitigated impacts to LMC 15-1-10(E)(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding, as the proposed Duplex Dwelling fulfills the Goals, Objectives, and/or Implantation Strategies of the General Plan, including Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations 31. The property was posted and notice was mailed to property owners within 300 feet on October 10, 2018. Legal notice was also published in the Park Record in accordance with requirements of the Land Management Code on October 6, 2018. 32. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 182 Daly Avenue - CUP

- 1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling as established by the LMC 15-1-10.
- 2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and
- 3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – 182 Daly Avenue - CUP

- 1. All Standard Project Conditions shall apply.
- 2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
- 3. City Engineer review and approval of all appropriate grading, utility installation,

public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.

- 4. A landscape plan is required to be submitted with the building permit. Changes to an approved landscape plan must be reviewed and approved by the Planning Department prior to landscape installation.
- 5. This approval will expire on October 24, 2019, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration
- 6. Recordation of the Plat is required prior to building permit issuance.
- 7. Modified 13-D fire sprinkler system is required.

Findings of Fact – 182 Daly Avenue – SS CUP

- 1. The property is located at 182 Daly Avenue.
- 2. The Park City Council approved the Daly Delight Plat Amendment at this location on July 12, 2018. The final Mylar has not yet been recorded.
- 3. The Historic District Design Review (HDDR) application for the proposed for the new Duplex Dwelling is on hold, pending Planning Commission approval of the Steep Slope Conditional Use Permit and Duplex Dwelling Conditional Use Permit.
- 4. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
- 5. A Duplex Dwelling is a conditional use in the HR-1 District.
- 6. Following recording of the plat amendment, the lot will contain 5,329 square feet. This is an uphill lot with an average slope of approximately 44%.
- 7. Access to the property is from Daly Avenue, a public street.
- 8. Two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaced in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.
- 9. The neighborhood is characterized by a mix of historic and non-historic residential structures (single-family and Duplex Dwellings). The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments.
- 10.An overall building footprint of 1,974 square feet is proposed. The maximum allowed footprint for this lot is 1,975 square feet.
- 11. The proposed Duplex Dwelling complies with the front and rear yard setbacks. The minimum front and rear yard setbacks are 12 feet, for a total of 25 feet; the applicant is proposing a 12 foot front yard and 19 foot rear yard setback, for a total of 31 feet. 12. The proposed addition complies with the side yard setbacks. The minimum side yard setbacks are 5 feet, for a total of 14 feet. The historic house has a 9 foot side yard

setback on the north and 5 foot setback on the south, for a total of 14 feet. 13. The proposed Duplex Dwelling complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height. The 10 foot minimum horizontal step in the downhill façade has a maximum height of 23 feet with a 24 foot 6 inch tall architectural feature measuring 11 feet 4 inches wide (which equates to less than 25% of the façade width). The Contributory Roof Form has a 7:12 pitch which complies with the Contributing Roof Form requirement of 7:12 – 12:12 pitch. The Secondary Roof Form has a 3:12 pitch and is subordinate to the Contributory Roof Form.

- 14. The proposed addition has an interior height of 35 feet, which complies with the required interior height of 35 feet.
- 15. The proposal complies with Criteria 1: Location of Development as the proposed Duplex Dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The Duplex Dwelling steps with the hillside which minimizes the mass and scale while still contributing to the development pattern of the Historic District. The applicant has incorporated a series of terracing retaining walls which eliminated the need for large and out of scale retaining walls.
- 16. The proposal complies with Criteria 2: Visual Analysis as the visual analysis, streetscape, and cross canyon view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. The applicant has staggered the units of the duplex to reduce the overall width and bulk at the street. The side yard will be re-vegetated following construction. The terraced retaining walls mitigate the visual impact of the steep grade. The terraces will not change grade by more than 4 feet and occur within the property.
- 17. The proposal complies with Criteria 3: Access as the proposed driveways lead to two (2) single-car garages. At the edge of curb, the applicant has incorporated driveways with a maximum width of 12 feet. This driveway design is consistent with the driveways of new construction in the Historic District. The grade at the street is minimal which has reduced the need for extensive retaining at the street front. Any retaining to accommodate the pedestrian access will be less than 4 feet and occur within the property.
- 18. The proposal complies with Criteria 4: Terracing as the applicant has incorporated a series of terraced retaining walls to regain Natural Grade along the periphery of the structure. These terraced retaining walls will be vegetated in each terrace which will help to shield any further impact. The retaining walls throughout the site will not change grade more than 4 feet from Existing Grade.
- 19. The proposal complies with Criteria 5: Building Location as the new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The design

steps with the grade of the lot which allows for the mass and scale to be compatible with development patterns in the Historic District.

- 20. The proposal complies with Criteria 6: Building Form and Scale as the applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.
- 21. The proposal complies with Criteria 7: Setbacks as the new structure complies with all applicable setbacks. The applicant has worked to break up the mass and scale of the structure through incorporating smaller components, multiple roof lines, and articulation of the wall planes.
- 22. The proposal complies with Criteria 8: Dwelling Volume as the proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family and other Duplex Dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed Duplex Dwelling and surrounding structures.
- 23. The proposal complies with Criteria 9: Building Height (Steep Slope) as the proposed new construction complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The height of the new structure is 27 feet above existing grade. As designed, the duplex dwelling is compatible in mass and scale with houses in the surrounding neighborhood.
- 24.No lighting has been proposed at this time. Lighting will be reviewed at the time of the Building Permit application for compliance with the LMC lighting code standards and Design Guidelines.
- 25. The Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 182 Daly Avenue was deemed complete on December 12, 2017.
- 26. The property was posted and notice was mailed to property owners within 300 feet on October 10, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on October 6, 2018.
- 27. The property is located outside of the Soils Ordinance.
- 28. The findings in the Analysis section of this report are incorporated herein.

<u>Conclusions of Law – 182 Daly Avenue – SSCUP</u>

- 1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6.
- 2. The Use is consistent with the Park City General Plan, as amended.

3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 182 Daly Avenue – CUP

- 1. All Standard Project Conditions shall apply.
- 2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
- 3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
- 4. No building permit for construction of the new addition shall be issued until the Daly Delight Subdivision plat is recorded.
- 5. This approval will expire on October 24, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
- 6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on October 24, 2018, and the Final HDDR Design.
- 7. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade unless an exception is granted by the City Engineer per the LMC, Chapter 4.
- 8. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
- 9. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
- 10. Construction waste should be diverted from the landfill and recycled when possible.
- 11.To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
- 12.All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if,

after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

13. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

14.All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 675 Round Valley Drive – Plat Amendment – Request to create two (2) 2.5 acre lots of record from Lot 4 of the Third Amended IHC Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat. (Application PL-18-03982)

Commissioner Suesser recused herself and left the room.

Planner Whetstone reported that Lot 4 of the IHC/USSA subdivision plat is City-owned property. Park City Municipal Corp is the applicant. Heinrich Deter, the Property Trails and Open Space Manager, was representing the City this evening.

Planner Whetstone reviewed the request to subdivide Lot 4. Lot 4 is a five-acre lot that would be divided into two equal 2-1/2 acre parcels; Lot 13 and Lot 4. She stated that the northern portion of the new Lot 13 is scheduled for a future fire station. The uses for the southern lot to the new Lot 4 are still to be decided.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council in accordance with the findings of fact, conclusions of law, and conditions of approval as outlined in the draft ordinance.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council to approve the Plat Amendment for 675 Round Valley Drive in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously. Commissioner Suesser was recused.

Commissioner Suesser returned to the meeting.

Findings of Fact – 675 Round Valley

- 1. The property is located at 675 Round Valley Drive.
- 2. The zoning is Community Transition (CT) within the IHC Master Planned Development (CT-MPD).
- 3. On December 7, 2006, City Council approved an annexation ordinance and annexation agreement for the property. The annexation agreement was recorded on January 23, 2007.
- 4. The annexation agreement sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat, such as roads, utilities, and trails.
- 5. On January 11, 2007, the City Council approved the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision plat for the purpose of creating lots of record so that associated property sale and property transfers could be completed. The plat was recorded at Summit County on January 23, 2007 and consisted of 5 lots of record.
 6. The IHC Master Planned Development was approved by the Planning Commission on May 23, 2007.
- 7. The First Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision was approved by the City Council on October 11, 2007 and recorded at Summit County on May 20, 2008. The first amended plat memorialized various easements and road layouts and adjusted the location of various lots consistent with the approved MPD. The plat consisted of nine lots of record.
- 8. The Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat was approved by the City Council on July 31, 2008 and recorded at Summit County on November 25, 2008. The second amended plat created new Lots 10 and 11 out of the previous Lot 8. Lot 10 was created for the Summit County Health

Department and the People's Health Clinic building and Lot 11 was created as a separate lot for IHC as it was located south of Victory Lane. The plat consisted of eleven lots of record.

- 9. The property is subject to the Amended Intermountain Healthcare Master Planned Development (IHC MPD), originally approved on December 7, 2006 and amended in 2014 to transfer support medical office uses and density from Lots 6 and 8 to Lot 1.
- 10.A second MPD amendment was approved on January 13, 2016 to identify Lot 8 for the Peace House facility, address affordable housing requirements, identify Lot 4 for Public Municipal Use and Essential Services and address administrative amendments of the first MPD amendment. The MPD amendments were found to be consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan. The Amended Development Agreement was recorded on February 5, 2018.
- 11.On July 21, 2016, the City Council approved a Third Amended Subdivision Plat for Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility to divide the 9.934 acre Lot 8 of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat into two platted lots of record, namely Lot 8 consisting of 3.6 acres and Lot 12 consisting of 6.334 acres. This plat was recorded on April 12, 2017.
- 12.On September 11, 2018, a complete application was submitted for this Fourth Amended Subdivision Plat for Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility to divide the 5.0 acre Lot 4 into two platted lots of record, namely Lot 4 consisting of 2.5 acres and Lot 13 consisting of 2.5 acres.
- 13. The amended subdivision plat consists of thirteen lots with ownership, acres, and use consistent with the amended IHC MPD as follows:

| Lot 1 and Lot 2: | IHC- Intermountain Healthcare Campus MPD (107.551 |
|------------------|---|
| | acres) |
| Lot 3: | USSA- Headquarters and Training Facility MPD (5 acres) |
| Lot 4: | PCMC- future Public Municipal Use and Essential |
| | Services (2.5 acres) |
| Lot 5: | PCMC- Ice Facility/Fields Complex Expansion (15 acres) |
| Lot 6: | IHC MPD- no assigned density or uses (density transferred |
| | to Lot 1) (3.041 acres) |
| Lot 7: | Physicians Holding- Support Medical Office CUP (3.396 |
| | acres) |
| Lot 8: | IHC- Peace House CUP (3.632 acres) (previously 9.934 |
| | acres- rest to new Lot 12) |
| Lot 9: | Questar facility (0.174 acres) |

Lot 10: Community Medical Summit County Health and People's

Health Clinic CUP (3.088 acres)

Lot 11: IHC, no assigned density or uses (0.951 acres)

Lot 12: IHC, no assigned density or uses (6.302 acres) (previously

part of Lot 8)

Lot 13: PCMC, Fire Station as a public safety and Public

Municipal Use and Essential Services (2.5 acres)

(previously part of Lot 4)

14.Development of each lot requires a Conditional Use Permit for Public Municipal Use and Essential Services. No Unit Equivalents are required for these Public Municipal Uses and Essential Services.

15. The property is currently undeveloped and consists of native grasses and low vegetation with areas of delineated wetlands.

16. Wetlands exist on both Lots 4 and 13. These wetlands were recently inspected by the City and a professional wetlands delineator with additional input from the Army Corps of Engineers. It was determined that the wetlands on the southern portion of Lot 13 exist due to run-off through a culvert installed when Round Valley Drive was constructed. The Corps has approved the diverting of run-off from the culvert to the larger area of Designated Wetlands to the north of Lot 13, via a drainage swale. This diversion will likely eliminate the locally small and isolated newly created wetlands that were incidental to the poor drainage

provided by the road design, and will likely lead to the enhancement of the existing wetlands to the north of the property.

- 17. Wetlands delineation was done more than five years ago and will need to be updated prior to issuance of a building permit.
- 18.All development, such as buildings and parking areas, are required to comply with the LMC required setbacks from designated wetlands.
- 19.Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south. Lots 4 and 13 have frontage and access on Round Valley Drive.
- 20. There are existing utilities within the streets and within platted public utility easements along the front lot lines. Utility, access and snow storage easements are necessary along public street frontages for installation of utilities, sidewalks and snow storage.
- 21. Public trails are located throughout the IHC Subdivision and MPD. Sidewalks

along the frontage of lots connect to public trails with connections to the Quinn's Recreation Complex, the Round Valley Open Space, and the IHC Park City Medical Center and Clinics.

- 22. No changes are proposed to the location of platted Round Valley Drive. 23. Attention to the location of visible dry utility boxes and installations is an important consideration when designing a site in order to ensure that adequate area is available for landscape elements to provide adequate screening from public view.
- 24. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 675 Round Valley

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

Conditions of Approval – 675 Round Valley Drive

- 1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with the Annexation Agreement, applicable State law, the Land Management Code, and these conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the subdivision plat at Summit 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 request for an extension is submitted in writing prior to expiration and is approved by the City Council.
- 3. All conditions of approval of the IHC Annexation and IHC/USSA Subdivision, as amended, shall continue to apply.
- 4. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.
- 5. Final utility, storm water, and grading plans must be approved by the City Engineer and SBWRD prior to Building Permit issuance. All required easements shall be dedicated on the plat prior to recordation.

- 6. Required public improvements shall be installed or a financial guarantee for any required public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney shall be in place prior to plat recordation.
- 7. Any wetlands delineation older than five (5) years shall be updated and submitted to the City prior to building permit issuance for development on the lots. All required Corps of Engineer approvals and permits shall be submitted prior to issuance of a building permit on the lots.
- 8. A note shall be included on the plat prior to recordation stating that all development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time of the building permit application.
- 9. A 10' wide non-exclusive public utility, access and snow storage easement shall be shown along the frontages of Round Valley Drive prior to plat recordation. 10. Each lot is over 1.0 acres and will be required to meet the requirements of the Separate Storm Sewer System (MS4) Storm-Water Program.
- 2. <u>7704 Village Way Condominium Plat Request for a Condominium Plat for Larkspur Townhomes 6 for three attached multi-family units, on Lot A of the Second Amended Village at Empire Pass Phase 1 Subdivision plat.</u>
 (Application PL-18-03975)

Planner Whetstone reviewed the request for a condominium plat for three townhomes, attached multi-family units, at the Empire Pass project. These are the Larkspur 6 Townhomes, which are the final townhomes for Larkspur.

Rich Wyler and Jeff Butterworth, were present to represent the applicant, Storied Development.

Planner Whetstone remarked that the application is to condominiumize a plat was straightfoward and in accordance with the process at Empire Pass. Every unit that gets built gets a condominium plat to memorialize the configuration of the units, the density, and the unit equivalents. Planner Whetstone noted that the units will be similar to the existing triplex townhomes that are located directly to the south. They will be constructed to the condominium specifications. This recorded plat will allow the units to be sold individually. If any changes are made, the applicant would have to come back to the Planning Commission for a plat amendment to make sure the units conform.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council in accordance with the finding of facts, conclusions of law, and conditions of approval outlined in the draft ordinance.

Commissioner Sletten asked if the architectural guidelines that applied to the larger townhomes were applicable to these units. Planner Whetstone answered yes.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

Commissioner Hall asked someone to speak to the affordable housing. Planner Whetstone remarked that affordable housing is not required for this site because it is part of the larger Flagstaff Development. The remaining on-mountain affordable housing units have been assigned to the larger lodge buildings, as well as a future building at the B-2 site. Planner Whetstone believed that 8 affordable units remained to be built in the future.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the 7704 Village Way Condominium Plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 7704 Village Way

- 1. The property is located at 7704 Village Way.
- 2. The property is Lot A of the Second Amended Village at Empire Phase 1 Subdivision plat.
- 3. The property is located in the RD-MPD zoning district.
- 4. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999 and amended it in March of 2007.

The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and

developer-offered amenities.

- 5. On July 28, 2004, the Planning Commission approved the Village at Empire Pass Master Planned Development.
- 6. On September 30, 2004, the City Council approved the Village at Empire Pass Phase 1 Subdivision that platted the east side lots of the Village at Empire Pass.
- 7. A First Amendment to the subdivision amending Lot 9 was approved on January 6,

2011 and was recorded on January 4, 2012.

- 8. Between March 4, 2004 and April 27, 2006 the original Larkspur Townhomes and Larkspur Townhomes 2, 3, 4, and 5 condominium plats were approved by City Council and recorded at Summit County.
- 9. On November 9, 2017 a Second Amendment to the subdivision was approved combining Lots 1 and 2 into Lot A of the Second Amended Village at Empire Phase 1. The amended plat was recorded on April 10, 2018.
- 10.On August 8, 2018, an administrative conditional use permit was approved for the three unit Larkspur Townhomes and up to 5.75 UE, located on Lot A with a condition of approval that prior to issuance of a certificate of occupancy, a condominium plat was required to be approved and recorded.
- 11. The proposed condominium plat consists of three attached dwelling units consistent with the Village at Empire Pass MPD.
- 12. Units 33, 34 and 35 consist of 3,782 sf, 3,931 sf, and 3,782 sf respectively in total floor area, including basements but not including the garages.
- 13.Each unit has a garage less than 600 square feet and therefore no excess garage area is included in the total unit size.
- 14. The total Unit Equivalents consumed by these three units does not exceed 5.75 UE (11,500 sf), excluding the area of each garage.
- 15. Two parking spaces are required per unit and each unit has a two car garage.
- 16.Maximum building height is 28' measured from existing grade. An additional 5' of building height is permitted if the roof pitch is 4:12 or greater. Building height exceptions of LMC Section 15-2.13-4 apply.
- 17. The VEP-MPD permitted setback exceptions at the time of the Administrative Conditional Use Permit. Minimum front setbacks of 20' to the garage and 15' to the unit were approved with the ACUP on August 8, 2018. Setback exceptions of LMC Section 15-2.13-3 apply.

Conclusions of Law - 7704 Village Way

- 1. There is good cause for this condominium plat.
- 2. The condominium plat 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 amended condominium plat.
- 4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 7704 Village Way

- 1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
- 3. All conditions of approval of the 2007 Amended Flagstaff Annexation and Development Agreement and Technical Reports and the Village at Empire Pass Master Planned Development, continue to apply.
- 4. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.
- 5. All conditions and applicable notes, easements and requirements of the Second Amended Village at Empire Pass Phase 1 Subdivision plat continue to apply.
- 6. All conditions of the Administrative Conditional Use Permit continue to apply.

3. <u>553 Deer Valley Loop Road- Subdivision Plat – a two (2) lot subdivision replacing the Mine Cart Condominium Plat, a two (2) unit condominium that was recorded but never built.</u> (Application PL-03955)

Planner Francisco Astorga reviewed the request to vacate the platted but unbuilt two unit condominium known as the Mine Cart condominiums; and to replace it with the Mine Cart subdivision of two units. The project was addressed as 553 Deer Valley Loop Road when it was originally platted.

Planner Astorga stated that the Planning Department had received no public input on this request. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval found in the draft ordinance.

Jodi Hoffman, representing the property owner, was present to answer questions.

Commissioner Hall asked Planner Astorga for clarification on the proposed Lot 1 having access off Deer Valley Drive. Planner Astorga explained that Deer Valley Road is a residential major collective road, and they do not want vehicles reversing back onto Deer Valley Drive. A condition of approval was added requiring the owner to provide a turnaround within their own property so cars head forward on to Deer Valley Drive as opposed to backing out onto the road. He noted that the applicant had stipulated to the

condition. It was recommended by the former City Engineer and supported by the current City Engineer.

Commissioner Sletten asked about the process of abandoning the CC&Rs, the Bylaws and all recorded documents. Ms. Hoffman stated that it was a several step process dictated by State Law. A single owner owns both units and it is a declaration of abandoning the condominium and condominium documents.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Suesser moved to APPROVE the 553 Deer Valley Loop Road subdivision plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 553 Deer Valley Loop Road

- 1. The subject site is located at 553 Deer Valley Loop Road, addressed (platted) as Unit A & Unit B.
- 2. The entire site consisting of 7,935 square feet (0.18 acres) has currently double frontage as it adjacent to both Deer Valley Loop Road and Deer Valley Drive.
- 3. The site is within the Residential-Medium Density District.
- 4. The proposal abandons / vacates the recorded Mine Cart Condominium Plat and subdivides the site into two (2) lots of record.
- 5. The recorded Mine Cart Condominiums has not been built and the site is currently vacant.
- 6. Proposed Lot 1 is 4,171 square feet.
- 7. Proposed Lot 2 is 3,764 square feet.
- 8. The minimum lot area within the Residential-Medium Density District is 2,812 square feet for a single family dwelling.
- 9. The applicant has indicated on their write-up to build one (1) single family dwelling on each lot.
- 10. The density of the site remains the same as it was originally platted as two (2) units or lots within this same site.
- 11. Proposed Lot 1 has a width of 61 feet.

- 12. Proposed Lot 2 has a width of 59 feet.
- 13. The minimum lot width in the Residential-Medium Density District is 37.5 feet.
- 14. Proposed Lot 1 has a minimum lot depth of approximately 70 feet.
- 15. Proposed Lot 2 has a minimum lot depth of 69 feet.
- 16. The minimum front setback for lots 75 feet deep or less is a minimum of 10 feet.
- 17. The minimum side setback is 5 feet.
- 18. The maximum building height in Residential-Medium Density District is 28 feet; however, structures with a gable, hip, barrel, and similar pitched roof may extend up to another 5 feet.
- 19. Proposed Lot 1 is to have access off Deer Valley Drive.
- 20. Proposed Lot 2 is to have access off Deer Valley Loop Road.
- 21. Due to the current designation of Deer Valley Drive, being a major residential collector road, staff recommends that Proposed Lot 1 does not back onto Deer Valley Drive, but rather provides its own turn around area within the proposed lot so vehicle traffic accesses Deer Valley Drive without having to back into traffic.
- 22. There is a concrete retaining wall built over the City Right-of-Way along Deer Valley Drive.
- 23.In order to have access to Deer Valley Drive as requested for Proposed Lot 1, the property owner shall be responsible of modifying the existing retaining wall.
- 24.All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 553 Deer Valley Loop Road

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

<u>Conditions of Approval – 553 Deer Valley Loop Road</u>

- 1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

- 3. A plat note shall be added to limit one (1) single family dwelling per lot. No duplexes allowed.
- 4. A plat note shall be added indicating that vehicles on Lot 1 shall not back up onto Deer Valley Drive and that Lot 1 shall have its own turn around to accomplish this within their owner private property.
- 5. Before the Mine Cart Subdivision Plat is recorded, the applicant shall provide proof to the City indicating that the property has been withdrawn from the Utah Condominium Ownership Act in accordance with Utah Code 57-8-22.
- 6. Ten foot (10') public utility and snow storage easements shall be granted along Deer Valley Drive and Deer Valley Loop Road.
- 7. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the plat.
- 8. The property owner shall be responsible of obtaining applicable permit / encroachment agreement through the Engineering Department concurrently with the building permit for Proposed Lot 1 in order to modify the existing retaining wall on Deer Valley Drive.

4. <u>50 Shadow Ridge Road – Plat Amendment – Request to change private platted designation to common space</u>. (Application PL-18-03836)

Planner Astorga reviewed the application for a condominium plat amendment to change the designation of 8 units at 50 Shadow Ridge. Two of the eight units are conference rooms and six are closets. The closets are platted as common area because it is where the maintenance supplies are stored. The HOA owns all eight units.

Planner Astorga noted that the Planning Department had received no public comment. 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.

Vice-Chair Phillips asked if the space would have the same use. Planner Astorga replied that the use would not change.

Commissioner Kenworthy asked if the HOA was current on the taxes. Planner Astorga answered yes. It is a requirement on all land use applications as indicated on the title report. All taxes must be current.

Commissioner Suesser understood that this action would only change the designation from common to private. Planner Astorga replied that she was correct.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 50 Shadow Ridge Road, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 50 Shadow Ridge Road

- 1. The subject site is located at 50 Shadow Ridge.
- 2. The site is within the Recreation Commercial District.
- 3. The proposed Condominium Plat Amendment requests to change private platted designation to common space.
- 4. All units are owned by the Owners' Association.
- 5. Unit 4001 is a 3,934.7 sf. and unit 4002 is 969.8 sf., both are conference rooms.
- 6. Units 4216, 4217, 4316, 4317, 4416, & 4417 are all maintenance closets consisting of 44.9 sf. each.
- 7. There are no physical changes associated with this Condominium Plat Amendment.
- 8. No exterior changes are proposed with this plat amendment.
- 9. A condominium is not use, but a type of ownership.
- 10.It is typical of conference rooms and maintenance closets to originally be designated as common space. Staff finds that there is good cause for this Condominium Plat Amendment.
- 11.All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 50 Shadow Ridge Road

- 1. There is good cause for this Condominium Plat Amendment.
- 2. The Condominium Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Condominium Plat Amendment.
- 3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
- 4. Approval of the Condominium 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 – 50 Shadow Ridge Road

- 1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
- 5. 341 Woodside Avenue Plat Amendment The proposed Plat Amendment seeks to combine an existing lot and a portion of a second lot into one lot of record at this location. (Application PL-18-03985)

Planner Tippe Morlan reported that the applicant was seeking to combine an existing lot and a portion of a second lot at 341 Woodside into one lot of record. The property is currently vacant and undeveloped. It meets the lot size and width requirements for the HR-1 zone. If the applicant wishes to construct a new single-family dwelling or a new house on this property, it would require a Historic District Design Review and possible a Steep Slope CUP.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council, finding good cause that the plat amendment cleans up property lines and allows the owner to utilize the entire property for construction in the future.

Commissioner Sletten referred to page 297 of the Staff report and the comments about removing the stone wall. He assumed the stone wall was not historic. Planner Morlan replied that he was correct. Commissioner Suesser asked what the comments were regarding the wall. Planner Morlan stated that encroachments must be removed before the plat is recorded.

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

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the 341 Woodside Avenue plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 341 Woodside Avenue

- 1. The property is located at 341 Woodside Avenue.
- 2. The property consists of consists of the entirety of Lot 11 and the southerly five feet (5') of Lot 12 of Block 30 of the Park City Survey.
- 3. The property is in the Historic Residential (HR-1) District.
- 4. The property is vacant.
- 5. The proposed lot is 2,250 square feet in size.
- 6. The City received a complete Plat Amendment application for the 341 Woodside Avenue Plat Amendment on September 27, 2018.
- 7. Along the south side of the lot, the neighboring property has a wood deck which encroaches onto this property by approximately 6 inches for a length of 10 feet.
- 8. Along the north side of the lot, the neighboring property has landscaping including two stone retaining walls which encroach onto this property by up to 9 feet for a length of 60 feet.
- 9. The proposed lot meets the minimum lot area of 1,875 square feet for a single-family dwelling at 2,250 square feet in size.
- 10. The minimum lot width of 25 feet is also met as the proposed width is 30 feet.
- 11. The proposed lot will also be 75 feet deep.
- 12. The minimum Front and Rear Setbacks are 10 feet each.
- 13. The minimum Side Setbacks are 3 feet each.
- 14. The maximum building footprint is 991.38 square feet.
- 15.A Historic District Design Review application is required for any new construction proposed at the existing site.

Conclusions of Law – 341 Woodside Avenue

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

Conditions of Approval – 341 Woodside Avenue

- 1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
- 3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
- 4. A 10 foot wide public snow storage easement will be required along Woodside Avenue.
- 5. All encroachments must be removed prior to approval of the plat, including the wood deck along the south side of the lot and the landscaping and retaining walls along the north side of the lot.
- 6. Park City Back Nine Subdivision The proposed Park City Back Nine
 Subdivision seeks to combine all existing parcels addressed at 1884 Three
 Kings Drive into one lot of record. (Application PL-18-03956)

Planner Morlan stated that the Planning Commission would address the subdivision separately from the MPD and the CUP.

Planner Morlan reviewed the application for a one-lot subdivision. The City owns the entire golf course and water treatment plant property; however, it currently consists of several separate parcels. This request would combine all the City owned property into one lot of record. It would clean-up the property lines interior to the golf course. It would also lay out and memorialize the existing easements across the property.

Planner Morlan noted that the property is in the ROS zone and no residential uses are allowed. This proposed subdivision would not change the use or the boundaries of the property. Planner Morlan stated that no future development is proposed outside of the new Three Kings water treatment plant and related improvements.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council; finding good cause that it meets the ROS zone requirements, cleans up property lines and easements on the site, and does not change the use or boundaries of the site.

Commissioner Suesser asked if the combining the parcels would move any of the easements. Planner Morlan replied that some did not have specific locations on the property. There is a snowmaking easement on the property and the City had to work with Vail to figure out the location of those easements. What was shown is the culmination of discussions between the City and Vail.

Commissioner Hall questioned why the height exception was reference in Finding #4. Planner Morlan explained that typically in subdivisions they state whether or not the requirements of the zone are met in terms of setbacks and building height. She had included that note as the condition of the height on the site and how it meets the ROS zone.

Commissioner Suesser asked if the access easement to the plans meet the conditions. Planner Morlan replied that it would remain as the access to the new Three Kings Water Treatment Plant.

Vice-Chair Phillips opened the public hearing,

Brian O'Locklin, a resident at Three Kings subdivision wanted to know why he had not received a notice about this issue. He understood that people within certain limits of any property line of a project should be notified. He lives at 1423 Three Kings Drive on the 16th fairway.

Planner Morlan stated that she had sent approximately 1100 notices and several were returned. Notices were sent to all properties within 300 feet of the boundary shown on the map.

Mr. O'Locklin stated that in addition to being a property owner, he sits on the Board of the Three Kings HOA and the majority of the owners were not notified. He noted that people on the 14th fairway received notification about the Water Treatment Plan, but the majority were not notified of this subdivision. Planner Morlan stated that it was included in the same notice. Mr. O'Locklin reiterated that a large number of people did not receive notices.

Commissioner Hall asked Planner Morlan about the process for obtaining addresses for the notices. Planner Morlan replied that they come from the County Assessor's Office. Commissioner Hall clarified that if people receive their tax notice they should also receive notices from the Planning Department. Planner Morlan answered yes.

Commissioner Kenworthy asked when the notices were sent. Planner Morlan stated that the standard in the Code requires a 14-day courtesy notice. On this one it took a

little extra time to fill the envelopes. She estimated that notices were sent 15-16 days prior.

Commissioner Suesser asked if Planner Morlan had received feedback. Planner Morlan stated that people had a lot of questions. All the comments were included in the Staff report.

Chair Phillips closed the public hearing.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for the Park City Back Nine subdivision, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Park City Back Nine Subdivision

- 1. The site is located at 1884 Three Kings Drive.
- 2. The site is located in the Recreation and Open Space (ROS) zoning district.
- 3. There is a concurrent application for an MPD-CUP for a water treatment facility which is an essential municipal public utility use.
- 4. An exception to the Building Height up to 45 feet from Existing Grade is requested as a part of the MPD.
- 5. The existing Spiro water treatment plant needs to be replaced in order for water treatment related to the Spiro Tunnel to comply with state regulations.
- 6. The proposed site is 67.89 acres in size.
- 7. The proposed site is owned entirely by Park City Municipal Corporation and used as the Park City Golf Course and a water treatment facility.
- 8. The proposed subdivision creates 1 lot of record.
- 9. A legal lot of record is required for construction of a new water treatment plant on a portion of the existing site where the current Spiro facility exists.
- 10.On August 16, 2018, the City received a complete application for the Park City Back Nine Subdivision.
- 11.On July 16, 2018, the applicant held a public Open House for the Three Kings Water Treatment Plant and for the golf maintenance facility at this location.
- 12.A concurrent application for a Master Planned Development and Conditional Use Permit has been submitted for the reconstruction of the existing water treatment plant on this lot (see PL-18-3941).
- 13. No portion of this plat is within the Park City Soils Ordinance boundary.
- 14. The use of the property will remain the same.

- 15. The property is accessed from Three Kings Drive in the immediate vicinity of the existing Spiro facility with a secondary emergency access proposed to the north of the new 3Kings facility.
- 16. The subdivision plat complies with the Land Management Code regarding final subdivision plats.
- 17.General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
- 18. The property within proximity of the existing and proposed water treatment plant is not within a flood zone. Areas surrounding the two ponds are located within FEMA flood zone A.
- 19.Utilities will be routed within the access road, along and across the PCGC fairways, within and parallel to Three Kings Drive, and within Silver Star Drive. 20.The City will enter into the necessary service agreements with the Snyderville Basin Water Reclamation District (SBWRD) in order to secure adequate sanitary sewer service for the Project.
- 21. The proposed buildings will connect to the existing sanitary lateral that extends east to the Park City Hotel Cottages.
- 22. The source of electric power for the Project will be Rocky Mountain Power's existing underground electrical distribution system located within Three Kings Drive street rights-of-way or utility easements.
- 23. Communications for internet and phone will be provided by City owned fiber optic lines that are located at the eastern limits of the Project site.
- 24. The source of natural gas for the Project will be Dominion Energy's existing underground gas distribution system located within Three Kings Drive street rights-of-way or utility easements.
- 25. Water will be provided to the Project by the Park City Water District.
- 26.A water distribution line, for both potable and fire protection uses, will be routed from an existing water main in the driving range vicinity, south across PCGC Holes No. 10 and No. 11, and continue through the site within the access road to Three Kings Drive where it will connect to the existing water main.
- 27. Green roofs are proposed on structures to the south of the site.
- 28. Energy efficient design for the water treatment process is also proposed in order to meet net zero goals.
- 29. The findings in the Analysis section are incorporated herein.

Conclusions of Law - Park City Back Nine Subdivision

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

Conditions of Approval – Park City Back Nine Subdivision

- 1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
- 3. Fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
- 4. Conditions of approval of the 3Kings Water Treatment Plant Master Planned Development and Conditional Use Permit shall apply and shall be noted on the plat.
- 5. All required public utility, access, drainage, and snow storage easements shall be dedicated on the plat prior to recordation.
- 7. 1884 Three Kings Drive This application is a request for a Master Planned Development (MPD) and a Conditional Use Permit (CUP) to allow a new water treatment plant to replace the existing City owned and operated Spiro water treatment facility on the premises of the Park City Golf Course. (Application PL-18-03941)

Planner Morlan reported that the City was requesting a conditional use permit and master planned development application for a new water treatment plant for a public facility that is greater than 600 square feet. Master Planned Developments are required for projects exceeding 10,000 square feet.

Planner Morlan stated that the City needs to replace the Spiro Water Treatment Plan to be in compliance with State requirements for water treatment. This site would be for water treatment from the Spiro Tunnel, the Judge Tunnel, the Thiriot Spring on site.

The project is proposed in three phases. The first phase of construction will be the demolition of the existing Spiro building. The second phase is the construction of the new Three Kings water treatment plant. The third phase are site improvements and infrastructure related to the facility, such as piping improvements. Water lines and other utilities need to be upgraded to work with the new facility. Planner Morlan stated that each phase will require a separate building permit application and a separate construction mitigation plan. Each phase will have its own approval process. Planner Morlan noted that the proposed construction mitigation plan in draft form was included on page 399 of the Staff report.

Planner Morlan stated that the proposed application meets MPD and CUP criteria. The applicant was requesting exceptions for height and parking, which are allowed if approved by the Planning Commission. The applicant was requesting up to 45' in height for Buildings A and B. Additional height is allowed by the MPD process based on certain criteria. The applicant had addressed the criteria in their letter that was included in the Staff report.

Planner Morlan stated that the purpose of this request is to limit the footprint and the impact on the golf course. Some of the administrative offices will be above the water treatment facility in order to reduce the size of the facility and the footprint. Landscape buffers are proposed, including berms and a green roof on some of the southern buildings. The design reflects architecture from the surrounding subdivision. Planner Morlan thought it was important to note that brown water is present; therefore, excavation and digging the building into the site is not possible for this location. The site currently experiences seasonal flooding and the existing facility floods every spring. The proposed buildings were sized to meet State requirements. Planner Morlan explained that the new water treatment process requires different technology in a different size than what currently exists. Planner Morlan reiterated that the applicant was requesting a height exception up to 45'.

Planner Morlan reported that the applicant was requesting a parking reduction. Currently, 35 spaces are provided. With the parking easement the City has with Silver Star, 20 of the 30 spaces are assigned to this site. The applicant was proposing 15 on-site parking spaces as well. Planner Morlan stated that based on the required parking standards in Section 15-3 of the LMC, 59 spaces would be required based on the square footage of the site. The standard requires two spaces per three employees, or one per 1,000 square feet of floor area; whichever is greater. Based on 14 employees in the peak season and 58,305 square feet of floor area, 59 spaces is the higher number.

Planner Morlan stated that the Planning Commission could choose to increase or decrease parking requirements based on occupancy, comparisons with other similar

projects, or plans to encourage alternative modes of transportation. She thought it was important to note that the number of employees would be reduced from 56 current employees down to 14 employees, which meets the first criteria. She noted that when the City did the Quinn's facility water treatment plant project, they reduced the parking requirements by calculating the administrative as office space; which requires 3 spaces per 1,000 square feet of floor area. The Three Kings site will have 6,500 square feet of administrative space. That would amount to 21 spaces if the Planning Commission agrees to reduce the parking using a calculation similar to what was done at Quinn's.

Planner Morlan commented on the plans to encourage alternative modes of transportation, and noted that this facility is located on a public bus route.

The Staff recommended approval, including the height and parking exceptions, as conditioned. The proposed construction mitigation plan uses best management practices and mitigation, addressing issues such as the scope and timing of construction of delivery, hours of operation, meets the standards of the ROS zone, and is a required public facility.

Roger McClain, with Public Utilities, stated that the applicant was prepared with a short presentation to help the Commissioners better understand the project and some of the reasons for the building heights and building massing, as well as the architectural approach.

Mr. McClain explained that the project is the result of the Clean Water Act requirements, which the City is currently in the process of negotiating. A stipulated compliance order requires treating all the water from the Judge and Spiro tunnels. For over a year the City has been in negotiations on reduction of the requirements in terms of how much water is being treated. The process was not yet finalized, but they reached initial understandings that would reduce the treatment plant to the size proposed. The building would be significantly smaller than what would be required to treat all the water, because a building that size would not fit on the site.

Mr. McClain stated that they have been working on the location for the past year and it is a result of sizing and location. It is the head of the East Canyon Creek and the water zone. In terms of delivering water back up to the site, energy constraints and considerations, and location of the plant, this site was selected as the best site to reconstruct the existing treatment plant.

Mr. McClain stated that they worked extensively to mitigate the impacts with the golf course. They have worked with the golf manager and his staff for several months on siting of the plant and making it fit under the constraints of playability and aesthetics.

Paul Swaim, the project manager from Jacobs Engineering, noted that the Planning Commission had visited the site prior to the meeting. He reviewed a site plan to orient the Commissioners and the public to the proximity of the golf course, the golf maintenance buildings, and the Three Kings Water Treatment Plant.

Mr. Swaim noted that the blue shaded buildings were the water treatment plant building. He indicated power generation equipment that would take advantage of sustainable energy. The flow proceeds through the plant and cascades down to the disinfection and pumping building at the end. On the south side were a number of ancillary buildings that support the process requirements of the treatment facility. Mr. Swaim stated that the design approach was the outcome of a multi-faceted planning and site optimization effort. There were five primary drivers of the size and treatment approach. Mr. Swaim commented on a number of environmental approaches that needed to be considered, including net zero per City requirements. From the water treatment plant side, they focused in on operations and maintenance. The water quality requirements of the Clean Water Act were drivers for the overall treatment approach. The last consideration was risk and making sure the facility could run round-the-clock reliably. Mr. Swaim remarked that those were the factors that went into the sizing and treatment process selection, and how this site plan comes together.

Mr. Swaim stated that each building has brain power behind it, and a number of decisions were arrived at in an effort to reduce the footprint of the facility, loading rates for process facilities, and stacking facilities with basins below and equipment above. Some of the individual processes selected makes the facility smaller. They oriented vessels vertically to take up less footprint. A mechanical de-watering process was also done as a better option than putting solids in large basins.

Mr. Swaim remarked that the State criteria from the Department of Drinking Water governed the contact time and loading rates behind their design. A plant design flow rate drives the sizing of 7.2 million gallons per day of treatment. They need to meet building codes on clearance, meet fire code for the certified chemicals that are stored and fed into the drinking water. They have to be able to reach equipment to operate and maintain the facility. They also had to consider reliability for the 24/7 operation.

Mr. Swaim showed a plant that was 30% smaller than the proposed plant overlaid on the same footprint. It was a plant where land was not as constrained around the facility. He considered it to be a more normal water treatment plant layout and the type of site required for this type of plant. He compared that to how they had compacted the proposed facility in a campus type layout to fit everything into a tighter space.

Justin, with Jacobs Engineering, reviewed some of the process facilities on the site. The first was the chemical building located on the west side of the site nearest Three Kings Drive. A 3D isometric of the building showed some of the contents of the building and the processes within the facility. In order to reduce the footprint and height of the building, they explored recessing the chemical tanks below grade up to 14' to help reduce the building height. They also assumed that tank repair would be done in place. Justin remarked that the building height was driven by the ability to be able to remove one of the tanks from the building if it ever becomes necessary to remove a tank or install a new tank. Justin indicated the different chemical systems with the tanks, stairs leading into the areas, and the supporting equipment.

Justin commented on the flocculation and sanitation process, which is one of the first steps of the treatment process. That facility is located on the northern side of the site, but more centrally located. He pointed to a 3D isometric showing some of the contents of the facility. He stated that some of the ideas they explored for reducing the footprint and height of this facility was to implement a high rate settling process. It helps reduce the footprint that is needed to achieve the proper removal of particles. Just pointed out that the height was driven by the deepest portion of this structure that needs to be above the water table. Therefore, the maximum amount they could sink into the ground was based on the water table.

Justin referred to a different process called the backwash waste and equalization basin, which is centrally located on the site on the northern side. Using the 3D isometric he pointed to a backwash waste equalization basin underneath the main process area. The entire water holding basin is buried, which helped reduce the footprint. The height of the building above grade is driven by the ability to get on top of the clarifiers for maintenance.

Justin moved further down east on the site to the filters building. Vertical filters were selected as opposed to a horizontal configuration primarily to reduce the footprint. Tank repair could be done in place. The main driver for the building height is the clearance above these vessels to both load and remove media during media changes. Media needs to be changed out within these vessels on a periodic basis. There also needs to be access for maintenance staff to get on top of these vessels to maintain certain pieces of mechanical equipment.

Justin stated that the last process in this portion of the presentation was the watering building, which was located further on the east end of the site. The dewatering building utilizes mechanical dewatering, which helps reduce the footprint as opposed to other passive dewatering systems. The dewatering technology is called filter presses and they were sized to allow for 24/7 operation during high solids loading events. If they did

not allow for 24/7 operation, the facility would have been larger in order to spread it out over shifts. Justin remarked that the height for this facility was driven by the ability to get a solids hauling truck underneath this equipment. As solids are pressed and squeezed out they will drop into the trucks.

Dave Kaselak with Zehren Architects, stated that during each phase of design they focused on a handful of design tenets to make sure this building would fit as comfortably as possible on the site. They ensured that the building respected the planning setbacks, as well as the spring in this location. The building was shifted to the east, which helped to eliminate an imposing presence on Three Kings Drive near the residences. They also made sure that the western portion of the building maintained a residential scale to be respectful of Silver Star Lodge and other residences across the street. They also introduced a mining heritage to the architectural character to work with Park City's rich mining era.

Mr. Kaselak presented an image showing how the massing was broken up horizontally. Subsequent images showed how the massing was also broken up vertically. He pointed out how the façade and the roof ridges were interrupted to avoid long continuous ridges and eves on the site. Mr. Kaselak stated that the design created a campus layout for the facility. Rather than two or three large buildings there are multiple facilities, and all of those facilities are further broken up. Mr. Kaselak explained how they minimized the visual impacts by introducing green roofs and an interesting roofscape. When this campus is seen from Silver Star and other points above, people will see something interesting instead of a large expanse of flat roof. They also bermed along the edges to soften the transition between the campus and the golf course.

Mr. Kaselak stated that they were respectful of the golf course and actually tried to improve the quality of play. He pointed to a new water feature on the southwest corner, which was part of the project. Some of the processes were turned into interesting pieces of architecture that will be seen from the golf course. Mr. Kaselak noted that the entire perimeter of the campus was jogged so at no point will someone be confronted with a large, unbroken building wall. Mr. Kaselak commented on landscape to screen the facility. They were trying to complement the existing vegetation and the transition with the golf course.

Mr. Kaselak presented a series of images showing the details of the six tenets he had mentioned.

Mr. McClain commented on parking on site. He stated that the change in function on the site results in significant reduction of the parking needs. They looked at parking from the standpoint of treatment operations and administration, which are the two main

uses for the site. The City currently has an agreement with Silver Star for 30 spaces on the upper parking lot. Ten of those spaces will be assigned to the golf maintenance facility. The remaining 20 spaces would be for administration and the treatment operations personnel. On-site parking would be for City vehicles and maintenance operation related to the treatment. Parking for water distribution, parks, and golf would all be located on the site. Most of the parking would be destination type activity such as administration and treatment since those are longer shifts. Limited visitor parking was added to accommodate occasional vendors or consultants. Mr. McClain pointed out that car sharing and the bus route would help the parking situation. He believed they were more than adequately parked for the site and the activity.

Commissioner Sletten referred to the water feature that was presented on the renderings. He asked if that feature captures the water from the spring. Mr. McClain stated that there is water from the Spiro Tunnel that bypasses the plant, as well as overflow from the Thiriot Spring. That water will be routed through the water feature waterfall. Commissioner Sletten wanted to know the plan to mitigate the impact of the spring so there would not be continued flooding on the relocated buildings. Mr. McClain explained that they raised the floor elevation of the existing building and set the building back from the spring. They also raised the footprint by 5 feet. Any drainage from the spring would go underneath the roadway and the improved drainage area, out through the water feature area, and down to the golf course pond. To address past flooding issues on the golf course, culverts will be improved across the golf course to mitigate those impacts.

Commissioner Kenworthy recalled that Mr. McClain had mentioned diverting some of the Spiro Tunnel water for the water feature. Mr. McClain stated that the plan is for water that does not come into the treatment plant for treatment would carry through that area and out and down through the water feature area and to the golf course pond. Commissioner Kenworthy asked about the volume. He understood that the building was designed to treat 7.2 million gallons per day. He asked for the million gallon per day number that would come from the full Spiro, with the additional water from the Judge.

Clint McAffee, Public Utilities Director, stated that the volume varies seasonally. It varies with the snowpack, number of dry years, number of wet years. The maximum amount recorded for the Judge and Spiro combined was 10,000 gallons per minutes at 14-1/2 mgd. Commissioner Kenworthy pointed out that they were now proposing a building that would do 7.2 million gallons. He asked if the contract had been negotiated. Mr. McAffee explained that in 2014 they were issued discharge permits for the Judge and Spiro. Along with those permits they were issued a stipulated compliance order. The State recognized the extreme financial burden and the

complexity of this project, and allowed the City to treat both the Judge and Spiro tunnel up to the year 2033. Mr. McAffee stated that as a team they developed conceptual design and cost estimates. There was "stick shock" once they understood how much it would cost and how it would impact the golf course. He remarked that the City has a great relationship with the Division of Water Quality. In May 2017 they told the Division that they could not afford it because Park City is a small community and they believed there was a better approach.

Mr. McAffee reported that they have been working for over a year on an amended compliance order that would require a full treatment of the Judge Tunnel, which is the smaller of the two sources; as well as a phased approach to treating the Spiro Tunnel. Mr. McAffee remarked that areas of the Spiro Tunnel can be isolated with higher metals concentrations that could be collected, piped out, and treated at the Tunnel. Based on a combination of relieving the financial burden and the data showing how they could restructure the standards through a different treatment approach, the State began working on an amended stipulated compliance order. The order was not yet finalized but it was in the final stages. He anticipated taking the agreement to the City Council on November 8th for authorization to execute the agreement. The Division of Water Quality is required to put it out for public comment for 30 days. After the comment period the agreement will be signed. Mr. McAffee noted that the State had issues a comfort letter from the Director of the Department. It is not binding but it signals a strong intent that the State only expect Park City to build a 3,000 gallon per minute treatment plant before 2033. The amended stipulated compliance is set up such that after 2033 they will look at all the performance data and if additional treatment is required, they would develop another compliance period. Mr. McAffee stated that in addition to building up extra capacity, they allowed for expansion space if needed in the future.

Commissioner Kenworthy asked Mr. McAffee if he was optimistic that the compromise would be met. Mr. McAffee replied that he was very optimistic. Commissioner Kenworthy wanted to know what happens to the extra water in a big snow year. Mr. McAffee stated that physically the water bypasses the plant and continues downstream. From the water feature it goes down through the golf course. In the summer, the municipal golf course irrigates the back nine with that water. In the winter, Vail Resorts diverts 100% of the water to use in snowmaking. It provides water to McCloud Creek and it continues down to East Canyon and eventually the Weber River. Water that is not diverted and flows untreated out of the Spiro Tunnel to the north irrigates the City's front nine holes. Water is provided to the Park Meadows Country Club through that ditch. They also provide water to downstream irrigators in Silver Creek. Mr. McAffee stated that sometimes there is so much water that it fills East Canyon Reservoir and Echo Reservoir.

Commissioner Kenworthy asked what would happen if they could not come to an agreement with the State. City Attorney Harrington preferred to keep the discussion away from the compliance agreement; with the exception of how it drives the timeframe. The terms of the agreement were not a basis for Planning Commission review or reflected in the Findings. Mr. Harrington stated that in anticipation of the agreement, the City would need a Plan B. However, there is an agreement that contemplates the first phase for treating the Judge as soon as possible. The City Council would have to decide whether to proceed with the agreement or amend immediately to a different strategy. Mr. Harrington emphasized that the design criteria were the basis of the CUP and the MPD.

Commissioner Kenworthy asked if it the agreement was not pertinent even if it requires changing the scale of the building or making other changes. Mr. Harrington stated that the Planning Commission would address those issues if that were to occur.

Vice-Chair Phillips wanted to know how long the new building was designed to last. He understood the old building they were abandoning was 35 years old. Mr. McClain stated that the interior equipment replacement has a shorter life span and they are designed to be replaced. The exterior building is designed as a 30-50 year building with maintenance. The ability to replace interior tanks and other equipment was built into the overall design and scale of the project.

Commissioner Suesser asked if the adsorber building was the tallest building. Mr. McClain answered yes. Planner Morlan stated that it was 44.5 feet. Mr. McClain stated that the numbers provided for the exception were based on the LMC and the existing elevations. Using the scale, they tried to mitigate some of the exposed faces so that the building is different from the exact roof over existing elevations. There is variation and it is actually a lesser number. Commissioner Suesser understood that the building would be set back a little further than the current building. Mr. McClain replied that she was correct. He explained that the design reflects the fact that the floor elevation was raised, and the roof elevations were based on the adjusted grade.

Commissioner Suesser asked Mr. McClain to explain the path around the north side of the campus. She understood there was a current cart path. She asked if the path shown in gray would replace the existing path. Mr. McClain answered yes. It is the new cart path where they locate the T-boxes. He indicated how the footprint extends to the north more than with the existing buildings. They worked extensively to look at relocating the T-boxes and offsetting the buffer with the cart path. Commissioner Suesser asked if there was access to the floc sed building and the rapid mix building from that side of the building. Mr. McClain stated that those would be occasional

maintenance. They are not daily access points. Commissioner Suesser asked if there would be fencing around the north side. Mr. McClain stated that it has been discussed in terms of site security. With the campus style there are limited areas that allow access. The spring requires fencing to meet the Division of Drinking Water requirements, and they were looking at a six-foot metal fence that would be in between buildings. It will be a residential style fence primarily to restrict access to people just walking through. The fence would be from the buildings around the spring area and between the buildings. The entrance area has a gate. He noted that the Quinn's Junction plant only has a gate. There is no other fencing. The gate restricts people from driving in.

Commissioner Suesser ask if signage would be visible to the public. Mr. McClain replied that there is signage stating that it is a secured facility.

Commissioner Hall commented on the proximity of the cart path and asked if the landscape plan has evergreen trees or other vegetation to obscure and protect the building against the golfers. Commissioner Hall could see small plants but nothing larger to conceal the building. David Kaselak stated that the larger landscaping was introduced where possible. The dilemma was that putting larger trees on the north side decreased the size of the fairway. They were trying to strike a balance between residential scale landscaping and offering large trees where they can, without trying to screen the facility with blue spruce or other trees that take up horizontal space. He pointed out that the entire north edge is landscape, but not all the landscaping is tall enough to screen the building. He pointed out that the building was designed to be aesthetically pleasing so it would not have to be screened from visibility.

Vice-Chair Phillips asked to see an isometric of the north side. He asked if the glass was designed to take a hit from a golf ball. Mr. Kaselak stated that the vertical glass would be designed to take hits from golf balls.

Commissioner Suesser asked about a specific space and asked for its purpose. Mr. McClain replied that it was an area reserved for a future basin.

Mr. Kaselak noted that not all the proposed landscaping on the northern edge was shown because they wanted the Commissioners to see the architecture.

Commissioner Hall favored having substantially large evergreen trees to conceal the building.

Commissioner Sletten thought they had already constrained the T-boxes significantly. Vice-Chair Phillips pointed out that there were some evergreens that would grow large.

He believed that a few evergreens with residential scale landscaping in between would be sufficient. He personally thought the buildings were aesthetically pleasing to look at. Commissioner Hall agreed that the buildings were pretty as pictured from the golf course.

Commissioner Suesser asked about the size of the current administration space. Clint McAffee stated that they were spread out all over. He remarked that the current admin space houses the water distribution group in the circular building. He indicated another admin space where the building maintenance staff and parks maintenance staff are housed. He explained that water distribution was going to the Quinn's Water Treatment Plant; Parks Department was going to Iron Horse; Golf Maintenance was going to their building; and Building Maintenance was going to Iron Horse. Mr. McAffee stated that the admin staff that is currently located at Iron Horse will be moving out of Iron Horse into the new facility to make room for transit growth and other growth at Iron Horse. The water treatment staff will be doubled. Mr. McAffee explained that the admin space was added into the project later. A public utilities facility near Quinn's Junction was planned, but due to a number of issues that project was delayed. Because they needed additional admin space in the project, they used existing footprint and took a logical outline of what they could add a second story on to. It added a second story above rapid mix without adding horizontal space.

Commissioner Hall asked for the expected total of admin staff on a regular day. Mr. McClain believed the admin staff was in the 16-18 range; including the reception and building staff for water. The treatment staff is variable because they all work on shifts.

Commissioner Suesser asked if the expectation of the admin space exclusively for the water treatment plant employees. Mr. McAffee stated that it would also be used by the Water Department. Commissioner Suesser asked if it would be office space and conference rooms. Mr. McAffee replied that there would be five or six offices, some cubes, a conference room, a lunch room, copy room, and storage room. Mr. McClain noted that space was included in the footprint as a gathering space for water tours when schools and other community groups come to tour the facility.

Commissioner Suesser was concerned with the size and thought the building should be smaller. She did not believe it was as small as it could be. Commissioner Hall agreed. Commissioner Suesser thought they were maximizing the size by adding the second story and putting in 10,000 square feet of admin space. She understood that there were reasons for it and that they were planning for growth. Mr. McAffee stated that there was not a lot of space for growth. He pointed out that the current water treatment staff is capable of running Quinn's Water Treatment plant and a couple of well facilities. This project will add the need to double that staff and accommodate office space. Mr.

McAffee clarified that they were not planning for significant growth. They were only putting additional staff into this space.

Commissioner Hall commented on the conference room and the parking. She asked if they envisioned that City Staff would utilize this facility for large meetings that require more parking. Mr. McAffee recalled that the conference room would accommodate 15 people. Currently, if they have a meeting with 6 or 8 people they need to leave the office and meet at the Library. A 10 or 15 person would accommodate the Water Department. Considering the parking reduction, Commissioner Hall asked if school buses would drop off school tours, if visitors would be required to take the bus. She pointed out that people could not park at Silver Star. Mr. McAffee felt the parking would be sufficient because they were not making accommodations for a large amount of visitors. Visitors would have to arrange transportation and shuttle in on a van or bus. It is similar to how Quinn's Treatment Plant is operated. Mr. McAffee noted that tours or visitors are not frequent, but it is important to offer that ability. They spend a lot of the water users' money and they want to make it available if people are interested in the facility.

Commissioner Suesser asked if the parking set aside in Silver Star is currently used by employees at the current facility. Mr. McAffee answered yes. They have a year-round easement for 30 spaces. He stated that they recently met with Silver Star to discuss the parking, and Silver Star supported their continued use of the parking spaces.

Commissioner Kenworthy asked how many spaces they occupy at night. Mr. McAffee replied that currently there was no need to park on the Silver Star site at night. He did not expect that to change with the new facility. Mr. McClain agreed. Any functions from operators or anyone coming in for an on-call scenario would park on site. The facility will run 24/7 but there will be minimal staff on weekends and they will park on-site.

Commissioner Hall asked if the 30 extra parking spaces would be marked to allow people to use the parking spaces on weekends or in the evenings. Mr. McAffee stated that currently they were not marked at all. Parks, Golf, Building Maintenance, and the Water staff all come about 7:00 a.m. By the time they leave, the trail users and other people use the parking for different reasons.

Planner Morlan noted that the Engineering Department requested a condition of approval on this CUP, as well as the Golf Maintenance Facility CUP, requiring these spaces to be striped and marked for this use.

Commissioner Kenworthy asked what they considered minimal staff at night and on weekends. Mr. McAffee stated that it would be less than five; but most likely only one or two.

Mr. McClain stated that the construction mitigation plan, which was included in the Staff report, addresses restricted and reduced times during construction for delivering materials. Because this is in a neighborhood, the hours for delivery would be reduced. They would shuttle in construction personnel to avoid workers parking on the right-of-way or at Silver Star. Other restrictions were also imposed on this construction project as outlined in the construction mitigation plan; with the understanding that each of the pieces of the project would enhance the newly developed construction schedules, construction mitigation, and follow the over-arching site specific issues. Mr. McClain noted that access would come back with its own construction mitigation. Any off-site water lines would go through the engineering process and have its own construction mitigation plan.

Mr. McClain pointed out that the Planning Department has always dealt with large projects, but none where they had to protect golfers from construction or construction from golfer. For that reason, they were looking at golf netting fencing strategically placed during times of construction that would be included in the construction mitigation plan. Mr. McClain stated that since that was not typical, he wanted the Planning Commission to be aware that those types of measures will be brought forward as they develop schedules for construction; and reviewed through the building permit process.

Commissioner Suesser asked about the approximate timeframe for general construction. Mr. McClain anticipated that demolition would begin late next year; possibly in October at the earliest. Contracts would extend into the first part of 2023. Mr. McClain stated that the intent is to be operational in 2022 and beginning to treat water. They would begin to operate and merge construction activities with the way the plant needs to operate.

For the public hearing, Vice-Chair Phillips requested that the public ask their questions but avoid back and forth dialogue. The Staff and Commissioners would address the public comments after the public hearing.

Vice-Chair Phillips opened the public hearing.

Julie Breslin, a resident at 1395 Three Kings, next door to the Silver Star development. Ms. Breslin remarked that at first they had a lot of trepidation about this project, however, they have learned a lot over the past few months and a number of the issues were addressed. She thanked everyone for helping them to understand the process.

She had sent a number of emails that she assumed the Commissioners had received and read. Ms. Breslin asked if they could show the site parking plan. She asked if the upper golf cart path was adjacent to the road where they were looking at hard surface. She understood that hard surface means no green belt between the cart path. That means when golf balls go into her yard the golfers will drive off the cart path onto the street and over to her yard. She asked if there was some way to obstruct the golf carts from leaving the golf cart path to keep the golf carts off the road. Ms. Breslin understood that the lower path was the sidewalk. She noted that there are already sidewalks on the Silver Star side of the street. She pointed out that it was the only sidewalk on all of Three Kings and to have two in the same section would be redundant. She thought it would be nicer and more visually appealing to have landscaping rather than another hard surface.

Ms. Breslin asked if she needed to state on the record the items highlighted in her emails. Director Erickson assured Ms. Breslin that her emails, as well as the email from Jack Breslin regarding the pipe and mitigation strategies, were already included in the record.

Stan Rodman, a resident in the Three Kings Condominium commented on the mitigation of vehicular traffic during four years of construction. He stated that during the ski season the traffic at the Empire and Silver King corner that leads down to Three Kings Drive is backed up significantly during the morning and afternoon hours. During the summer, the traffic backs up anytime there is an event. Therefore, the best way to reach the Three Kings Condominium is to come up Empire with a left turn onto Three Kings Drive, which goes right past the water treatment plant. Mr. Rodman wanted to know how that would be impacted by four years of construction traffic, and whether that had been addressed. Mr. Rodman pointed out that if a vehicle is stopped on Three Kings Drive it becomes a one-way street and people trying to get back and forth sometimes drive up on the grass to get around. The situation becomes worse as Vail sells more Epic passes.

Frank Jenger, stated that he lives at 1 Kings Court, which is 200 feet from the front door of the treatment plant. Mr. Jenger understood that these were special unit processes in terms of being compressed. He asked if these have ever been put together in tandem before, and whether the process has a history of success. Mr. Jenger stated that the point of any treatment is to detract the heavy metals. The usual question is where do the metals go, and based on the picture shown, they go in the sludge. Mr. Jenger wanted to know where the sludge goes. If it is spread out in a field, it rains back into the water when it rains. Mr. Jenger understood that occasionally there is bypass water that is used for snowmaking or irrigation. He remarked that the snow melts and the deer and elk eat the grass from the irrigation. When people bike in locations where

there is irrigation and the dust comes up, the heavy metals are inhaled in the dust. If a hunter shoots a deer that has been feeding off the grass and eats the meat, the heavy metals are ingested. Mr. Jenger stated that the point of treatment is to concentrate and isolate, and he believed the antithesis was happening.

Josephine Jenger had concerns with the height of the building because they live very close to them. She could understand the need for a two-story building if there were 50 to 75 employees. However, originally they said that 14 employees would be at the water treatment plant. Suddenly, the number has increased to 40 or 50 employees. Based on the presentation this evening, there would be 10,000 square feet of administrative space. Ms. Jenger noted that it was the size of a 10,000 square foot homes, which is very huge. She thought the number of administration staff was still unclear, but the size was excessive. Ms. Jenger could appreciate the need for that much space if they intend to have 60 people; but if there is only 14 to 20 people, they do not need a 10,000 square foot building. They could keep the building to one story with offices and a conference room. Ms. Jenger stated that as a resident living on Three Kings Drive, she hoped the Planning Commission would require that all construction vehicles come from the PCMR area and not up Thaynes Canyon Drive.

Jeff Ward stated that he owns the Café at Silver Star, as well as the condo that houses the café. He is also a member of the HOA Board. Mr. Ward remarked that some of his comments would represent the HOA and others were his personal comments. Mr. Ward clarified that the agreement of the 30 slots was non-exclusive and they did not support the condition to strip and label the parking spots in an exclusive manner. Mr. Ward requested clarity on the construction mitigation and specific times when construction can begin and end. It is a concern of the HOA. He understood that it would be a shorter duration than allowed by the City Code, but they would like to see it defined. He thought 6:00 a.m. was too early to start and 9:00 p.m. was too late to continue to work.

Mr. Ward stated that on a personal note he felt there was an opportunity missed to try and address parking. He remarked that parking in general is a challenge in this area and he felt like plans automatically moved forward on the basis of having 30 spaces at Silver Star. He thought the applicant could be more creative in trying to create more parking on the specific sites or mandate shuttling employees to free up additional parking at Silver Star. Mr. Ward explained that since the agreement was first defined, there has been the addition of the trail. The reality on the ground is that Silver Star is seeing a lot of trail use impacts and parking beyond what was penciled in in the original agreement. If there is an opportunity to relook at the agreement between Silver Star and the City and to shift or look for a creative approach, this would be the best time to do it considering the four-year construction timeframe and the size of the project.

Vice-Chair Phillips closed the public hearing.

Regarding the sidewalk along Three Kings Drive, Mr. McClain clarified that it was a cart path for golf course operation. He had no objection to adding a green space barrier between that path and the roadway. There is ample room to create the buffer to keep the cart path separate.

Vice-Chair Phillips referred to the Y in the cart path by the T-boxes that then goes out alongside the road. Mr. McClain explained that it is a walking path for the treatment plant employees walking to and from the parking lot. The sidewalk on the west side is 4-feet and it is not maintained in the winter. Commissioner Suesser questioned how the employees would use that path. Mr. McClain explained that they would come down the stairway, cross, and come down the path. On the west side, they could come down the existing 4-feet walkway and cross to the treatment plant.

Commissioner Hall asked if there was an entrance by the micro-hydro building that employees could access. Mr. McClain replied that it is a secondary access and the employees could use it. He noted that the access by the micro-hydro is on the second level of the building. The other access is on the lower level of the building. The lower level would be the ADA access.

Vice-Chair Phillips asked if there would be signage so golf carts do not mistake the path and head in that direction. Mr. McClain replied that the path would be narrower and there would be signs indicating which way to the fairway and to the T-boxes.

Commissioner Hall understood that if someone was handicapped they could park in one of the five spots at facility and access the building through the first floor; and that the other employees would take the most direct route. Mr. McClain answered yes. Commissioner Hall questioned the need for the sidewalk since the employees would probably not use it if they took the most direct route. Vice-Chair Phillips agreed. Commissioner Hall asked if the sidewalk could be removed and replaced with trees. She thought it would be a benefit to the community because it would provide an additional buffer. Commissioner Hall clarified that in general she favors sidewalks and walkability; but in this particular situation trees and landscaping was a better use of the land. Mr. McClain was not opposed to removing that section of the sidewalk.

Vice-Chair Phillips favored Commissioner Hall's suggestion. He thought they could reconfigure and make it one walking path that curls to the building. Commissioner Suesser wanted a green buffer between the path and the road on the northern section as well.

Vice-Chair Phillips commented on the concerns regarding construction traffic. Mr. McClain remarked that in the construction mitigation plan that was submitted they had addressed in detail some of the items with respect to delivery and vehicle traffic and turning movements. Specific requirements do not allow parking and off-loading of equipment and materials on Three Kings Drive. That activity needs to occur on-site, with the exception of long, special members that would prohibit entering the site. It would be outlined in the building permit and requires prior approval by the Chief Building Official. It would occur minimally and be very specific. Mr. McClain stated that they looked at restrictions on delivery and delivery times to mitigate the construction impacts. The times were reduced, and as indicated in the mitigation plan, during the weekdays deliveries can only occur between 9:30 and 3:30. Delivery times were restricted even further on weekends. Also included in the plan were restrictions specific to the peak winter season and skier traffic. Mr. McClain noted that they worked with the Building Department on delivery schedules and materials schedules because there is no staging on-site. Minimal staging on-site would be similar to staging downtown. Due to the significant amount of concrete in the project, concrete deliveries would pull in.

Commissioner Suesser asked why there is no staging on the site. Mr. McClain stated that construction would be on the site. Because there is limited space to work, staging would be limited. Vice-Chair Phillips clarified that materials would be brought in as needed rather than storing material on-site, and the delivery times would be coordinated. Mr. McClain replied that he was correct.

Vice-Chair Phillips asked if there would be a restriction on parking vehicles for construction employees. Mr. McClain stated that employee parking would be off site and remote. The construction employees would be shuttled in. The site is on a bus route, but the buses do not run early enough for the workers. The contractor will look at alternatives for shuttling the employees to the site. Vice-Chair Phillips asked if they would be willing to direct the shuttles through the preferred route that was suggested in public comment. Mr. McClain had no objection. He noted that the construction mitigation plan indications that the primary access would be up Thaynes Canyon Drive and down Three Kings, but they were open to looking at the suggested route. Mr. McClain explained that the Thaynes Canyon route was proposed because it is the most direct route and has the least impact versus going through Park Avenue and Silver King Drive and down to Three Kings Drive.

Commissioner Hall thought these were to issues. The first issue is the day to day workers who need to be bused in because there is no parking on site. Deliveries is the second issue. She had concerns with mandating one route over another because there may be unforeseen issues. Commissioner Sletten concurred. At certain times it would

be difficult to access coming up through the Resort. Commissioner Hall understood the neighbors' concerns, but she felt the on-the-ground contractor would have a better idea of the best path based on the time of day, conditions, etc. She preferred to leave it to the discretion of the contractor.

Commissioner Hall commented on the restriction of 9:30 a.m. to 3:30 p.m. for deliveries. She thought it was better to push through to get the project completed rather than drag it on longer than necessary. She suggested that 8:00 might be a better delivery time.

Commissioner Sletten agreed. He noted that in the winter months during ski season there is a big difference in traffic at 8:00 a.m. versus 9:00 a.m. Mr. McClain suggested being discretionary but possibly having an early morning timeline. Commissioner Hall favored lifting some of the restrictions because each day is different in that area.

Clint McAffee corrected an earlier comment and noted that it is a 30-month construction period for this plan.

Commissioner Suesser asked if it was possible for construction employees to use City transit at the end of the day. Mr. McClain offered to explore that idea with the contractor as a preferred approach. Commissioner Hall was interested in hearing the options the contractor may have for shuttling employees because she is concerned that construction employees would use the 30 parking spaces in Silver Star. Mr. McClain recalled that the construction mitigation plan includes restrictions for contractor parking in the Silver Star lot. It would be for City Staff, City Inspectors, and others who are inspection or administrative related. It could not be contractor parking.

Regarding the compressed building question, Vice-Chair Phillips assumed the applicant was 100% confident that the facility would function properly.

Paul Swaim stated that the backbone of the process is called conventional treatment. He explained how the process separates out and filters the particles. In this case they did a pilot test for 7 months with these facilities and they were monitored around the clock. They investigated some accelerated loading rates that still meet State criteria. The DDW was involved during the pilot period and they reviewed the results and signed off on the loading rates. Mr. Swaim remarked that the adsorption process is unique and it was also tested throughout the pilot. It has also been used at the Alta Treatment Facility for several years. Mr. Swaim was very confident in the treatment process

Vice-Chair Phillips asked if the sludge goes to the landfill. Mr. Swaim answered yes. It goes to the Summit County Landfill, which is the same place where the sludge currently

goes from the Spiro. It is hauled out in the trucks that are parked underneath the building. It is hauled to the landfill on a periodic basis; not daily. Mr. McClain believed the truck would go to and from the County landfill once a week.

Commissioner Sletten assumed the sludge was not toxic if it was going to the regular landfill. Mr. McClain replied that it was not the same processed metals seen in the Soil Ordinance. It has to pass a Toxicity Characteristic Leeching Potential test for disposal at that landfill. Michelle Downard with the Building Department has had conversations with Summit County with respect to disposal at the landfill site. Summit County gave the general nod that disposal could continue from the new facility.

Commissioner Sletten recalled a question during public comment regarding the overflow. Mr. McAffee stated that the Judge was the City's first water source and it has been periodically putting zinc and cadmium metals in the drinking water system untreated from the time it was drilled until 2013. What wasn't used in the drinking water system ran down the creek as it does today. That will be fully treated and the issue will be eliminated. The Spiro was bored back in the early 1900s and has been free discharging up until now. The EPA implemented the Clean Water Act to address these issues. The City was issued permits in 2014 and they needed to come into compliance, which is the purpose of this new water treatment plant. The management strategies will eventually come into compliance with water quality standards. Mr. McAffee stated that he did not have the knowledge to address the risk of someone killing a deer and eating the meat.

Vice-Chair Phillips noted that the next question related to height and size of the building.

Planner Tippe Morlan referred to the building summary on page 366 of the Staff report. She noted that the administrative space was 6504 square feet. She clarified with Public Works that a maximum of 17 employees currently work for both water and treatment staff. That is the maximum number of people who will be in the facility at any one time. Adding three additional employees for growth puts the maximum at 20 employees. Planner Morlan stated that the parking rate for a public facility is 2 spaces per three employees. At 20 employees, the required parking would be 14 spaces or one space per 1,000 sf of floor area. Using the calculations used at the Quinn's Water Treatment Plant, which was to calculate the administrative space as a general office use, three spaces per 1,000 sf of floor area at 6504 square feet, equals 21 spaces required. This applicant was proposing a total of 35 spaces; 15 spaces on site and 20 spaces in the parking agreement with Silver Star.

Commissioner Suesser asked Planner Morlan to clarify why some slides showed 10,000 square feet of Admin Space and other slides show 6,500 square feet. Planner Morlan was unsure where the 10,000 sf. number came from. A representative for the applicant apologized for the discrepancy. He had made the mistake when he added in some of the operation space. Planner Morlan noted that 200 sf of the 6500 square feet is for operations.

Commissioner Hall assumed that due to the ground water and adding the admin buildings a height exception was necessary to avoid sprawl. Her primary reaction when she looked at the building was that it looked massive. She asked if there was any way to make it smaller. Mr. McAffee stated that they had looked at it many times and came up with three options. They could go under the ground water. They could lower the building and go lighter. They could compromise the architectural look and character by going to a bigger footprint, lower height, adding a flat roof. Commissioner Hall questions whether the admin space could be made smaller. Mr. McAffee clarified that the height restriction did not only apply to the admin building. There are four total buildings.

Vice-Chair Phillips understood that the applicant had tried to condense the project as much as possible. However, they were also planning on the potential of running 50% more water at some point in the future. They may have to stretch what they have to facilitate more employees in 15-20 years. Vice-Chair Phillips was concerned about cramping it down to the absolute bare minimum without leaving space to grow.

Commissioner Sletten had spent a lot of time looking at the graphics. He thought the articulation would break up the building, even though it is higher. A flat roof or some other under-performing mitigation creates a box appearance. Commissioner Hall understood his concern because she does not want the Walmart look.

Mr. McAffee noted that they were replacing the existing treatment plant because conditions, regulations, and future plans changed. They were doing everything possible with this building to anticipated any future changes.

Commissioner Kenworthy commented on removal of the sidewalk. He thought it would help immensely if they could take advantage of the landscaping in that area. Commissioner Kenworthy was more concerned with the parking. He referred to the site plan and asked if it was possible to put additional parking in the area next to the pump on the northeast corner of the lot. He noted that they were talking about massive construction over a 30-month period and it is important to be flexible and consider other people in the area who will also be doing construction.

Mr. McClain stated that the golf group identified iconic trees that affect the aesthetic of the golf hole, and they worked around the site layout to protect those trees. He recognized that parking is an important key aspect, but they also need to be respectful of the golf course aspect. Mr. McClain stated that the employee parking on-site for operations takes care of itself. They also made sure the admin parking was preserved.

Commissioner Kenworthy clarified that they were not using the area he had suggested for parking because of the landmark nature of the trees. Mr. McClain replied that he was correct. Commissioner Kenworthy favored saving those trees. However, on the north side of the property the landmark trees were being removed.

Director Erickson stated that the difference is that people were playing away from the building on the north hole, and playing towards the green on the south. The trees on the south are used as distance markers. Director Erickson anticipated a higher parking demand during construction, but they would not lose the full site until the foundation is poured for all the buildings. He expected a phased construction, parking, and layout plan that may change seasonally. Director Erickson stated that they would add a couple of lines in the construction plan about seasonal changes in operation hours and seasonal changes regarding layout. They also have strategies in the plan for licensed special events.

Commissioner Sletten noted that the representative from Silver Star mentioned that the preference was not striping or reserving those 30 spaces. Planner Morlan referred to page 30 of the Staff report, which was the last page of the parking agreement. In her opinion, the agreement identifies the 30 specific parking spaces. Commissioner Sletten understood that the agreement was for 30 spaces. However, they had not requested striping or specific signage. Planner Morlan noted that the spaces are not any 30 spaces in the parking lot. They are 30 specific spaces.

Vice-Chair Phillips understood from the Silver Star representatives that they would prefer to keep the parking as it is now and not striped. He agreed that if it was functioning, there was no reason to change it. Planner Morlan pointed out that the striping was requested by the Engineering Department. She noted that the condition of approval had already been approved for ten spots with the golf maintenance facility.

Mike Thomas, the General Manager at Silver Star, understood that the easement states non-exclusive. City Attorney Harrington disagreed and explained that the parking is exclusive. Silver Star can grant other use rights over it as long as it does not interfere with that particular parking. The parking is only needed during the day so there was no need to label it as City parking. He believed the status quo could continue with the operations because they have not needed all 30 spots. Mr. Harrington wanted it clear

that the 30 stalls is a City parking lot. They will continue to allow others to use it as long as it does not interfere with their operations.

Vice-Chair Phillips was comfortable with that explanation. Commissioner Sletten could see no reason to change it if it was working. Vice-Chair Phillips stated that the plan is to have the parking continue as it has been. He believed the talk of striping it had changed the focus.

Mr. Thomas stated that the 30 parking spaces were not an issue because it is managed daily on a rotation system. He noted that there are underground parking options for some of the commercial spaces on site. It is just a matter of managing. Vice-Chair Phillips thought everyone was on the same page.

Commissioner Sletten referred to an issue raised in the letter from Jack Breslin with respect to the suitability of the current piping. Director Erickson stated that the current piping is very fragile and contains asbestos. They want to make sure that the construction mitigation plan mitigates for that pipe and that there is no damage prior to the replacement when they do the Spiro tunnel. Director Erickson believed that was included in the information that Mr. McClain had submitted. He noted that the construction management plan is extended to the mouth of the Spiro. Director Erickson remarked that the concern is in the record and the Staff will be watching it during the construction mitigation to make sure the pipe is sound during the construction cycle. Director Erickson stated that when Mr. Breslin submitted his original comment, Mr. McClain had not yet submitted the off-site utility plan. It has since been submitted and was available to the public. The construction mitigation plan will be updated to show how the pipeline is phased. It is the source of water for the Spiro and the timing would all work together. Director Erickson assured Commissioner Sletten that there were no concerns at this point.

Mr. McClain clarified that there were no apparent human health issues with the pipe material. It is called an asbestos cement pipe but it does not carry asbestos. It is throughout the system in the City and throughout the United States. It was used during a period of time and it functions.

Commissioner Hall asked if it was feasible to squeeze in one or two extra parking spots on the south side of the sidewalk on Three Kings next to the existing parking spaces. Mr. McClain thought it might be possible to add one or two spaces as long as it does not encroach on the spring protection zone.

Director Erickson stated that the Staff would request a redesign of the front yard setback to see if there is an opportunity to increase parking, reduce the paved surfaces,

and change the circulation system. Rock walls on the other side of the street preclude widening the sidewalk. He suggested adding a condition stating that the west front yard setback will be redesigned to reduce the amount of pathway, maintain adequate pedestrian circulation, and where there is an opportunity for an additional parking space or two. Director Erickson noted that because this is an MPD, the setback of the building was changed from 10' to 25' in order to meet the MPD requirements. However, the Planning Commission has the authority to vary the setbacks back to the zone depth. Director Erickson stated that the Commissioners could work on drafting the condition this evening or they could direct the Staff to draft the condition.

Commissioner Sletten preferred to leave it to the Staff. Director Erickson stated that if the Planning Commission elects to approve the MPD this evening, the Staff would take another look at the landscaping on the north building, they will look at rezoning the prior setback, and take a closer look at how to protect the important trees on the golf course.

Commissioner Hall asked if the parking spots being designated exclusive was in the conditions. City Attorney Harrington replied that they were talking about the existing terms of the existing easement. He did not believe they needed to over-emphasize the exclusive nature. The City's use is primary and they do not have to look for 30 spaces; but others can use the parking as long as it is compatible with their use. Mr. Harrington pointed out that it was subject to change if necessary in the future. He pointed out that coordination is the key and it has worked well so far.

Commissioner Kenworthy referred to the condition on page 360 which states that the parking spaces would be designated. Commissioner Hall noted that it was also addressed in Finding of Fact #30. Mr. Harrington stated that it was up to the Commissioners whether to keep it in or remove it. He was not opposed to removing it. Commissioner Hall preferred to remove the language. Planner Morlan noted that it came from a discussion on the golf maintenance facility a few months ago and she could not recall the actual discussion. Commissioner Suesser clarified that it substantiated where the parking is for this facility.

Director Erickson suggested that they delete Condition #11 as part of the motion. He thought the solution would be to do public information signage rather than regulatory signage stating that the parking is for City use but can be used for trail users and other Silver Star uses when not in use by the City.

Vice-Chair Phillips commended the Staff and the applicants for answering all the questions thoroughly. It was a job well-done.

MOTION: Commissioner Suesser moved to APPROVE the application for a Master Planned Development and a Conditional Use Permit for 1884 Three Kings Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval, with the amendment to eliminate Condition of Approval #11, and with the additional direction to Staff to address the setback from Three Kings Drive and the landscaping around the property on the west side and the north side properties. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – MPD/CUP Three Kings Drive

- 1. The site is located at 1884 Three Kings Drive.
- 2. The site is located in the Recreation and Open Space (ROS) zoning district.
- 3. The proposed facility is to be located between the existing driving range and Hole 10 of the Park City Golf Course.
- 4. A water treatment facility is an essential municipal public utility use, which is classified as a conditional use in the ROS zone if it is greater than 600 square feet.
- 5. The existing Spiro water treatment plant needs to be replaced in order for water treatment related to the Spiro Tunnel to comply with state regulations.
- 6. The Public Works employees housed at this location will be permanently moved to another City office.
- 7. There will be a net decrease in the number of employees working at this location.
- a. The number of employees at this location is decreasing from 56 to 14 during the summer season and from 18 to 10 during the winter.
- 8. The proposed site is 67.89 acres in size.
- 9. There is a concurrent 1-lot subdivision, the Park City Back Nine Subdivision, for this site.
- 10. The proposed project encompasses 8 buildings and all related improvements.
- a. Improvements needed in order to complete this project include the construction of the buildings, structures, associated utilities, golf course pond improvements, and Spiro Tunnel reconstruction that will be constructed in accordance with City approved construction drawings.
- 11. The applicant has indicated that all structures will be constructed concurrently.
- 12.All structures amount to a total of 58,305 square feet of gross floor area with a footprint of 48,530 square feet.
- 13. The proposed structure complies with all setback and LMC requirements, with the exception of Building Height, as outlined in the analysis.
- 14.An exception to the Building Height up to 45 feet from Existing Grade is requested as a part of the MPD.

- 15.On August 16, 2018, the City received a complete Conditional Use Permit application for this water treatment plant.
- 16.On July 16, 2018, the applicant held a public Open House for the Three Kings Water Treatment Plant and for the golf maintenance facility.
- 17. The Thiriot Spring is located at the western extent of the site and is currently used as a municipal drinking water source and for in-stream flow, originally developed in 1974.
- 18. The subject area east of Three Kings Drive is outside the Park City Soils Ordinance boundary.
- 19. The area west of Three Kings Drive where off-site improvements related to the new water treatment plant will occur is located within the Park City Soils Ordinance boundary.
- 20. The existing access to the site from Three Kings Drive will remain.
- 21. Water will be provided to the Project by the Park City Municipal Corporation.
- 22. The City will enter into the necessary service agreements with the Snyderville Basin Water Reclamation District (SBWRD) in order to secure adequate sanitary sewer service for the Project.
- 23. The source of electric power for the Project will be Rocky Mountain Power's existing underground electrical distribution system located within Three Kings Drive street rights-of-way or utility easements.
- 24. Communications for internet and phone will be provided by City owned fiber optic lines that are located at the eastern limits of the Project site.
- 25. The source of natural gas for the Project will be Dominion Energy's existing underground gas distribution system located within Three Kings Drive street rights-of-way or utility easements.
- 26. Construction will occur in three phases: 1) demolition of the existing Spiro facility,
- 2) construction of the new facility, and 3) construction of site improvements and related infrastructure.
- 27. This development will not affect the operations of the golf course including the driving range.
- 28. The project anticipates a construction start in the fall of 2019 with completion in the spring of 2023. Construction activities will be continuous throughout that period.
- 29. The project meets the ROS and MPD Setback requirements of 25 feet from the property line or ROW.
- 30.A portion of the parking for the project is provided at the adjacent Silver Star Subdivision through an existing parking easement granted to Park City Municipal Corporation (Entry No. 00762729).
- a. This agreement allocates 30 spaces to the City, of which 10 are assigned to the golf maintenance facility and 20 are assigned to the Three Kings Water Treatment Plant project.

- 31. Operations vehicle parking is provided on site.
- 32. The proposed site calls for 59 parking spaces under a Public Utility Use.
- 33. The applicant is proposing 35 spaces and has requested a parking reduction from the Planning Commission.
- 34. Green roofs are proposed Buildings A and B.
- 35.All structures must be no higher than 28 feet from Existing Grade. The maximum height above Existing Grade on any of the structures is 45 feet. A height exception is requested as a part of the MPD.
- 36.Staff finds that the requirements for a height exception within an MPD have been met by this proposal
- 37. The height proposed for this, and this project is unique to this location given the proximity to the Spiro Tunnel and Thiriot Spring. Burying the building is not an option with the spring located on site, and staff supports minimizing the impact of the footprint on the property.
- 38. The existing footprint of the site is 54,892 square feet.
- 39. The proposed footprint of the site is 80,760 square feet.
- 40. The MPD process is required since the overall floor area exceeds 10,000 square feet.
- 41. This project does not have residential or commercial space allocated to this property.
- 42. There is no increase in density.
- 43.All proposed structures meet 25 feet MPD Setback requirements.
 - a. The proposed facility is 25 feet from the west property line along Three Kings Drive.
 - b. To the north, the facility is approximately 600 feet from the Hotel Park City property.
 - c. To the south, the facility is approximately 350 feet from the Payday Condominium property.
 - d. To the east, the facility is approximately 200 feet from the Hotel Park City Condominium property.
- 44. The minimum required open space is 60 percent of the site. The applicant has indicated that 94.69 percent of the lot is to remain as open space. With a footprint of 80,760 square feet, the proposed water treatment plant occupies approximately 2.73 percent of the overall site.
- 45. The proposed facility is clustered on the site of the existing Spiro facility to reduce the impact of the new structures on the overall site.
- 46. The current water treatment plant does not provide employee or affordable housing.
- 47. The proposed facility does not trigger a requirement for employee or additional housing since it will not generate an increase in staff.
- 48. The entirety of the Back Nine lot is outside of the Sensitive Lands Overlay Zone.

- 49. The property is outside of the Soils Boundary Ordinance area, with some improvements taking place within the boundary between the Spiro mine and the water treatment plant.
- 50. The building pad is not within a flood zone. Areas surrounding the ponds are located within flood zone A.
- 51.Temporary Trailers and Storage Containers are proposed as a part of this MPD. The Construction Manager will install the basic construction trailers and materials storage containers required for the Project.
- 52. Trailers and containers will be approved by the Building Department, screened or positioned on the site to avoid visual impacts to adjacent properties, and secured without exterior lighting.
- 53. The proposed facility meets the criteria for a Conditional Use Permit found in Section 15-1-10 (E) of the LMC as detailed in the Analysis.

Conclusions of Law - MPD/CUP 1884 Three Kings Drive

- 1. The Application complies with all requirements of this LMC.
- 2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation.
- 3. The effects of any differences in Use or scale have been mitigated through careful planning.
- 4. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
- 5. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein.
- 6. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission.
- 7. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
- 8. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
- 9. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses.
- 10. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities.
- 11. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed. No residential or commercial space is proposed as a part of this project.
- 12. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the

most developable land and least visually obtrusive portions of the Site.

- 13. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
- 14. The MPD has been noticed and public hearing held in accordance with this Code.
- 15. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
- 16. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- 17. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
- 18. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conditions of Approval – MPD/CUP 1884 Three Kings Drive

- 1. All Standard Project Conditions shall apply.
- 2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
 - a. No construction related parking or material storage shall be allowed in the Right-of-Way.
 - b. There shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department.
 - c. The Project requires a MS4 storm water permit for all land disturbance activities for each separate phase of construction, prior to building or City engineering permit issuance.
 - d. The Project requires a Utah Division of Water Quality permit for construction activities associated with improvements to the existing Park City Golf Course ponds.
 - e. No construction access, pedestrian or vehicular, is allowed via the Park City Hotel, Park City Hotel Cottages, or Pay Day Condos property without express written approval by the authorized property representative.
 - f. Construction within and/or access across the Park City Golf Course boundaries shall be approved by the Golf Course Manager, or designee.
- 3. Any improvements within the Soils Boundary Ordinance area must meet the requirements of the ordinance.

- 4. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit (not including the grading permit).

 5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance (not including the grading permit).
- 6. A final landscape plan, including details for the green roofs, shall be submitted for review and approval by the City Planning Department, prior to building permit issuance (not including the grading permit).
- 7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit.
- 8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
- 9. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
- 10. Access to the site must meet fire access requirements including adequate road widths and turnaround areas.
- 11.Six (6) bicycle parking spaces are required according to LMC Section 15-3-9: Bicycle Parking requirements.
- 12.Green roofs and photovoltaic panels shall meet best practices for green roofs in the Intermountain West, in terms of the structural design, substrate base materials (what plants are planted in), the types of plant materials, and the irrigation system as reviewed and approved by the Planning Department before a building permit may be issued.
- 13. Any part of this project that may affect historic sites require a Historic District Design Review.
- 14. This approval will expire on October 24, 2019 if a building permit has not been issued by the building department before the expiration date, unless a written request for an extension is submitted prior to the expiration date and the extension is granted by the Planning Director.
- 15. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission.

The Park City Planning Commission Meeting adjourned at 8:30 p.m.

Approved by Planning Commission:





Planning Commission Staff Report

Subject: 638 Park Avenue (Kimball Garage)

Author: Anya Grahn, Senior Historic District Planner

Project Number: PL-16-03412

Date: November 14, 2018

Type of Item: Administrative – City Council Remand of an appeal of Planning

Commission's Approval of a Conditional Use Permit (CUP) for

a Private Event Facility

Summary Recommendations

Staff is providing notice to the Planning Commission and public that no further action will be taken upon the remand. The applicant is withdrawing the Conditional Use Permit for the Private Event Facility.

Topic

Applicant: CPP Kimball LLC represented by Tony Tyler and Architect

Craig Elliot

Location: Historic Kimball Garage at 638 Park Avenue

Zoning: Historic Recreation Commercial (HRC), Heber Avenue

Subzone

Adjacent Land Use: Residential single-family and multi-family; commercial Reason for review: Appeals of Planning Commission's decisions are reviewed

by the City Council: City Council remanded this CUP back to

the Planning Commission on March 30, 2017.

Summary of Proposal

The applicant is withdrawing the Conditional Use Permit (CUP) for the Private Event Facility in order to pursue other permitted Allowed Use options in the zone for the interior use of the building only. The applicant will continue to work with Planning Staff on potential mitigation measures for future use of the exterior rooftop terrace space in advance of applying either through individual Special Event Licenses or an Administrative Conditional Use Permit (Admin-CUP). This is the same permitting for existing outdoor uses at the Town Lift. Both of these processes have their own noticing requirements and appeal process.

Planning Commission Staff Report



Subject: Residences at the Tower – Lodge

Building #1 and addition to the Tower Club

Author: Kirsten Whetstone, MS, AICP - Senior Planner

Date: November 14, 2018

Type of Item: Administrative – Conditional Use Permit (CUP) for a multi-unit

residential building and addition to the private Tower Club at

Empire Pass

| Project Number: | PL-18-03984 |
|---------------------|--|
| Applicant: | Storied Deer Valley, LLC- Rich Wagner |
| Location: | 8680 Empire Club Drive |
| Zoning: | Residential Development (RD) as part of the Flagstaff Annexation and Master Planned Development (MPD) and the Village at Empire Pass MPD (VEP MPD) |
| Adjacent Land Uses: | Deer Valley Resort, condominiums, townhouses, vacant development parcels of the Village at Empire Pass Pod A and open space |
| Reason for Review: | Conditional Use Permits (CUPs) require a public hearing and final approval by the Planning Commission. |

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and consider approving the request for a Conditional Use Permit (CUP) for a multi-unit residential building, police substation and an expansion of the private Empire Club building located at 8680 Empire Club Drive pursuant to findings of fact, conclusions of law, and conditions of approval provided herein for the Commission's consideration.

Proposal

This is a request for approval of the Residences at the Tower Conditional Use Permit for 14 multi-family residential units (42,453 sf) utilizing 21.227 unit equivalents (UE), one ADA unit (737 sf) and one 737 sf deed restricted employee housing unit (EHU), a 509 sf police substation, and an expansion of the private Talisker Club located at 8680 Empire Club Drive. The property is located within the Residential Development (RD) zoning district on a 1.53 acre lot, Lot 9 of the First Amended Village at Empire Pass Phase 1 Subdivision and is known as Building #1 of the Village at Empire Pass Master Planned Development (VEP MPD), approved by the Planning Commission on July 28, 2004, (Exhibit J link to VEP MPD approval).

The building is currently known as the Talisker Club. The approved CUP was called the Tower Club CUP consistent with a previous name change from Empire Club to Tower Club, during approval of the Phase II CUP for the residential units. It was also previously known as the Alpine Club. This current proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE) from the previously approved

Phase II CUP.

The application consists of a project description and volumetric analysis, site plan, floor plans, elevations, landscape plan, photos of the site, and existing subdivision plat (**Exhibits A- G**). Civil plans (existing conditions survey, utility, grading, demolition plans, storm water, etc.) (**Exhibit H**) and a construction mitigation plan (**Exhibit I**) were also submitted. The Design Review Board for Empire Pass provided review and comments on the design (**Exhibit N**). An application for the Residences at the Tower Condominiums plat, under concurrent review.

Background / Timeline

June 24, 1999 – City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel. The Agreement was amended in March of 2007 and includes 14 technical reports associated with the Empire Pass development area. The 2007 Amended Agreement, 14 technical reports, and the Land Management Code, form the standards under which this development is reviewed. See Exhibit L- Flagstaff Development Agreement and Exhibit M - Technical Reports).

July 28, 2004 – Planning Commission approved the Village at Empire Pass Master Planned Development. The purpose of the VEP MPD was to establish unit mix and density for the Mountain Village as well as addressing overall project infrastructure throughout the Annexation Area. The VEP MPD established building volumetric diagrams, including specific height exceptions, density and development location and requires CUP approval for the lodge buildings prior to building permit issuance for construction. Exhibit J – Village at Empire Pass MPD (VEP MPD) approval.

September 30, 2004 – City Council approved the Village at Empire Pass Phase 1 Subdivision that platted the east side lots of the Village at Empire Pass (**Exhibit G**). Proposal is located on Lot 9.

April 13, 2005 – Planning Commission approved the Tower Club Phase I CUP for approximately 8,880 square feet consisting of 2,264 sf of MPD Resort Support Commercial (private dining, kitchen, small convenience store), and 6,616 sf of residential and resort accessory uses (ski lockers, recreation amenities, meeting room, kids club, circulation, storage, mechanical, as well as outdoor amenities such as pool, hot tubs, etc. The Club was constructed in **2005** and **2006**.

February 13, 2008 – Planning Commission approved the Tower Club Phase II CUP for residential units on Lot 9. The approval for 25 units totaling 67,625 sf (33.81 UE) and one (1) ADA unit was granted an extension to July 1, 2010, by Planning Commission on **March 11, 2009**. A building permit for Phase II was not issued and the CUP expired. Current CUP proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE).

January 6, 2011 – City Council approved an amendment to the VEP Phase 1 Subdivision amending Lot 9 to address access, parking, and trail easements. The amended plat was recorded on **January 4, 2012** (**Exhibit G**).

December 14, 2016 – Planning Commission approved an amendment to the Tower Club Phase I CUP to allow an expansion of the private dining area, outdoor patio and residential accessory uses. The CUP expanded the existing Tower Club dining area by 1,115 sf and providing approximately 1,000 sf of locker rooms in the basement area below a new extended patio. Indoor dining was expanded to 92 seats and the MPD Resort Support Commercial use was increased from 2,264 sf to 3.379 sf. Construction of the expansion was completed in **2018**. The CUP expansion increased the MPD Resort Support Commercial on Lot 9 to 3,379 sf. The building consists of approximately 10,995 sf.

November 9, 2017 – City Council approved a second amendment to the VEP Phase 1 Subdivision combining Lots 1 and 2 into Lot A of the Second Amended Village at Empire Phase 1. The amended plat was recorded on April 10, 2018 and is the location of the Larkspur Townhomes 6 condominium plat currently under review.

October 9, 2018 - the City received a complete application for the Residences at the Tower Condominium plat and CUP (see this packet for the plat report).

Purpose

The purpose of the Residential Development (RD) Zoning District can be found in <u>LMC Section 15-2.13-1</u>.

Land Management Code (LMC) and VEP MPD Analysis

The proposal complies with LMC lot and site requirements of the RD Zoning District and the VEP MPD as described below.

Analysis

Zoning of the property is Residential Development (RD), subject to the VEP MPD. LMC lot and site requirements of the RD District and the VEP MPD are described below.

| | RD District and/or VEP MPD |
|---|---|
| Lot Size | No minimum lot size. Lot 9 is approximately 1.53 acres (66,711 sf). |
| Front yard setbacks LMC setback exceptions apply. | Minimum 25 feet to front facing garage, 20 feet to building. Proposed front setback is 20' and 25' (garage is 25'). Complies. |
| Rear yard setbacks LMC setback exceptions apply. | Minimum 15 feet rear setbacks. Proposed minimum rear setback is 75'. Complies. |
| Side yard setbacks LMC setback exceptions apply. | Minimum 12 feet side setbacks. Proposed minimum setback is 12'. Complies. |

Building Height

Zone allows 28 feet (33 feet for pitched roof 4:12 or greater). Village MPD Volumetric and Height Exception allows up to 86 feet above existing natural grade as follows: 20% of the building is permitted to reach max height of 74' (north end), 55% may reach 86' (central portion) and 25% (south end) may reach max height of 74'.

Proposed building does not exceed 86' in height with 20% (north) at or less than 74', and 55% at or less than 86', and 25% (south) is less than 74'. The plat is consistent with the VEP MPD building heights and volumetric as described herein. Complies.

Parking

The Flagstaff Transit and Parking Management Plan approved with the MPD requires a 25% reduction in parking from what would be normally required by the LMC and the Empire Pass HOA is required to provide shuttle services for the private Talisker Club.

Per LMC, based on unit sizes, 29 spaces are required for the 14 units, one ADA and one EHU. With the 25% reduction, 22 spaces are required. The underground parking structure has 22 spaces (including 1 ADA). There are 3 surface spaces along Village Way, 2 to be reserved as required for the police substation and one for service and delivery. Each unit is assigned one space as limited common and the remaining spaces are common. Complies.

Architectural Design

All construction is subject to Village at Empire Pass Design Review Board (DRB) approval and LMC Chapter 15-5 Architectural Design Guidelines with final review conducted at the time of the Building Permit.

The addition matches the architectural character and materials of the existing building and complies with the Village MPD regarding architectural character, articulation, volumetric and height. A report and letter from the DRB was provided on October 26, 2018 (Exhibit N) from their review on October 12th. The applicant has amended the design to address DRB and staff concerns. The glass railings were replaced with metal railings to match the existing building, low roof and stone were added to the east façade, window details were added to the larger east facing windows, and stone and roof elements were added to north elevation. Complies.

Residential Units

Previous CUP approval on this Lot was 25 units totaling 67,625 sf (33.81 UE). The current CUP represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE).

14 market rate multi-family units are proposed, ranging in area from 1,806 sf to 4,229 sf (total of 42,453 sf) (21.227 UE). Deed restricted unit (Unit 3) is 737 sf. ADA unit (Unit 2) is 737 sf. Total all residential is 43,927 sf. Market rate multifamily unit sizes are as follows:

Unit 1- 3,014 sf

Unit 4- 2,403

Unit 5- 3,010

Unit 6- 2,403

Unit 7- 2,195

Unit 8- 1,810 Unit 9- 1,806

Unit 10- 2,132

Unit 11- 4,229

Ja:t 40 4 400

Unit 12- 4,166

Unit 13- 4,229

Unit 14- 4,166

Unit 15- 3,624

Unit 16- 3,266

Complies.

MPD Resort Support Commercial 75,000 sf allowed.

Allocated by CUP or plat

Montage Spa- 35,000 sf Montage retail, restaurants/kitchens, bar, etc. -28,059 sf Grand Lodge- 1,275 sf

Tower Club dining/kitchen/store- 3,379 sf

Remaining (prior to this application) 7,287 sf

Existing- as approved with the Amended Tower Club CUP- 3,379 sf (kitchen, dining, convenience store)
Proposed expansion- 3,188 sf (kitchen, dining, spa)
Total ,including this CUP expansion: 6,567 sf

Sufficient MPD Resort Support Commercial exists for the proposed private club expansion and **4,099 sf will remain if this expansion is approved.** Complies.

Residential and Club Accessory uses (Guest amenities)

Common residential and club accessory uses are provided on levels one and two, including locker rooms, fitness and recreation, kids club, lounge/après/meeting room, ski prep area, lobby, and other areas for the use by club, residents and guests. No UE are required for these uses. Total accessory area is approximately 13,595 sf. Complies.

Density Summary

The Development Agreement approved the Mountain Village (Pods A, B1 and B2) for a maximum of 785 UE (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units were approved as part of the overall multi-family units.

To date **509 multi-family units** (**757.28 UE)** have been approved, platted and/or built within the Mountain Village. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrow Leaf A and B, One Empire Pass and Grand Lodge. Empire Residences are

This CUP proposes the following:

Residential- 14 market rate multi-family units (42,453 sf (21.227 UE), 1 ADA and 1 EHU = 43,927 sf total residential.

There is sufficient remaining density for the proposed residential density. (See **Exhibit K- Density Summary**). Complies.

Affordable Housing

Amended Development Agreement requires a total of 118.9 AUE (Affordable Unit Equivalents) where 1 AUE is 800 sf.

This Lodge Building was assigned 0.75 AUE (600 sf) per the Developer.

Off-mountain housing has been satisfied.
On-mountain housing required is 24.725
AUE and is partially complete with 16.675
AUE built and 8.05 AUE remain to be
built. These remaining AUE are assigned
to Buildings 1, 3, 4 and B2 East.

One 737 sf deed restricted affordable unit, or EHU, is provided within the building consisting of 0.921 AUE. This unit is platted as common area and will be available at the same time the other units in the building are available, upon issuance of a certificate of occupancy for the entire building, and conditions of approval. Staff recommends conditions that the deed restriction outline and resolve any issues or concerns regarding maintaining affordability of the unit and include language that limits the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a lower parvalue to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees. Complies.

Analysis of Conditional Use Criteria

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

(1) Size and location of the Site;

Empire Residences consists of a single multi-story building with 14 residential units, ranging in area from 1,806 sf to 4,229 sf (total of 42,453 sf) (21.227 UE). Deed restricted unit is 737 sf. ADA unit is 737 sf. Total all residential is 43,927 sf. Total building area is 86,889 sf. Subject property is Lot 9 of the First Amended Village at Empire Pass Phase One Subdivision, located south of the Shooting Star and One Empire Pass buildings, adjacent to the Silver Strike lift and ski run. The lot consists of approximately 1.53 acres (66,711 sf).

The site slopes steeply up from Village Way and is level with and slopes away from Empire Club Drive and gradually along the adjacent ski run. The design proposes a single level underground parking structure with access off Village Way, with five and six levels of residential units. The size and location of the site comply with parameters of the MPD. No setback exceptions are requested. **No unmitigated impacts.**

(2) Traffic considerations including capacity of the existing Streets in the Area; The site is accessed from Village Way and Empire Club Drive; private roads that connect to Marsac Avenue, a public Right-of-Way. A traffic management plan was approved as part of the Technical Reports for the Flagstaff Annexation and Development Agreement to reduce overall traffic generated from the development. Parking has been reduced by 25%. A final Construction Mitigation Plan is required at the time of Building Permit issuance in compliance with Technical Report #15- CMP. The Construction Mitigation Plan shall address truck routing, hauling of excavated materials, construction staging and parking, as well as all standard conditions to mitigate impacts of construction in a residential area. The Development Agreement requires excavated materials to remain within the Annexation Area. No unmitigated impacts, as conditioned.

(3) Utility capacity;

Sewer, electric, gas, water and phone service is available at the site. A final storm water plan, as well as final utility and grading plans, is required prior to issuance of a building permit. Applicant will need to verify that capacity still exists in the detention pond below this property and will need to maintain run-off sufficient to support the existing tree stands. All above ground utility infrastructure (transformers, ground sleeves, telephone boxes, cable boxes, etc.) are to be located on the property. Staff recommends a condition of approval related to the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property is shown and these items can be adequately screened. Showing dry utilities on the final plans allows verification from utility companies that the location shown on the plans is viable for their installation. **No unmitigated impacts, as conditioned.**

(4) Emergency vehicle Access;

Primary emergency access is from Village Way as well as Empire Club Drive that winds

through the Village area with two access points onto Marsac Avenue. Village Way intersects both Empire Club Drive and Marsac Avenue providing multiple routes for emergency access. **No unmitigated impacts.**

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

The Transit and Parking Management Plan approved with the MPD and Flagstaff Development requires a 25% reduction in parking from what would be normally required by the LMC. A total of twenty-nine (29) spaces are required for the 14 units, the EHU and the ADA unit. The 25% reduction rounds to a required 22 spaces. The underground parking structure has 22 spaces. Additionally, 3 surface spaces are provided along Village Way, 2 for the police substation and 1 for short term service and delivery. **No unmitigated impacts.**

- (6) Internal vehicular and pedestrian circulation system;
- Access to the project is from Empire Club Drive and Village Way, which are private streets. A drop-off area is located in the front of the building at the existing private club entrance as well as along Village Way. The primary residential entrance is on the south side adjacent to the club entrance. The pedestrian path system is consistent with the Village Master Plan of Trails with connections to surrounding property, the Club, surrounding trails, and to the shuttle stop area. **No unmitigated impacts.**
- (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses; A final landscape plan that is consistent with the plan reviewed with this CUP is required as a condition precedent to building permit issuance. Landscaping and irrigation are proposed to be water efficient, utilizing drought tolerant plantings, limited turf area, and drip irrigation. **No unmitigated impacts.**
- (8) <u>Building mass, bulk, and orientation, and the location of Buildings on the Site;</u> including orientation to Buildings on adjoining Lots;

This building is one of nine multi-story lodge buildings master planned to be grouped within Pod A and oriented along the Silver Strike lift and ski run and central to the Mountain Village. A majority of the mass, bulk, height and density of the Flagstaff Development is located within these 4, 5 and 6 story buildings.

To the west, there are four existing buildings of a similar size, height, and volumetric (One Empire Pass, Silver Strike, Arrow Leaf A and Arrow Leaf B, Flagstaff). On the adjacent lot to the north there is an existing building (Shooting Star) of similar massing. To the north of Shooting Star is Building 3, Empire Residences, which was recently approved with similar mass, bulk and height.

The existing Tower Club building is primarily 1 and 2 stories with an architectural tower element that is approximately 24' taller than the highest existing building ridge. Existing Larkspur townhouse units are located to the east and south of the proposed building. These townhouse units are two and three stories with heights not exceeding 33' from existing grade. On the south side, the Larkspur units are primarily oriented across from the one story club building. On the east side, a Larkspur Townhouse building consisting of three attached units is located across Village Way from the proposed building and

further down Village Way a second Larkspur Townhouse tri-plex is located across from Shooting Star.

The proposed building contains 6 levels of residential units within the new portion to be constructed east of (and connecting to) the existing two story Talisker Club building. Four (4) levels of residential units are visible on the south elevation, with 6 levels visible on the east and north elevations and 3 and 4 levels visible on the west.

The south and west elevation masses are broken up by the existing 2 story club building and tower element they are constructed behind. A portion of the north elevation massing is broken up with a one story element that ties the building to the open space plaza and recreation uses of the club building. The sixth story on the north façade steps back approximately 30' from the face. The applicant revised the north elevation to break up the vertical plane by incorporating additional stonework on the lower floors.

The upper two stories of the east façade step back approximately 14' from the face and the northern and southern units on the east façade exhibit horizontal and vertical stepping and articulation. The maximum building height is located in the central section stepped back from eastern façade by 35-40'. The front setback from the street is greater than the required minimum 20' for the central portion of the front (east) façade.

Visually, there are one, two, four and six stories, in addition to the parking level, as the building is viewed from surrounding vantage points. The mass of the building steps down as the lot slopes down to the north. The building is articulated both horizontally and vertically with low shed roofs and extended balconies on the lower stories providing a sense of pedestrian scale at the street. Building articulation and massing are consistent with previously approved lodge buildings and the approved VEP MPD building heights and volumetrics. The applicant revised the original plans to address the DRB and staff concerns regarding articulation and architectural details of the north and east elevations to further mitigate the difference in mass and scale between this building and the Larkspur Townhouse buildings to the east. This difference in mass and scale is reflective of the approved VEP MPD volumetric.

The following heights are permitted by the MPD volumetric: 20% of the building was permitted to reach 74' above existing grade (north end), 55% of the building to reach 86' above existing grade, and 25% of the building (south end) to reach 74' above existing grade. Staff reviewed the proposed building for compliance with the MPD volumetric and maximum building height allowed and finds that the building complies with the maximum allowable building height. Proposed building has 50% of the building at 86' or less, 25% (south) is less than 74', and 20% (north) is at or less than 74'. Staff finds that the building complies with the required building height Volumetrics. **No unmitigated impacts.**

(9) Usable Open Space;

Both passive and active Open Space is provided in excess of 88% within the overall Flagstaff Annexation and Development boundary. The individual lots were not required

to provide open space. Due to the private club located on Lot 9, the CUP includes a large outdoor area for active and passive recreation. **No unmitigated impacts.**

(10) Signs and lighting;

Signs and lighting are conditioned to conform with the Park City codes and the Flagstaff Mountain Resort Design Guidelines with final review at the time of the building permit and prior to certificate of occupancy. All exterior signs require a separate sign permit approved by the Planning Department. Any sign shown on the plans is for illustration only and does not indicate approval. Any proposed street lights must be approved by the City Engineer (LED, 48 watt, 2700 K in a style consistent with Park City street lights) and if installed, will be privately maintained. **No unmitigated impacts.**

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

In the immediate area, there are five existing similarly sized multi-story residential condominium buildings (Silver Strike, Shooting Star, One Empire Pass, Flagstaff, and Arrow Leaf), as well as the two story Larkspur town homes and Paintbrush PUD style homes (single-family detached homes). The original master developer reviewed the design, volumetric and building heights and coordinated design elements for all phases of the project. All developments are required to have approval by the Flagstaff Architectural Design Review Board. The Design Review Board provided a letter from the review on October 12, 2018 (Exhibit N). The applicant revised the original plans to address the DRB and staff comments concerning the glass railings and additional architectural elements and articulation. Glass railings have been replaced with metal railings consistent with the existing building.

Staff reviewed approvals for Silver Strike, Flagstaff, One Empire Pass and Empire Residences. In all cases these lodge buildings were approved with areas of 6 residential levels (stories) in addition to a parking garage and roof envelope area. Prior approvals specifically indicate that residential uses may be incorporated into the roof envelope area and emphasize building articulation and maximum building heights for various portions of the building. Based on review of the MPD Volumetrics as well as prior lodge building approvals within the Village, staff finds there has been a consistent interpretation of the MPD building height and Volumetrics. **No unmitigated impacts.**

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

The building is both a residential building and a private club with outdoor uses (dining, pool, hot tubs, etc.). It is expected that there will be some noise impacts on neighboring residents. Mechanical equipment is proposed to be primarily below final grade and when at grade is proposed to be screened with landscaping and fencing. Any allowed roof top mechanical is proposed to be centrally located and screened. Staff recommends conditions of approval related to screening of exterior mechanical equipment and protrusions as well as requiring posted hours of operation for dining and outdoor recreation and amenity areas, such as pools and spas. No unmitigated impacts.

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

Service and delivery is for residential and the resort support commercial component in the building. It is anticipated that laundry/maid service will be needed on a weekly basis throughout the Village. Trash enclosure is located within the parking structure at the garage entry. Existing parking spaces off Empire Club Drive will remain for loading and unloading and three additional spaces off Village Way will provide for police parking and for short term drop off and delivery. **No unmitigated impacts.**

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

The project will be platted as a condominium. Nightly rental is a permitted use within the RD zoning district. These units will primarily be second homes and it is unlikely that many will be full-time residences, although this possibility is not precluded. **No unmitigated impacts.**

- (15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site. There are no Environmentally Sensitive Lands within or adjoining the site. The building is located on a flat to steeply sloping lot within the Pod A. The site is currently developed with a private club building and outdoor recreation amenities. There aspen trees and shrubs on the site that if removed will be mitigated with replacement trees and shrubs per the landscape plan. No unmitigated impacts.
- (16) General Plan. The application is subject to the restrictions and conditions of the Flagstaff Annexation and Development Agreement. In terms of the General Plan, this property was annexed, zoned, master planned and platted to be consistent with the goals and objectives of the Park City General Plan. The Conditional Use Permit is consistent with the Development Agreement and provides resort based lodging and guest amenities in close proximity to Deer Valley Resort, is an in-fill site with growth clustered and directed into an existing neighborhood "The Village" with existing utilities and amenities, provides on-site affordable housing and location for a police substation, has a reduced parking requirement to reduce traffic generation with clustered development in the Village, has shuttle service within the development and is in close proximity to Park City transit on Marsac Avenue, and does not impede surrounding open space or trails. Consistent with applicable goals and objectives as outlined below:

Small Town

- Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods.
 Objective 1A - 1D
- Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small-town character.
 Objective 3A – 3C

Natural Setting

 Goal 4: Open Space: Conserve a connected healthy network of open space for continued access to and respect for the natural setting.
 Objective 4A - 4E

Sense of Community

 Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City.
 Objectives 8A - 8C

Process

Approval of this application by the Planning Commission constitutes Final Action that may be appealed following procedures found in Land Management Code § 15-1-18.

Department Review

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

Notice

On October 31, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and on the Utah Public Notice website on October 27, 2018.

Public Input

Staff has not received any public input on the CUP application at the time of this report.

Alternatives

- Planning Commission may approve the Residences at the Tower CUP as conditioned or amended, or
- Planning Commission may deny the Residences at the Tower CUP and direct staff to make Findings for this decision, or
- Planning Commission may continue the item to a future date.

Significant Impacts

There are no significant fiscal or environmental impacts of this application that have not been addressed by the Development Agreement and/or conditions of approval.

Recommendation

Staff recommends the Planning Commission conduct a public hearing and consider approving the request for a Conditional Use Permit (CUP) for a multi-unit residential building and an expansion of the private Empire Club building located at 8680 Empire Club Drive based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

- The Residences at the Tower Conditional Use Permit (CUP) includes 14 private market rate multi-family residential units totaling 42,453 sf, utilizing 21.227 UE, as well as 1 ADA unit and 1 deed restricted affordable unit (EHU), a police sub-station, approximately 9,200 sf expansion of the private Talisker Club and underground parking.
- 2. The property is addressed at 8680 Empire Club Drive.
- The CUP is proposed on Lot 9 of the First Amended Village at Empire Pass Phase I subdivision within Pod A of the Village at Empire Pass Master Planned Development (VEP MPD).
- 4. Lot 9 is located in the RD-MPD zoning district and contains 1.53 acres.
- 5. Lot 9 is currently partially developed with the private Talisker Club that includes a kitchen, dining, lounge and other indoor and outdoor amenities for members.
- 6. Access to the property is from Village Way and Empire Club Drive, which are both private streets.
- 7. The market rate multi-family residential units range in size from 1,806 sf to 4,229 sf with an average unit size of approximately 3,032 sf. The 737 sf ADA unit is required to be platted as common area. The 737 sf EHU is also proposed to be platted as common area.
- 8. A 509 sf police sub-station is proposed on the lower level as a requirement of the Emergency Response Plan Exhibit #7 of the Flagstaff Development Agreement. The police sub-station will be delivered to the City as a "white box" with two parking spaces.
- 9. The property is subject to the Flagstaff Mountain Annexation and Development Agreement (Amended Agreement) approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007, as well as associated Technical Reports.
- 10. The Amended Agreement is the equivalent of a Large-Scale Master Plan and sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.
- 11. The Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided that the number of PUD units (such as Belles, Paintbrush, Nakoma and Moon Shadow) does not exceed 60. PUD units are included in the totals for multi-family units.
- 12. To date, approximately 509 multi-family units (757.28 UE) (including 60 as PUD style units and the remaining as townhouses and multi-family units within Lodge Buildings) and 16 single family units have been approved, platted and/or built within Pods A, B1 and B2. This number includes the 70 units noted in the plat notes for the B2 East Subdivision, Empire Residences CUP units currently under construction as Building 3, and Moon Shadow Condominiums for 8 PUD style units pending plat recordation. This number also includes all of Larkspur Townhomes, including Larkspur Townhomes 6, which condominium plat is currently under review.
- 13. Constructed lodge style buildings include Shooting Star, One Empire Pass, Silver Strike, Flagstaff, Arrow Leaf A and B, Grand Lodge and Ironwood. Lodge buildings

- still to be approved within Pod A are: Building 1- Residences at the Tower (subject property) and Building 4. Empire Residences (Lodge Building 3) are under construction.
- 14. There is sufficient density remaining within Amended Agreement and VEP MPD for the proposed 14 multi-family units (21.227 UE).
- 15. Amended Agreement requires a total of 118.9 AUE (Affordable Unit Equivalents) where 1 AUE is 800 sf. A total of 94.175 off-mountain AUE and 24.725 on-mountain AUE are required. Off-mountain housing has been satisfied. On-mountain housing is partially complete with 16.675 AUE built and 8.05 AUE remaining. These remaining AUE are assigned to Buildings 1, 3, 4 and B2 East.
- 16. Lodge Building 1 was assigned 0.75 AUE (600 sf) per the Developer at time of sale.
- 17. The proposed affordable unit consists of 737 sf (0.921 AUE) (not including dedicated storage areas located separate from the unit) platted as common area and shall be deed restricted per requirements of the Housing Resolution prior to plat recordation.
- 18. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (VEP MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area for Lodge Buildings grouped around the Silver Strike lift and ski runs, various townhouses making up a second tier of units, with PUD style detached units and single family lots on the perimeter. A common amenity building, known as the Tower Club, was central to the VEP MPD. A common mail area, indoor and outdoor recreation facilities, pedestrian connections and transportation pick-up/drop-off area were included. The VEP MPD also approved heights and Volumetrics for the Lodge buildings.
- 19. On September 30, 2004, the City Council approved the Village at Empire Pass Phase 1 Subdivision that platted the east side lots of the Village at Empire Pass.
- 20. On April 13, 2005, the Planning Commission approved the Tower Club Phase I CUP for approximately 8,880 square feet consisting of 2,264 sf of MPD Resort Support Commercial (private dining, kitchen, small convenience store), and 6,616 sf of residential and resort accessory uses (ski lockers, recreation amenities, meeting room, kids club, circulation, storage, mechanical, as well as outdoor amenities such as pool, hot tubs, etc.). The Club was constructed in 2005 and 2006.
- 21. On February 13, 2008, the Planning Commission approved the Tower Club Phase II CUP for residential units on Lot 9. The approval for 25 units totaling 67,625 sf (33.81 UE) and one (1) ADA unit was granted an extension to July 1, 2010, by the Planning Commission on March 11, 2009. A building permit for Phase II was not issued and the CUP expired. This current CUP proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE) from the 2008 approval.
- 22. On January 6, 2011, the City Council approved an amendment to the VEP Phase 1 Subdivision amending Lot 9 to address access, parking, and trail easements. The amended plat was recorded on January 4, 2012.
- 23. On December 14, 2016, the Planning Commission approved an amendment to the Tower Club Phase I CUP to allow a 1,115 sf expansion of the private dining area, as well as expanded outdoor patio area, 1,000 sf of expanded basement area for accessory uses. The CUP expansion increased the MPD Resort Support Commercial on Lot 9 to 3,379 sf. Construction of the expansion was completed in 2018. The building is currently consists of approximately 10,995 sf.

- 24. On October 9, 2018, the Planning Department received a complete application for a Condominium plat and a Conditional Use Permit for a fourteen (14) multi-family unit residential building to be located on Lot 9 of the First Amended Village at Empire Pass Phase One Subdivision.
- 25. The property is subject to subdivision plat notes that require compliance with the Amended Flagstaff Annexation and Development Agreement, approval of a Conditional Use Permit for each lodge building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, a 20' snow storage easement along the street frontages, water efficient landscaping, and various utility and maintenance provisions.
- 26. The Amended Agreement allows a maximum of 75,000 sf of MPD Resort Support Commercial uses. Lot 9 currently is approved, with the Amended Tower Club CUP for 3,379 sf (kitchen, dining, small store) of MPD Resort Support Commercial Uses. Montage Resort was approved for 63,059 sf of MPD Resort Support Commercial and Grand Lodge for 1,275 sf.
- 27. Total MPD Resort Support Commercial in this building with this CUP expansion is 6,567 sf (adding 3,188 sf of Resort Support Commercial uses).
- 28. There is sufficient MPD Resort Support Commercial remaining for the proposed private club expansion and 4,099 sf will remain if this project is approved. This space is identified on the plat as part of the Club Unit with additional lines and labels calling out the specific square feet of these areas. A table of the Resort Support Commercial space will be included on the plat.
- 29. The Emergency Response Plan requires a police sub-state to be dedicated within the Empire Club building in Pod A. The Plan calls for a facility with 3 office spaces, approximately 12' by 12' each, with a combined square footage of not less than 500 sf, plus two reasonably proximate parking spaces. The unit is to be made available to Park City as an empty "white box" for no cost, and not subject to HOA dues or other assessments, as soon as occupancy permits are ready to be issued for the rest of the building and residential units. This space will be identified as a Commercial Unit specifically for the police substation that can be transferred to the City.
- 30. Guest amenity areas (exercise and recreation areas, locker rooms, lobby and reception area, lounge/après ski, restrooms, etc.) are proposed on the first and second levels. Common accessory uses do not require use of UEs.
- 31. The Transit and Parking Management Plan approved with the VEP MPD requires a 25% reduction in parking from what would normally be required by the LMC. Based on unit sizes, twenty-nine (29) spaces would be required for the 14 units, affordable unit, and ADA unit. The 25% reduction rounds up to 22 spaces. The underground parking structure has 22 parking spaces. Two spaces are provided along Village Way for the police sub-station and 1 space is provided for short term pick-up and drop-off.
- 32. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village at Empire Pass Master Plan Development. Specific volumetric diagrams were approved for each Building. For Building 1, 20% of the building (north side) was permitted to reach 74' above existing

- grade, 55% of the building (central) to reach 86' above existing grade, and 25% of the building (south side) to reach 74' above existing grade.
- 33. The proposed building does not exceed 86' in height with 20% (north) at or less than 74', and 55% at or less than 86', and 25% (south) is less than 74'. The building is consistent with the approved VEP MPD building heights and Volumetrics. All building heights will be verified at time of building permit review.
- 34. The building contains 6 levels of residential units within the new portion to be constructed east of the existing Club building. Four (4) levels of residential units are visible on the south elevation, with 6 levels are visible on the east and north elevations. The west elevation of the residential building is broken up by the 2 story club building and tower element. The north elevation is broken up with a one story element that ties the building to the open plaza and recreation uses of the club building. The maximum building height is located in the central section stepped back from eastern façade. There are visually one, two, four and six stories, in addition to the parking level, as one views the building from surrounding viewpoints. Building articulation and massing are consistent with previously approved lodge buildings and the VE MPD volumetric.
- 35. The building complies with RD District zone setbacks maintaining a 20' front setback (25' to the garage door), 12' side setbacks and 15' rear setbacks. LMC exceptions to the setbacks are allowed as specified in LMC Section 15-2.13-3.
- 36. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of initial building permits within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
- 37. Excavated soil will remain within the Flagstaff Annexation area unless an exception is approved by the City as allowed in the Amended Construction Mitigation Plan (Technical Report #15). A final Construction Mitigation Plan will be submitted with the building permit application to be approved by the Chief Building Official.
- 38. The property is part of a common development that exceeds one acre and thus has MS4 requirements to meet.
- 39. The Tower Club Phase I included a store as stated in the CUP approval condition, "The store will include a refrigerated case for milk, juice and sodas, and the shelves will have snacks commonly found in a convenience store". A small store is included within the Club building; however, according to the applicant, it has not seen much success, even when opened to the general public as per a condition of Tower Club Phase II. The store remains open in winter months, but merchandise sold is primarily ski accessories (hats, goggles, gloves, lip balm, sun screen etc.), kid's camp provisions and snacks, along with some soft goods. The previous CUP approval included a condition that the store be open to the public.

Conclusions of Law:

- 1. The CUP, as conditioned, is consistent with the Village at Empire Pass Master Planned Development and Flagstaff Mountain Resort Master Planned Development and Technical Reports and the Park City Land Management Code.
- 2. The proposed use, as conditioned, is compatible with the surrounding structures in use, scale, mass and circulation.

3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

- 1. All standard conditions of approval apply to this Conditional Use Permit.
- 2. This Conditional Use Permit shall expire on November 14, 2019, if a building permit has not been issued prior to this date, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.
- 3. The final building plans and construction details submitted with the building permit application shall substantially comply with the plans reviewed by the Planning Commission on November 14, 2018.
- 4. Final architectural design approval from the Empire Pass Design Review Board is a precedent to building permit issuance.
- 5. Materials and color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on November 14, 2018. Plans reviewed by the Planning Commission reflect revisions to replace glass railings with metal railings that match the existing building, additional stonework and roof elements added to the north elevation to break up the vertical plane, additional mullions added to the large east facing windows, and additional stone and low roof elements on the eastern façade.
- 6. All exterior lighting shall be shielded and down directed in compliance with the LMC and the Flagstaff Mountain Resort Design Guidelines. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
- 7. Exterior signs require an approved sign permit prior to installation.
- 8. All exterior mechanical equipment shall be screened from public view with landscaping and/or fencing/grating materials. Exposed wall and roof top vents and protruding pipes and mechanical equipment shall be painted to match the adjacent wall or roof to minimize impacts on public view. Screening for noise reduction is required.
- 9. All utility facilities must be located on the property, unless specific easements have been provided on the recorded plat. A plan must be provided at the time of the building permit application showing all utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable and the utility boxes can be screened with landscaping and/or fencing.
- 10. An approved and recorded condominium plat is required prior to sale of individual units.
- 11. Final utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
- 12. Affordable housing provided with this Conditional Use Permit shall comply with all requirements and stipulations of the Flagstaff Development Agreement prior to issuance of a certificate of occupancy for the building. The affordable unit (EHU) shall be indicated on the final condominium plat prior to recordation of such plat and shall be completed prior to issuance of a certificate of occupancy for the building.

- 13. A deed restriction for the EHU unit, acceptable to the City, shall be recorded with or prior to plat recordation. The deed restriction shall outline and resolve any issues or concerns regarding maintaining affordability of the unit.
- 14. The CCRs shall limit the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.
- 15. The EHU and ADA units shall be available for occupancy at the same time as the entire building and when the market rate units are issued a certificate of occupancy.
- 16. Conditions of approval of the Village at Empire Pass MPD shall continue to apply.
- 17. Conditions of approval of the Flagstaff Annexation and Development Agreement and Technical Reports continue to apply, including the restrictions on solid wood burning fireplaces, removal of excavated materials, construction of pedestrian connections to the transit hub within the Village, and provision of required ADA and affordable housing units.
- 18. A Final Construction Mitigation Plan (CMP) shall be submitted for approval by the Planning, Building, and Engineering Departments prior to issuance of a building permit. The CMP shall indicate where and how excavated soils will be hauled and/or stored, hours of construction, truck routes, phasing and staging of construction, road closures, parking, lighting, and other items required by the Building Department and consistent with the Amended CMP Technical report.
- 19. Interior fire sprinklers are required for new construction and shall meet requirements of the Chief Building Official at the time of review of the building permit.
- 20. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
- 21. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
- 22. All requirements and conditions of the Park City Fire District regarding emergency egress, access, fire hydrants, etc. shall be met prior to building permit issuance.
- 23. The deed restricted unit shall be a minimum of 737 sf (0.921 AUE) as shown on the proposed condominium plat. One AUE is equivalent to 800 sf according to the Development Agreement.
- 24. The total MPD Resort Support Commercial area approved for this building, including the 1,933 sf approved with this CUP, is 6,567 sf and includes the kitchen, dining, lounge, store and spa. The store shall be open to the public, as previously conditioned.
- 25. This development is part of a common development that is greater than one acre. This development shall meet the MS4 storm water requirements. Prior to building permit issuance, the applicant shall verify that capacity exists in the existing detention pond utilized by Pod A and shall demonstrate that sufficient run-off will remain on site to support existing tree stands within the Pod.
- 26. Development of this property is subject to the conditions of approval, plat notes, easements and restrictions of the recorded First Amended Village at Empire Pass Phase 1 Subdivision plat.
- 27. A note shall be included on the condominium plat prior to recordation stating that the police substation commercial unit is restricted as a police substation. In the event that the police substation is vacated by the City, the HOA may apply to amend the

- condominium plat and the CUP for common or limited area storage, mechanical or other similar uses. No commercial, office or residential use is allowed unless additional density/UEs is acquired and the addition of such is approved by plat and CUP amendment.
- 28. Pool and outdoor amenity hours are limited to 7AM to 10PM and compliance with the Park City noise ordinance is required. A sign shall be provided at the pool and outdoor recreation and amenity areas stating these hours of use and referencing the noise ordinance.

Exhibits

Exhibit A – Applicant's Project Description

Exhibit B - Site Plan

Exhibit C - Floor Plans

Exhibit D - Architectural Elevations

Exhibit E – Landscape Plans

Exhibit F - Photographs

Exhibit G – VEP Phase 1 Subdivision and First Amended Subdivision plats

Exhibit H - Civil plans

Exhibit I – Construction Mitigation Plan

Exhibit J – Village at Empire Pass MPD approval July 28, 2004 (including Volumetrics

and Village Map)

Exhibit K – Density Summary

Exhibit L – <u>Development Agreement (2007)</u>

Exhibit M – Technical Reports (link)

Exhibit N - Design Review Board letter of preliminary review

Exhibit O – Previous approvals action letters



September 25, 2018

To: Park City Planning Department

Attn: Kirsten Whetstone

Re: Residences at the Tower (Talisker, Building 1 of Empire Pass)

Supplementary CUP submittal information for volumetric analysis

Project Description

The proposed Residences at the Tower project is located on within Pod A of the Flagstaff Annexation and Development Area. The proposed project is consistent with the Village at Empire Pass Master Planned Development and Flagstaff Mountain Resort Master Planned Development, the Park City Land Management Code, and the General Plan.

This project will consist of 14 condominium units, 1 affordable unit, 1 ADA unit, additional club amenities, and an expansion to the existing Tower Club.

This project is similar in nature to the surrounding condominium lodge style buildings such as Shooting Star, Arrowleaf A&B, Grand Lodge, Silver Strike, One Empire Pass, and the recently approved Empire Residences.

Specifically, the Residences at the Tower is located on Lot 1 in the Village at Empire Pass and is consistent with the volumetrics per the approved 2007 Village at Empire Pass MPD. This project will be constructed similar to other surrounding condominium projects and will not emit unwarranted noise, dust, glare, pollutants, or odors.

At this time, there are no special issues that need to be mitigated.

MPD Compliance Description

- Whole ownership condominium units
 - o Allowable Sellable SF = 43,510; 21.76 UE
 - Actual Sellable SF = 43,509; 21.75 UE
 - Allowable Multi-Family Units = 25
 - Actual Multi-Family Units = 14
- ADA Unit (767sf)
 - o Required = 1
 - o Actual = 1

- Deed-Restricted Affordable Unit
 - o 1 AUE = 800sf
 - o Required AUE = 644sf; .84 AUE
 - Actual AUE = 767sf; .96 AUE
- New Club Amenities/Expansion
 - o Allowable Resort Support Commercial = 3,687sf
 - Actual Resort Support Commercial = 3,521sf
 - Spa Resort Support Commercial
 - 3,189sf
 - Kitchen Expansion Resort Support Commercial
 - 332sf
 - Pool/3 soaking tubs
 - Fitness Expansion
 - Wildstar Kid's Facility
 - Conference
 - Lounge
 - Club Office/Mech/Storage

Volumetric Description

The proposed Residences at the Tower project complies with MPD volumetric requirements as shown in the roof plan, elevations, and sections provided. For clarity the following information has been provided or added on the following plans;

- Roof Plan
 - All proposed ridge heights labeled in addition to added existing grade elevations below for use in determining building height.
- Elevations
 - All proposed ridge heights labeled in addition to description of 20% & 25% end ridge height steps at the ends of the building.
- o Sections
 - Building sections showing 74' and 86' offset of existing grade for reference in determining building height.

Please let me know if there is anything else I can provide for additional clarity. Thank you,

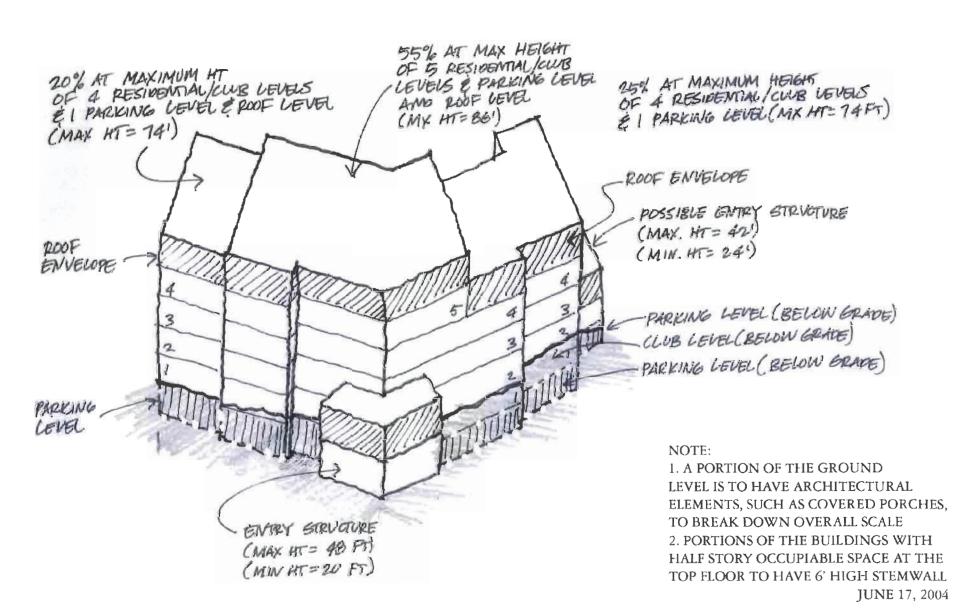
Brent Harris Project Manager, Swaback

Alpine Club Volumetrics

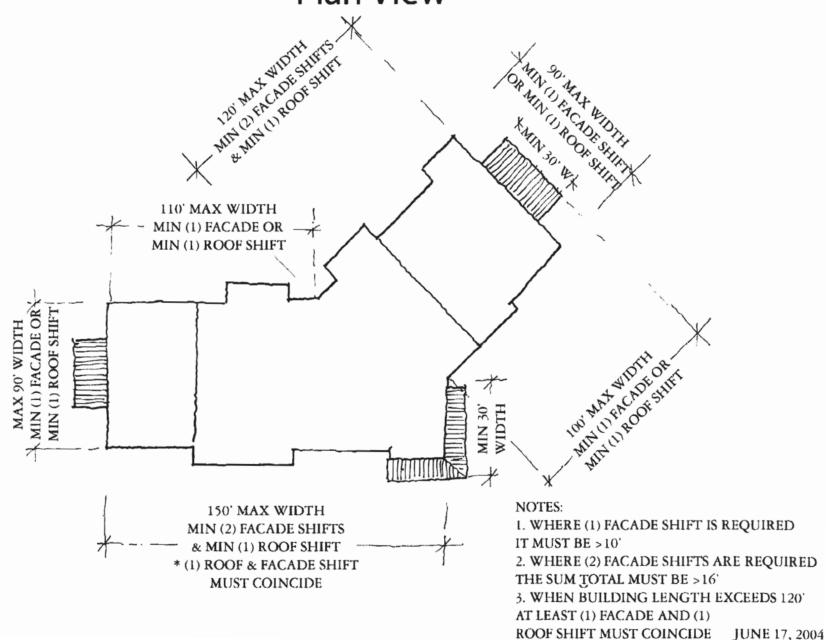
EXHIBIT A
VOLUMETRIC STUDY

(Building 1)

Isometric View

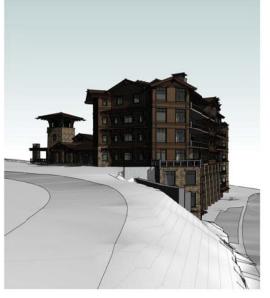


Alpine Club Volumetrics Plan View









3 PERSPECTIVE 3





SWABACK.«

Architects - Pannes

7200 F McDould Divey

490.367 2000 | www.andbook.com

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RESIDENCES AT THE TOWER

8680 EMPIRE CLUB DRIVE PARK CITY, UTAH 84060 PERSPECTIVE VIEWS

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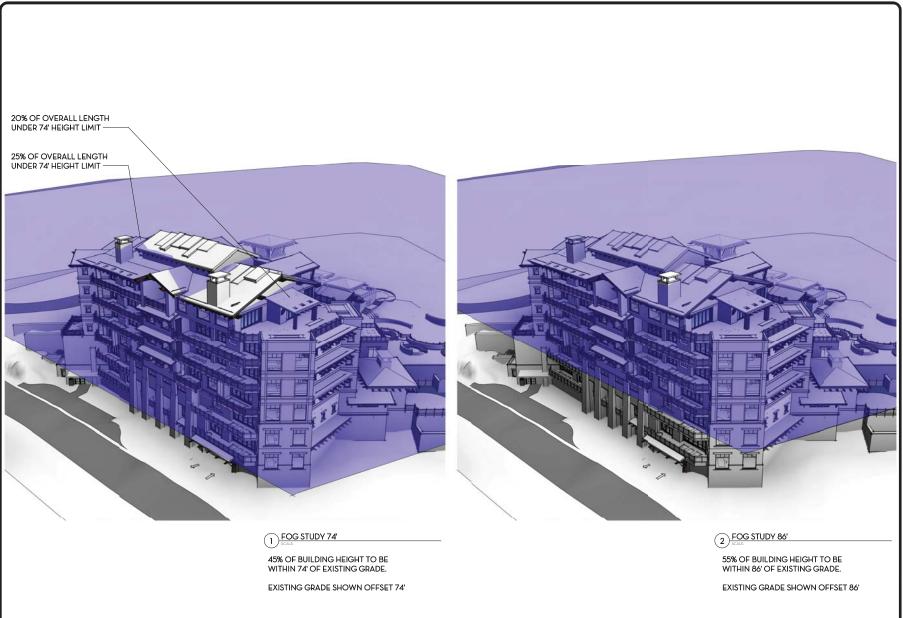
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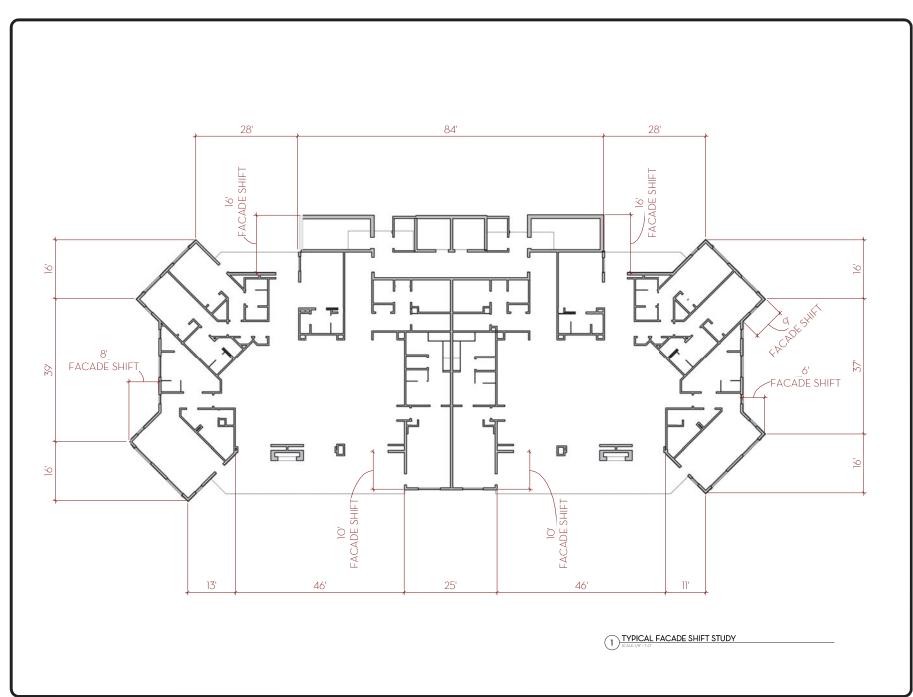


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November 7, 2018

To: Park City Planning Department

Attn: Kirsten Whetstone

Re: Residences at the Tower (Talisker, Building 1 of Empire Pass)

Supplementary CUP submittal information regarding Conditional Use Criteria

Conditional Use Criteria

The following summarizes the conditional use criteria as outlined in the Planning Commission Staff Report and associated responses.

(1) Size and location of the Site;

No unmitigated impacts.

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

No unmitigated impacts, as conditioned.

A final Construction Mitigation Plan will be provided at time of building permit issuance.

(3) Utility capacity;

No unmitigated impacts, as conditioned.

Final storm water, utility, and grading plans will be provided before permit issuance. Visible dry utility facilities to be screened.

(4) Emergency vehicle access;

No unmitigated access.

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

No unmitigated impacts.

(6) Internal vehicular and pedestrian circulation system;

No unmitigated impacts.

(7) Fencing, screening, and landscaping to separate the use from adjoining uses;

No unmitigated impacts.

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

Condition of additional articulation of the north elevation should be considered.

The north and south elevations have two 8' façade shifts at the angled corners of the building, with roof projections, exposed structure and battered stone bases at the lower levels. The north elevation also has a significant roof shift in recessing the upper roof approximately 25'.

The west elevation currently shows two 10' façade shifts and two 5' façade shifts. These occur at the stair towers which are provided with significant window elements. The north elevation has been provided with additional articulation at the area between these two stair elements. The east elevation currently shows two 12' façade shifts approximately 52' long, and several other façade shifts that vary between 8-12'.

Condition of additional low roof elements, tapered stone columns, or other design elements be considered on the east elevation to mitigate the difference in mass between this building and the Larkspur Townhouse building.

Tapered stone bases have been incorporated at the major building corners, column forms and building masses. This taper is ¼":12 to match tapered stone elements on the existing building. A low roof mass has been added to the garage entry with exposed structure detailing to match the existing building. An additional roof form has been added over the exterior door to the garage level. We will continue to look for opportunities to further integrate this building with the existing adjacent buildings.

(9) Usable open space;

No unmitigated impacts.

(10) Signs and lighting;

No unmitigated impacts.

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

Staff recommends that the upper story glass railings be replaced with railings that are more architecturally compatible with the existing building and materials.

We agree with this recommendation and have removed the glass railings, replacing them with railings consistent with the existing building and craftsman detailing. No glass railings to be used on the project.

- (12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site; No unmitigated impacts.
- (13) Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas; No unmitigated impacts.
- (14) Expected Ownership and management of the property as primary residences, condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; No unmitigated impacts.

(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the site;

No unmitigated impacts.

(16) General Plan;

Consistent.

Thank you for your consideration of our request for Conditional Use Permit approval. Brent Harris

Project Manager, Swaback





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Residences at The Tower

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SITE INFORMATION

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SNYDERVILLE BASIN PLANNING DISTRICT PARK CITY BUILDING DEPARTMENT EMPIRE PASS DESIGN REVIEW BOARD PARK CITY FIRE DEPARTMENT

GROSS BUILDING AREA SUMMARY,

| TOTAL EXISTING CLUB | 12,679 SF |
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| FOTAL NEW CLUB EXPANSION | 9,129 SF |
| TOTAL RESIDENTIAL TOWER EXPANSION | 66,342 SF |
| OTAL TALISVED CLUB | 32 ON L88 |

FLOOR AREA.

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AREAS UNENCLOSED PORCHES, BALCONIES, PATIOS AND DECKS, VENT SHAFTS AND

COURTS ARE NOT CALCULATED IN GROSS RESIDENTIAL FLOOR AREA. GARAGES, UP TO A

MAXINUM AREA OF 600 SQUARE FEET, ARE NOT CONSIDERED FLOOR AREA. BASEMENT

EXTERIOR BOUNDARY WALLS.

FLOOR AREA, NET LEASABLE, GROSS FLOOR AREA EXCLUDING COMMON HALLWAYS, MECHANICAL AND STORAGE AREAS, PARKING, AND RESTROOMS.
FLOOR AREA RATIO (FAR). THE MAXIMUM ALLOWED GROSS FLOOR AREA DIVIDED BY THE

| REFELSE THE KINGS PARCEL | |
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| PARKING, MECH, CIRCULATION | 11,345 5 |
| POLICE STATION | 524.9 |
| CIRCULATION | 105.9 |
| | 11,974 5 |
| LEVEL 1 - UNITS | |
| UNIT I | 3,110 : |
| UNIT 2 | 767 9 |
| UNT3 | 767 9 |
| UNIT 4 | 2,461.5 |
| OWNER STORAGE I | 646.5 |
| OWNER STORAGE 2 | 646.9 |
| RESIDENTIAL CIRCULATION | 1,549 5 |
| EXISTING BASEMENT | 1,195 5 |
| CLUB OFFICE, MECH, STORAGE | 1,128 5 |
| CIRCULATION | 107.5 |
| | 12,377 5 |
| LEVEL 2 - SPA & FITNESS | |
| UNT5 | 3,110 : |
| UNIT 6 | 2,4615 |
| FITNESS EXPANSION | 2,062 5 |
| WILDSTAR KIDS ROOM | 912.9 |
| SPA | 3.395 5 |

| RESIDENTIAL CIRCULATION | 212 SF |
|-------------------------|-----------|
| EXISTING FITNESS | 6,819 SF |
| CIRCULATION | 1,155 SF |
| RESIDENTIAL CIRCULATION | 17.4 SF |
| RESIDENTIAL CIRCULATION | 197 SF |
| | 20,496 SF |
| LEVEL 3 - DINING | |
| UNT7 | 2,240 SF |
| UNIT 8 | 1,877 SF |
| UNIT 9 | 1,877 SF |
| UNITIO | 2,176 SF |
| RESIDENTIAL CIRCULATION | 731 SF |
| LOUNGE | 592 SF |
| EXISTING DINING | 4,665 SF |
| KITCHEN EXPANSION | 332 SF |
| CONFERENCE | 470 SF |
| LOBBY | 1,045 SF |
| | 16,003 SF |
| LEVEL 4 - UNITS | |
| UNIT II | 4,303 SF |
| UNIT12 | 4,239 SF |
| RESIDENTIAL CIRCULATION | 1,036 SF |
| | 9,579 SF |
| LEVEL 5 - UNITS | |
| UNIT 13 | 4,301 SF |
| UNIT 14 | 4,239 SF |
| RESIDENTIAL CIRCULATION | 1,010 SF |
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GENERAL PROJECT DESCRIPTION,

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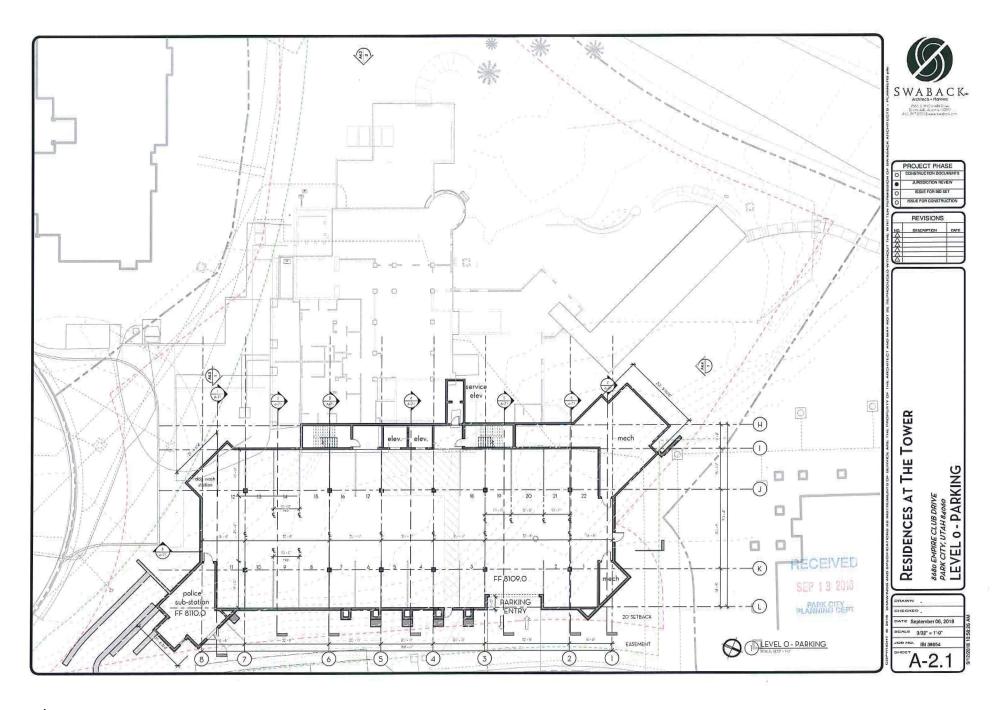
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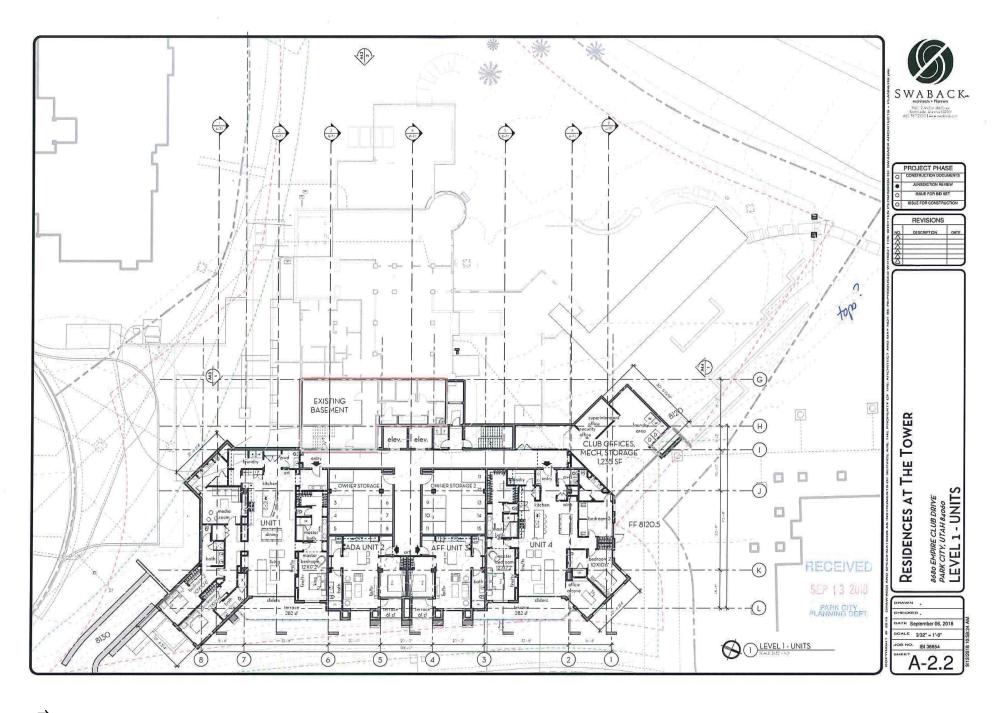
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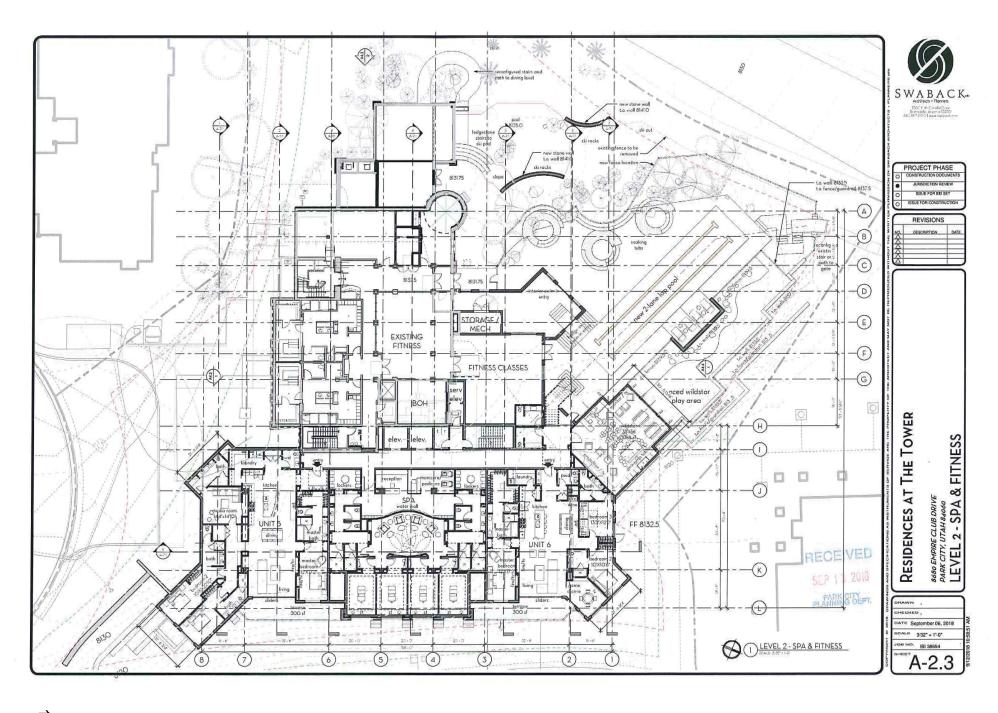
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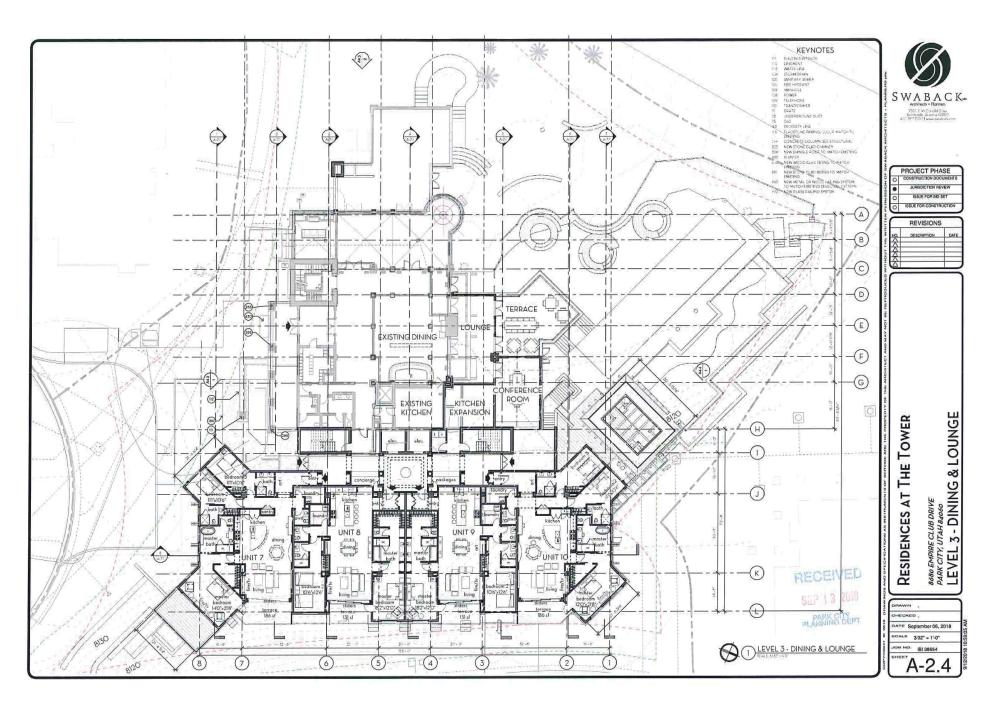
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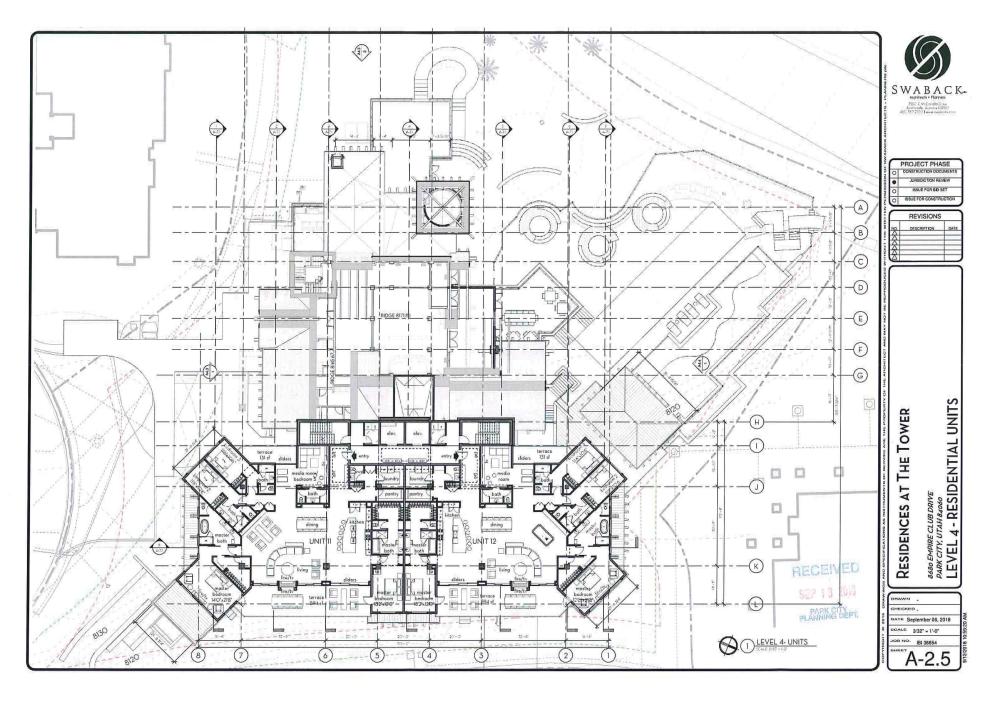
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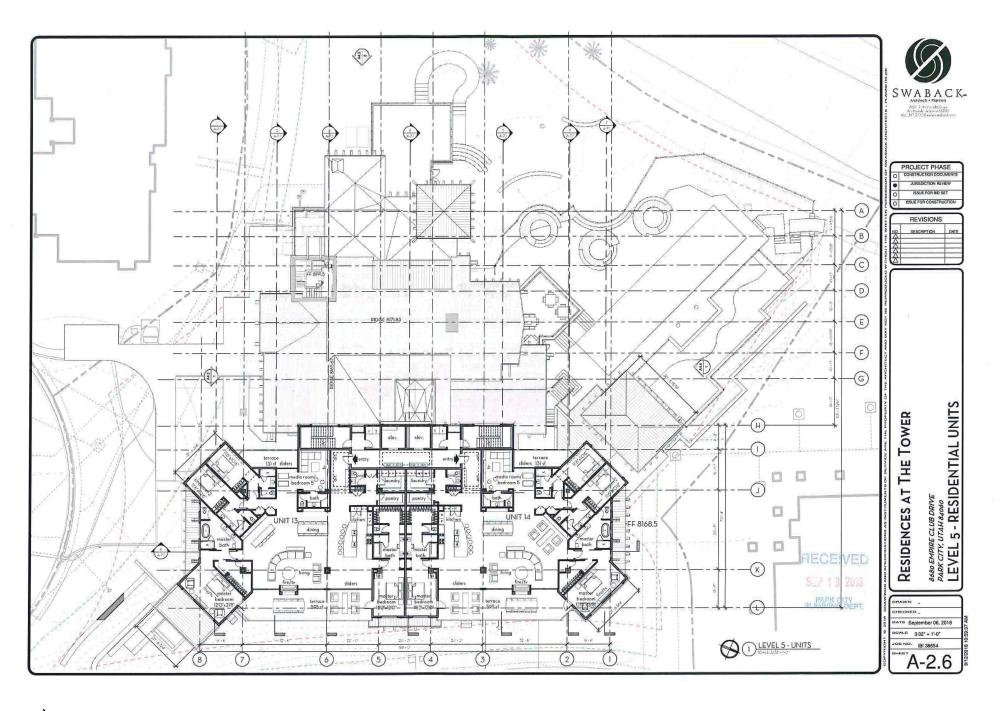


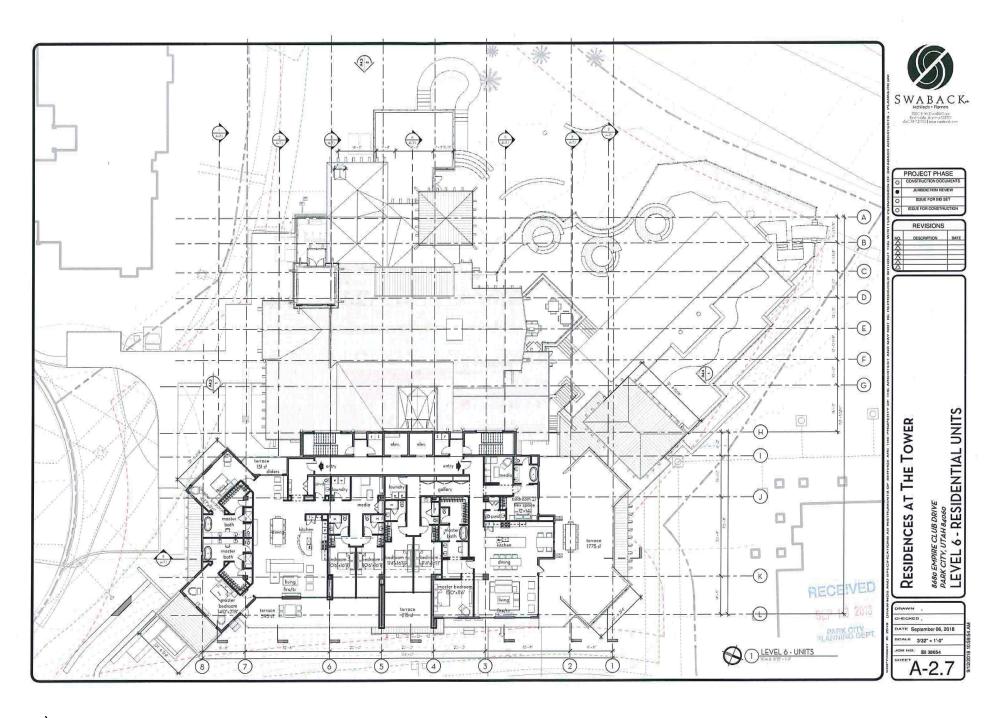












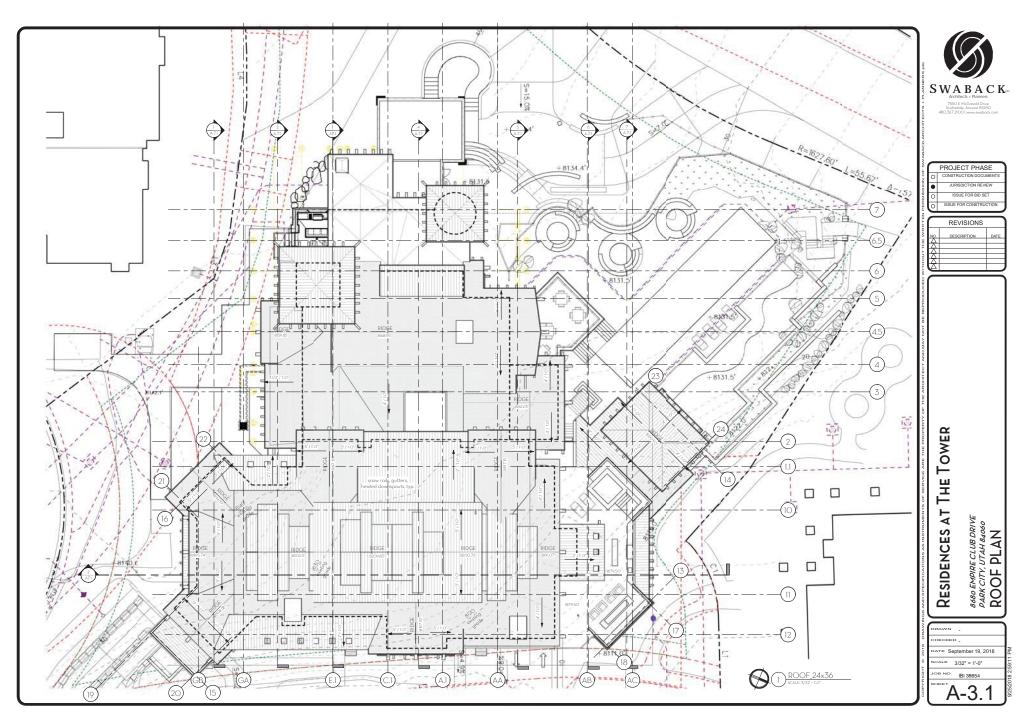
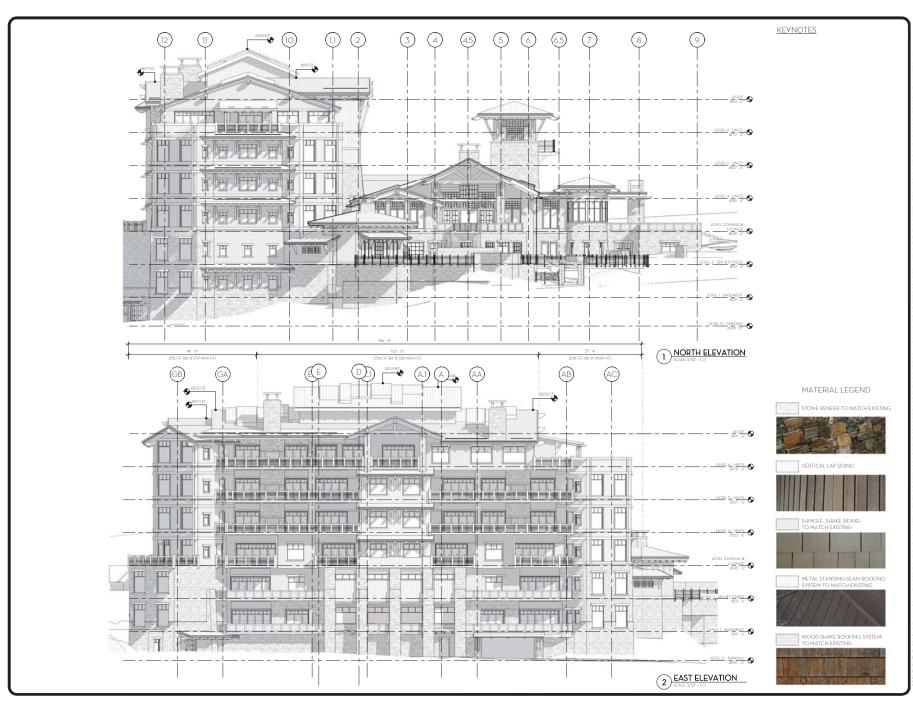


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8680 EMPIRE CLUB DRIVE

DARK CITY, UTAH 84080

ELEVATIONS

DATE October 31, 2018

SCALE 3/32" = 1'-0"

JOB NO. 0727

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RESIDENCES AT THE TOWER

8680 EMPIRE CLUB DRIVE PARK CITY, UTAH 84060 COLOR ELEVATIONS

ATE October 31, 2018





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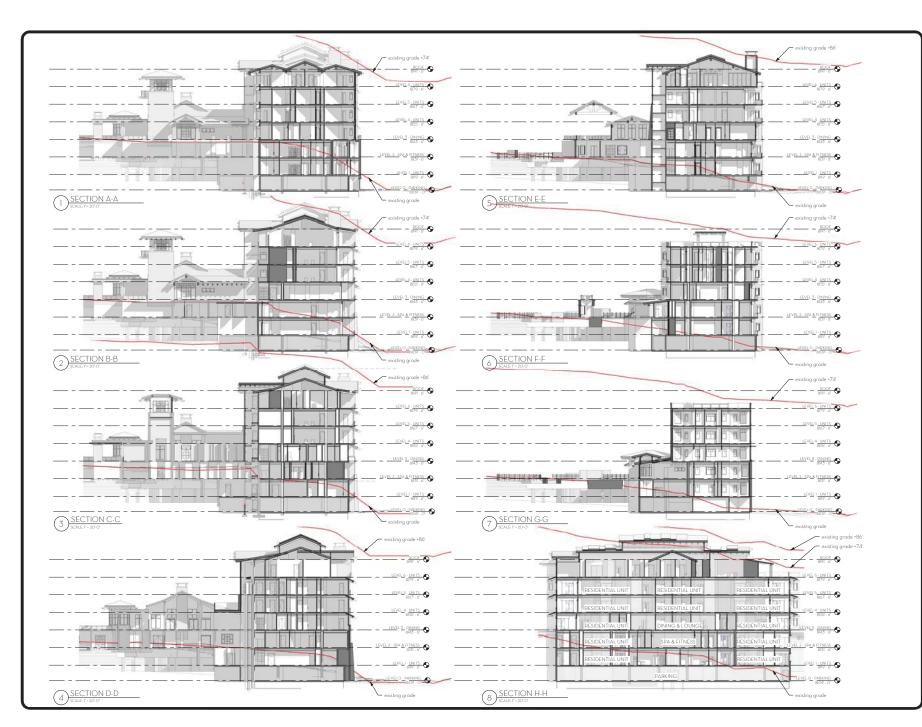
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RESIDENCES AT THE TOWER 8680 EMPRE CLUB DRIVE PARK CITY, UTAH 84060 COLOR ELEVATIONS ATE October 31, 2018





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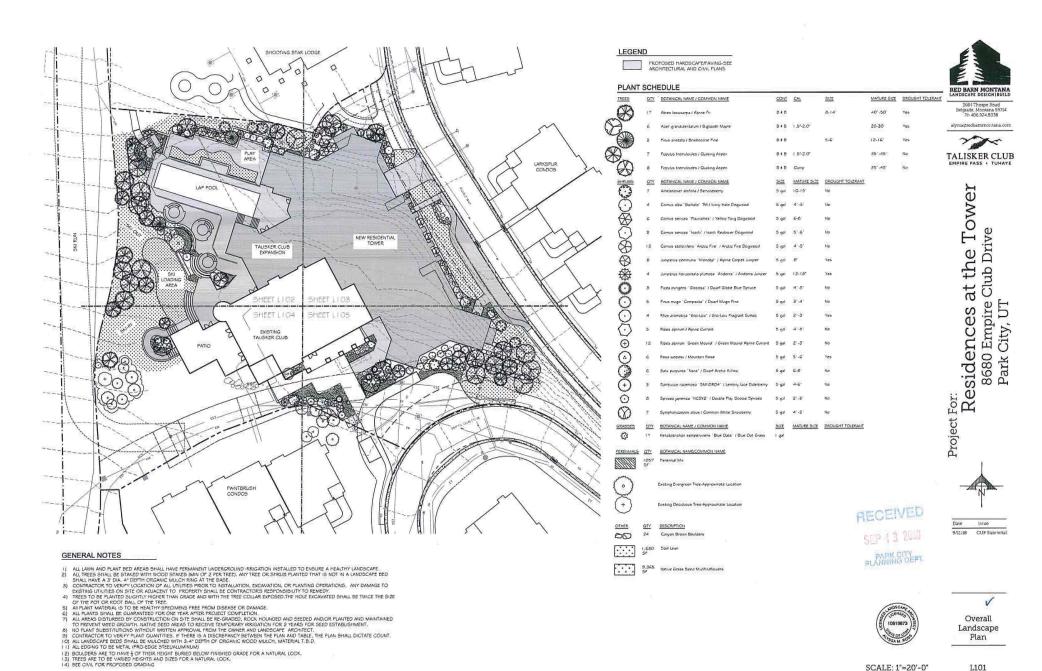
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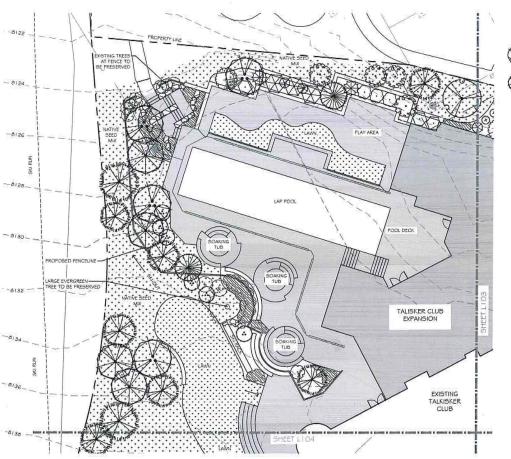
8680 EMPRE CLUB DRIVE PARK CITY, UTAH 84060 BUILDING SECTIONS ATE September 19, 2018

A-7.1

EXHIBIT E



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| Cost Perennal Mu Sp Perennal Mu | |
| Costing European Free-Approximate Location Costing Deviation Tree-Approximate Location Cities On Description 1.600 Sold Liam 5.600 Sold Liam 9.365 Native Griso Seed MinWidthours Of Description Deviation Deviation Seed MinWidthours Fig. 1.600 Sold Liam P. 3.650 Sold Liam P. 4.650 Sold Liam P. 4.650 Sold Liam P. 5.650 Sold Liam P. 5.6 | |
| Costing Decisions Tree Approximate Location CHIES ON DESCRIPTION 24 Casyon Brown Boulders 1.000 Seek Lian 5:50 1.000 Seek Lian 5:50 Makine Grass Seed Multilationers PEGE | |
| Costing Decisions Tree Approximate Location CHIES ON DESCRIPTION 24 Casyon Brown Boulders 1.000 Seek Lian 5:50 1.000 Seek Lian 5:50 Makine Grass Seed Multilationers PEGE | |
| OTHER STY DESCRIPTION 24 Cargon Brown Boulders 1.600 Seed Liam 9.305 Nature Grass Seed MacMidflowers 57 Nature Grass Seed MacMidflowers | |
| 24 Cargon Brown Boulders 1,000 Sold Lines 9,365 Native Grass Seed McWildRowers PEGE | |
| ILGGO Seel Line 5-30 9-365 Native Gross Seed Med Wildflowers PEGE | |
| 9.365 Native Grass Seed MacMidRosers PEGE | |
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TALISKER CLUB EMPIRE PASS • TUHAYE

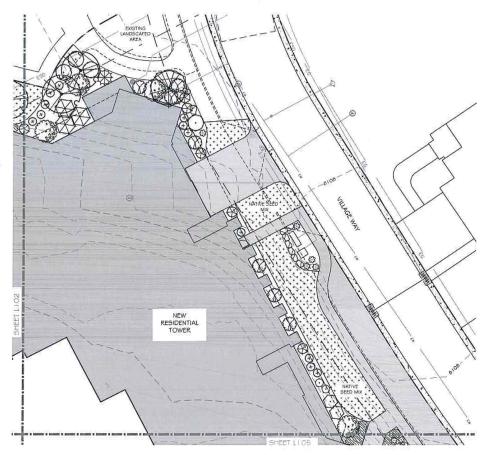
Project For:
Residences at the Tower
8680 Empire Club Drive
Park City, UT

Date Issue 9/11/18 CUP Submittal

Northwest Enlarged Landscape Plan

SCALE: 1"=10'-0"

PARK CITY



| 2 | OTY | BOTANICAL HAME / COMMON NAME | CONT | CAL | SUE | MATURE 5/2E | DROUGHT TOLERAN |
|----------|------------------|---|-------|---------------|------------------|-------------|-----------------|
| 3 | 17 | Ables lasiocarpa / Alpine Pir | D 4 D | | 8-14" | 40'-50' | Yes |
| | 6 | Acer grandidentation / Bigtooth Maple | 040 | 1.5*-2.0* | | 20-30 | Yes |
|) | 2 | Finus anatata / Bristlecone Pine | B # B | | 5-6 | 12-16 | Yes |
| | 7 | Populus tremuloides / Qualung Aspen | B 4 B | 1.5*-2.0* | | 35'-45' | No |
| | 0 | Populus tremuloides / Qualung Aspen | 0 4 0 | Clump | | 35"-45" | Na |
| | QTY | BOTANICAL NAME / COMMON NAME | 5/ZE | MATURE SIZE | DROUGHT TOLERANT | | |
| | 7 | Amelanchier als/folia / Derviceberry | 5 gal | 10:15 | No | | |
| | 4 | Cornus alba "Balhalo" TM / Ivery Male Degicoed | 5 gal | 41-5 | No | | |
| | 6 | Cornus sences "Flavraines" / Yellow Twig Dogwood | 5 gal | 6-5 | No | | |
| | 9 | Cornus sences "Isanti" / Isanti Redosier Dogwood | 5 43 | 5'-6' | No | | |
| | 12 | Comus atolonilera "Arctic Fire" / Arctic Fire Dogwood | 5 42 | 41-51 | No | | |
| | ٥ | Juniperus communis "Mondap" / Alpine Carpet Juniper | 5 gal | 6. | Yes | | |
| | 4 | Juniperus honzontalis plumosa "Andorra" / Andorra Juniper | 5 ga | 12-10* | Yes | | |
| | 3 | Fices pungers "Globons" / Dwarf Globe Blue Spruce | 5 gal | 41.5 | No | | |
| | 5 | Finus mugo "Compacta" / Dwarf Mugo Fine | 5 43 | 3'-4' | No | | |
| | 4 | Rhus aromatica "Gro-Low" / Gro-Low Pragrant Sumac | 5 98 | 21-31 | Yes | | |
| | 5 | Ribes alpinum / Alpine Currant | 5 9# | 41-51 | No | | |
| | 12 | Ribes alpinum "Green Mound" / Green Mound Alpine Currant | 5 gal | 2'-8" | No | | |
| | 6 | Rosa woodsii / Mountain Rose | 5 42 | 516 | Yes | | |
| | G | Salix purpores 'Nana' / Dwarf Arctic Willow | 5 911 | 6-5 | No | | |
| | я | Sambucus racemosa "SMNISRD4" / Lemony lace Elderberry | S gal | 4-G | No | | |
| | B | Spiraea japonica "NCSX2" / Double Play Dooble Spiraea | 5 gal | 23. | No | | |
| | ž | Symphonicarpos albus / Common Write Browberry | 5 gal | 41.5 | tio . | | |
| 5 | OTY | BOTANICAL NAME / COMMON NAME | SIZE | MATURE SIZE | DECUGHT TOLERANT | | |
| | 17 | Helictotricron sempervirens "Blue Oats" / Blue Oat Grass | l gal | ALL DOCUMENTS | (1 | | |
| 41.5 | ary | BOTANICAL NAME/COMMON NAME | | | | | |
| | 1057 SF | Perennal Mix | | | | | |
| | | Existing Evergreen Tree-Approximate Location | | | | | |
| | | Existing Deciduous Tree-Approximate Location | | | | | |
| | <u>01Y</u> 24 | DESCRIPTION Canyon Brown Boulders | | | | | |
| 1 | 1.660 Sr | SpJ Linn | | | | | |
| <u> </u> | 20 | | | | | | |



TALISKER CLUB EMPIRE PASS • TUHAYE

Project For:
Residences at the Tower
8680 Empire Club Drive
Park City, UT

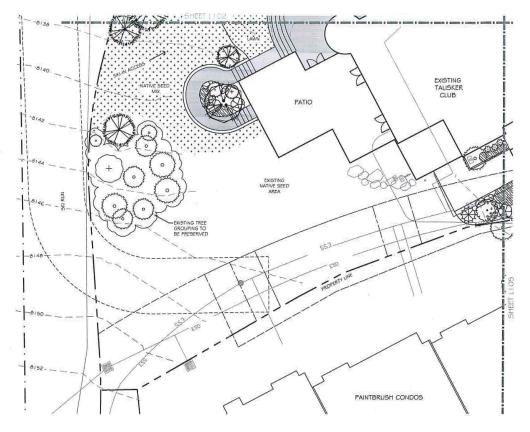
Date Issue 9/11/18 GUP Submittal

RECEIVED

PLANNING DEPT.

Northeast / Enlarged Landscape Plan

SCALE: 1"=10'-0"



| 17 Alice Islandorips / Alphor Fr | DAIN I SOI | LDOLL | | | | | |
|--|-------------|--|-------|-------------|------------------|-------------|------------------|
| 2 Acer grainderistan / Dejooth Marie D & D 1,512.07 20,301 Yes | ts or | BOTANICAL HAME / COMMON NAME | CONT | CAL | <u>5-25</u> | MATURE SIZE | DROUGHT TOLERANT |
| 2 Price another / Dusing Aspen 3 F B I S 1,5/2,0' 35 145 No 3 Popular trenducties / Dusing Aspen 3 F B I B Clump 3 S 145' No 3 Popular trenducties / Dusing Aspen 3 B I B Clump 3 S 145' No 3 Popular trenducties / Dusing Aspen 3 B I B Clump 3 S 145' No 3 Popular trenducties / Dusing Aspen 4 Cornor also Barbulo TM / Hoop Telo DepaceOd 4 Cornor also Barbulo TM / Hoop Telo DepaceOd 5 gal 4.5' No 6 Cernor also Barbulo TM / Hoop Telo DepaceOd 5 gal 4.5' No 6 Cernor also Barbulo TM / Hoop Telo DepaceOd 6 Cernor also Barbulo TM / Hoop Telo DepaceOd 7 Cernor also Barbulo TM / Hoop Telo DepaceOd 7 Cernor also Barbulo TM / Hoop Telo DepaceOd 8 gal 5'-C No 8 Cernor another Arctic Fire / Arctic Fire DepaceOd 9 Cernor another Arctic Fire / Arctic Fire DepaceOd 1 Authority / Hoop Telo DepaceOd 1 A | P 17 | Abies lasiocarpa / Alpine Fir | 848 | | B-14 | 401-50 | Yes |
| Topolus fremisiades / Gusting Aspen 18 | 6 | Acer grandidentatum / Bigtooth Maple | D 4 D | 1.5".2.0" | | 20-30 | Yes |
| 1 | 2 | Pinus anatata / Bristlecone Pine | D # D | | 5-G1 | 12-16" | Yes |
| DOTAMICA, HAME J COMMON HAME 7 American anticla J Serviceterry 5 apt 10.151 No 6 Corno situ "Duhillo "TM / nory thiro Dogocod 5 gal 4.55" No 6 Corno situ "Duhillo "TM / nory thiro Dogocod 5 gal 6.65" No 7 Corno senses "Parames / Yellow Two Dogocod 5 gal 6.65" No 9 Corno senses "Fanta" / Nanth Recloser Dogocod 5 gal 6.65" No 12 Corno senses "Fanta" / Nanth Recloser Dogocod 5 gal 4.55" No 12 Corno setion fees "Arctic Fire" J Arctic Fire Dogocod 5 gal 4.55" No 12 Corno setion fees "Arctic Fire" J Arctic Fire Dogocod 5 gal 4.55" No 13 Amperio communo "Mondey" / Alpine Caryet Jumper 5 gal 12.10" Yes 14 Jamperio ronzontala plamosa Andarra / Andarra Jumper 5 gal 12.10" Yes 15 Paica pingerio Colonos / Dourd Ridde Blue Sprouce 5 gal 4.55" No 16 Philo migo "Compacta" / Dourd Milgo Fine 5 gal 3.41" No 17 Philo migo "Compacta" / Dourd Milgo Fine 5 gal 4.55" No 18 Rises alpinum / Alpine Currant 5 gal 4.55" No 18 Rises alpinum / Alpine Currant 5 gal 4.55" No 18 Rises alpinum / Alpine Currant 5 gal 5.65" Yes 19 Dala proprieta "Maria" / Dourd Arctic Wildow 5 gal 5.65" Yes 19 Dala proprieta "Maria" / Dourd Arctic Wildow 5 gal 6.60" No 3 Sambusion resembors "SMISROS / Lemony luce Elderberry 5 gal 4.55" No 19 Spraza paponica "NoSix2" / Double Psy Dococ Spraza 5 gal 2.3" No 10 Spraza paponica "NoSix2" / Double Psy Dococ Spraza 5 gal 4.55" No 10 Spraza paponica "NoSix2" / Double Psy Dococ Spraza 5 gal 4.55" No 10 Spraza paponica "NoSix2" / Double Psy Dococ Spraza 5 gal 4.55" No 10 Spraza paponica "NoSix2" / Double Psy Dococ Spraza 5 gal 4.55" No 10 Spraza paponica "NoSix2" / Double Psy Dococ Spraza 5 gal 4.55" No 10 Spraza paponica "NoSix2" / Docole Psy Dococ Spraza 5 gal 4.55" No 10 Spraza paponica "NoSix2" / Docole Psy Dococ Spraza 5 gal 4.55" No 10 Spraza paponica "NoSix2" / Docole Psy Dococ Spraza 5 gal 4.55" No 10 Spraza paponica "NoSix2" / Docole Psy Dococ Spraza 5 gal 4.55" No 10 Spraza paponica "NoSix2" / Docole Psy Dococ Spraza 5 gal 4.55" No 10 Spraza paponica "NoSix2" / Docole Psy Dococ Spraza 5 gal 4.55" No 10 Spraza pa | 7 | Populus tremulaules / Quaking Aspen | 8 # 8 | 1.5*-2.0* | | 35'-45' | hia |
| ### Amelancher ainfolia / Servicelerry | 0 | Populus tremulaides / Quaking Aspen | 848 | Clump | | 35'-45' | No |
| ### Amelancher ainfolia / Servicelerry | QTY | BOTANICAL NAME / COMMON NAME | 5176 | MATURE SIZE | PROUGHT TOLERANT | | |
| Cerrus servas l'Aurama / Yalos Trig Degacod 5 gul 6-0 115 Cerrus servas l'aurai / Nant Redisser Dagacod 5 gul 5'-0 115 Cerrus stolonfera 'Arctic Fire / Arctic Fire Degacod 5 gul 4'-5' 115 Junjeros common Monday' / Apine Curyet Junjer 5 gul 12-10' Yes Junjeros renozatala plumosa Andarra / Andarra Junjer 5 gul 12-10' Yes Fisca punginis 'Greena' / Duart Glober Blue Sproue 5 gul 4'-5' 116 Thiris migo Compacta / Duart Major Fire 5 gul 4'-5' 116 Thiris migo Compacta / Duart Major Fire 5 gul 2'-3' 160 Shiris arismatica Grot Leer / Grot Leer Fragient Sursuc 5 gul 2'-3' 160 Rese sproue / Apine Currus 5 gul 4'-5' 160 Rese sproue / Apine Currus 5 gul 2'-3' 160 Rese sproue / Apine Currus 5 gul 2'-3' 160 Rese sproue / Apine Currus 5 gul 2'-3' 160 Rese voodes / Mountain Rose 5 gul 2'-3' 160 Sambioun resembs SMISRDA / Lemmy Issa Electiony 5 gul 4-0' 160 Sproze aponosa 'NCSS'2' (Doule Play Doode Sprozes 5 gul 4'-5' 160 Topinprocarpios allow / Common Mise Browleary 5 gul 4'-5' 160 Third Door Sproze aponosa 'NCSS'2' (Doule Play Doode Sprozes 5 gul 4'-5' 160 The Cottan Collection - Semplement Counter Mise Browleary 1 gul 4'-5' 160 The Cottan Collection - Semplement Counter Mise Browleary 1 gul 4'-5' 160 Esating Guergreen Tran-Apyresimate Location Currus Freemal Mise 5' Calyon Brown Booklers 1.000 Esating Guergreen Tran-Apyresimate Location Currus 16' 10' 10' 10' 10' 10' 10' 10' 10' 10' 10 | | | 5 931 | 10:15. | No | | |
| Comus serves Tamir Nand Parloser Dagocal S. gul S. 1-6 No | 4 | Cornus alba "Balhalo" TM / Ivory Halo Dogwood | 5 42 | 4'-5' | No | | |
| Completed Anciet Fire Factor Fire Displaced 5 agal 4 5 16 Jumperus Communes Monday / Alpine Cayes Jumper 5 agal 5' Yes Jumperus communes Monday / Alpine Cayes Jumper 5 agal 6' Yes Finas purgers (Follows / Durch Globe Blue Sprove 5 agal 4-5' No Finas purgers (Follows / Durch Mulgo Fine 5 agal 3' A' No Finas purgers (Follows / Durch Mulgo Fine 5 agal 3' A' No Rese sprour / Alpine Corres 5 agal 4'-5' No Rese sprour / Alpine Corres 5 agal 4'-5' No Rese sprour / Alpine Corres 5 agal 4'-5' No Rese sprour / Alpine Corres 5 agal 4'-5' No Rese sprour / Alpine Corres 5 agal 4'-5' No Rese sprour / Alpine Corres 5 agal 4'-5' No Rese sprour / Alpine Corres 5 agal 5'-6' Yes July purpors Tatar / Durch Monda Alpine Current 5 agal 2'-3' No Sombours reserves SMISROS / Lemay luce Elsenberry 5 agal 4'-5' No Sombours reserves SMISROS / Lemay luce Elsenberry 5 agal 4'-5' No Sprozes proces 10CMS / Durch Nay Dosce Sprozes 5 agal 2'-3' No Sprozes proces 10CMS / Durch Nay Dosce Sprozes 5 agal 4'-5' No DOTO DOTALICAL HAME / COMMON MARE TO ALPINE TO ALPINE DURCH TOLERAIT The Incorrection semperurers BMISTOR / Dire Cite Gloss 1 agal MOTALICAL HAME / COMMON MARE Existing Evergreen Tree-Approximate Location Dusting Directions Tree-Approximate Location Date Capyon Doron Boulders | c | Comus sences "Playrames" / Yellow Twig Dogwood | 5 gal | 6-5 | 110 | | |
| 3. Jumperus commune Monday i Alpine Caryes Jumper 4. Jumperus roncertella plumosa Anderra i Anderra Jumper 5. gal 12-10* Yes 3. Piscas prageris Grisena i Puerd Riche Blus Sproce 5. gal 4-5: His 5. Naire major Compacta i Puerd Riche Blus Sproce 6. Spring Alpine Correct 6. Spring aremitica Grisena i Puerd Riche Blus Sproce 7. Spring Alpine Correct 7. Spring Alpine Correct 7. Spring Alpine Correct 8. Spring Correct | 9 | Cornus sences "Isants" / Isanti Redosier Dagwood | 5 gal | 5 -6 | No | | |
| A Jumperus romandala plumosa Andorra I Andorra Jumper 5 gul 12-10* Yes 5 Parea purgeria (Torbosa / Duard Robe Blue Syrouce 5 gul 4-5: No 5 Parea purgeria (Torbosa / Duard Mujop Pare 5 gul 3-4: No 6 Parea purgeria (Torbosa / Duard Mujop Pare 5 gul 3-4: No 7 Rese signour / Alpine Currant 5 gul 2-3: Yes 6 Rese signour / Alpine Currant 5 gul 2-3: No 6 Rosa vocate / Mountain Rose 6 Duard vocate / Mountain Rose 6 Duard vocate / Mountain Rose 6 Duard purpersa "Harra" / Duard Anctic William 5 gul 6-0: No 3 Sambious resements SMISROS / Lemay lose Elemetery 5 gul 4-5: No 5 Spranea pipeous "NCSNO2" / Double Pay Doube Sprane 5 gul 4-5: No 6 Spranea pipeous "NCSNO2" / Double Pay Doube Sprane 5 gul 4-5: No 7 Symphochagos abour (Common White Disosherry 5 gul 4-5: No 6 DOTALICAL HANT / COMMON HANTE 7 Portain CAL HANT / COMMON HANTE 8 Parea pipeous "Trendeprosimate Lecation" Feating Evergreen Trendeprosimate Lecation Cutty Dotal Common Street Paymon mate Location 7 Portain Common Trendeprosimate Location 6 Dotal Common Street Paymon mate Location 6 Dotal Common Doubleters 1 Good Lauxa 6 Dotal Common Doubleters | 12 | Comus stolonifera "Arctic Fire" / Arctic Fire Dogwood | 5 gal | 4 .5 | Ilo | | |
| 3 Pieza pulgens (Folosia / Divard Niego Free 5 pal 4'-5' No 5 Pieza pulgens (Folosia / Divard Niego Free 5 pal 3'-4' No 4 Riva promotica Grotion / Grotion Fragient Diviso 5 pal 2'-3' Yes 5 Raes alphore (Anne Currant 5 pal 4'-5' No 6 Rosa vinceles / Montain Rose 6 Rosa vinceles / Montain Rose 6 Rosa vinceles / Montain Rose 6 Dale prepriera (Haria / Divard Actic Wildow 5 pal 6'-0' No 3 Sambiuon resemense SMISTOR / Jemeny Jose Estentiery 6 Sprazea puncia (Mosta) Divard Palpole Ray Disson Sprazea 5 pal 2'-3' No 7 Symptocharpios albus / Common White Shootleery 5 pal 4'-5' No 7 Symptocharpios albus / Common White Shootleery 7 Spraze puncia (MOSTA) Divard Rose 7 Symptocharpios albus / Common White Shootleery 9 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Ray Disson Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Niego Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Niego Sprazea 1 pal 4'-5' No 7 Sprazea puncia (MOSTA) Divard Niego Sprazea 1 pal 4'-5' No 7 Sprazea punci | ٥ | Jumperus communa "Mondup" / Alpine Carpet Jumper | 5 gal | o. | Yes | | |
| 5 Philos migor Compatal / Disart Nujor Fine 4 Riss aromatica Grostoni / Grostoni Forelogrant Dimac 5 Raes alphom foren Mound / Green Mound Alphoe Currant 5 gal 4-5 No 6 Rosa vicioles / Mountain Rose 7 Data proprier 3 Manual / Disart Avistic Wildow 8 gal 6-6 No 8 Spraze approca *NCSN2 / Demier Jaya Esterberry 8 Spraze approca *NCSN2 / Demier Jaya Disart Esterberry 9 gal 4-5 No 7 Dymprocrapios albus / Committe Strooterry 9 gal 4-5 No 7 Data Rose demier Spraze 9 gal 4-5 No 7 Demonstration albus / Committe Strooterry 9 gal 4-5 No 7 Demonstration albus / Committe Strooterry 9 gal 4-5 No 7 Demonstration semperurers *Duc Outs / Disart Out Grass 1 gal 9 DATAILOL HAME / COMMON HAME 17 Teccord Hame / Common Demonstration 9 DESCRIPTION Existing Demonstration Tree Approximate Location Description 1 GOO Seed Lasa | 4 | Jumperus nonzontala plumosa. Andorra: / Andorra Jumper | 5 gal | 12-16" | Yes | | |
| 4 Bros aromatics Cricition / Circition Fragrint Somes 5 ppl 2:3 Yes 5 Rises alphom fichine Currant 5 ppl 4:5 No 12 Rises alphom fichine Mount / Green Mount Alphoe Currant 5 ppl 2:3 No 6 Roba secrets / Mountain Rose 5 ppl 2:3 No 6 Roba secrets / Mountain Rose 5 ppl 2:3 No 3 Sambiusin resembles SMISROR / Lemeny losse Eldenberry 5 ppl 4:6 No 5 Spraze approace *NCROR / Double Pay | 3 | Pices purigens: Globoss: / Dwart Globe Blue Spruce | ادو 5 | 41-51 | No | | |
| Reas alphane (Alphane Currants 5 gal 4-5 16 Reas alphane Green Mound / Green Mound Alphane Currant 5 gal 2-3 16 Reas alphane Green Mound / Green Mound Alphane Currant 5 gal 2-3 16 Reas alphane organises SMSSRD4 / Lemeny loss Exercisery 5 gal 4-6 19 Services pagences SMSSRD4 / Lemeny loss Exercisery 5 gal 4-6 16 Services pagences 15CSR2 / Double Play Double Spraces 5 gal 2-3 16 Services pagences 15CSR2 / Double Play Double Spraces 5 gal 4-5 16 Services pagences 15CSR2 / Double Play Double Spraces 5 gal 4-5 16 Services pagences 15CSR2 / Double Play Double Spraces 5 gal 4-5 16 Services pagences 15CSR2 / Double Play Double Sprace 5 gal 4-5 16 Services 15CSR2 / Double Spraces 5 gal 4-5 16 Services 15CSR2 / Double S | 5 | Pinus mugo: Compacta: / Dwarf Mugo Pine | 5 (4) | 31.4 | No | | |
| 12 Ribes Jipnum Green Mound / Green Mound Alpine Currant 5 qul 21-3 16 Rosu sondes / Mountain Rose C Dulin propries 174ma / Duart Ancic Wildow 5 qul 61-0 No 3 Sambiuso reservos SMISRO4 / Lemeny loss Exercisory 5 qul 41-0 No 6 Sprase paperica 1165x2 / Double Play Double Sprase 5 qul 21-3 No 5 Sprase paperica 1165x2 / Double Play Double Sprase 5 qul 41-5 No 6 Sprase paperica 1165x2 / Double Play Double Sprase 5 qul 41-5 No 6 Sprase paperica 1165x2 / Double Play Double Sprase 5 qul 41-5 No 6 Sprase paperica 1165x2 / Double Play Double Sprase 5 qul 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qul 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qul 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qul 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qui 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qui 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qui 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qui 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qui 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qui 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qui 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qui 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qui 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qui 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qui 41-5 No 6 Sprase paperica 1165x2 / Double Double Sprase 5 qui 41-5 No 6 Sprase paperica 1165x2 / Double Double No 6 Sprase paperica 1165x2 / Double Double No 7 Sprase paperica 1165x2 / Double Double No 7 Sprase paperica 1165x2 / Double Double No 7 Sprase paperica 1165x2 / Double No 8 Sprase pa | 4 | Rhus aromatica: Gro-Low / Gro-Low Pragrant Dumac | 5 931 | 2 -3 | Yes | | |
| 6 Rosa socidas / Mojurtan Rose 5 qui 5'-6' Yen C Dula prepriera 'Harar / Disert Arctic Wildon 5 qui 6'-0' No 3 Samboun reziemena SMISRRO / Lamony buse Elderberry 5 qui 4-10' No 8 Spreza paronca 'NCSY2' / Decile Phys Desce Spreza 5 qui 2'-3' No 7 Symptonicarios allevi / Common White Shookerry 5 qui 4'-5' No GTY 8074 mich (MARC / COSMODI MANS 500) Phys Desce Spreza 5 qui 4'-5' No GTY 8074 mich (MARC / COSMODI MANS 500) Phys Desce Spreza 5 qui 4'-5' No GTY 8074 mich (MARC / COSMODI MANS 500) Phys Desce Spreza 5 qui 4'-5' No GTY 8074 mich (MARC / COSMODI MANS 500) Phys Desce Spreza 5 qui 4'-5' No DESCRIPCIA, MARCOCOMICO MANS 500 Phys Desce Spreza 5 qui 4'-5' No Distribution of the Cosmodi Mans 5 qui 4'-5' No Distribution of the Cosmodi Mans 5 qui 4'-5' No Distribution of the Cosmodi Mans 5 qui 4'-5' No Distribution of the Cosmodi Mans 5 qui 4'-5' No Distribution of the Cosmodi Mans 6 qui 4'-5' No Distribution of the Cosmodi Mans 6 qui 4'-5' No Distribution of the Cosmodi Mans 6 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi Mans 7 qui 4'-5' No Distribution of the Cosmodi No Dist | 5 | Ribes alpinum / Alpine Corrant | 5 90 | 41-51 | No | | |
| Sale purpores "Mare" / Duart Acts Wilson Sign GLO: No Sambuson ratemens SMISROR / Lemeny lace Elderberry Sign! 4.16. No Spriese paronce "NCSKO" / Double Pay Depose Spriese Sign 4.16. No Spriese paronce "NCSKO" / Double Pay Depose Spriese Sign 4.15' No Dymprocrashop allow / Commod White Shookery Sign 4.15' No DYMProcrashop allow / Commod White Shookery Sign Act 1.5' No STANDAL HANDECOMMON HAME SOTANDAL HANDECOMMON HAME SOTANDAL HANDECOMMON HAME SOTANDAL HANDECOMMON HAME Existing Suseymen Tree-Approximate Location Description Description Carlyon Brooks on Tree-Approximate Location OTY OPEOCRAFICOL 24 Carlyon Brooks Doubletes 1,000 Sord Laces Sord Laces Sord Laces Sord Laces | 12 | P.bes alpinum "Green Mound" / Green Mound Alpine Currant | 5 431 | 2 -3" | 11a | | |
| 3 Sambuson ratemens SMISROR / Lemeny lace Eldenberry 5 gal 4-16 No 8 Sprinse papersize "NCSY2" / Double Play Dozoe Sprinses 5 gal 4-15" No 7 Symphocinaryon allow / Commod White Shookerry, 5 gal 4-15" No 8 SOTAMICAL HAME / COCHANDH HAME 17 Helicitatinchian sempervieres "Disc Dats / Bible Dat Grass 1 gal 9 SOTAMICAL HAME (COMMOD) HAME 1037 Precental Mile 9 Exating Susception Tree-Approximate Location Dusting Discolation Tree-Approximate Location Discolation Tree-Approximate Location Discolation Tree-Approximate Location Discolation Tree-Approximate Location OTY DISCOLATION 24 Califord Brown Bookders 1,000 Seet Lace | 6 | Rosa woodsii / Mountain Rose | 5 gal | 26- | Yes | | |
| 8. Sprace japonce "NCSO2" / Devile Play Decoe Sprace b gal 2"-3" No 7. Symptoncayos altur / Common White Shoulterny 5 gal 4"-5" No GTY BOTANICAL HAME / COMMON HAME OUT OF STATE OUT DEVILORS I 1-9" MATURE OUT DEVILORS I 1-9" MOUGHT TOLERANT 17. Hericitanchor sempenueris "Duc Outs / Blue Out Grass I 1-9" MOUGHT TOLERANT 1007 Percental Mile Streegeen Tree Approximate Location Desting Decolation Tree Approximate Location Desting Decolation Tree Approximate Location OTY DECOCRAFICIAL 24. Caryon Brown Boulders 1.000 Sed Laces 56. | c | Salix perpurea "Hana" / Divart Arctic Willow | 5 901 | 6-6 | No | | |
| 7 Symptocarpios allow I Common White Shouldern | 3 | Sambucus racemosa SMIISRD4 / Lemony lace Elderberry | 5 gal | 4-6 | No | | |
| OTY DOTATICAL HART COMMON HART DIE MATURE QUE PROJECT TOLERANT | B | Spiraea japonica "NCSX2" / Double Play Dooble Spiraea | 5 gal | 2 -3 | No | | |
| 2 GTV BOTANCIA IMATECONACIO HAME 1027 Ferennal Mi- Se Esating Everymen Tree-Approximate Lectron Esating Discission Tree-Approximate Lectron Discission Discission Tree-Approximate Lectron City Discission Tree-Approximate Lectron 24 Carpon Brown Bookfers 1,620 Sed Laun | 7 | Symphonicarpos albus / Common White Snowberry | 5 (3) | 4.42 | tio | | |
| 17 Telectonchain sempervierin Blue Dati / Blue Dati (1995 1 gal) 105 077 BOTANCAL HANDECHANDI HANDE 1057 Percenial Mil. Se Eusting Evergreen Tree-Approximate Location Costing Decodors Tree-Approximate Location Ont open Event Boulders 1 COD Seed Jaun 100 Seed Jaun | atv o | BOTAHICAL HAME / COMMON HAME | SIZE | MATURE SIZE | DROUGHT TOLERANT | | |
| Exating Decideous Tree-Approximate Location Exating Decideous Tree-Approximate Location Discrimination City Decideous Tree-Approximate Location City Decideous Tree-Approximate Location City Decideous Tree-Approximate Location See Laun See Laun See Laun See Laun | | | | 8 | | | |
| Exating Decideous Tree-Approximate Location Exating Decideous Tree-Approximate Location Discrimination City Decideous Tree-Approximate Location City Decideous Tree-Approximate Location City Decideous Tree-Approximate Location See Laun See Laun See Laun See Laun | 16 000 | BOTANICAL MANESCONNICON HAME | | | | | |
| Disting Decidiose Tree-Approximate Location OTY SECCRETION 24 Cargon Drown Deviders 1,000 Seet Jaun 57 | 3 1057 | | | | | | |
| OTV DESCRIPTION 2.4 Calyon Brown Booklers 1,500 Seef Laux | | Existing Evergreen Tree-Approximate Location | | | | | |
| OTY DESCRIPTION 24 Caryon Brown Booklers 1,000 Seef Laun 25 | | | | | | | |
| 24 Carlyon Brown Bouldery 1,050 Snd Laun Srf | | Existing Deciduous Tree-Approximate Location | | | | | |
| 1,000 Snd Laun | GTY | DESCRIPTION | | | | | |
| er sammen | 24 | Canyon Brown Boulders | | | | | |
| 2,365 | 1.680 Sf | Sod Lava | | | | | |
| Sir Hative Grass Deed MidWidflowers | 9,365 | Native Grass Deed MwWVdflowers | | | | | |

PLANT SCHEDULE

3084 Thorpe Road Belgrade, Montana 59714 Ph 406.924.8038



TALISKER CLUB EMPIRE PASS • TUHAYE

Project For:
Residences at the Tower
8680 Empire Club Drive
Park City, UT

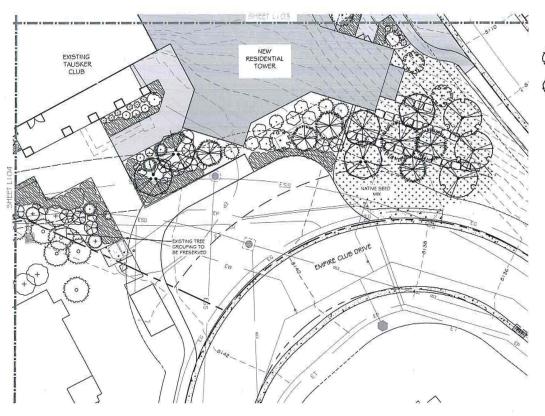
Date Issue 9/11/18 CUP Submittal

RECEIVED

SEP 1 3 2018 PARK CITY PLANNING DEPT

Southwest Enlarged Landscape Plan

SCALE: 1"=10'-0"



| | DIY | BOTAHICAL HAME / COMMON NAME | CONT | CAL | 5126 | MATURE SIZE | DROUGHT TOLEKAN |
|----|-------------|--|--------|-------------|------------------|-------------|-----------------|
|) | 17 | Abies lasiocarpa / Alpine Pir | D 4 B | | 8-14 | 40 -50 | Yes |
| | c | Acer grandidentatum / Bigtooth Maple | 949 | 1.5".8.0" | | 20-30 | Yes |
|) | 2 | Pinus anstata / Bristlecone Pine | DAD | | 5.6" | 12-16 | Yen |
| | 7 | Populus tremuloides / Quaking Aspen | 8 4 8 | 1.5*-2.0* | | 35".45" | No |
| | ō | Populus tremuloides / Qualing Aspen | 848 | Clump | | 35 -45 | No |
| | YTO | BOTANICAL HAME / COMMON NAME | SIZE | MATURE SIZE | DROUGHT TOLERANT | | |
| S. | 7 | Amelanchier ahilfolia / Demceberry | 5 gal | 10-15 | No | | |
| | 4 | Comus alba "Balliulo" TM / Ivory Halo Dogwood | 5 931 | 4'-5" | No | | |
| | 6 | Comus serices "Flavrames" / Yellow Twig Dogwood | 5 gal | 6-6 | No | | |
| | 9 | Cornus serices "Isanti" / Isanti Redower Dogwood | 5 gsl | 5 -6 | No | | |
| | 12 | Comus stolonilera "Arctic Pire" / Arctic Pire Dogwood | 5 gal | 41-51 | No | | |
| | Ď | Junperus communis "Mondap" / Alpine Carpet Juniper | 5 gal | o. | Yes | | |
| | 4 | Jun perus horizontalis plimosa "Andorra" / Andorra Juniper | 5 gal | 12-10" | Yes | | |
| | 3 | Picea pungens "Globosa" / Dwarf Globe Blue Spruce | S gal | 41-51 | No | | |
| | 5 | Pinus mugo "Compacta" / Disart Mugo Pine | 5 gal | 314 | No | | |
| | 4 | Rava aromatica "Gro-Low" / Gro-Low Fragrant Oimac | 5 gal | 5.+3. | Yes | | |
| | 5 | Ribes alpinum / Alpine Current | 5 gal | 4'-5' | 140 | | |
| | 12 | Ribes alpinum 'Green Mound' / Green Mound Alpine Current | 5 gal | 21-31 | No | | |
| | 6 | Rosa woodsn / Mountain Rose | 5 .jal | 5 -6 | Yes | | |
| | 6 | Salix purporea "Naria" / Dworf Arctic Willow | 5 gal | 6.8" | No | | |
| | 3 | Sambucus racemosa "SMNSRD4" / Lemony lace Elderberry | S gal | 4-61 | No | | |
| | B | Spiraes juponica "NCSX2" / Double Play Doome Spiraes | ادو ڪ | 2'-3' | No | | |
| | 7 | Symptonicarpos albus / Common White Snowberry | 5 gal | 41-51 | No | | |
| 5 | OTY | BOTANICAL HAME / COMMON NAME | 5/20 | MATURE SIZE | PROUGHT TOLERANT | | |
| | 17 | Helicitetrichen semijervirens "Blue Oats" / Blue Oat Grass | l gal | | | | |
| 10 | ary | BOTANICAL NAME/COMMON NAME | | | | | |
| 3 | 097 SF | Perennal Mix | | | | | |
| 3 | | | | | | | |
| | | Existing Evergreen Tree-Approximate Location | | | | | |
| | | | | | | | |
| | | Existing Decidious Tree-Approximate Location | | | | | |
| | CITY | DESCRIPTION | | | | | |
| | 24 | Canyon Brown Boulders | | | | | H |
| | 1,650 SF | Sod tawn | | | | | |
| 1 | 9.365 SF | Native Grass Seed Mu/Widflowers | | | | | |
| • | SF | reuse state deep high contents | | | | | |

SEP 13 2018

Southeast Enlarged Landscape Plan

Date Issue 9/11/18 CUP Submittel

TALISKER CLUB EMPIRE PASS • TUHAYE

Project For:
Residences at the Tower
8680 Empire Club Drive
Park City, UT

SCALE: 1"=10'-0"



Tower Club – looking Northeasterly



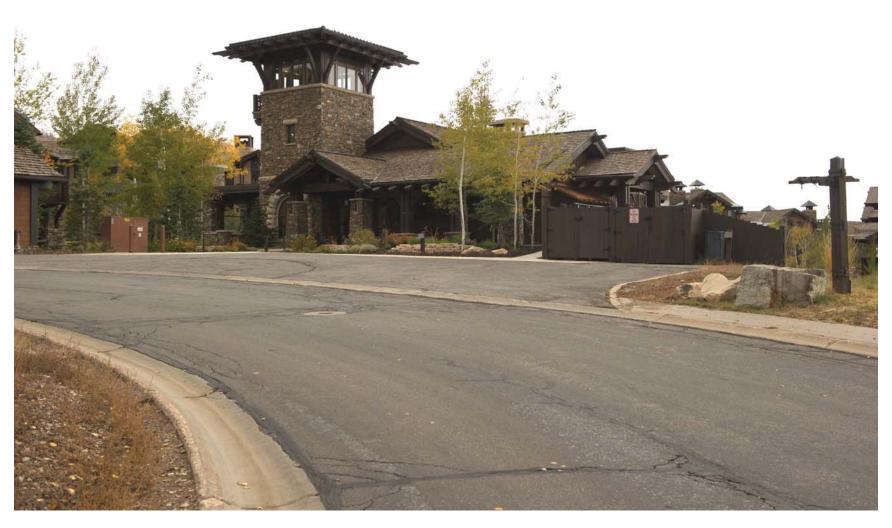
Tower Club – looking Southeasterly



Tower Club – looking Southwesterly



Tower Club – looking Northwesterly



Tower Club – looking Northwesterly



Tower Club – looking Northerly

SUMMINION SCRIPTIONS CONTRICATE

1, John Demkowicz, do breely certify that 1 am a Registered Land Surveyor and that 1 had Certificate No. 154491, as prescribed under the laws of the State of Utan. of land Laws on the State of Utan. of land shown on this plat and described herein and subdivided sald but of a fland including the state of the s







BOUNDARY DESCRIPTIONS

PARCEL 1

A parcel of land located in the northeast quarter of Section 28, Township 2 South, Range 4 East, Sult Lake Base and Meridian, sold parcel being more particularly described as follows:

A porcial of land licenses in the northwest quarter of Section 28, Teventry 2 South, Roope 4 East, Self Lake Blace and Berkfort, self-proved heapy more portunitary described as fetered as exploring at a point beat land to the land to

Description contains 3.55 scree, more or less.

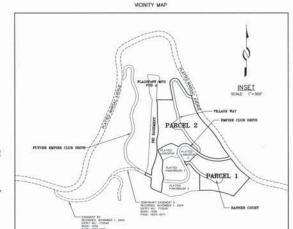
A parcel of land located in the north half of Section 28 and the southeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, sold parcel being more performance described as follows:

A proof of lead incided in this corth half of Section 28 and the suchheat quorter of Section 21, Township 2 South, Ringe 4 East, Sort Lake Blass and Meridian, said porcel being immer periodicity development of the Section 21 incided and the south section 21, Township 2 South, Ringe 4 East, Sort Lake Blass in Meridian, and post heles give no the westerp boundary of Microsch American Phyl of Wigo, country in the efficial pill between of the George on the westerp boundary of Microsch American Phyl of Wigo, country in the efficial pill between of the George of the Phylodian American Phylodian Phylodian

Description contains 7.65 cores, more or less

THE VILLAGE AT EMPIRE PASS PHASE 1

LOCATED IN SECTIONS 21 AND 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



OWNER'S DEDICATION AND CONSENT TO RECORD

XXOW ALL MON BY THOSE PROSONTS THAT PARTIBIDUS RESIDENCES, LLC, a bleavers limited failability company, the owner of partition of the treat of load despited herein as THE VALACK AT (DMRR) PASS, PASSE, 1, including these 25 four wise Passic as Pas

in witness whereof the undersigned has executed this certificate and dedication this 10th day of NOV.

ACKNOWLEDGMENT

State of Utah County of Stummit "

This instrument was acknowledged before me this 10+41 day of NOV. 2004 by James M. Hill the Vice President of HF HOLDING CORP. III, a Coloredo corporation, Manager of PAINTIBRUSH RESIDENCES, LLC, a Delaware limited

mary grancy Residing in Park City My commission expires: 6-13-2008



OWNER'S DEDICATION AND CONSENT TO RECORD

NOW ALL MEN BY THESE PRESENTS THAT SHOOTING STAR RESERVELS, LLC, a Deliver's limited Sachilly company, the owner of a portion of the treat of load dearthed herein as The "ML-MCA" A LIMITED PACE, THISES, I because limited Sachilly company, the owner of a portion of the treat of load dearthed herein as the "ML-MCA" A limited PACE, THISES, A limited providing the PACE and PACE A THISES LIMITED AND A LIMITED PACE AND A LIMITED PACE

in witness whereof the undersigned has executed this certificate and dedication this 10th by of Nov. 2004. SHOOTING STAR RESIDENCES, LLC A Deloware limited liability company

THE Wice President

ACKNOWLEDGMENT

State of Utah County of Summit "

This instrument was acknowledged before me this 107% day of Nov. 2004 by James M. Hill the VICE PRESIDENT of HE HOLDING CORP. III, Manager of SHOOTING STAR RESIDENCES, LLC, a Delivere limited

Mary g Careey Residing in Park City My commission expires: 6-/3-2008



OWNER'S DEDICATION AND CONSENT TO RECORD

SIGN ALL BITS OF THESE PRESENTS THAT EMPIRE MONTHAN MLLDER, LLC. a forecase similar limits, corpora, the owner of a parties of the text of lord excellent ferror in the MLLDLER AT MUNIE PASS, PRICE, building these 5 to No while Palish, PRICE MINISTER SIGN PRICE MAY AND MARKET, CAUSE DRIVE, benefity certifies that it has cussed this Subdivision first consisting of the CCC plants to be a proposed, does benefit consent to the Subdivision PRI. and does revery closed to a guide condition of the Subdivision PRI. and does revery decided as a guide condition of the Subdivision PRI. and does revery decided as a guide condition of the Subdivision PRI. and does revery decided as a guide condition of the Subdivision PRI. and does not subdivision PRI. and does

EMPIRE MOINTAIN VILLAGE, LLC,
A Delower lemind liability company
by 19 HOLDING Color II,
A Coloredo, corporation,
In Monager
By.
The Alice Messelnt

ACKNOWLEDGMENT

state of Utabl County of Summit "

This instrument was administration to the LOTH day of MOV 2004 by James M, Hill to Vice President of HE HOLDING CORP. II, a Coloredo copporation, Manager of Differ MODIFIAN VILLAGE, LLC. a Delaware limited stability companies

mary glarry Residing in Park City My commission expires 6.13-2008



OWNER'S DEDICATION AND CONSENT TO RECORD

In witness whereof the undersigned has executed this certificate and dedication this 10^{+9} day of 10^{-9} .

INITED PARK CITY MINES COMPANY A Deloware composition Deligner opposition

By Mediting

The Vice President

ACKNOWLEDGMENT

State of Utah COUNTY OF SUMMIF

This instrument was administrated before me this 10th day of NOX 2004 by Mark Thorne the Vice President of UneTID PAIK CITY MRIS COMPANY, a Delivery corporation.

mary gearney Residing in Fark City My commission expires: 6-13-2008



OWNER'S DEDICATION AND CONSENT TO RECORD

NOW ALL, MOR MY THEE PRECENTS THAT MODIFALD DOCUMENTS I, S. M., o Delever copposition, the new of a portion of the stort of one described news on the ALLOCA AT LONGER PAGE, FINAL OF LONGER (THE SET AND ALLOCA AT LONGER PAGE). FINAL OF LONGER PAGE THAT MAY LONGER PAGE AT LONGER PAGE PAGE AT LONGER PAGE AT LONGER PAGE PAGE PAGE PAGE PAG

THE Vice President

ACKNOWLEDGMENT

Stole of Utan County of Summit

This instrument was admonstraged before me this 10th day of NOV. 2004 by Mark Thorns the Vice-Printdents MOUNTAIN DEVELOPMENTS 1, INC., a Delever's consortion.

mery glarry Residing in Park City My commission expires 6-13-2008

OWNER'S DEDICATION AND CONSENT TO RECORD

INDIV ALL MOLIET DECIL PRESENTS THAT CMPRE PASS QUBI, LLC, a Unith limited liability company, formerly known as ALPRE QUBI, LLC, a Deliveure mother liability company, by its monoper, United Plas Colymbra Pass (high even of a partin of the local of land described herein as Del VILLAGE, AT BANKER, COLUMB AD QUBINE QUBI DECIL Pressy certifies the land to the land of the local described herein as Del VILLAGE, AT BANKER COURT AND QUBINE QUBI DECIL Pressy certifies the land council bits Scheduline Pad consisting of the CQL describe to be proposed, does when the council bits Scheduline Pad consisting of the CQL described to be proposed, does will not be consistent of village was presented that Scheduline Pad consistent of village was presented and village was presented to village was consistent countries and village was presented and village was

In witness whereof the undersigned has executed this certificate and dedication this 10th day of NoV. 2004

DAMPRE PASS CLUB, LLC.
United Park Gry Myres Company, its Monoger
Hy. Chall The
The Vice President

ACKNOWLEDGMENT

Stone of Utah County of Sammit "

2004 by Mark Thorne to Vice President .

mary g carrey Residing to Park City My commission expires 6-13-2008



SHEET 1 OF 2 JOB NO.: 3-12-02 FILE: ht/Engre/deg/Enchant/Shit/Shise Long

If then Dreed H.O. Sine 2006 Flori City Vision, Markette, 2008.

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 115

DAY OF Hovenber, 2004 A.D.

ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS LITTLE DAY OF MOYEMBER . 2004 A.D.

BY DICH OLHAM PE

APPROVAL AS TO FORM APPROVED AS TO FORM THIS 15



CERTIFICATE OF ATTEST



COUNCIL APPROVAL AND ACCEPTANCE # 7/8034 RECORDED

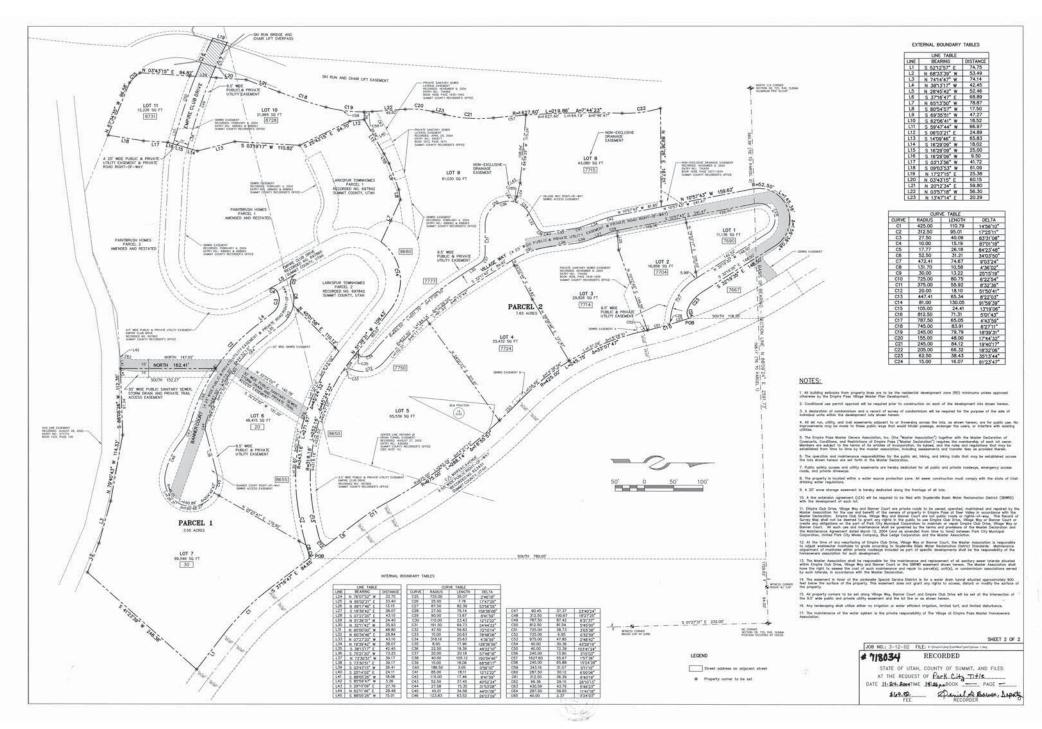
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30 TO DAY OF SETTEMBLE. Dana Williamo

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City Title DATE II-24- RONTIME MIRLANDOOK - PAGE -

\$ 19.50 Deniels Sower, Deputy

BY By O. Co.

PLANNING COMMISSION



SURVEYOR'S CERTIFICATE

I, John Denkowicz, do hereby certify that I am a Registered Land Surveyor and that I hald Setflicate No. 154491, as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the fract of land shown on this plot and described herein and subdivided sold tract of land shown and this plot and described herein and subdivided sold tract of land into late, provide register—of-eye, and examents to be hereafter known or PRST AMEXIGANY, The YULOK AT BAPRIC PASS, PRASS, L. (17) on that the same has been or with the correctly accreted on the ground as shown on this plot.



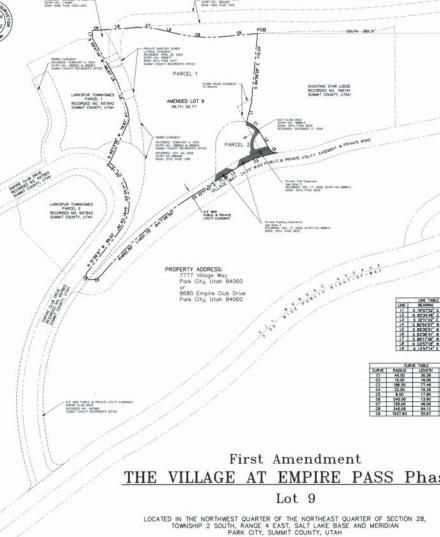
12-22 2011

AMENDED LOT 9 BOUNDARY DESCRIPTION

PARCEL 1

Lot 9, The Village at Empire Pass, Phase I, according to the official plat thereof, on file and of record in the office of the recorder, Summit County, Utoh, recorded November 24, 2004, as Entry No. 7180-014.

Parcels 1 & 2 contain 66.711 square feet.



NOTES:

4. The maintanance of the private Lot 9 water system is the responsibility of the Lot 9 Village of Empire Pasa Sult

6. The plot amendment does not approve any changes to the Conditional Use or Master Phonned Developmen approvals on the property.

7. This plot is subject to all of the conditions of approval of Ordinance # 11-02, passed and adopted January 6.

All conditions of approval of the Flagstoff Annexation and Development Agreement and the Village at Empire Pass Master Planned Development and the Village at Empire Pass Phase 1 subdivision plot shall continue to apply.

THE VILLAGE AT EMPIRE PASS Phase 1

\$ 01/27/5)* £ 232.00* NE COMICE SECTION 28, 125, Incl. School SCHOOL OCCUPIED BY HOUSE



VICINITY MAP

OWNER'S DEDICATION AND CONSENT TO RECORD

UNITED PARK CTY WRES COMPANY, a Deciver consistion, the Owner of a portion of the troot of described been as Fresh Americanism of the WallACA & CoMPE PAGE, but it, kneety certifies having control to the property certifies having control to the recordation of the Fresh Park Americanism of Subschiller PAC and does hereby costs as a public and private stilling exament the 3.5 host wise porce of property shusted sting the hearts dide of a portion of Village Way as shown hereon.

of Dag. 2011

Trise MOE PRESIDENT

ACKNOWLEDGMENT

STATE OF Utah COUNTY OF SUMMIT

This instrument was acknowledged before me this 22nd day of December 2011 by

Kerry Gre the VICE-Presidents United Park City Mines Company, a Delaware NOTARY PUBLIC LUi Elett Protes None Tei Fistron My commission supress April 10, 2012 Residing in Summit County



SHEET 1 OF 1



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 2240

DAY OF DEC. 2011
BY R.B.W.R.D. __, 2011 A.D. PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 8th DAY OF DECEMBER, 2010 A D.

ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN DAY OF DECEMBER . 2011 A.D. PARK CITY ENGINEER

APPROVAL AS TO FORM PPROVED AS TO FORM THIS 3074 DAY OF December, 2011 A.D. BY PARK ON ATTORNEY

CERTIFICATE OF ATTEST

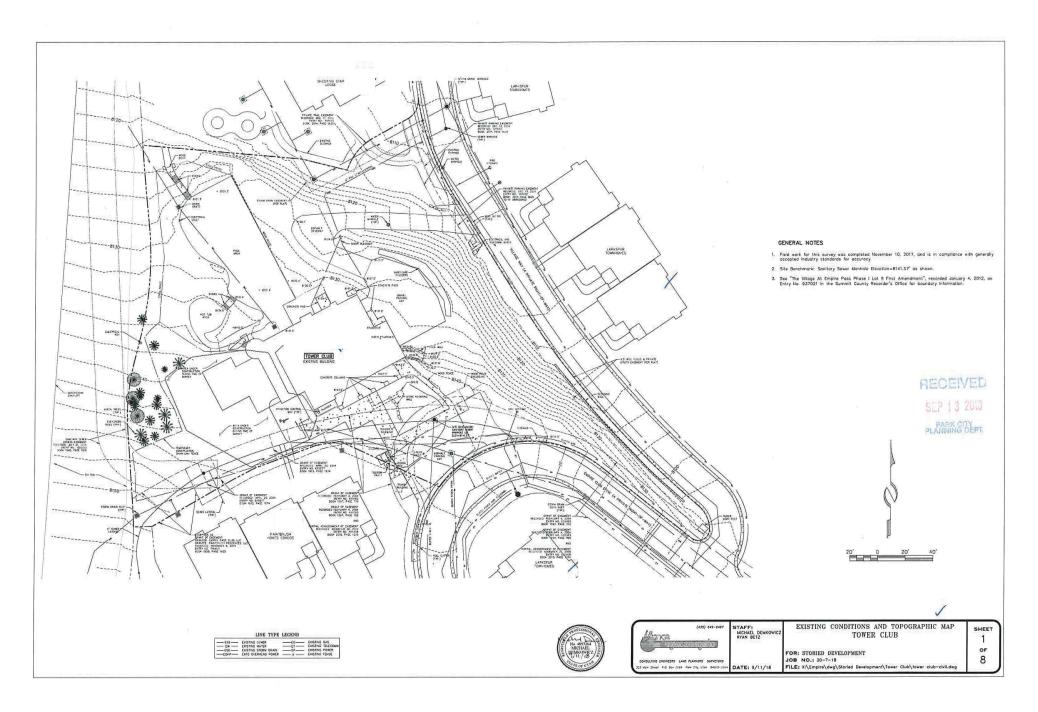
COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 6th DAY OF JANUARY, 2011 A.D.

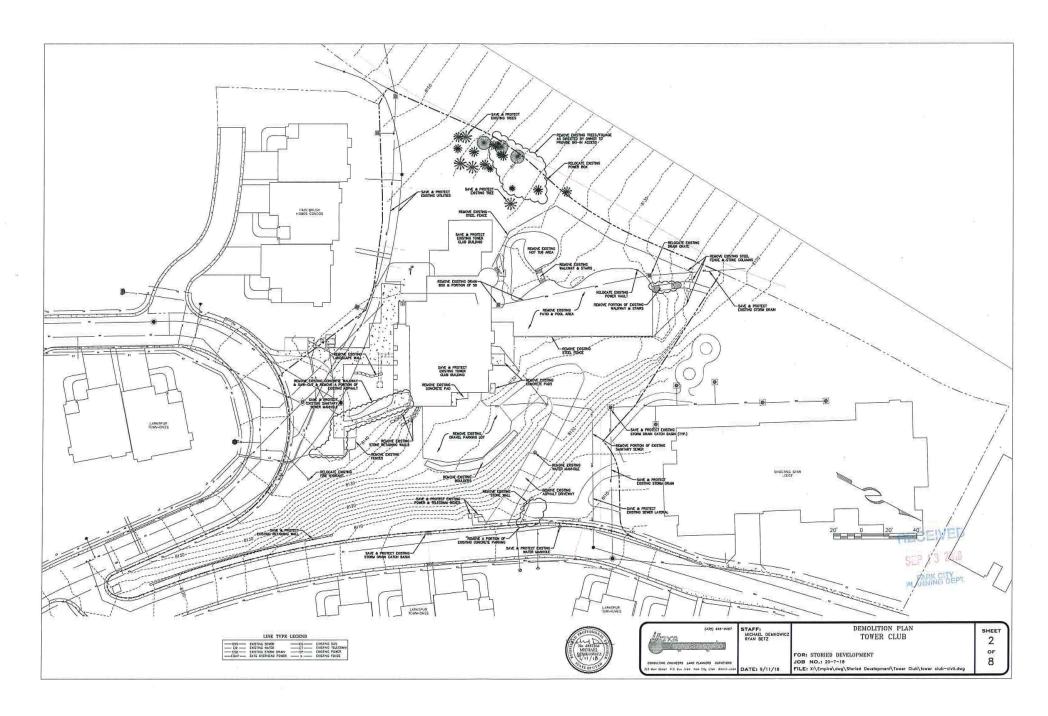
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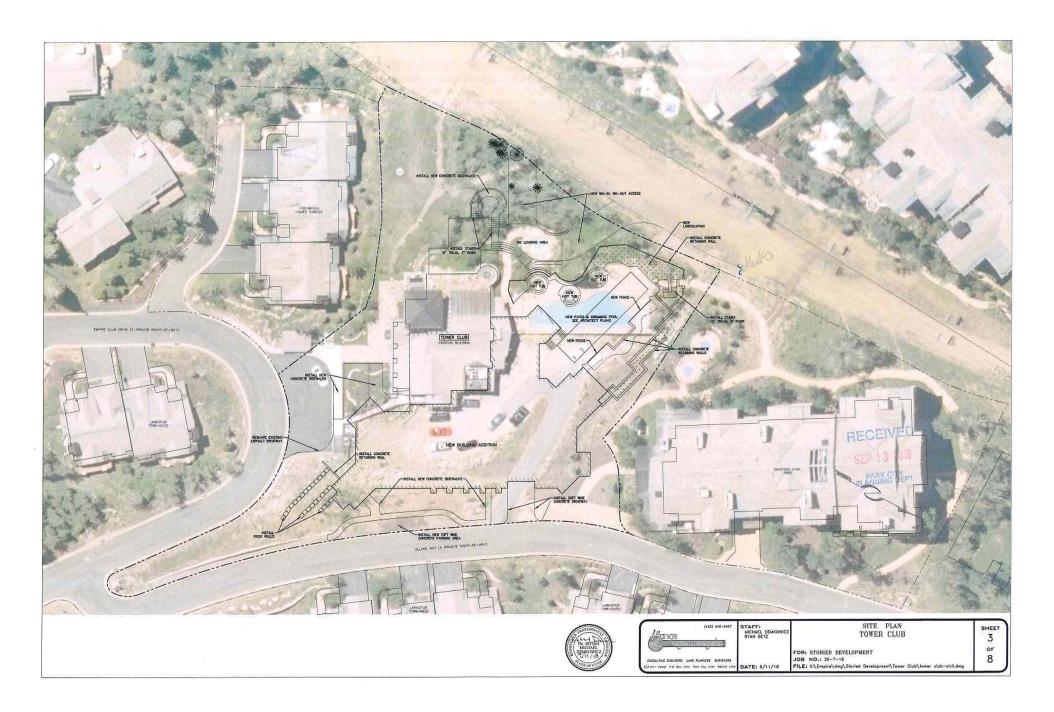
BY Roma Williams

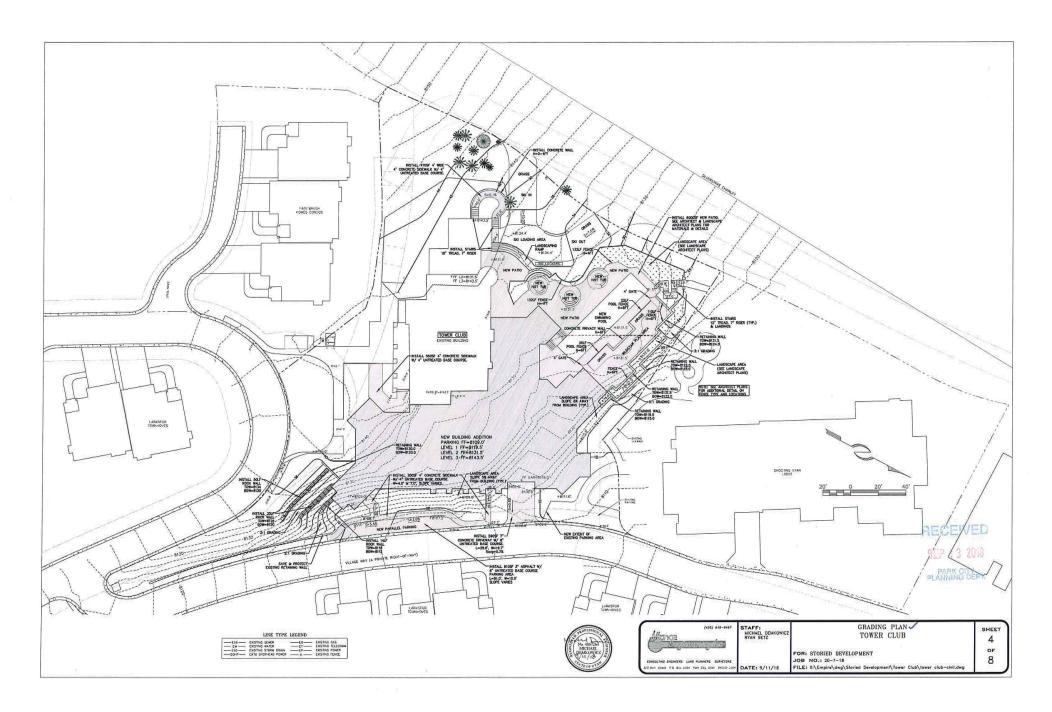
RECORDED #937021 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF COALITION TITLE DATE 1/4/12 TIME 4:20AH BOOK - PAGE -3/50

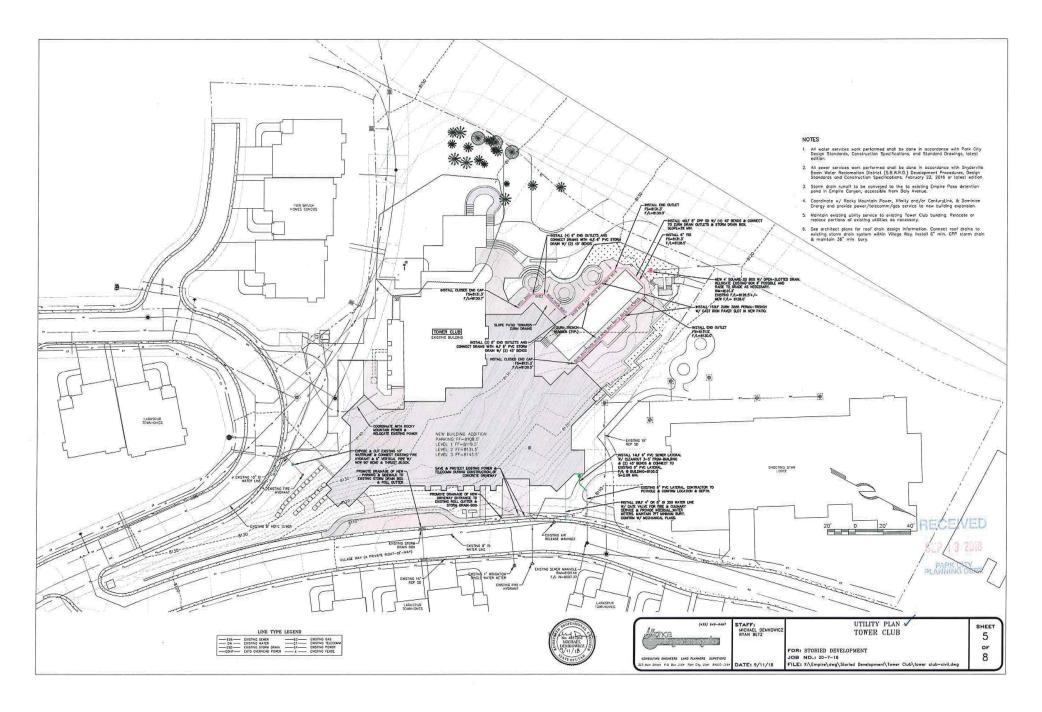
EXHIBIT H

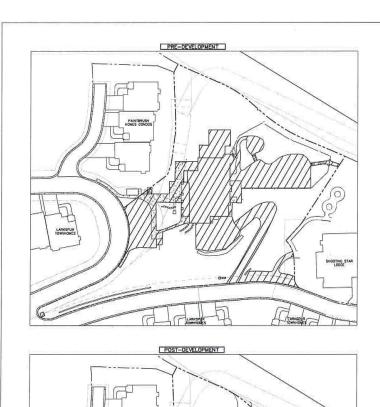














| Printegrand Lines | - |
|-------------------|---|
| PF tabular | |

| Duration | - | 2 | | 10 | ge recurren | AQ. | 100 | 200 | 500 | 1000 |
|-----------|-------------------------|----------------------|------------------------|---|--|--|--|------------------------|-------------------------|--------------------|
| Smin | 1.57 | 2.00 | 274 | 3.41 | 4.50 (3.78.6.26) | 8.63 | 8.72 (5.30.4.08) | E 14 | 10.4 | 12.6 |
| 10-min | 1.00 1.30 | 1.52 | 7.68 (1.82.2.42) | 2.00 | 3.43 | 421 | \$.17 MONE 12 | 6,10 (4.10-7.65) | F.84 | 9.55 (E.C. 12 |
| 15-min | 0.002 (0.077 1.15) | 1,28 | 1.72 | 2.14 | 2.83 | 245 | 6.23 | 5.12 0.67.6241 | 6.50 | 7.59 |
| 30.min | 0.668 ED 8M D 7/81 | 0.846 | 1.10 | 1.44 | 1.91 | 2.34 | 2.85 | 3.45 | 4.42 | 631 |
| to-min | 8.413 (2.30.2.0.460) | 0.524 | 6.797 #0.629-0 9323 | 0.893 (0.274-104) | 1.14 | 1.45 | 1.76 | 2.13 | 2.73 | 3.29 (2.24.4.2 |
| 2-hr | 8.364 (9.200.0 MG) | 0.328 | 6.426 10.302.0.400 | 0.523 | 0.879 (0.542 £ 778) | 0.822 to the 0 byc. | 0.892 | 1.15 | 1.82 | 143 |
| 14r | 8.208 10 IAA-C 2111 | 0.298 | 6.822 (6.290-0.361) | 0.334 | 0.488 42.421-0.647) | 0.876 | 0.683 | 0.404 | 1.03 | 122 |
| 6-hr | 8.141 12.130-5.111 | 0.174 | 0.313 0.313 | 0.246 | 6.297 (C.39/ C.339) | 0.339 | 0.347 | 0.442 | 8.541 (0.442-0.541) | 0.025 |
| 12 Ar | 6.893 | 0.112 | 0.134 | 0.157 | 0.187 | 0.212 | 0.230 | 8,264 | 0.312 10.266.0 Miles | 0.348 |
| 344/ | 0.050 | 0.072 | 0.067 | 0.099 | 0.116 | 9,125 10,115,0,140 | E.143 | 9.167 10.141.0 170: | 0,178 | 0.190 |
| 2-day | 0,035 | 0.843 | 0.052 | 0.040 | 0.070 | 0.076 | 0.005 #5 ((7A 0.007) | 0.094 | 0.195 | 0.114 |
| 3-day | 0.026 | 0.033 | 0.010 | 0.045 | 0.043 | 0.050 | 0.065 | 0.072 | 0.000 | 0,087 |
| 4-day | 0.023 | 0.027 | 0.033 | 0.034 | 6.644 (0.040-0.048) | 0.050 | 0.055 | 0.046 | 0.004 | 6.014 |
| T-day | 0.015 | 0.010 | 0.023 | 8.024 0.024-0.029 | 0.031 | 0.034 | 0.638 | 9,842 | 0.047 | 0.051 |
| 16-day | 0.012 | 0.018 | 0.018 | 0.021 | 0 024 6 022 C 020 | 8,627 | 0.029 | 9.832 | H.038 | 0 010 |
| 26-day | 0.000 | 0.010 | 0.012 | 0,014 | 8.016 (G014.C017) | 8.817 | 0.818 | 8.830 | 8.833 | 6 623 |
| 30-day | 0.002 0.000 C 001) | 0.000 | 0.010 | 0.011 | 0.013 | 0.014 | 0.015 | 0,010 | 6.817 | 0.016 |
| 45-dey | 0.006 | 0.007 | 0.05¢ | 0.000 | 6.019 (0.010 0.011) | 0.011 | 9.912 (C011 C013) | 0.013 | 0.014 | 0.015 0.014 C.0 |
| 60-day | 8.895 | 0.005 0.005-0.007 | 0.807 v0.007 0.00m | 0.000 VILLOR G D201 | 0,009 (049 5 009.0) | 6.818 (G.00) 0.811) | 0.011 | 6.812 10.011.0.017: | 8.812 Dest ceup | 0.013 |
| suiten in | m inquincy (| PF agenticles | yout 7 a born | times on her sper bounds of greens than t | MENO C END MENO C END MENO COM MENO COM | of period curve decay interval for long they t | 10 010 0 012; los serum (FDI Tre probacés ha liquer bours | POST PROPERTY | Dest GGM) | 001200 |







LEGEND



PERMOUS SURFACE



IMPERVIOUS SURFACE

METHOD OF ANALYSIS: RATIONAL METHOD Q=CIA STORM RETURN PERIOD: 100 YEARS STORM DURATION: 15 MIN

Q=RUNOFF FLOWRATE (CUBIC FEET/SEC)
C=RUNOFF COEFFICIENT = (0.3*PERWOUS AREA+0.9*IMPERWOUS AREA)/TOTAL AREA

I-STORM INTENSITY (INCHES/HR)

PRE-DEVELOPMENT

ANALYSIS AREA (LOT BOUNDARY) = 1.531 ACRES
PRE-DEVELOPMENT PERMIOUS AREA = 0.965 ACRES
PRE-DEVELOPMENT IMPERVIOUS AREA = 0.566 ACRES

C = RUNOFF COEFFICIENT = 0.522 I = STORM INTENSITY = 4.23 IN/HR

Q - CIA - (0.522)(4.23 IN/HR)(1.531 ACRES) - 3.38 CFS

POST-DEVELOPMENT

C = RUNOFF COEFFICIENT = 0.635 I = STORM INTENSITY = 4.23 IN/HR

Q = CIA = (0.635)(4.23 IN/HR)(1.531 ACRES) = 4.11 CFS

AUMMANT.

Q = 4.11 CFS = 3.38 CFS = 0.73 CFS
V = 07 = (0.73 CFS)(15m/m)/60sec/m/m) = 657CF
THE RUNOFF FROM PRE-DEVELOPMENT TO POST-DEVELOPMENT
THE RUNOFF FROM PRE-DEVELOPMENT TO BE CONVEYED
TO AND DETAMED WITHOUT THE EMPIRE PASS DEVELOPMENT.
TO AND DETAMED WITHOUT THE EMPIRE PASS DEVELOPMENT.



SHEET





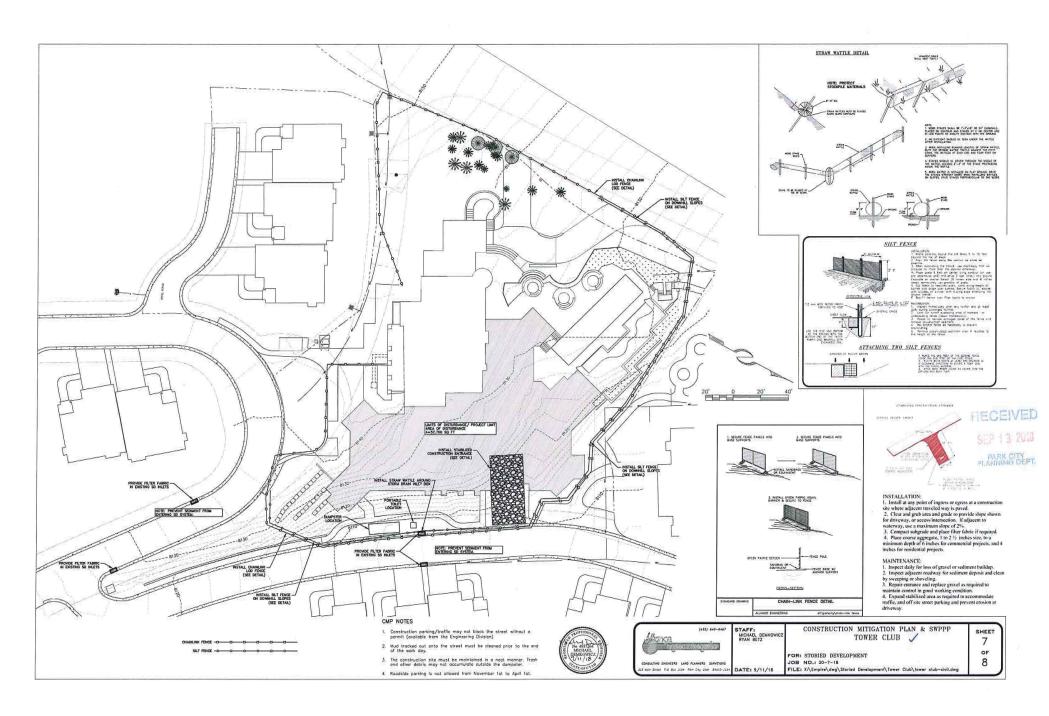
DATE: 9/11/18

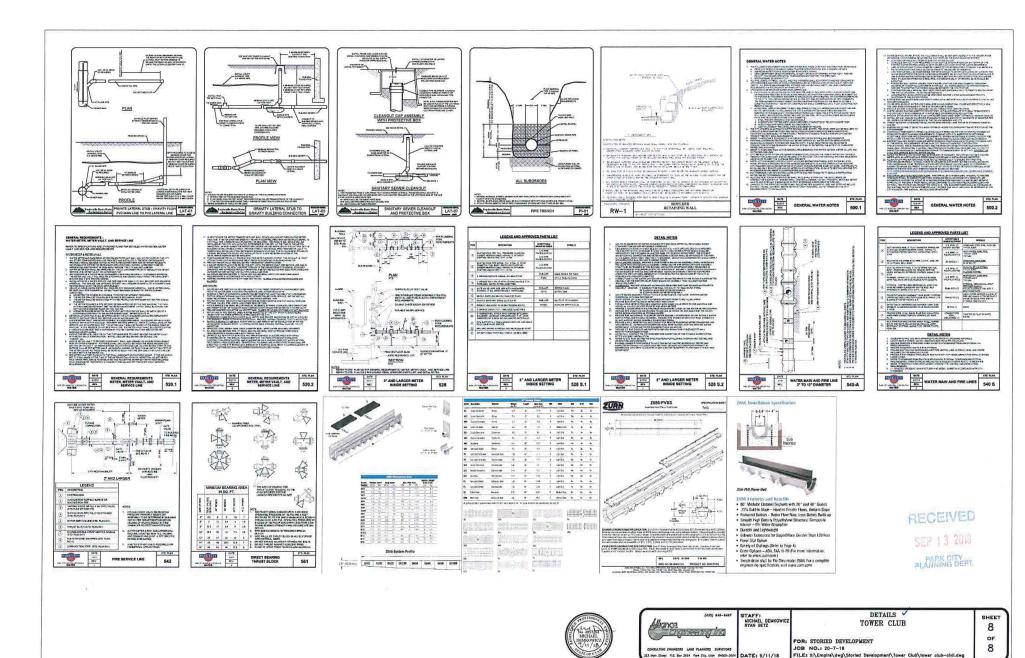
FOR: STORIED DEVELOPMENT

TOWER CLUB 6 OF JOB NO.: 20-7-18
FILE: Xi\Empire\dwg\Storied Development\Tower Club\tower club-civil.dwg 8

STORMWATER MANAGEMENT









Construction Mitigation Plan

The Residences at the Tower

November 1, 2018

Project Location: 7777 Village Way, Park City, UT 84060

Building Permit#

Contractor: Big-D Construction 1389 Center Drive, Suite 360 Park City, UT 84098

Contact: Shawn Albretsen, Project Manager

Cell - 801.420.0333

Email - SAlbretsen@big-d.com

1. Hours of Operation:

Typical hours of construction operations are 7:00am to 6:00pm, Monday through Friday, 8:00am to 6:00pm on Saturday, and no work on Sundays. With this structure being primarily cast in place concrete, occasional longer work hours may be needed for critical concrete placements. Big-D Construction will notify the neighboring residents and Park City Building Department, if wanted, ahead of time of these concrete placement durations.

2. Parking:

There is limited onsite parking. This will be reserved for visitors and Big-D Construction project management personnel. All other construction workers shall park off site and be bused to and from the construction site. The worker parking location is TBD, but could be near the Mine Bench or Richardson Flat. The parking plan assumes there is no on street parking on Village Way or Empire Club Drive.

3. Deliveries:

Deliveries to the site will be only during construction operation hours. Typically, deliveries will be just-in-time for the materials to be incorporated into the ongoing construction progress.

4. Stockpiling and Staging:

Given the site location, access, and building footprint coverage of the site, there is limited area for stockpiling and staging materials. Materials will have to be delivered to the project just-in-time to incorporate into the construction work. This means and method is similar to building a multistory building in a downtown urban setting. It is Big-D Construction's responsibility to coordinate with subcontractors to minimize problems due to the limited staging and stockpiling areas.



5. Construction Phasing:

No construction phasing is planned. All construction is to complete in one continuous time period between April 2019 and December 2020.

6. Trash Management & Recycling:

The construction debris dumpster shall be located within the fenced construction boundary. Its remaining capacity will be monitored daily and the dumpster emptied on a regular basis to prevent over flowing and accumulation of debris around the construction site. If available, a construction debris service will be utilized that will sort the contents of each dumpster and recycle items such as paper, cardboard, wood, and metals.

7. Dust & Mud Control:

Access to the site is from one side of the project. This project frontage along Village Way is planned to be graveled entirely to help eliminate dirt and mud from being tracked on to the paved street. Streets will be monitored daily and cleaned as needed to keep them free of dirt and mud. The majority of excavation work will take place in the spring /early summer. This work is not expected to generate much dust. A water source will be available to keep dust down as needed.

8. Noise:

Noisy work shall be kept within the approved project work hours. Big-D Construction will have a decibel meter on site to monitor the noise level of construction activities. No radios will be allowed on the construction project.

9. Grading & Excavation:

The mass excavation for this project is over 10,000 cubic yards. This is one of the first construction activities. The planned haul route utilizes Marsac Avenue. Flagmen will be used as required at the intersection of Marsac Avenue and Village Way to help manage the truck traffic. The haul hours will be limited to between 7:00am and 6:00pm Monday through Friday and 8:00am to 6:00pm on Saturday. Excavated soils are to be taken to an approved dump site, location of to be finalized, but may be Hot Creek. All suitable soils to be re-used for backfill will be stockpiled on site as required.

10. Temporary Lighting:

Exterior construction lighting will be kept as minimal as possible. The lighting will be turned off as much as possible during non-work hours. Occasional temporary lighting will be needed for morning concrete placements. This lighting will be accomplished by using portable light plants that are set up only for a specific concrete placement, then moved off site. Temporary interior lighting will be used during construction work hours and turned off to leave a minimal amount of lighting for egress and emergency access.

11. Construction Sign:



A project information sign will be posted at the entrance to the construction site. It will comply with the size regulations and include: Big-D Construction Company, 1389 Center Drive, Suite 360 Park City, UT 801-420-0333, Emergency Contact: Shawn Albretsen. No other construction signs are planned.

12. Other issues:

Dogs or pets are not allowed on Big-D Construction projects. Firearms, alcohol, and drugs are prohibited as well. Visitors must check in at the construction project office and be authorized to be on site with the proper personal protective equipment (hard hat, safety vest, safety glasses, etc.).

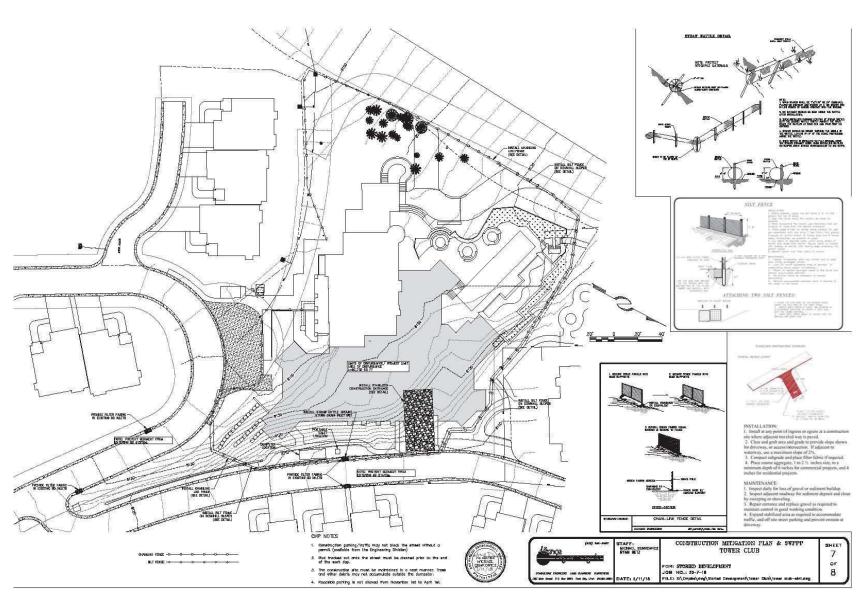
13. Soils Ordinance:

Big-D Construction will comply with the Soils Ordinance if the project site is considered within the ordinance boundary.

14. Erosion Control:

Big-D Construction is enlisting the services of Big-D Construction and Alliance to help draft and maintain a SWPPP and erosion control program throughout the project duration. This plan will be submitted prior to start of construction. Cut and fill areas and utility trenches will be backfilled and revegetated as soon as practical to help minimize erosion (Refer to SWPPP & CMP plan on next page).





Flagstaff Annexation and Empire Pass Units and Unit Equivalents

As of 10.25.18 Reflects Empire Residences platted, Silver Strike amendment and (Larkspur Townhouse (3 units), Moonshadow 8 PUD (31 UE), Tower Res (14 units) plats under review)

| SINGLE | FAMILY LOTS | | | | |
|----------|---|------------------|---------------------------|----------------------|--|
| POD | Single Family | Approved SF lots | Cert of Occupancy to date | Remaining lots to CO | |
| Α | Banner Wood-platted | 6 | 4 | 2 | |
| B1 | Northside-platted | 10 | 10 | 0 | |
| D | Red Cloud-platted | 30 | 11 | 19 | |
| Totals | (Single Family only) | 46 | 25 | 21 | |
| | | | | | |
| Maximur | n SF Allowed by Flagstaff Development Agreement | 46 | | | |
| Remainii | ng Units/UE to Plat | 0 | | | |
| | | | | | |

| | | | | | | SF Platted | PUD units | ADA | | 221111 |
|--------|---|-------------------|-------------------|------------------------|---------------|------------|------------|----------------|---------|------------|
| _ | | <u>Units</u> | <u>UE</u> | Units Platted or | UE Platted or | or under | (SF/duplex | | | CO Units t |
| D | Multi-family | Approved/Proposed | Approved/Proposed | under review | under review | review | use UE) | <u>equired</u> | to date | date |
| | Moon Shadow Condo 8 PUD on Lot 1 VEPN apprvd | 8 | 31.00 | 8 | | 62,000 | 8 | 0 | 0 | • |
| | Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved) | 21 | 24.50 | 21 | 24.49 | 48,981 | 0 | 1 | 0 | |
| | Lot 2 VEPN plat-(Bldg 4) TBD | TBD | TBD | | | | 0 | TBD | 0 | |
| | Lot A VEMP1 3 townhomes condo plat to CC 11/29/18 | 3 | 5.75 | 3 | | 11,500 | 0 | 0 | 0 | • |
| | Tower Resid. (Bldg 1)- platted lot/CUP/Condo plat to PC 11/14/18 | 14 | 21.23 | 14 | | 42,453 | 0 | 1 | 0 | |
| | Shooting Star-platted lot and condo (Bldg 2) | 21 | 18.30 | 21 | | 36,109 | 0 | 1 | 18.1 | |
| | One Empire Pass-platted lot and condo (Bldg 5) | 27 | 32.80 | 27 | | 65,026 | 0 | 1 | 32.8 | |
| | Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend) | 34 | 35.60 | 34 | | 71,305 | 0 | 2 | 35.7 | |
| | Flagstaff -platted lot and condo (Bldg 7) | 37 | 35.90 | 37 | | 73,506 | 0 | 2 | 36.8 | |
| | Arrow Leaf A-platted lot and condo (Bldg 8) | 28 | 24.50 | 28 | | 46,458 | 0 | 2 | 23.3 | |
| | Arrow Leaf B- platted lot and condo (Bldg 9) | 28 | 25.70 | 28 | | 48,746 | 0 | 2 | 24.4 | |
| | Grand Lodge-platted lot and condo (Bldg H) | 27 | 33.00 | 27 | | 65,344 | 0 | 2 | 32.7 | |
| | Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD) | 15 | 24.40 | 15 | | 48,693 | 6 | 0 | 24.4 | |
| | Larkspur West Townhouses-all platted/condo | 12 | 20.70 | 12 | | 41,273 | 0 | 0 | 20.7 | |
| | Paintbrush PUDs- all platted /condo | 12 | | 12 | | 63,076 | 12 | 0 | 32 | |
| | Belles PUDs- all platted/condo | 17 | 45.00 | 17 | | 90,000 | 17 | 0 | 37.85 | |
| | Nakoma PUDs- all 17 are platted condo but 5 unbuilt | 17 | 45.00 | 17 | | 90,000 | 17 | 0 | 35 | |
| | Ironwood- all platted/condo | 24 | 37.40 | 23 | 36.972 | 73,944 | 0 | 1 | 37.1 | |
| | B2 West Montage- 174 hotel rooms platted(apprvd 192) | hotel rooms | 69.60 | n/a (hotel rooms) | 72.665 | | 0 | | 72.4 | ł |
| | B2 West Montage condos- platted (apprvd 94) | 94 | 114.00 | 84 | 109.335 | 218,669 | 0 | 5 | 109.3 | i |
| | B2 East- B2East Subdivision approved/No condo plat yet | 70 | 81.00 | | | | 0 | TBD | 0 | 1 |
| als (| Multi-family (MF) only) | 509 | 757.28 | 428 | 671.208 | 1,197,083 | 60 | 20 | 572.55 | |
| ximu | ım (MF) Allowed by Flagstaff Development Agreement | 550 | 785.00 | 550 | 785 | n/a | 60 | n/a | | |
| | ing MF Units/UE (to be approved and/or platted) | 41 | 27.72 | 122 | 113.792 | n/a | 0 | n/a | | |
| | | | | Units Platted (or plat | | | | | | |
| Tota | als by POD- apprvd/platted/proposed, includes PUDs, not SF lot | Units | UE | under review) | | | | | | |
| | des unbuilt Empr Res, Larkspur, Moon Shadow, Tower Residential) | 304 | 410.28 | 304 | | | | | | |
| roide | aco univant Empiritos, Editopui, Moon onadow, Towel Residential) | 41 | 82.4 | 40 | | | | | | |
| (nlue | s 174 hotel rooms for units, hotels rooms included in UE) | 164 | 264.60 | 84 | | | | | | |
| | Multi-family (MF) | 509 | 757.28 | 428 | | | | | | |
| 210 11 | | | 707.20 | 720 | | | | | | |
| | Funits total in Pods A, B1 and B2 that are in POD A equires minimum of 50%) | 59.72% | | 71.03% | | | | | | |

PROJECT STATUS- Multi-family/PUD

| POD | <u>Multi-family</u> | <u>Status</u> |
|-----|--|-------------------------|
| Α | Moonshadow PUD on Lot 1 VEPN 8 PUD style | Condo plat apprvd |
| Α | Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved) | Condo plat recorded |
| Α | Lot 2 VEPN plat-(Bldg 4) TBD | Sub Plat recorded |
| Α | Lot A VEMP1 (combo of Lots 1 and 2 VEMP1) plat recorded/ACUP apprvd | Condo plat under review |
| Α | Tower Residential- platted lot/no condo plat (Bldg 1) -TBD | Condo plat under review |
| Α | Shooting Star-platted lot and condo (Bldg 2) | Completed |
| Α | One Empire Pass-platted lot and condo (Bldg 5) | Completed |
| Α | Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend) | Completed |
| Α | Flagstaff -platted lot and condo (Bldg 7) | Completed |
| Α | Arrow Leaf A-platted lot and condo (Bldg 8) | Completed |
| Α | Arrow Leaf B- platted lot and condo (Bldg 9) | Completed |
| Α | Grand Lodge-platted lot and condo (Bldg H) | Completed |
| Α | Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD) | Completed |
| Α | Larkspur West Townhouses-all platted/condo | Completed |
| Α | Paintbrush PUDs- all platted /condo | Completed |
| Α | Belles PUDs- all 17 are platted condo | 16 Completed |
| B1 | Nakoma PUDs- all 17 are platted condo | 12 Completed |
| B1 | Ironwood- all platted/condo | Completed |
| B2 | B2 West Montage- 174 hotel rooms platted(apprvd 192) | Completed -see note |
| B2 | B2 West Montage condos- platted (apprvd 94) | Completed |
| B2 | B2 East- B2East Subdivision approved/No condo plat yet | Sub plat recorded |
| | | |

| AFFORD | ABLE HOUSING | l lmit | ALIE | ALIE was | | |
|-------------------------------------|--|--------------------|---------------------|----------------|------------------|--|
| POD | Multi family | <u>Unit</u> | AUE_ | AUE not | | |
| 4 4 | Multi-family Managarday Condea & BUD Style Let 4 VERN | required | required | yet built | | |
| | Moonshadow Condos 8 PUD Style Lot 1 VEPN | 0 | 0 1.1 AUE | 1.1 | | |
| 4 | Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved) | 1 TBD | 2.0 AUE | 2 | | |
| 4 | Lot 2 VEPN plat-(Bldg 4) TBD | | | 2 | | |
| Α | Lot A VEMP1 Triplex Admin CUP | 0 | 0 | 0.75 | | |
| 4 | Tower Residential- platted lot/no condo plat (Bldg 1) | 1 | 0.75 | 0.75 | | |
| 4 | Shooting Star-platted lot and condo (Bldg 2) | 0 | 0 | | | |
| 4 | One Empire Pass-platted lot and condo (Bldg 5) | 1 | 1.125 | | | |
| 4 | Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend) | (1)* | 1.1 * | | | |
| Α | Flagstaff -platted lot and condo (Bldg 7) | 2 | 1.6 | | | |
| Α | Arrow Leaf A-platted lot and condo (Bldg 8) | 3 | 2.85 | | | |
| Α | Arrow Leaf B- platted lot and condo (Bldg 9) | 0 | 0 | | | |
| Α | Grand Lodge-platted lot and condo (Bldg H) | 1 | 1.2 | | | |
| Α | Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD) | 0 | 0 | | | |
| 4 | Larkspur West Townhouses-all platted/condo | 0 | 0 | | | |
| Α | Paintbrush PUDs- all platted /condo | 0 | 0 | | | |
| Α | Belles PUDs- all platted/condo | 0 | 0 | | | |
| B1 | Nakoma PUDs- all 17 are platted condo but 5 unbuilt | 0 | 0 | | | |
| 31 | Ironwood- all platted/condo | 1 | 1 | | | |
| 32 | B2 West Montage- 174 hotel rooms platted(apprvd 192) | 0 | 0 | | | |
| 32 | B2 West Montage condos- platted (apprvd 94) | 10 | 7.8 | | | |
| B2 | B2 East- B2East Subdivision approved/No condo plat yet | TBD | 4.2 | 4.2 | | |
| Totals | | TBD | 24.725* | 8.05 | | |
| *Silver Strike uni transferre | 1 | | | | | |
| | Total MPD AUE | Total off | Total off | Total on Total | l on Total on | |
| | required | Mtn AUE | Mtn AUE | Mtn AUE Mtn | AUE Mtn AUE | |
| | 118.9 | required 94.175 | built 89* | required built | owed 675 8.05 | |
| | 1.0.0 | 34.113 | | | 0.00 | |

SF- Single family lot/house
MF- Multi-family/condominium units
PUD- Planned Unit Development Style MF (duplex or single detached)
VEMP!- Village Empire Pass Phase 1 Subdivision plat

HU- Employee Housing Unit (no min number)
AUE- Affordable Unit Equivalent (1 AUE = 800 sf)
UE- Unit Equivalent (1 UE = 2,000 sf residential)

VEMP!- Village Empire Pass North Subdivision plat

CO- Certificate of Occupancy (hotel rooms counted as 1 CO total)

*Off Mountain requirements now met with 2017/2018 Agreements? Need the final documentation of this.

Note- This information is from the recorded Condominium plats (sf, units, ue, ada, ehu) verified with Ordinances, MPD/Plat/CUP action letters, available at the Planning Department.



November 7, 2018

To: Empire Pass Design Review Board

Re: Residences at the Tower (Talisker, Building 1 of Empire Pass)

Staff Recommendation comment responses

Empire Pass Design Review Criteria

Empire Pass design review staff have reviewed the Residences at the Tower on October 12, 2018. Following are those conditions and our response to them. We agree with staff recommendations and look forward to working with them on continuing the design review process to approval.

1. Provide a site plan inclusive of utility routes, connection points, limits of disturbance, and erosion control measures.

Will be provided with final submittal.

2. Submit color and texture sample for concrete drive areas, which requires DRB approval prior to installation;

Will be provided prior to installation.

- 3. Understand all boulder materials must match closely the DRB approved stone for the building; Noted.
- Applicants understand that no faux or manufactured materials may be used as finished exterior product, this would include glue-lam beams, faux stone, bare concrete, vinyl siding, etc.;
 Noted.
- 5. Resolve any encroachment issues, including parcel boundary between this project and the Shooting Star lodge project;

Function of existing sidewalk leading to Shooting Star Lodge to be preserved. Route to be altered to accommodate new building.

6. Applicants to provide complete lighting plan, including cut sheets and specifications for all exterior light fixtures proposed;

Lighting plan to be provided with final review.

7. Applicants to provide complete landscape plan, including counts and planting specs, for DRB review; Landscape plan provided with Preliminary submittal. 8. Submit for review and approval a complete construction management plan;

Construction Management Plan to be provided with final review.

9. The applicant shall submit a detailed sign program to the DRB for review and approval prior to installation of the same;

Sign program to be provided and approved prior to installation.

10. Building height, volumetrics and square footage calculations to be addressed to the satisfaction of the DRB and the City;

Height, volumetrics and square footage compliant as stated in Conditional Use Permit Staff Report analysis.

11. The composition of the windows should be reviewed for a more craftsman appearance and setbacks should be reviewed. DRB to review the overall window patterns to determine if there are too many and provide lintel detail;

Windows, in particular on the east elevation, have been updated to show mullion patterns consistent with the existing building. All other windows are developed using consistent mullion and trim detailing as the existing building.

12. The applicant to review with the DRB the articulation of the building, in particular the north elevation which has no façade shifts;

The west elevation currently shows two 10' façade shifts and two 5' façade shifts. These occur at the stair towers which are provided with significant window elements. The north elevation has been provided with additional articulation at the area between these two stair elements. The east elevation currently shows two 12' façade shifts approximately 52' long, and several other façade shifts that vary between 8-12'.

The north and south elevations have two 8' façade shifts at the angled corners of the building, with roof projections, exposed structure and battered stone bases at the lower levels. The north elevation also has a significant roof shift in recessing the upper roof approximately 25'.

13. The DRB to review with the applicant the roof pitches, which include flat roofs, which would require a variance;

The project proposes a variety of roof pitches to match the existing club which has a variety between 3.5:12 and 6:12. There is a portion of flat roof on the existing building but no flat roof areas are proposed on the new structure.

14. The DRB to review the proposed siding materials and colors;

Material samples to be provided with final design review.

15. The DRB should determine if the presented structural materials are appropriately expressed around the building;

We strongly believe that structural materials be expressed and will continue to incorporate this expression consistent with the existing building.

- **16.** The applicant to submit deck and railing detail for DRB review and approval; Detail to be provided at final design review.
- 17. Applicant understands the requirement to provide an on-site mock-up of exterior materials, colors and construction techniques for further DRB review and approval prior to installation of the same.

On-site mockup of exterior materials to be provided for review and approval prior to installation.

Thank you for your consideration of our request for Design Review approval.

Brent Harris Project Manager, Swaback

Empire Pass Design Review Staff Report-Tower Residences Meeting date: October 12, 2018

Residences at the Tower Preliminary Plan Review Architect: Swaback pllc

Presented by: Storied Development, Rich Wagner

INTRODUCTION

The applicant is requesting Preliminary Plan Approval from the Empire Pass Design Review Board (DRB) for the Residences at the Tower located at 7777 Village Way. This review will also include the expansion of the Tower Club and outdoor improvements.

This staff report is based off plans dated September 6, 2018. This lot is 1.53 acres. There are 16 residential units, which include 1 ADA and 1 EHU unit. The residences consist of 6 floors of units over one floor of parking located at basement level.

The addition to the existing Talisker Club Tower includes: expansion of kitchen, dining and fitness area, addition of new children's play area, renovation of existing pool to create new pool, multiple soaking tubs, addition of new spa area and reconfigured hardscape area.

RESIDENCES PROJECT SUMMARY

| | <u>Proposed</u> | Maximum/Allowable |
|------------------------|-------------------------|-------------------|
| Floor Area | 43,509 saleable sq. ft. | Per DA |
| Units | 16 | |
| Building Height | 77 ft. | 86 ft. |
| Roof Pitch | 4:12 to 5:12 | 4:12 to 6:12 |
| Parking | 22 enclosed, 3 outside | |

DESIGN CONSIDERATIONS:

- 1. Building mass is in line with master plan and site massing study.
- 2. Building addition design follows the detailing of the existing Tower Club.
- Addition has a strong stone base and a mix of wood siding that matches the existing building.
- 4. Stone does not have a tapered base. DRB to discuss if significant corners should be battered.
- 5. DRB to review stone base as the current proposal does not have any stepping or interest.

- 6. Stone walls are only shown in a single battered column. DRB to discuss.
- 7. Siding proposed is vertical board on board with wood shingles and is compliance with the guidelines.
- 8. Roof pitches range from 3 1/2, 4, 5 and 6:12. Roof utilizes gable ends and lower hip roof forms that align with the existing roof.
- 9. Building steps at north end and to the west taking in the existing massing. The building does not have any stepping at the shortened south façade. This façade is reduced to 4 stories.
- 10. Applicant to verify the 60 foot length and show off set requirements per Park City LMC. The façade shows multiple steps in plane, but it is not clear with provided dimensions if in compliance.
- 11. The building has similar roof forms, long horizontal lines at walls, roof plans with vertical elements, balconies and dormers to blend with adjacent condominium buildings. The grounds tie into community walkways and amenities.
- 12. The building lacks a sense of entrance. There is a strong entrance to the existing building. The applicant to review condo building entrance as it appears the residence enters through the existing restaurant.
- 13. The building height proposed appears to be at 77 feet, which complies with the building height limitations for this property. Building height will need to be verified for Final Review. Staff review of the Volumetric study requires 55% at maximum height of 5½ residential levels and 1 parking level and roof level (maximum height is 92 feet). The applicant is proposing a 5-6 level building over a parking level and should be discussed with the DRB. The parking level and level 1 are below grade.
- 14. Sheet A-7.1 demonstrates the proposed building meets the height limit requirements. Allowed 92' from the lowest level. Proposed structure is 77' above grade plane.
- 15. Building is 5 and 6 stories and is stepped.
- 16. Roof ridges step down a half story across the center portion of the building.
- 17. Roof ridge steps down one story at the north end of the building.
- 18. DRB to discuss there are no lower roofs on the east façade which faces the road.
- 19. Existing roof material consists of natural patina metal and wood shakes. Proposed materials will match existing.
- 20. Roof overhangs are a minimum of 24" and show a sheltering effect.
- 21. No roof overhang is within 7' of finish grade.
- 22. Dormers are expressed in shed form.
- 23. Roofs appear to protect pedestrians below.
- 24. DRB to review the east façade for areas that may need additional lower roofs.
- 25. Applicant to show snow guards, gutters and downspouts for final review.
- 26. Gutter shape to be traditional or half round.
- 27. Decks and balconies and roof structure are expressed in timber work.
- 28. DRB to review window fenestrations as they do not match the existing building.
- 29. Windows at the east façade are large panes of glass without mullions or details.
- 30. DRB to review roof covering at garage entry.
- 31. Applicant to provide materials board.

- 32. DRB to review deck structure and determine if structure expression should be added.
- 33. Decks are shown with exposed concrete edge. Applicant to discuss.
- 34. Chimney massing, caps and penetrations are in compliance.
- 35. Fireplaces to be reviewed and approved by PC building department.
- 36. Proposed railings on lower levels match the existing craftsman style railings.
- 37. Railings on upper levels use a contemporary glass rail, which is not in compliance with the guidelines. DRB to determine if a variance should be granted.
- 38. Timber detailing, trim bands, roof eaves and color proposed appear to be in compliance and match existing building.

STAFF RECOMMENDATION

Staff recommends that DRB approve the Preliminary plan submittal. and determine if the applicants have met all requirements necessary for Preliminary Plan approval. If such a determination is made, DRB approval should include the following conditions:

- 1. Provide a site plan inclusive of utility routes, connection points, limits of disturbance, and erosion control measures.
- 2. Submit color and texture sample for concrete drive areas, which requires DRB approval prior to installation;
- 3. Understand all boulder materials must match closely the DRB approved stone for the building;
- 4. Applicants understand that no faux or manufactured materials may be used as finished exterior product, this would include glue-lam beams, faux stone, bare concrete, vinyl siding, etc.;
- 5. Resolve any encroachment issues, including parcel boundary between this project and the Shooting Star lodge project;
- 6. Applicants to provide complete lighting plan, including cut sheets and specifications for all exterior light fixtures proposed;
- 7. Applicants to provide complete landscape plan, including counts and planting specs, for DRB review;
- 8. Submit for review and approval a complete construction management plan;
- 9. The applicant shall submit a detailed sign program to the DRB for review and approval prior to installation of the same;
- 10. building height, volumetrics and square footage calculations to be addressed to the satisfaction of the DRB and the City;
- 11. the composition of the windows should be reviewed for a more craftsman appearance and setbacks should be reviewed. DRB to review the overall window patterns to determine if there are too many and provide lintel detail;
- 12. the applicant to review with the DRB the articulation of the building, in particular the north elevation which has no façade shifts;
- 13. the DRB to review with the applicant the roof pitches, which include flat roofs, which would require a variance;

- 14. the DRB to review the proposed siding materials and colors;
- 15. the DRB should determine if the presented structural materials are appropriately expressed around the building;
- 16. the applicant to submit deck and railing detail for DRB review and approval;
- **17.** applicant understands the requirement to provide an on-site mock-up of exterior materials, colors and construction techniques for further DRB review and approval prior to installation of the same.



December 19, 2016

Brian Straight, General Manager Talisker Club LLC PO Box 3439 Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Application # PL-16-03177

Address8680 Empire Club DrDescriptionConditional Use PermitAction TakenApproved with conditionsDate of ActionDecember 14, 2016

On December 14, 2016, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved your application based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

- 1. The Tower Club Phase 1 Conditional Use Permit (aka Empire Club Phase I Conditional Use Permit) is located at 8680 Empire Club Drive.
- 2. The property is located in the Residential Development (RD-MPD) zoning district on Lot 9 of the Village at Empire Pass Phase One Subdivision.
- 3. The property is located within Pod A of the Village at Empire Pass Master Planned Development and is subject to the Flagstaff Mountain Annexation and Development Agreement.
- 4. Empire Club Drive is a private street with access to Marsac Avenue, which is a public street.
- 5. The Village at Empire Pass Phase One Subdivision was approved by Council on September 30, 2004, and recorded at Summit County November 24, 2004.
- 6. Lot 9 was amended with the First Amendment to the Village at Empire Pass Phase I Lot 9 subdivision plat on January 6, 2011 and recorded at Summit County on January 4, 2012.
- 7. Lot 9 consists of 66,711 square feet of lot area and is currently developed with the 8,880 square foot Tower Club building. The building contains a private dining room with 60 indoor seats, kitchen area, small store, residential support amenities,

- circulation, and storage, in addition to an outdoor patio and other outdoor recreation amenities (swimming pool, hot tubs, etc.).
- 8. The Flagstaff Mountain Annexation and Development Agreement was approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
- 9. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement set forth maximum project densities (residential and support commercial), location of densities, and developer-offered amenities for the annexation area.
- 10. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The Village MPD (known as Mountain Village) was later amended to include Pod B2 (Montage).
- 11. The Mountain Village MPD (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. No residential uses are proposed with this amended Conditional Use Permit and no change in residential UE is proposed.
- 12. The Flagstaff Annexation and Development Agreement approved a maximum of 75,000 square feet (sf) of Resort Support Commercial uses for Village MPD (Pods A, B1, and B2).
- 13. To date 65,323 sf of Resort Support Commercial uses have been approved within Pods A and B2) as follows:

Montage Spa- 35,000 sf

Montage retail, restaurants/kitchens, bar, etc. -28,059 sf

Tower Club dining/kitchen/store- 2,264 sf

Total approved Resort Support Commercial (with Tower Club addition) - 66,438 sf

- 14. The existing dining room, kitchen and store consist of 2,264 square feet and were permitted with the Tower Club CUP Phase I building (2,173 square feet (sf)) of private dining uses, including the kitchen, and 91 square feet (sf) of convenience store). The approval for the Tower Club CUP does not provide analysis or describe whether the private club dining room, kitchen and store were consider Resort Support Commercial, support commercial, or residential accessory commercial.
- 15. A total of 1,115 sf of Resort Support Commercial uses are requested with this CUP amendment for an addition to the dining room and kitchen.
- 16. The applicant stipulates to the conditions of approval to allocate MPD Resort Support Commercial for the dining room, kitchen and store.
- 17. No support commercial uses based on residential floor area are proposed with this permit.
- 18. With approval of the addition, a total of 66,438 sf of Resort Support Commercial uses will be approved and 8,562 sf remain for use within the Village MPD (Pods A, B1 and B2).
- 19. On May 17, 2016, the Planning Department received an application for an amendment to the Tower Club Phase I Conditional Use Permit for approval to expand the existing Tower Club dining area by 1,115 square feet by enclosing an existing elevated outdoor patio area, constructing a new elevated patio area to the west, and providing approximately 1,000 square feet of ski/boot locker room in the basement area below the new patio. The request increases indoor seating capacity

- by approximately 32 seats for a total of 92 seats and increases the MPD Resort Support Commercial from 2,264 square feet to 3,379 square feet. The building footprint increase by approximately 1,000 square feet for the expanded basement and new outdoor patio.
- 20. There are sufficient remaining Resort Support Commercial and support commercial uses available within the Village at Empire Pass MPD (Pods A, B1 and B2) for the proposed addition.
- 21. The application was deemed complete on June 1, 2016 upon receipt of additional materials. The application was amended on September 23, 2016.
- 22. The property is subject to subdivision plat notes that require compliance with RD zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units (for residential uses), membership in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscaping, and includes other utility and maintenance provisions.
- 23. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC for residential uses. The Tower Club Phase I Conditional Use Permit was approved with no on-site parking and no on-site parking is proposed with the addition.
- 24. The elevation and climate of the Flagstaff area creates a harsh environment for utilities and their maintenance.
- 25. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The Tower Club Phase I is part of Building 1, the remaining portion of this building was approved for 25 residential units as the Tower Club Phase II. The residential portion has not yet been constructed and the CUP approval and extensions have expired. Underground parking will be required with the residential building.
- 26. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase One. The plat was recorded on November 24, 2004. An amended plat for Lot 9 was approved on January 6, 2011 and recorded at Summit County on January 4, 2012. The Tower Club Phase I building and this proposed addition are located on amended Lot 9. Amended Lot 9 consists of approximately 1.53 acres (66,711 square feet).
- 27. The Tower Club Phase I Conditional Use Permit was approved by the Planning Commission on March 11, 2009, for approximately 8,880 square feet. There are approximately 2,264 sf of private dining club, kitchen, and small convenience store uses and 6,616 square feet of residential (and resort) accessory uses (ski lockers, recreation amenities, kids club and programming, etc.), circulation, and storage. A separate building was constructed on the site for use as a transit center for the Empire Pass transportation dial a ride shuttle.
- 28. The Tower Club Phase I approval required the store as stated in the CUP approval condition, "The store will include a refrigerated case for milk, juice and sodas, and the shelves will have snacks commonly found in a convenience store".
- 29. A store of this type is included within the Club building, along with a store for the kid's camp supplies; however it has not seen much success, even when opened to

- the general public as per a condition of Tower Club Phase II.
- 30. The store will remain open in winter months, but merchandise sold is more ski accessories (hats, goggles, gloves, lip balm, sun screen etc.) and snacks, along with some soft goods). Talisker Club found limited demand for traditional convenience store merchandise.
- 31. The maximum building height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 86 feet above natural grade was granted for the existing building and residential building per the Village at Empire Pass Master Plan. The existing building includes a tower element that has a height of approximately 50 feet above natural grade.
- 32. The main pitched roof remains at approximately 33' from natural grade. Roof elements of the addition have a lower building height. All roof elements comply with the zoning requirement except the tower element that complies with the height exceptions approved with the MPD.
- 33. The addition has been reviewed and approved with conditions by the Empire Pass Design Review Board.
- 34. The proposed addition complies with the height, setbacks, and volumetric diagrams approved with the MPD.
- 35. Yard setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear, and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property lines, platted streets, or existing curb or edge of street.
- 36. The building complies with these setback requirements with minimum proposed setbacks of 20' front (south), 40' side (west), and 125' rear (north) for new construction. No changes are proposed to existing 20' minimum setbacks on the east side.
- 37. The existing building is also known now as the Talisker Club.
- 38. As conditioned, the proposed amendments to the Tower Club Phase I Conditional Use Permit are consistent with the approved Master Planned Development for the Village at Empire Pass.
- 39. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents.

Conclusions of Law

1. The proposed amendments to the Tower Club Phase 1 CUP are consistent with the Flagstaff Annexation and Development Agreement, The Village at Empire Pass Master Planned Development, and the Park City Land Management Code.

- 2. The proposed uses, as conditioned, are compatible with the surrounding structures in use, scale, mass, and circulation.
- 3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

- 1. All standard conditions of approval apply to this Conditional Use Permit.
- 2. A final landscape plan is required prior to building permit issuance. The landscape plan shall indicate trees to remain, trees to be relocated, and trees to be replaced in kind. The proposed landscaping shall maintain a buffer between the Tower Club building and residential buildings and adjacent ski run, to the greatest extent possible. Landscaping and irrigation shall be water efficient, utilizing drought tolerant plantings and limited turf area, similar to what currently exists on the site. The landscape plan shall meet defensible space requirements to the satisfaction of the Building Department.
- 3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines. Non-complying exterior lighting shall be brought into compliance with the Land Management Code prior to issuance of a certificate of occupancy.
- 4. All exterior signs require a separate sign permit reviewed by the Planning and Building Departments.
- 5. Materials, color samples, and final design details must be approved by Staff prior to building permit issuance for consistency with the plans reviewed by the Planning Commission.
- The final building plans and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on December 14, 2016.
- 7. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
- 8. All utility facilities must be located on site. A plan must be provided at the time of the building permit application showing all proposed utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable and proposed utility boxes can be screened.
- 9. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof and/or screened from public view.
- 10. A final Construction Mitigation Plan must be approved by the Planning and Building Departments prior to issuance of a building permit.
- 11. Conditions of approval of the Village at Empire Pass MPD shall continue to apply.
- 12. Conditions of approval of the Flagstaff Annexation and Development Agreement shall continue to apply.
- 13. Conditions of approval of the Tower Club Phase I CUP continue to apply.
- 14. A total of 3,379 sf of MPD Resort Support Commercial shall be allocated to this property, to include the 1,115 square feet dining room addition and the 2,264 square feet of existing dining room, kitchen, and store.

If you have questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5066 or kirsten@parkcity.org.

Sincerely,

Kirsten Whetstone, MS, AICP Senior Planner

Kit a. White

Park City Planning Department PO Box 1480 Park City, UT 84060

Cc Doug Ogilvy

February 14, 2008

United Park City Mines Company P.O. Box 1450 Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Project Name</u> Empire Pass Tower Club Residential

Project Description Conditional Use Permit

Date of Action February 13, 2008

<u>Action Taken By the Planning Commission:</u> The Planning Commission APPROVED the proposed Empire Pass Tower Club Residential based on the following:

Findings of Fact:

- 1. The Tower Club Phase II Conditional Use Permit is located on Empire Club Drive in the RD-MPD zoning district of Pod A of the Village at Empire Pass.
- 2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
- 3. The Development Agreement requires the Master Developer to provide water source capacity.
- 4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The Tower Club Phase II is part of Building 1.
- 5. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The Tower Club Phase II project is located on lot 9.
- 6. The proposed Tower Club Phase II Conditional Use Permit is for 25 residential units totaling 67,625 square feet or 33.9 Unit Equivalents and one ADA unit of 650 square feet.
- 7. The proposed Conditional Use Permit is consistent with the approved Master Planned Development for the Village at Empire Pass.
- 8. The Tower Club Phase II will be platted as a condominium.

- 9. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
- 10. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 86 feet above natural grade was requested and granted in the Master Plan. The proposed building complies with the granted height exception.
- 11. The Planning Commission finds the proposed building in compliance with the volumetrics approved in the MPD; specifically, the façade shifts and roof shifts create architectural interest and break the building into smaller components.
- 12. The setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property line, platted street, or existing curb or edge of street. With a required re-plat of the boundary between lot 9 and 8 (Shooting Star) the building will comply with these setback requirements.
- 13. The Construction and Development Phasing Plan was revised on April 13, 2005.
- 14. The revised Phasing Plan required a Police Facility of at least 500 square feet with three 12x12 spaces.
- 15. A Construction Mitigation Plan reiterates downhill construction truck traffic will use Royal Street.

Conclusions of Law:

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

Conditions of Approval:

- 1. All standard conditions of approval apply to this Conditional Use Permit.
- 2. A water efficient landscape and irrigation plan that indicates snow storage areas and meets the defensible space requirement is required prior to building permit issuance.
- 3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines.
- 4. All exterior signs require a sign permit.
- 5. Materials color samples and final design details must be approved by staff prior to building permit issuance.
- The final building plans and construction details for the project shall meet substantial compliance with the drawings dated October 23, 2007, as submitted and reviewed by the Planning Commission.
- 7. Utility and grading plans must be approved by the City Engineer prior to Building Permit issuance.

- 8. The store will include a refrigerated case for milk, juice and sodas, and the shelves will have snacks commonly found in a convenience store.
- 9. A re-platting of the boundary between Lot 9, a private right of way turnaround and Lot 8 (Shooting Star) is a condition precedent to building permit.
- 10. Nine temporary surface parking spaces were created with Phase I. Removal of the temporary parking in front of the Club is required with Phase II construction.
- 11. The Police facility of at least 500 square feet with three twelve by twelve working spaces is required to be completed to a paint ready state prior to Certificate of Occupancy of the main building.
- 12. The ADA unit will be platted as common as it is appurtenant to all units and can not be separately rented without renting another unit.
- 13. A maximum of 48 parking spaces is permitted. This figure is derived from the anticipated unit count and sizes and reducing by 25% from the LMC requirements.

Sincerely,

Brooks T. Robinson Principal Planner March 12, 2009

United Park City Mines Company P.O. Box 1450 Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name Tower Club Phase II

<u>Project Description</u> Conditional Use Permit Extension

Date of Action March 11, 2009

<u>Action Taken By the Planning Commission:</u> The Planning Commission APPROVED the proposed Tower Club Phase II Conditional Use Permit Extension based on the following:

Findings of Fact:

- 1. The Tower Club Phase II Conditional Use Permit is located on Empire Club Drive in the RD-MPD zoning district of Pod A of the Village at Empire Pass.
- 2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
- 3. The Development Agreement requires the Master Developer to provide water source capacity.
- 4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The Tower Club Phase II is part of Building 1.
- 5. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The Tower Club Phase II project is located on lot 9.
- 6. The proposed Tower Club Phase II Conditional Use Permit is for 25 residential units totaling 67,625 square feet or 33.9 Unit Equivalents and one ADA unit of 650 square feet.
- 7. The proposed Conditional Use Permit is consistent with the approved Master Planned Development for the Village at Empire Pass.

- 8. The Tower Club Phase II will be platted as a condominium.
- 9. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
- 10. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 86 feet above natural grade was requested and granted in the Master Plan. The proposed building complies with the granted height exception.
- 11. The Planning Commission finds the proposed building in compliance with the volumetrics approved in the MPD; specifically, the façade shifts and roof shifts create architectural interest and break the building into smaller components.
- 12. The setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property line, platted street, or existing curb or edge of street. With a required re-plat of the boundary between lot 9 and 8 (Shooting Star) the building will comply with these setback requirements.
- 13. The Construction and Development Phasing Plan was revised on April 13, 2005.
- 14. The revised Phasing Plan required a Police Facility of at least 500 square feet with three 12x12 spaces.
- 15. A Construction Mitigation Plan reiterates downhill construction truck traffic will use Royal Street.
- 16. The CUP was approved on February 13, 2008.
- 17. An extension application was received by the City on January 8, 2009, requesting an extension of the CUP approval to July 1, 2010.

Conclusions of Law:

- 1. The CUP, and extension of its approval, is consistent with the Village at Empire Pass Master Planned Development, the Construction and Development Phasing Plan as amended on April 13, 2005, and the Park City Land Management Code.
- 2. The CUP, and extension of its approval, is consistent Park City General Plan.
- 3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
- 4. The effects of any differences in use or scale have been mitigated through careful planning.
- 5. No change in the LMC or circumstance requiring mitigation has occurred subsequent to the original approval.

Conditions of Approval:

- 1. All standard conditions of approval apply to this Conditional Use Permit.
- 2. A water efficient landscape and irrigation plan that indicates snow storage areas and meets the defensible space requirement is required prior to building permit issuance.
- 3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines.
- 4. All exterior signs require a sign permit.
- 5. Materials color samples and final design details must be approved by staff prior to building permit issuance.

- 6. The final building plans and construction details for the project shall meet substantial compliance with the drawings dated October 23, 2007, as submitted and reviewed by the Planning Commission.
- 7. Utility and grading plans must be approved by the City Engineer prior to Building Permit issuance.
- 8. The store will include a refrigerated case for milk, juice and sodas, and the shelves will have snacks commonly found in a convenience store. The store will be open to the general public and must be installed by September 1, 2009.
- 9. A re-platting of the boundary between Lot 9, a private right of way turnaround and Lot 8 (Shooting Star) is a condition precedent to building permit.
- 10. Nine temporary surface parking spaces were created with Phase I. Removal of the temporary parking in front of the Club is required with Phase II construction.
- 11. The Police facility of at least 500 square feet with three twelve by twelve working spaces is required to be completed to a paint ready state prior to Certificate of Occupancy of the main building.
- 12. The ADA unit will be platted as common area as it is appurtenant to all units and can not be separately rented without renting another unit.
- 13. A maximum of 48 parking spaces is permitted. This figure is derived from the anticipated unit count and sizes and reducing by 25% from the LMC requirements.
- 14. This approval expires on February 13, 2010, unless an application for a building permit has been received by the City.

Sincerely,

Brooks T. Robinson Principal Planner

Planning Commission Staff Report



Subject: Residences at the Tower

Condominiums

Author: Kirsten Whetstone, MS, AICP- Senior Planner

Date: November 14, 2018

Type of Item: Legislative- Condominium Plat

| Project Number: | PL-18-04006 |
|---------------------|--|
| Applicant: | Storied Development, LLC |
| Location: | 8680 Empire Club Drive |
| Zoning: | Residential Development (RD) as part of the Flagstaff Annexation and Master Planned Development (MPD) and the Village at Empire Pass MPD (VEP MPD) |
| Adjacent Land Uses: | Deer Valley Resort, condominiums, townhouses, vacant development parcels of the Village at Empire Pass Pod A and open space |
| Reason for Review: | Plat amendments require public hearing and recommendation by the Planning Commission with final action by City Council. |

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing for the Residences at the Tower condominium plat, for fourteen (14) market rate multi-family residential units, one (1) American Disability Act (ADA) unit, one (1) deed restricted employee housing unit (EHU), a police substation, and the private Talisker Club located at 8680 Empire Club Drive, and consider forwarding a positive recommendation to City Council pursuant to findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Proposal

This is a request for approval of the Residences at the Tower condominium plat (**Exhibit A**) for 14 multi-family residential units (42,453 sf) utilizing 21.227 unit equivalents (UE), one ADA unit (737 sf) and one 737 sf deed restricted employee housing unit (EHU), a 509 sf police substation, and the private Talisker Club located at 8680 Empire Club Drive. This condominium plat memorializes density, uses and configuration of units, and identifies areas of private and common ownership. The plat includes the existing and proposed expansion to the private Talisker Club Support Commercial uses as well as club and residential accessory uses, parking, circulation, mechanical and storage space.

Construction of these units and expansion of the Talisker Club (aka Tower Club) is subject to approval of the Residences at the Tower Conditional Use Permit (CUP) and subsequent building permits. The property is located within the Residential Development (RD) zoning district on a 1.53 acre Lot 9 of the First Amended Village at Empire Pass Phase 1 Subdivision (**Exhibit H**).

The property is subject to the Village at Empire Pass Master Planned Development (VEP MPD), approved by the Planning Commission on July 28, 2004 (Exhibit E- link to VEP MPD approval). The application is further described in the applicant's letter (Exhibit B) and the CUP report. Existing conditions survey, aerial photo and photos of the site were submitted with the application, see Exhibits C and D. A preliminary construction mitigation plan was submitted as well, see Exhibit J.

The building is currently known as the Talisker Club. The approved CUP was called the Tower Club CUP consistent with a previous name change from Empire Club to Tower Club, during approval of the Phase II CUP for the residential units. It was also previously known as the Alpine Club. This current proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE) from the previously approved Phase II CUP.

Background / Timeline

June 24, 1999 – City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel. The Agreement was amended in March of 2007 and includes 14 technical reports associated with the Empire Pass development area. The 2007 Amended Agreement, 14 technical reports, VEP MPD, and the Land Management Code, form the standards under which this development is reviewed. See Exhibit G - Link to Technical Reports).

July 28, 2004 – Planning Commission approved the Village at Empire Pass Master Planned Development (VEP MPD). The purpose of the VEP MPD was to establish unit mix and density for the Mountain Village as well as addressing overall project infrastructure throughout the Annexation Area. The VEP MPD established building volumetric diagrams, including specific height exceptions, density and development location and requires CUP approval for lodge buildings prior to building permit issuance. Exhibit E – Village at Empire Pass Planned Development (VEP MPD) approval (link)

September 30, 2004 – City Council approved the Village at Empire Pass Phase 1 Subdivision that platted the east side lots of the Village at Empire Pass (**Exhibit H**). Proposal is located on Lot 9.

April 13, 2005 – Planning Commission approved the Tower Club Phase I CUP for approximately 8,880 square feet consisting of 2,264 sf of MPD Resort Support Commercial (private dining, kitchen, small convenience store), and 6,616 sf of residential and resort accessory uses (ski lockers, recreation amenities, meeting room, kids club, circulation, storage, mechanical, as well as outdoor amenities such as pool,

hot tubs, etc.). The Club was constructed in 2005 and 2006.

February 13, 2008 – Planning Commission approved the Tower Club Phase II CUP for residential units on Lot 9. The approval for 25 units totaling 67,625 sf (33.81 UE) and one (1) ADA unit was granted an extension to July 1, 2010, by Planning Commission on **March 11, 2009**. A building permit for Phase II was not issued and the CUP expired. Current CUP proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE).

January 6, 2011 – City Council approved an amendment to the VEP Phase 1 Subdivision amending Lot 9 to address access, parking, and trail easements. The amended plat was recorded on **January 4, 2012** (**Exhibit I**).

December 14, 2016 – Planning Commission approved an amendment to the Tower Club Phase I CUP to allow an expansion of the private dining area, outdoor patio and accessory uses. The CUP expansion increased the MPD Resort Support Commercial to 3,379 sf. Construction of the expansion was completed in **2018**.

November 9, 2017 – City Council approved a second amendment to the VEP Phase 1 Subdivision combining Lots 1 and 2 into Lot A of the Second Amended Village at Empire Phase 1. The amended plat was recorded on April 10, 2018 and is the location of the Larkspur Townhomes 6 condominium plat currently under review.

October 9, 2018 - the City received a complete application for the Residences at the Tower Condominium plat and CUP (see this packet for the CUP report).

<u>Purpose</u>

The purpose of the Residential Development (RD) Zoning District can be found in <u>LMC</u> Section 15-2.13-1.

Land Management Code (LMC) and VEP MPD Analysis

The proposal complies with LMC lot and site requirements of the RD Zoning District and the VEP MPD as described below.

<u>Analy</u>sis

Zoning of the property is Residential Development (RD) subject to the VEP MPD. LMC lot and site requirements of the RD District and the VEP MPD are described below.

| · | RD District and/or VEP MPD |
|---|---|
| Lot Size | No minimum lot size. Lot 9 is approximately 1.53 acres (66,711 sf). |
| Front yard setbacks LMC setback exceptions apply. | Minimum 25 feet to front facing garage, 20 feet to building. Proposed front setback is 20' and 25' (garage is 25'). Complies. |
| Rear yard setbacks LMC setback exceptions apply. | Minimum 15 feet rear setbacks. Proposed minimum rear setback is 75'. Complies. |
| Side yard setbacks LMC setback exceptions apply. | Minimum 12 feet side setbacks. Proposed minimum setback is 12'. Complies. |

Building Height

Zone allows 28 feet (33 feet for pitched roof 4:12 or greater). Village MPD Volumetric and Height Exception allows up to 86 feet above existing natural grade as follows: 20% of the building is permitted to reach max height of 74' (north end), 55% may reach 86' (central portion) and 25% (south end) may reach max height of 74'.

Proposed building does not exceed 86' in height with 20% (north) at or less than 74', and 55% at or less than 86', and 25% (south) is less than 74'. The plat is consistent with the VEP MPD building heights and volumetric, as further described in the Conditional Use Permit. Complies.

Parking

The Flagstaff Transit and Parking
Management Plan approved with the MPD
requires a 25% reduction in parking from
what would be normally required by the
LMC and the Empire Pass HOA is required
to provide shuttle services for the private
Talisker Club.

Per LMC, based on unit sizes, 29 spaces are required for the 14 units, one ADA and one EHU. With the 25% reduction, 22 spaces are required. The underground parking structure has 22 spaces (including 1 ADA). There are 3 surface spaces along Village Way, 2 to be reserved as required for the police substation and one for service and delivery. Each unit is assigned one space as limited common and the remaining spaces are common. Complies.

Architectural Design

All construction is subject to Village at Empire Pass Design Review Board (DRB) approval and LMC Chapter 15-5 Architectural Design Guidelines with final review conducted at the time of the Building Permit.

The addition matches the architectural character and materials of the existing building and complies with the Village MPD regarding architectural character, articulation, volumetric and height as further described in the CUP report. A report and letter from the DRB is an Exhibit to the CUP report. Complies.

Residential Units (Previous CUP approval on this Lot was 25 units totaling 67,625 sf (33.81 UE).

14 market rate multi-family units are proposed, ranging in area from 1,806 sf to 4,229 sf (total of 42,453 sf., 21.227 UE). Deed restricted unit is 737 sf. ADA unit is 737 sf. Total all residential is 43,927 sf. Current proposal represents a **reduction in density and size** by 11 units and 25,000 sf (12.58 UE). Complies.

MPD Resort Support Commercial
75,000 sf allowed.

Allocated by CUP or plat
Montage Spa- 35,000 sf
Montage retail, restaurants/kitchens,
bar, etc. -28,059 sf
Grand Lodge- 1,275 sf
Tower Club dining/kitchen/store- 3,379 sf
Remaining (prior to this application)
7,287 sf

Existing- as approved with the Amended Tower Club CUP- 3,379 sf (kitchen, dining, store, spa)
Proposed expansion- 3,188 sf (kitchen, dining, spa)
Total including this CUP expansion: 6,567 sf

Sufficient MPD Resort Support Commercial exists for the proposed private club expansion and **4,099 sf will remain if this expansion is approved.** Complies.

Residential Accessory uses (Guest amenities)

Common residential and club accessory uses are provided on levels two and three, including locker rooms, fitness and recreation, kids club, lounge/après/meeting room, ski prep area, lobby, and other areas for the use by club, residents and guests. No UE are required for these uses and these areas are platted as common for the residential accessory and Private Club area for the club accessory uses. Total accessory area is approximately 13,595 sf. Complies.

Density Summary

The Development Agreement approved the Mountain Village (Pods A, B1 and B2) for a maximum of 785 UE (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units were approved as part of the overall multi-family units.

To date **509 multi-family units (757.28 UE)** have been approved, platted or built within the Mountain Village, including One Empire Pass. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrow leaf A and B, One Empire Pass and Grand Lodge. Empire Residences are under construction.

This CUP proposes the following:

Residential- 14 market rate multi-family units (42,453 sf (21.227 UE), 1 ADA and 1 EHU = 43,927 sf total residential.

There is sufficient remaining density for the proposed residential density. (**Exhibit K- Density Summary**). Complies.

Affordable Housing

Amended Development Agreement requires a total of 118.9 AUE (Affordable Unit Equivalents) where 1 AUE is 800 sf.

This Lodge Building was assigned 0.75 AUE (600 sf) per the Developer.

Off-mountain housing has been satisfied.
On-mountain housing required is 24.725
AUE and is partially complete with 16.675
AUE built and 8.05 AUE remain to be
built. These remaining AUE are assigned
to Buildings 1, 3, 4 and B2 East.

The plat identifies one 737 sf deed restricted affordable unit, or EHU, within the building consisting of 0.921 AUE.

This unit is platted as common area and will be available at the same time the other units in the building are available, upon issuance of a certificate of occupancy for the entire building.

A deed restriction for the EHU unit, acceptable to the City, shall be recorded with or prior to plat recordation. The deed restriction shall outline and resolve any issues or concerns regarding maintaining affordability of the unit. The CCRs shall limit the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees. Complies.

The platted area includes the following:

| Unit # | Floor Area (sf) | Parking required |
|----------------------------------|-----------------|------------------|
| Private Residential Units | | |
| Unit 1 | 3,014 | 2 |
| Unit 4 (see Units 2 and 3 below) | 2,403 | 2 |
| Unit 5 | 3,010 | 2 |
| Unit 6 | 2,403 | 2 |
| Unit 7 | 2,195 | 2 |
| Unit 8 | 1,810 | 1.5 |
| Unit 9 | 1,806 | 1.5 |
| Unit 10 | 2,132 | 2 |
| Unit 11 | 4,229 | 2 |
| Unit 12 | 4,166 | 2 |

| Unit 13 | 1.000 | 2 |
|--|--|--|
| | 4,229 | |
| Unit 14 | 4,166 | 2 |
| Unit 15 | 3,624 | 2 |
| Unit 16 | 3,266 | 2 |
| 14 Residential Units platted as private residential area | 42,453 (21.227 UE) | 27 |
| | | |
| Unit 2 (ADA) platted as common area | 737 sf | 1 |
| | | |
| Unit 3 (EHU) platted as common area | 737 sf | 1 |
| | | |
| Club Unit- MPD Resort Support Commercial platted as the Club area (kitchen, dining, store, spa, and lounge). | 6,567 sf (adding 3,188 to existing 3,379 sf for kitchen, dining, store, spa) | n/a |
| Residential and Club accessory uses- admin office, mechanical, storage, back of house, meeting room, circulation, residential/ guest accessory amenities, fitness, kids club, locker rooms, fitness and recreation area, swim entry area, etc. – common area for residential accessory and Club area for club accessory. | 13,595 sf | n/a |
| Common circulation, vents, mechanical, housekeeping closets, storage units etc. – common area and Club area. | 11,123 sf | n/a |
| Police substation- platted as commercial area and restricted by conditions of approval and plat notes. | 509 sf | 2 space required by the Development Agreement and provided along Village Way |
| Parking garage area (includes parking spaces, drive aisles, storage, mechanical, circulation) - platted as common and limited common appurtenant to residential units. | 11,168 sf | 22 spaces (25% of 29) |
| Total Building Area- of the Condominium plat (doesn't include walls, chases, and other structural spaces). | 86,889 sf | n/a |

| Gross building area from | | |
|-------------------------------|-----------|-----|
| Architects Plans, includes | | |
| all platted building area and | 88,149 sf | n/a |
| chases, walls, attics and | • | |
| other structural elements. | | |

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following procedures found in Land Management Code § 15-1-18.

Good Cause

There is good cause for this condominium plat, as conditioned, as it is consistent with the development pattern envisioned in the amended Flagstaff Development Agreement and associated Technical Reports and the Village at Empire Pass MPD. Residential units are required to be platted as condominiums to memorialize density (units and UE). The condominium plat allows for the sale of individual units, provides one affordable, deed restricted employee housing unit on site and space for the police substation as required by the Emergency Response Plan of the Amended Development Agreement.

Department Review

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

Notice

On October 31, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and on the Utah Public Notice website on October 27, 2018.

Public Input

Staff has not received any public input on the condominium plat application at the time of this report.

Alternatives

- Planning Commission may forward a positive recommendation to City Council for the Residences at the Tower condominium plat as conditioned or amended, or
- Planning Commission may forward a negative recommendation and direct staff to make Findings for this decision, or
- Planning Commission may continue the item to a future date.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been addressed by the Development Agreement and/or conditions of approval. Platting the condominium units allows units to be sold separately, memorializes the density in terms of units and UE, and identifies private, common, and limited common area.

Recommendation

Staff recommends the Planning Commission conduct a public hearing for the Residences at the Tower condominium plat, for fourteen (14) market rate multi-family residential units, 1 American Disability Act (ADA) unit, 1 deed restricted employee housing unit (EHU), a police substation, and the private Talisker Club (including proposed expansion) and consider forwarding a positive recommendation to the City Council pursuant to findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Proposed plat

Exhibit B – Applicant's letter

Exhibit C – Existing Conditions survey and aerial photo

Exhibit D – Photos of the site

Exhibit E – Village at Empire Pass Planned Development (VEP MPD) approval (link)

Exhibit F – Flagstaff Development Agreement (link)

Exhibit G – Technical reports (link)

Exhibit H – Village at Empire Pass Phase 1 Subdivision plat

Exhibit I – First Amended Village at Empire Pass Phase 1 Subdivision plat

Exhibit J – Construction Mitigation Plan preliminary

Exhibit K – Flagstaff Density Summary

Draft Ordinance No. 2018-XX

AN ORDINANCE APPROVING THE RESIDENCES AT THE TOWER CONDOMINIUM PLAT LOCATED AT 8680 EMPIRE CLUB DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Residences at the Tower Condominiums, located at 8680 Empire Club Drive, petitioned the City Council for approval of the Residences at the Tower Condominiums plat; and

WHEREAS, on October 31, 2018, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on October 27, 2018, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on November 14, 2018, to receive input on the Residences at the Tower Condominium plat;

WHEREAS, the Planning Commission, on November 14, 2018, forwarded a recommendation to the City Council; and,

WHEREAS, the City Council on _____, 2018, held a public hearing and took final action on the condominium plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Residences at the Tower Condominium plat consistent with the Village at Empire Pass Master Planned Development, the 2007 Amended Flagstaff Development Agreement and Technical Reports and the Residences at the Tower Conditional Use Permit.

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 Residences at the Tower Condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

- Residences at the Tower condominium plat identifies 14 private market rate multifamily residential units totaling 42,453 sf, utilizing 21.227 UE, as well as 1 ADA unit and 1 deed restricted affordable unit, a police substation and the private Talisker Club located on Lot 9 of the First Amended Village at Empire Pass Phase I subdivision.
- 2. Lot 9 is located in the RD-MPD zoning district and contains 1.53 acres and is addressed as 8680 Empire Club Drive.
- 3. Access to the property is from Village Way and Empire Club Drive, which are both private streets.

- 4. Lot 9 is currently partially developed with the private Talisker Club that includes dining and other indoor and outdoor amenities for members.
- 5. The market rate multi-family residential units range in size from 1,806 sf to 4,229 sf with an average unit size of approximately 3,032 sf. The 737 sf ADA unit is required to be identified as common area. The 737 sf EHU is also platted as common area.
- 6. A 509 sf police sub-station, platted as commercial area, is proposed on the lower level as a requirement of the Emergency Response Plan Exhibit #7 of the Flagstaff Development Agreement.
- 7. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007, as well as associated Technical Reports.
- 8. The Amended Agreement is the equivalent of a Large-Scale Master Plan and sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.
- 9. The Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units does not exceed 60. PUD units are included in the totals for multi-family units.
- 10. To date approximately 509 multi-family units (757.28 UE) (of which 60 are PUD style units) and 16 single family units have been approved, platted and/or built within Pods A, B1 and B2. This number includes the 70 units noted in the plat notes for the B2 East subdivision and also includes Empire Residence CUP units currently under construction as Building 3 and Moon Shadow Condominiums for 8 PUD units pending plat recordation). This number also includes all of the Larkspur Townhomes, including Larkspur Townhomes 6 which condominium plat is currently under review.
- 11. Constructed lodge style buildings include Shooting Star, One Empire Pass, Silver Strike, Flagstaff, Arrow Leaf A and B, Grand Lodge and Ironwood. Lodge buildings still to be approved within Pod A are: Building 1- Residences at the Tower (subject property) and Building 4. Empire Residences (Lodge Building 3) are under construction.
- 12. There is sufficient density remaining within Amended Agreement and VEP MPD for the proposed 14 multi-family units (21.227 UE).
- 13. Amended Agreement requires a total of 118.9 AUE (Affordable Unit Equivalents) where 1 AUE is 800 sf. A total of 94.175 off-mountain AUE and 24.725 on-mountain AUE are required. Off-mountain housing has been satisfied. On-mountain housing is partially complete with 16.675 AUE built and 8.05 AUE remaining. These remaining AUE are assigned to Buildings 1, 3, 4 and B2 East.
- 14. Lodge Building 1 was assigned 0.75 AUE (600 sf) per the Developer at time of sale.
- 15. The proposed affordable unit consists of 737 sf (0.921 AUE) (not including dedicated storage areas located separate from the unit) platted as common area and shall be deed restricted per requirements of the Housing Resolution prior to plat recordation.
- 16. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (VEP MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area for Lodge Buildings grouped around the Silver Strike lift and ski runs, various townhouses making up a second tier of units, with PUD style detached units and single family lots on the perimeter. A

- common amenity building, known as the Tower Club, was central to the VEP MPD. A common mail area, indoor and outdoor recreation facilities, pedestrian connections and transportation pick-up/drop-off area were included. The VEP MPD also approved heights and Volumetrics for the Lodge buildings.
- 17. On September 30, 2004, the City Council approved the Village at Empire Pass Phase 1 Subdivision that platted the east side lots of the Village at Empire Pass.
- 18. On April 13, 2005, the Planning Commission approved the Tower Club Phase I CUP for approximately 8,880 square feet consisting of 2,264 sf of MPD Resort Support Commercial (private dining, kitchen, small convenience store), and 6,616 sf of residential and resort accessory uses (ski lockers, recreation amenities, meeting room, kids club, circulation, storage, mechanical, as well as outdoor amenities such as pool, hot tubs, etc.). The Club was constructed in 2005 and 2006.
- 19. On February 13, 2008, the Planning Commission approved the Tower Club Phase II CUP for residential units on Lot 9. The approval for 25 units totaling 67,625 sf (33.81 UE) and one (1) ADA unit was granted an extension to July 1, 2010, by the Planning Commission on March 11, 2009. A building permit for Phase II was not issued and the CUP expired. This current CUP proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE) from the 2008 approval.
- 20. On January 6, 2011, the City Council approved an amendment to the VEP Phase 1 Subdivision amending Lot 9 to address access, parking, and trail easements. The amended plat was recorded on January 4, 2012.
- 21. On December 14, 2016, the Planning Commission approved an amendment to the Tower Club Phase I CUP to allow a 1,115 sf expansion of the private dining area, as well as expanded outdoor patio area, 1,000 sf of expanded basement area for accessory uses. The CUP expansion increased the MPD Resort Support Commercial on Lot 9 to 3,379 sf. Construction of the expansion was completed in 2018. The building is currently consists of approximately 10,995 sf.
- 22. On October 9, 2018, the Planning Department received a complete application for a Condominium plat and a Conditional Use Permit for a fourteen (14) multi-family unit residential building to be located on Lot 9 of the First Amended Village at Empire Pass Phase One Subdivision.
- 23. The property is subject to subdivision plat notes that require compliance with the Amended Flagstaff Annexation and Development Agreement, approval of a Conditional Use Permit for each lodge building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, a 20' snow storage easement along the street frontages, water efficient landscaping, and various utility and maintenance provisions.
- 24. The proposed condominium plat memorializes the density, size and configuration of units to be construction in one phase and identifies areas of private, common and limited common ownership, and private club area.
- 25. The Amended Agreement allows a maximum of 75,000 sf of MPD Resort Support Commercial uses. Lot 9 currently is approved, with the Amended Tower Club CUP for 3,379 sf (kitchen, dining, small store) of MPD Resort Support Commercial Uses. Montage Resort was approved for 63,059 sf of MPD Resort Support Commercial and Grand Lodge was approved with 1,275 sf.
- 26. Total utilized MPD Resort Support Commercial Uses for this building, including this CUP expansion, is 6,567 sf (adding 3,188 sf of Resort Support Commercial uses).

- 27. There is sufficient MPD Resort Support Commercial remaining for the proposed private club expansion and 4,099 sf will remain if this project is approved. This space is identified on the plat as part of the Club Unit with additional lines and labels calling out the specific square feet of these areas. A table of the Resort Support Commercial space shall also be included on the plat.
- 28. The Emergency Response Plan requires a police sub-station to be dedicated within the Empire Club building in Pod A. The Plan calls for a facility with 3 office spaces, approximately 12' by 12' each, with a combined square footage of not less than 500 sf, plus two reasonably proximate parking spaces. The unit is to be made available to Park City as an empty "white box" for no cost, and not subject to HOA dues or other assessments, as soon as occupancy permits are ready to be issued for the rest of the building and residential units. This space will be identified as a Commercial Unit specifically for the police substation that can be transferred to the City.
- 29. Guest amenity areas (exercise and recreation areas, locker rooms, lobby and reception area, lounge/après ski, restrooms, etc.) are proposed on the first and second levels. Common residential accessory uses do not require use of UEs.
- 30. Based on unit sizes, a minimum of 22 parking spaces are required when taking into consideration the 25% parking reduction (from the 29 required spaces) per the Flagstaff Development Agreement and MPD.
- 31. An underground parking structure provides 22 parking spaces, including 1 ADA spaces, as well as limited common storage areas for each unit. Two surface spaces are provided at the street for the police sub-station. One surface space will be provided for short term pick-up and drop-off.
- 32. Each unit has one assigned limited common parking space and the remaining spaces are common.
- 33. The plat is consistent with the approved Village at Empire Pass Master Planned Development and the Residences at the Tower Conditional Use Permit in terms of density, units, UE, building height, uses, setbacks, and parking.
- 34. The MPD requires Construction Mitigation Plans to be submitted with each CUP and building permit addressing all requirements of the Amended Agreement and Technical Reports.
- 35. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of the initial building permits within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
- 36. The condominium plat allows for the sale of individual units.

Conclusions of Law

- 1. There is good cause for this condominium plat.
- 2. The condominium plat is consistent with the 2007 Amended Flagstaff Annexation and Development Agreement, the Village at Empire Pass MPD, the First Amended Village at Empire Pass Phase 1 Subdivision, the Park City Land Management Code and applicable State laws regarding condominium plats.
- 3. Neither the public nor any person will be materially injured by the proposed condominium plat.
- 4. Approval of the condominium plat, subject to the conditions stated below, does not

adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

- 1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, 2007 amended Flagstaff Development Agreement, Village at Empire Pass MPD and these conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the condominium plat at Summit 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 request for an extension is submitted in writing and approved by the City Council.
- 3. City Engineer and SBWRD approval of the final infrastructure and utility plans is a condition precedent to plat recordation.
- 4. The 2007 Flagstaff Amended Development Agreement and associated Technical Reports and Exhibits apply to this property.
- 5. Conditions of approval of the Village at Empire Pass Master Planned Development (MPD), First Amended Village at Empire Pass Phase 1 Subdivision, and the Residences at the Tower Conditional Use Permit (CUP) apply to this plat.
- 6. All applicable required and recorded utility, access, snow storage, trails, etc. easements shall be indicated on this condominium plat prior to recordation and building permit issuance.
- 7. The plat shall note that public safety access and public utility easements are hereby dedicated for all private streets and that that the private streets shall be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration.
- 8. The plat shall note that a Construction Mitigation Plan, including truck routing, is a submittal requirement of the building permit application.
- 9. The deed restricted employee housing unit (EHU) shall be a minimum of 737 sf (0.921 AUE), exclusive of additional storage area to be dedicated to this unit. One AUE is equivalent to 800 sf according to the 2007 Development Agreement.
- 10. The EHU and ADA units shall be platted as common area.
- 11. A deed restriction for the EHU unit, acceptable to the City, shall be recorded with or prior to plat recordation. The deed restriction shall outline and resolve any issues or concerns regarding maintaining affordability of the unit. The plat shall note that the EHU is subject to a deed restriction. The EHU and ADA units shall be available for occupancy at the same time as the entire building and when the market rate units are issued a certificate of occupancy.
- 12. The CCRs shall limit the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.
- 13. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
- 14. Conditions related to the police sub-station unit shall be described in the CCRs, and/or by separate agreement with the City, prior to recordation, consistent with language in the Emergency Response Plan of the Amended Flagstaff Agreement.

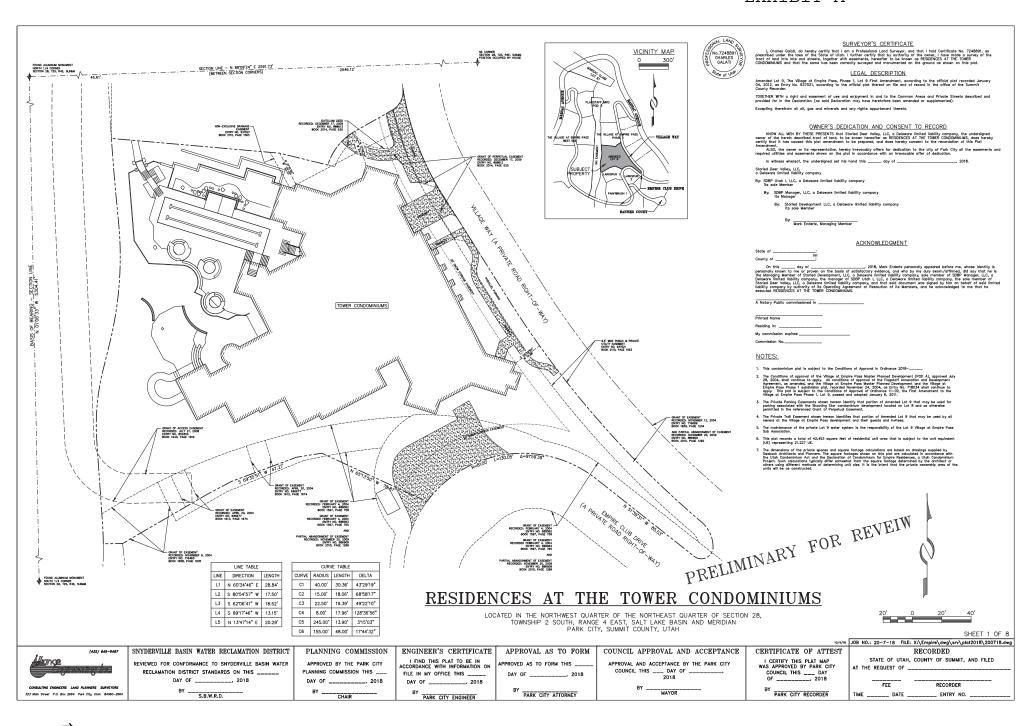
- 15. The plat shall note that fire sprinklers are required for new construction on the Lot per the Chief Building Official at the time of review of building permits and all requirements for emergency access according to the Park City Fire District and Park City Building Department shall be addressed prior to building permit issuance.
- 16. The plat shall note the number and square footages of all residential units and shall indicate the total square footage and Unit Equivalents of the 14 market rate units.
- 17. The plat shall note the Resort Support Commercial square footage and a table of the Resort Support Commercial space shall be included on the plat.
- 18. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.
- 19. A plat note shall restrict the Resort Support Commercial areas and associated Club accessory areas as a Private Club for members and shall not be sold or used as a commercial or retail establishment for the public.
- 20. A plat note shall restrict the police substation commercial unit as a police substation. In the event that the police substation is vacated by the City, the HOA may apply to amend this plat and the CUP for common or limited area storage, mechanical or other similar uses. No commercial, office or residential use is allowed unless additional density/UEs is acquired and the addition of such is approved by plat and CUP amendment.

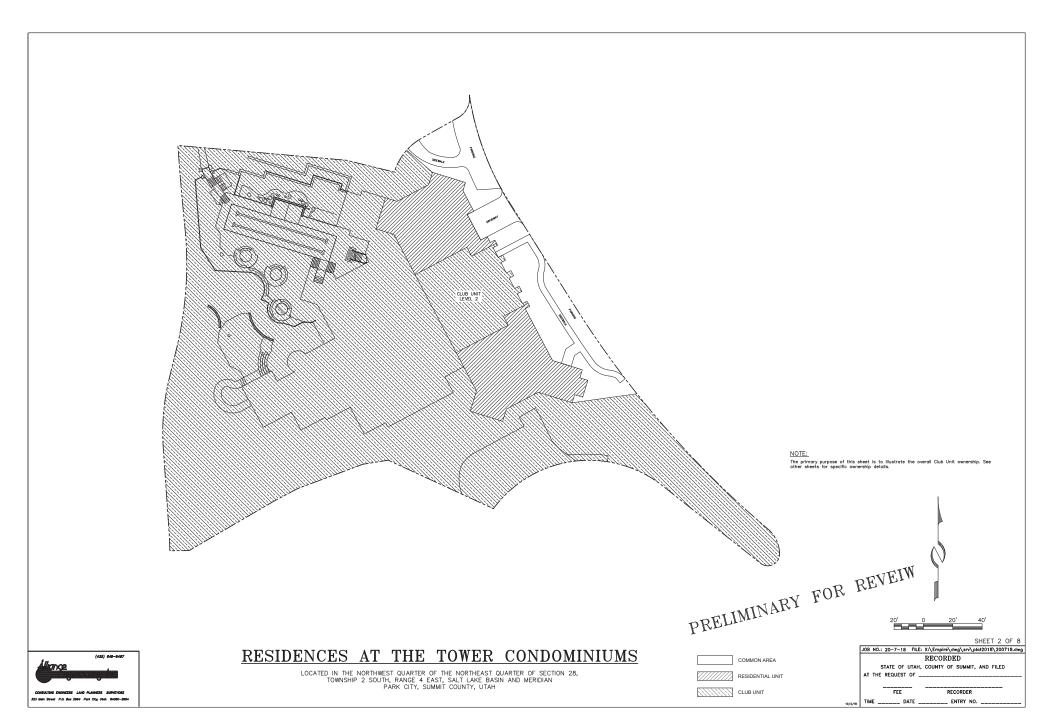
| ublic | SECTION 2. EFFECTIVE DATE. cation. | This Ordinance shall take effect upon |
|-------|------------------------------------|---------------------------------------|
| | PASSED AND ADOPTED this | day of December, 2018. |
| | | PARK CITY MUNICIPAL CORPORATION |
| | ATTEST: | Andy Beerman, MAYOR |
| | Michelle Kellogg, City Recorder | |
| | APPROVED AS TO FORM: | |
| | Mark Harrington, City Attorney | |

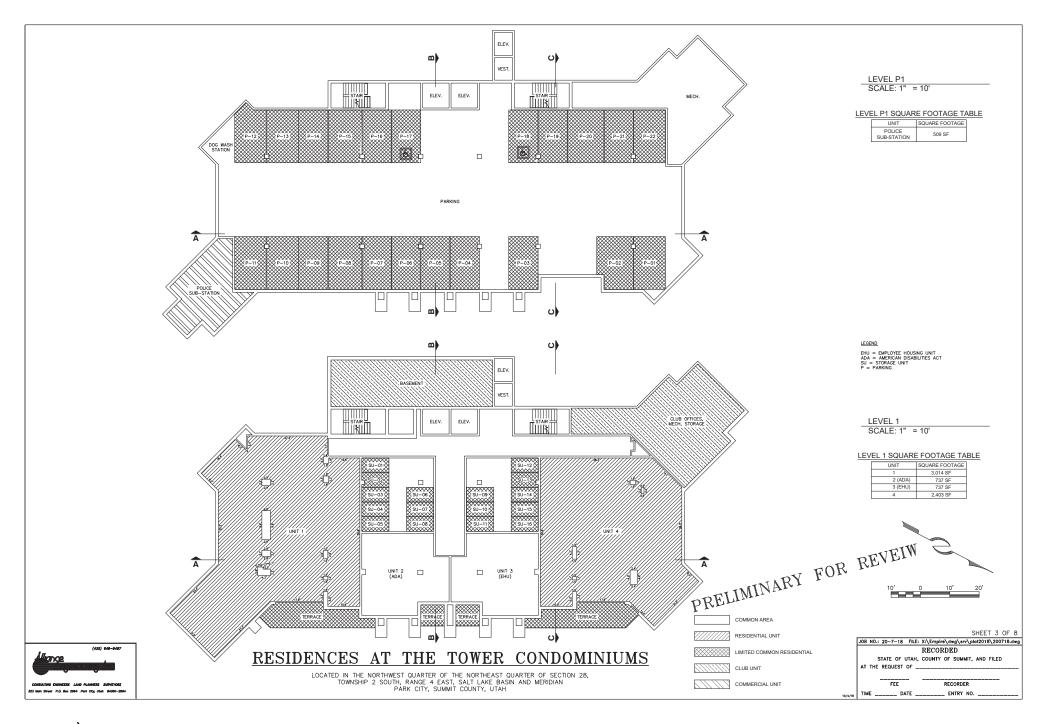
Exhibits

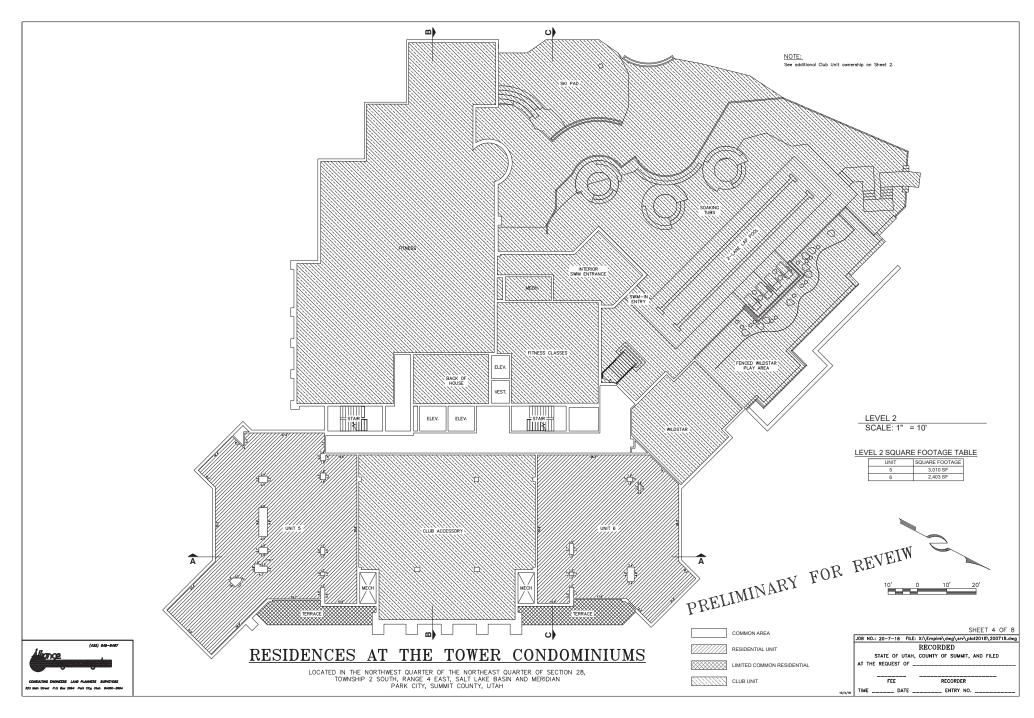
Exhibit A – Condominium plat

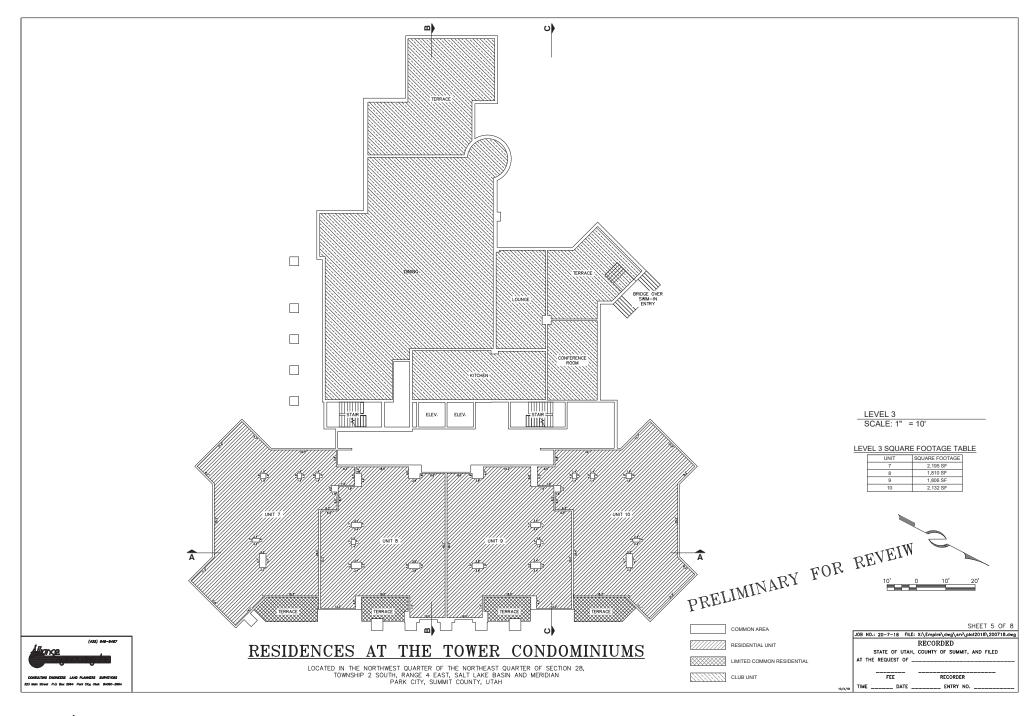
EXHIBIT A

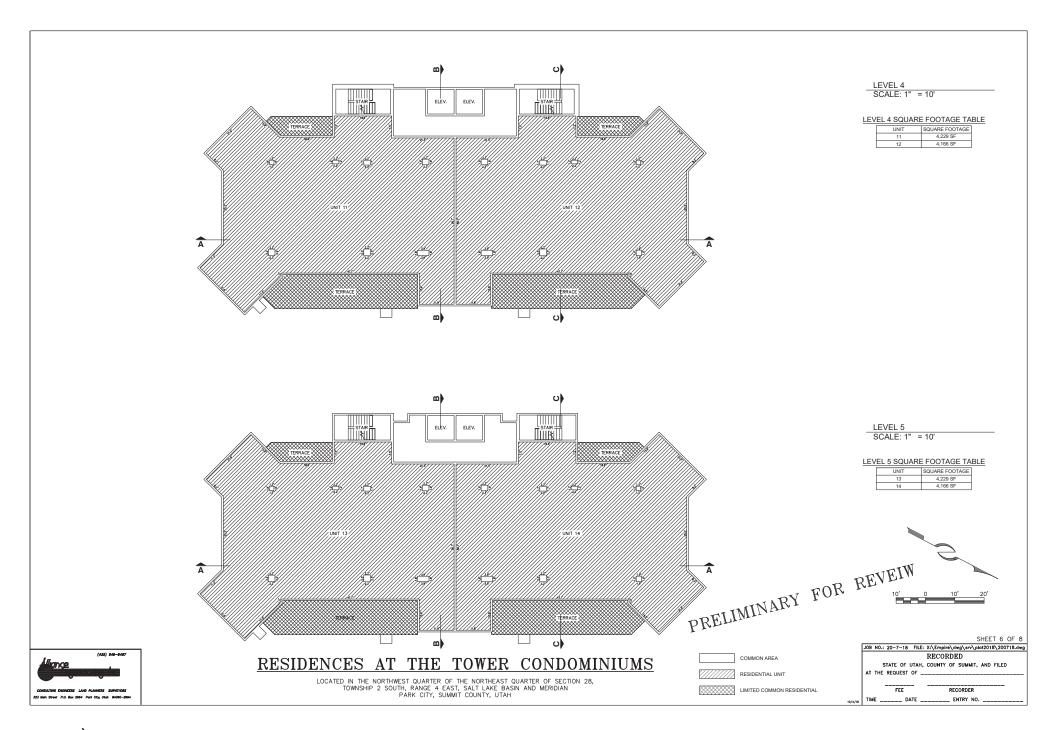


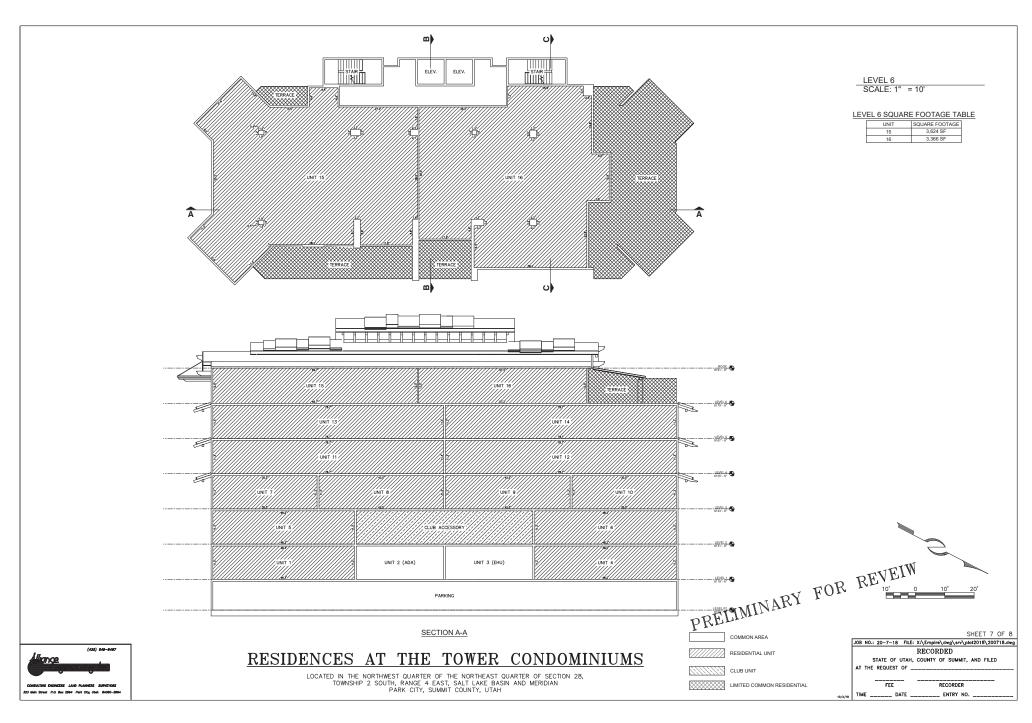


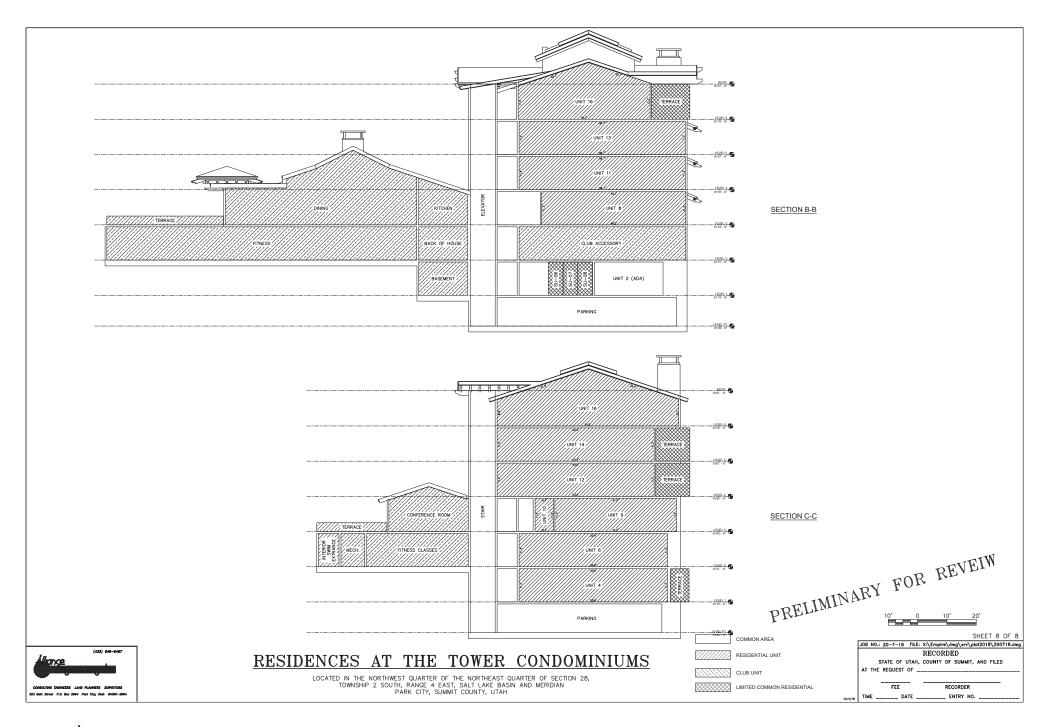












Residences at the Tower Condominiums

October 9, 2018

Project Description

The Residences at the Tower Condominiums is located on Lot 9 of the Village at Empire Pass adjacent to Deer Valley Resort and the Silver Strike chairlift. The existing Tower Club building is located on the property and provides service for Talisker Club members. The current project proposal is to expand the existing Tower Club building and provide additional area for club amenities as well as construct a new 16-unit condominium building with privately owned units consistent with the Flagstaff (Empire Pass) MPD.

EXHIBIT C 1

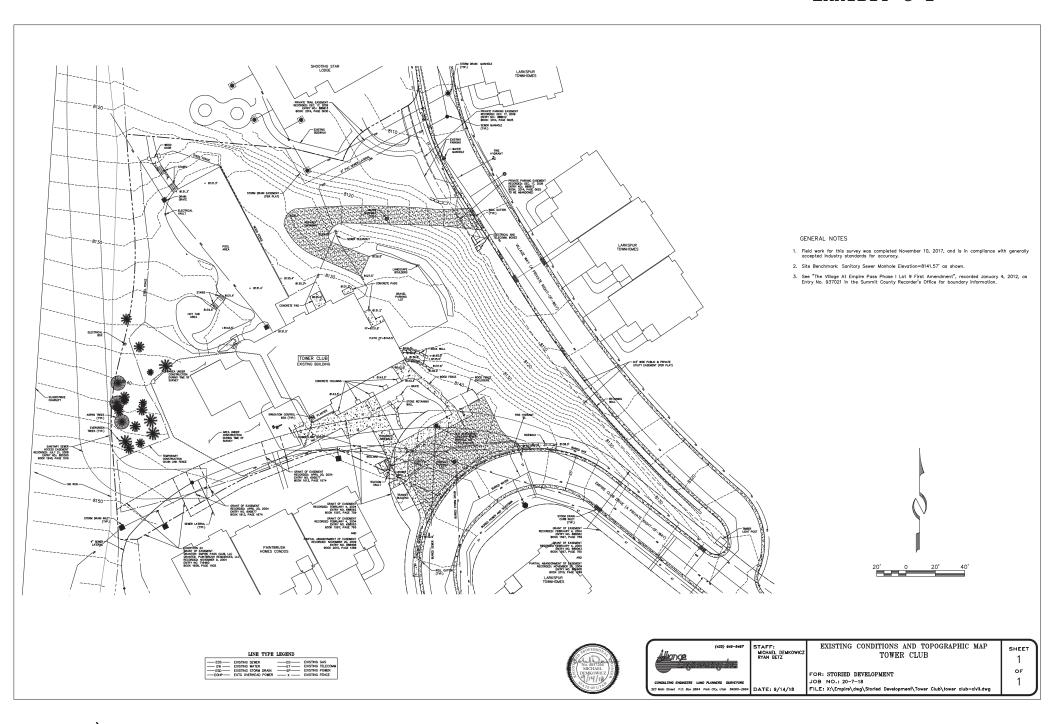


EXHIBIT C 2





Tower Club – looking Northeasterly



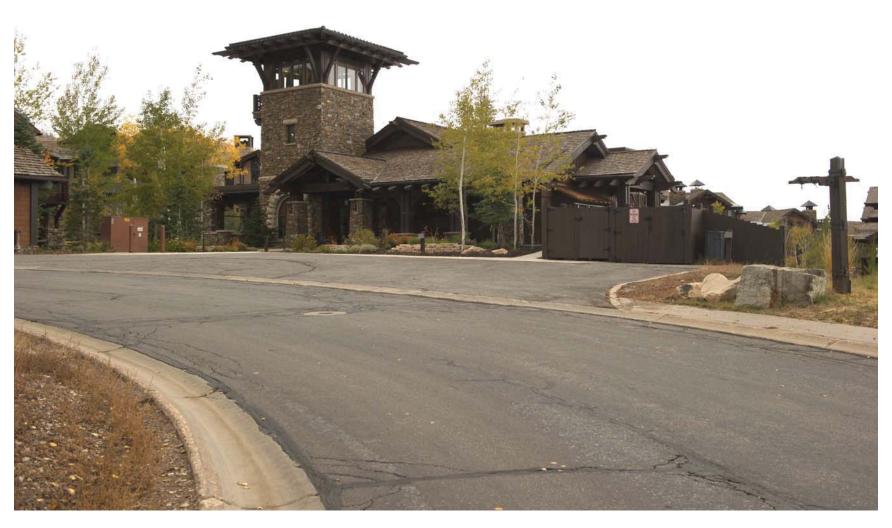
Tower Club – looking Southeasterly



Tower Club – looking Southwesterly



Tower Club – looking Northwesterly



Tower Club – looking Northwesterly



Tower Club – looking Northerly

SUMMITTIES CENTRICATE:

1, John Demkowicz, do breely certify that 1 am a Registered Lond Surveyor and that 1 had Certificate No. 154491, as prescribed under the laws of the State of Utan. of land London and the London and London an







BOUNDARY DESCRIPTIONS

PARCEL 1

A parcel of land located in the northeast quarter of Section 28, Township 2 South, Range 4 East, Sult Lake Base and Meridian, sold parcel being more particularly described as follows:

A porced of fund increted in the northwest quarter of Section 28, Teventry 2 South, Ronge 4 East, Self Lake Blace and Berkolm, said proofs help more portunitry described as fetered applicable of the Section 20, 100 Section 10, 100 Section

Description contains 3.55 acres, more or less.

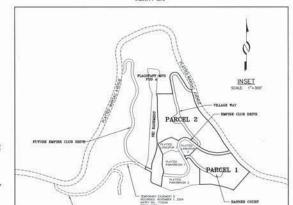
A parcel of land located in the north half of Section 28 and the southeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, sold parcel being more performance described as follows:

A proof of faced included in this corth half of Section 28 and the suchheat quorter of Section 21, Township 2 South, Rings 4 East, Sort Lake Blass and Meridian, said porcel being immer performancy development of the Section 21, Township 2 South, Rings 4 East, Sort Lake Blass in Meridian, and post helescope on the wester boundary of Microsch American Poly of William Control governor for the American Poly of William Poly of William Control governor for the American Poly of William Control governor for the American Poly of William Poly of Wi

Description contains 7.65 cores, more or less

THE VILLAGE AT EMPIRE PASS PHASE 1

LOCATED IN SECTIONS 21 AND 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



MCINITY MAP

OWNER'S DEDICATION AND CONSENT TO RECORD

XNOW ALL MEN BY THESE PRISONS THAT PANTIBIDISH RESIDENCES, LLC, a Delevere limited shelling company, the center of particle of the treat of land describes herein as SHE VALACE AT DURRER PLOS, FINASE, I, including these 25 float safe Paidle of R Paidle of Villago No. (R Paidle of Door Los of R Paidle of R Paidle of Villago No.) (R Paidle of R Paidle of R Paidle of R Paidle of Villago No.) (R Paidle of R Paidle of R Paidle of R Paidle of R Paidle of Villago No.) (R Paidle of R Villago No.) (R Paidle of Villago No.) (R Paidle of Villago No.) (R Paidle of R Villago No.) (R Paidle of R Villago No.) (R Villago No

in witness whereof the undersigned has executed this certificate and dedication this 10th day of NOV.

ACKNOWLEDGMENT

State of Utah County of Summit "

This instrument was acknowledged before me this 10+41 day of NOV. 2004 by James M. Hill the Vice President of HF HOLDING CORP. III, a Coloredo corporation, Manager of PAINTIBRUSH RESIDENCES, LLC, a Delaware limited

mary g Carrey Residing in Park City

My commission expires 6-13-2008

OWNER'S DEDICATION AND CONSENT TO RECORD

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in witness whereof the undersigned has executed this certificate and dedication this 10th by of Nov. 2004.

THE Wice President

ACKNOWLEDGMENT

State of Utah County of Summit "

This instrument was acknowledged before me this 107% day of Nov. 2004 by James M. Hill the VICE PRESIDENT of HE HOLDING CORP. III, Manager of SHOOTING STAR RESIDENCES, LLC., a Delivere limited

Mary g Careey Residing in Park City My commission expires: 6-13-2008



OWNER'S DEDICATION AND CONSENT TO RECORD

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ACKNOWLEDGMENT

State of Utabl County of Summit "

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mary glarry Residing in Park City My commission expires 6.13-2008



OWNER'S DEDICATION AND CONSENT TO RECORD

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UNITED PARK CITY MINES COMPANY A Deloggie opporation By Meditive

Too Vice President

ACKNOWLEDGMENT

State of Utah County or Summit

This instrument was admonstrated before me this 10th day of Nov. 2004 by Mark Thorne, the Vice President of Unetto PAIR CITY MARK CITY MARK CITY MARK CITY MARK CITY MARK CITY MARKS COMMAN, or before corporation.

mary graney Residing in Fark City My commission expires 6-13-2008



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MOUNTAIN DEVELOPMENTS I, INC.
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By Mall Thank me Vice President

ACKNOWLEDGMENT

Stole of Utan County of Summit

This instrument was admonstrated before me this 10th day of NOV. 2004 by Mark Thorns the Vice-Print during the MOUNTAIN DEVELOPMENTS 5, INC., a Deliver's consortion.

mery glarry Residing in Park City My commission expires: 6-13-2008



OWNER'S DEDICATION AND CONSENT TO RECORD

INDOW ALL MOURT DECK PRESENTS THAT CMPRISE PASS QUBI, LLC, a Unith limited liability company, formerly known or ALPRIC QUBI, LLC, a Deliveure mothet liability company, by its monopor, United Pask Coly Mann Company, the cener of a portion of the local of land described herein on Dist VLLAGE. AT BANKET COURT AND QUEINT QUARTER CLUB (PARKET AND THAT IN COLOR AND THAT IN CO

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov. 2004

Darlie PASS CLUR Co.

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This Vice President

ACKNOWLEDGMENT

Stone of Utah County of Sammit "

2004 by Mark Thorne to Vice President as

mary g carrey Residing to Park City



SHEET 1 OF 2 JOB NO.: 3-12-02 FILE: ht/Engre/deg/Enchant/Stat/States Long

If then Dreed H.O. Sine 2004, Park City State, Markette, 2004

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 115

DAY OF Hovenber, 2004 A.D. BY By O. Co.

PLANNING COMMISSION

PLANNING COMMISSION THIS INDAY OF Normber, 2004 A.D. BY Jama Tara

ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS LITTLE DAY OF MOYEMBER . 2004 A.D.

BY DICH OLHAM PE

APPROVAL AS TO FORM APPROVED AS TO FORM THIS 15 1 DAY OF Novemble .. 2004 A.D.



CERTIFICATE OF ATTEST

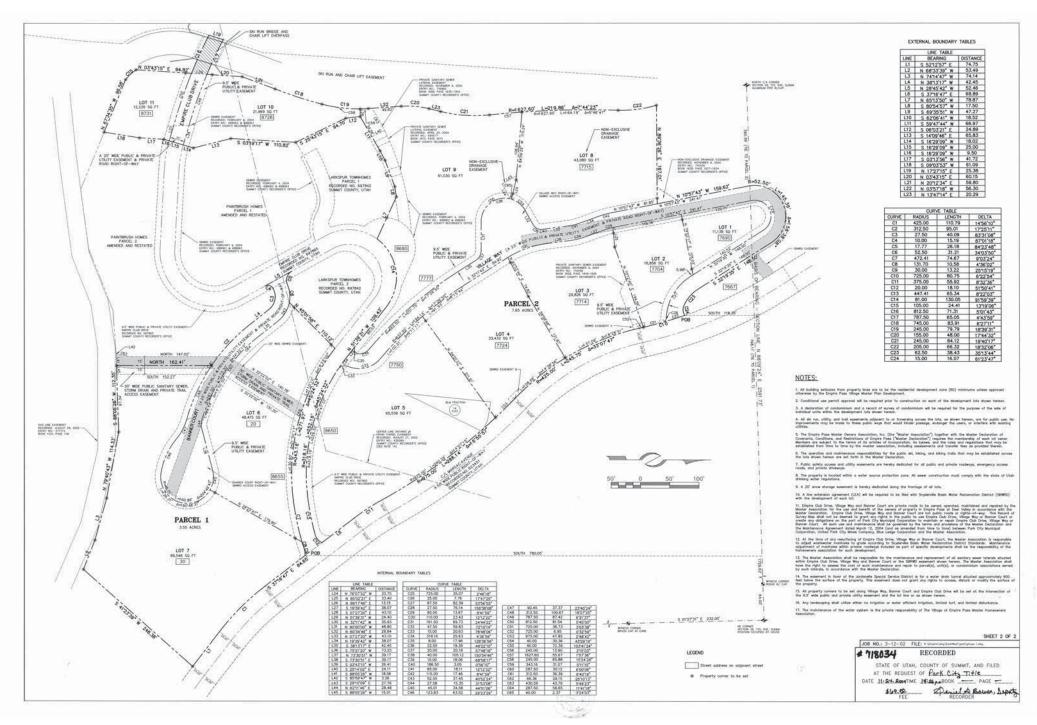


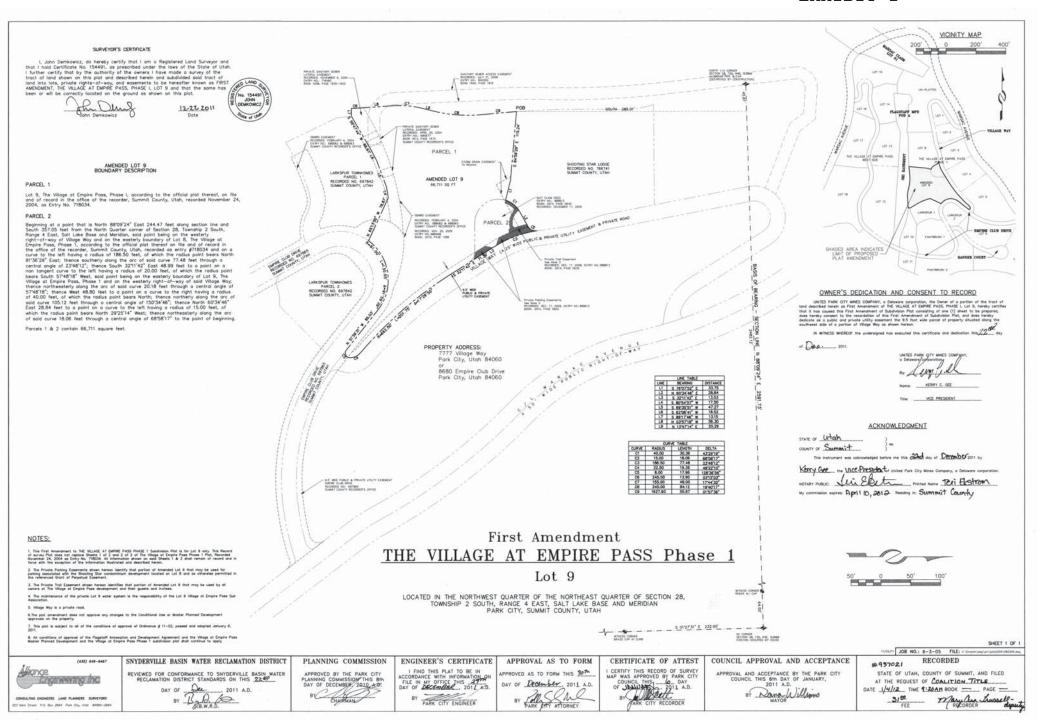
COUNCIL APPROVAL AND ACCEPTANCE # 7/8034 RECORDED

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30 TO DAY OF SETTEMBLE. Dana Williams

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City Title DATE II-24- RONTIME MIRLANDOOK - PAGE -

\$ 19.5 Deniels Sower, Deputy







Construction Mitigation Plan

The Residences at the Tower

November 1, 2018

Project Location: 7777 Village Way, Park City, UT 84060

Building Permit#

Contractor: Big-D Construction 1389 Center Drive, Suite 360

Park City, UT 84098

Contact: Shawn Albretsen, Project Manager

Cell - 801.420.0333

Email - SAlbretsen@big-d.com

1. Hours of Operation:

Typical hours of construction operations are 7:00am to 6:00pm, Monday through Friday, 8:00am to 6:00pm on Saturday, and no work on Sundays. With this structure being primarily cast in place concrete, occasional longer work hours may be needed for critical concrete placements. Big-D Construction will notify the neighboring residents and Park City Building Department, if wanted, ahead of time of these concrete placement durations.

2. Parking:

There is limited onsite parking. This will be reserved for visitors and Big-D Construction project management personnel. All other construction workers shall park off site and be bused to and from the construction site. The worker parking location is TBD, but could be near the Mine Bench or Richardson Flat. The parking plan assumes there is no on street parking on Village Way or Empire Club Drive.

Deliveries:

Deliveries to the site will be only during construction operation hours. Typically, deliveries will be just-in-time for the materials to be incorporated into the ongoing construction progress.

4. Stockpiling and Staging:

Given the site location, access, and building footprint coverage of the site, there is limited area for stockpiling and staging materials. Materials will have to be delivered to the project just-in-time to incorporate into the construction work. This means and method is similar to building a multistory building in a downtown urban setting. It is Big-D Construction's responsibility to coordinate with subcontractors to minimize problems due to the limited staging and stockpiling areas.



5. Construction Phasing:

No construction phasing is planned. All construction is to complete in one continuous time period between April 2019 and December 2020.

6. Trash Management & Recycling:

The construction debris dumpster shall be located within the fenced construction boundary. Its remaining capacity will be monitored daily and the dumpster emptied on a regular basis to prevent over flowing and accumulation of debris around the construction site. If available, a construction debris service will be utilized that will sort the contents of each dumpster and recycle items such as paper, cardboard, wood, and metals.

7. Dust & Mud Control:

Access to the site is from one side of the project. This project frontage along Village Way is planned to be graveled entirely to help eliminate dirt and mud from being tracked on to the paved street. Streets will be monitored daily and cleaned as needed to keep them free of dirt and mud. The majority of excavation work will take place in the spring /early summer. This work is not expected to generate much dust. A water source will be available to keep dust down as needed.

8. Noise:

Noisy work shall be kept within the approved project work hours. Big-D Construction will have a decibel meter on site to monitor the noise level of construction activities. No radios will be allowed on the construction project.

9. Grading & Excavation:

The mass excavation for this project is over 10,000 cubic yards. This is one of the first construction activities. The planned haul route utilizes Marsac Avenue. Flagmen will be used as required at the intersection of Marsac Avenue and Village Way to help manage the truck traffic. The haul hours will be limited to between 7:00am and 6:00pm Monday through Friday and 8:00am to 6:00pm on Saturday. Excavated soils are to be taken to an approved dump site, location of to be finalized, but may be Hot Creek. All suitable soils to be re-used for backfill will be stockpiled on site as required.

10. Temporary Lighting:

Exterior construction lighting will be kept as minimal as possible. The lighting will be turned off as much as possible during non-work hours. Occasional temporary lighting will be needed for morning concrete placements. This lighting will be accomplished by using portable light plants that are set up only for a specific concrete placement, then moved off site. Temporary interior lighting will be used during construction work hours and turned off to leave a minimal amount of lighting for egress and emergency access.

11. Construction Sign:



A project information sign will be posted at the entrance to the construction site. It will comply with the size regulations and include: Big-D Construction Company, 1389 Center Drive, Suite 360 Park City, UT 801-420-0333, Emergency Contact: Shawn Albretsen. No other construction signs are planned.

12. Other issues:

Dogs or pets are not allowed on Big-D Construction projects. Firearms, alcohol, and drugs are prohibited as well. Visitors must check in at the construction project office and be authorized to be on site with the proper personal protective equipment (hard hat, safety vest, safety glasses, etc.).

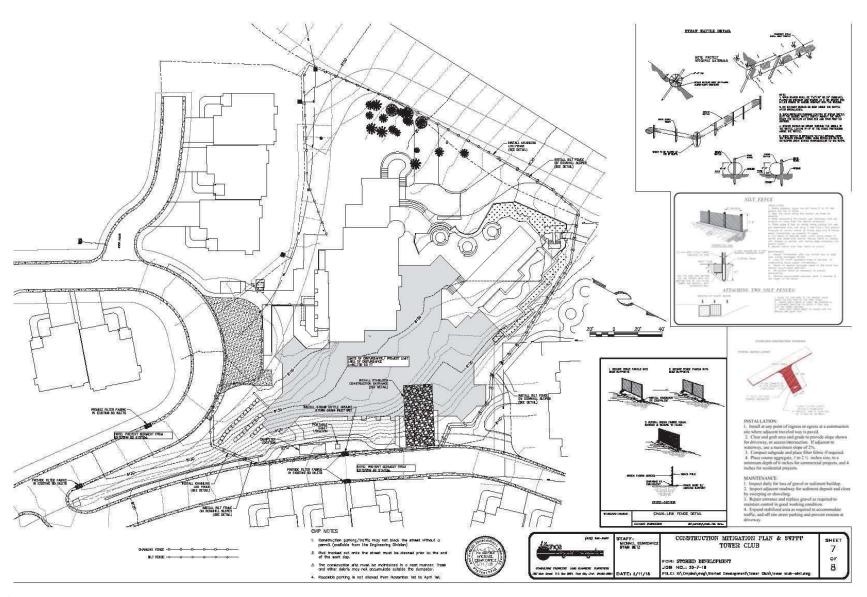
13. Soils Ordinance:

Big-D Construction will comply with the Soils Ordinance if the project site is considered within the ordinance boundary.

14. Erosion Control:

Big-D Construction is enlisting the services of Big-D Construction and Alliance to help draft and maintain a SWPPP and erosion control program throughout the project duration. This plan will be submitted prior to start of construction. Cut and fill areas and utility trenches will be backfilled and revegetated as soon as practical to help minimize erosion (Refer to SWPPP & CMP plan on next page).





Flagstaff Annexation and Empire Pass Units and Unit Equivalents

As of 10.25.18 Reflects Empire Residences platted, Silver Strike amendment and (Larkspur Townhouse (3 units), Moonshadow 8 PUD (31 UE), Tower Res (14 units) plats under review)

| SINGLE | SINGLE FAMILY LOTS | | | | | | | |
|---|----------------------|------------------|---------------------------|----------------------|--|--|--|--|
| POD | Single Family | Approved SF lots | Cert of Occupancy to date | Remaining lots to CO | | | | |
| Α | Banner Wood-platted | 6 | 4 | 2 | | | | |
| B1 | Northside-platted | 10 | 10 | 0 | | | | |
| D | Red Cloud-platted | 30 | 11 | 19 | | | | |
| Totals | (Single Family only) | 46 | 25 | 21 | | | | |
| | | | | | | | | |
| Maximum SF Allowed by Flagstaff Development Agreement | | 46 | | | | | | |
| Remaining Units/UE to Plat | | 0 | | | | | | |
| | | | | | | | | |

|)D | Multi-family | Units Approved/Proposed | <u>UE</u> Approved/Proposed | Units Platted or under review | UE Platted or under review | SF Platted or under review | PUD units (SF/duplex use UE) | ADA provided/r equired | | CO Units to |
|--|--|----------------------------|--------------------------------|---|----------------------------|----------------------------------|------------------------------------|------------------------------|--------|-------------|
| <u>,,,</u> | Moon Shadow Condo 8 PUD on Lot 1 VEPN apprvd | 8 | 31.00 | 8 | | 62,000 | 8 | 0 | 0 | |
| | Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved) | 21 | 24.50 | 21 | 24.49 | 48,981 | 0 | 1 | 0 | |
| | Lot 2 VEPN plat-(Bldg 4) TBD | TBD | TBD | 21 | 24.40 | 40,001 | 0 | TBD | 0 | |
| | Lot A VEMP1 3 townhomes condo plat to CC 11/29/18 | 3 | | 3 | 5.75 | 11,500 | 0 | 0 | 0 | |
| | Tower Resid. (Bldg 1)- platted lot/CUP/Condo plat to PC 11/14/18 | 14 | 21.23 | 14 | 21,226 | 42,453 | 0 | 1 | 0 | |
| | Shooting Star-platted lot and condo (Bldg 2) | 21 | 18.30 | 21 | 18.055 | 36,109 | 0 | 1 | 18.1 | |
| | One Empire Pass-platted lot and condo (Bldg 5) | 27 | 32.80 | 27 | 32.513 | 65,026 | 0 | 1 | 32.8 | |
| | Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend) | 34 | 35.60 | 34 | 35.653 | 71,305 | 0 | 2 | 35.7 | |
| | Flagstaff -platted lot and condo (Bldg 7) | 37 | 35.90 | 37 | 36.753 | 73,506 | 0 | 2 | 36.8 | |
| | Arrow Leaf A-platted lot and condo (Bldg 8) | 28 | 24.50 | 28 | 23.229 | 46,458 | 0 | 2 | 23.3 | |
| | Arrow Leaf B- platted lot and condo (Bldg 9) | 28 | 25.70 | 28 | 24.373 | 48,746 | 0 | 2 | 24.4 | |
| | Grand Lodge-platted lot and condo (Bldg H) | 27 | 33.00 | 27 | 32.672 | 65,344 | 0 | 2 | 32.7 | |
| | Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD) | 15 | 24.40 | 15 | 24.347 | 48,693 | 6 | 0 | 24.4 | |
| | Larkspur West Townhouses-all platted/condo | 12 | 20.70 | 12 | 20.637 | 41,273 | 0 | 0 | 20.7 | |
| | Paintbrush PUDs- all platted /condo | 12 | | 12 | 31.538 | 63,076 | 12 | 0 | 32 | |
| | Belles PUDs- all platted/condo | 17 | 45.00 | 17 | 45 | 90,000 | 17 | 0 | 37.85 | |
| | Nakoma PUDs- all 17 are platted condo but 5 unbuilt | 17 | 45.00 | 17 | 45 | 90,000 | 17 | 0 | 35 | |
| | Ironwood- all platted/condo | 24 | 37.40 | 23 | 36.972 | 73,944 | 0 | 1 | 37.1 | |
| | B2 West Montage- 174 hotel rooms platted(apprvd 192) | hotel rooms | 69.60 | n/a (hotel rooms) | 72.665 | | 0 | | 72.4 | |
| | B2 West Montage condos- platted (apprvd 94) | 94 | 114.00 | 84 | 109.335 | 218,669 | 0 | 5 | 109.3 | |
| | B2 East- B2East Subdivision approved/No condo plat yet | 70 | 81.00 | | | | 0 | TBD | 0 | |
| als (| Multi-family (MF) only) | 509 | 757.28 | 428 | 671.208 | 1,197,083 | 60 | 20 | 572.55 | |
| kimu | ım (MF) Allowed by Flagstaff Development Agreement | 550 | 785.00 | 550 | 785 | n/a | 60 | n/a | | |
| nain | ing MF Units/UE (to be approved and/or platted) | 41 | 27.72 | 122 | 113.792 | n/a | 0 | n/a | | |
| Tota | als by POD- apprvd/platted/proposed, includes PUDs, not SF lot | Units | UE | Units Platted (or plat under review) | | | | | | |
| | des unbuilt Empr Res, Larkspur, Moon Shadow, Tower Residential) | 304 | 410.28 | 304 | | | | | | |
| ··oiac | aco and any reco, Lamopar, moon enddow, remon residential) | 41 | 82.4 | 40 | | | | | | |
| (plus | s 174 hotel rooms for units, hotels rooms included in UE) | 164 | 264.60 | 84 | | | | | | |
| | Multi-family (MF) | 509 | 757.28 | 428 | | | | | | |
| of MF units total in Pods A, B1 and B2 that are in POD A | | 59.72% | | 71.03% | | | | | | |

PROJECT STATUS- Multi-family/PUD

| POD | Multi-family | <u>Status</u> |
|-----|--|-------------------------|
| Α | Moonshadow PUD on Lot 1 VEPN 8 PUD style | Condo plat apprvd |
| Α | Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved) | Condo plat recorded |
| Α | Lot 2 VEPN plat-(Bldg 4) TBD | Sub Plat recorded |
| Α | Lot A VEMP1 (combo of Lots 1 and 2 VEMP1) plat recorded/ACUP apprvd | Condo plat under review |
| Α | Tower Residential- platted lot/no condo plat (Bldg 1) -TBD | Condo plat under review |
| Α | Shooting Star-platted lot and condo (Bldg 2) | Completed |
| Α | One Empire Pass-platted lot and condo (Bldg 5) | Completed |
| Α | Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend) | Completed |
| Α | Flagstaff -platted lot and condo (Bldg 7) | Completed |
| Α | Arrow Leaf A-platted lot and condo (Bldg 8) | Completed |
| Α | Arrow Leaf B- platted lot and condo (Bldg 9) | Completed |
| Α | Grand Lodge-platted lot and condo (Bldg H) | Completed |
| Α | Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD) | Completed |
| Α | Larkspur West Townhouses-all platted/condo | Completed |
| Α | Paintbrush PUDs- all platted /condo | Completed |
| Α | Belles PUDs- all 17 are platted condo | 16 Completed |
| B1 | Nakoma PUDs- all 17 are platted condo | 12 Completed |
| B1 | Ironwood- all platted/condo | Completed |
| B2 | B2 West Montage- 174 hotel rooms platted(apprvd 192) | Completed -see note |
| B2 | B2 West Montage condos- platted (apprvd 94) | Completed |
| B2 | B2 East- B2East Subdivision approved/No condo plat yet | Sub plat recorded |
| | | |

| AFFORD | ABLE HOUSING | | | | | | |
|---------------------------------------|--|-------------|-----------|-----------|----------|----------|--|
| | | <u>Unit</u> | AUE | AUE not | | | |
| POD | <u>Multi-family</u> | required | required | yet built | | | |
| Α | Moonshadow Condos 8 PUD Style Lot 1 VEPN | 0 | 0 | | | | |
| Α | Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved) | 1 | 1.1 AUE | 1.1 | | | |
| Α | Lot 2 VEPN plat-(Bldg 4) TBD | TBD | 2.0 AUE | 2 | | | |
| Α | Lot A VEMP1 Triplex Admin CUP | 0 | 0 | | | | |
| Α | Tower Residential- platted lot/no condo plat (Bldg 1) | 1 | 0.75 | 0.75 | | | |
| Α | Shooting Star-platted lot and condo (Bldg 2) | 0 | 0 | | | | |
| Α | One Empire Pass-platted lot and condo (Bldg 5) | 1 | 1.125 | | | | |
| Α | Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend) | (1)* | 1.1 * | | | | |
| Α | Flagstaff -platted lot and condo (Bldg 7) | 2 | 1.6 | | | | |
| Α | Arrow Leaf A-platted lot and condo (Bldg 8) | 3 | 2.85 | | | | |
| Α | Arrow Leaf B- platted lot and condo (Bldg 9) | 0 | 0 | | | | |
| Α | Grand Lodge-platted lot and condo (Bldg H) | 1 | 1.2 | | | | |
| Α | Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD) | 0 | 0 | | | | |
| Α | Larkspur West Townhouses-all platted/condo | 0 | 0 | | | | |
| Α | Paintbrush PUDs- all platted /condo | 0 | 0 | | | | |
| Α | Belles PUDs- all platted/condo | 0 | 0 | | | | |
| B1 | Nakoma PUDs- all 17 are platted condo but 5 unbuilt | 0 | 0 | | | | |
| B1 | Ironwood- all platted/condo | 1 | 1 | | | | |
| B2 | B2 West Montage- 174 hotel rooms platted(apprvd 192) | 0 | 0 | | | | |
| B2 | B2 West Montage condos- platted (apprvd 94) | 10 | 7.8 | | | | |
| B2 | B2 East- B2East Subdivision approved/No condo plat yet | TBD | 4.2 | 4.2 | | | |
| Totals | | TBD | 24.725* | 8.05 | | | |
| *Silver Strike unit transferred | l | | | | | | |
| | Total MPD AUE | Total off | Total off | Total on | Total on | Total on | |
| | Total MI D AGE | Mtn AUE | | Mtn AUE | | | |
| | roquirou | required | | required | | owed | |
| | 118.9 | 94.175 | 89* | 24.725 | 16.675 | 8.05 | |
| | 110.0 | 34.173 | 03 | 24.123 | 10.073 | 0.03 | |

SF- Single family lot/house
MF- Multi-family/condominium units
PUD- Planned Unit Development Style MF (duplex or single detached)
VEMP!- Village Empire Pass Phase 1 Subdivision plat

HU- Employee Housing Unit (no min number)
AUE- Affordable Unit Equivalent (1 AUE = 800 sf)
UE- Unit Equivalent (1 UE = 2,000 sf residential)

VEMP!- Village Empire Pass North Subdivision plat

CO- Certificate of Occupancy (hotel rooms counted as 1 CO total)

*Off Mountain requirements now met with 2017/2018 Agreements? Need the final documentation of this.



Planning Commission Staff Report

Subject: 510 Ontario Avenue Plat Amendment &

Roundabout Condominiums First Amendment

Author: Francisco Astorga, AICP, Senior Planner

Project Number: PL-16-03410

Date: 14 November 2018

Type of Item: Legislative – Plat Amendment

Recommendation

Staff recommends the Planning Commission review and hold a public hearing for 510 Ontario Avenue Plat Amendment, located at 510 Ontario Avenue, and the Roundabout Condominiums First Amendment, located at 300 Deer Valley Drive, 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 ordinances.

Proposals

Plat Amendment request for 510 Ontario Avenue to consolidate two (2) metes and bounds parcels plus a portion of Roundabout Condominiums common space into one (1) larger lot of record consisting of 7,646 square feet.

Condominium Plat Amendment at Roundabout Condominium at 300 Deer Valley Drive to correct an illegal subdivision in which the common space portion was deeded to the adjacent property (510 Ontario Avenue) owner without City approval.

Description

Applicant: Eliot Realty LLC, Ron Dichter (510 Ontario Avenue) and

Roundabout LLC & Roundabout Condominiums Home Owners' Association, Blake Henderson (300 Deer Valley

Drive) represented by Greg Ross

Location: 510 Ontario Avenue / 300 Deer Valley Drive

Zoning: Residential District

Adjacent Land Uses: Residential

Reason for Review: Plat Amendments require Planning Commission review and

City Council review and action

Background

On September 13, 2018, a complete application was submitted to the City requesting the 510 Ontario Avenue Plat Amendment and the Roundabout Condominiums (Plat) First Amendment. On October 4, 2016 a special warranty deed was recorded at Summit County from Roundabout LLC to Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums; see Exhibit D – Document Entry 01055140 Special Warranty Deed. Also on October 4, 2016 a quit claim deed was recorded at Summit County from Roundabout Homeowners Association. Inc., to

Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums; see Exhibit E – Document Entry 01055142 Quit Claim Deed. This property transfer of the common area of the Roundabout Condominiums was transferred without any City approvals, which constitutes of an illegal subdivision. The entire area consisting of the proposed Plat Amendment and Condominium Plat Amendment consist of the following parcels:

1. Parcel no. PC-476-B-3

Address: n/a

Size: 723 square feet
Owner: Ron & Diana Dichter

Use: Driveway access for 510 Ontario Avenue single-family dwelling Proposal: 510 Ontario Ave. Plat Amendment, one (1) lot subdivision plat

2. Parcel no. PC-476-B-3-A

Address: 510 Ontario Avenue Size: 4,191 square feet

Owner: Eliot Realty LLC (Ron Dichter, registered agent)

Use: Existing single-family dwelling

Proposal: 510 Ontario Ave. Plat Amendment, one (1) lot subdivision plat

3A. Part of Serial Nos. RNDABTC-A, RNDABTC-B, RNDABTC-C and RNDABTC-D

Address: 300 Deer Valley Drive Size: 2731.8 square feet

Owner: Eliot Realty LLC (Ron Dicther, registered agent)
Use: Part of Roundabout Condominiums **common space**

Proposal: 510 Ontario Ave. Plat Amendment, one (1) lot subdivision plat

3B. Part of Serial Nos. RNDABTC-A, RNDABTC-B, RNDABTC-C and RNDABTC-D

Address: 300 Deer Valley Drive

Owners: Unit A, B & C - The Roundabout LLC

Unit D - Kurt Campisano and Jenny Lepore

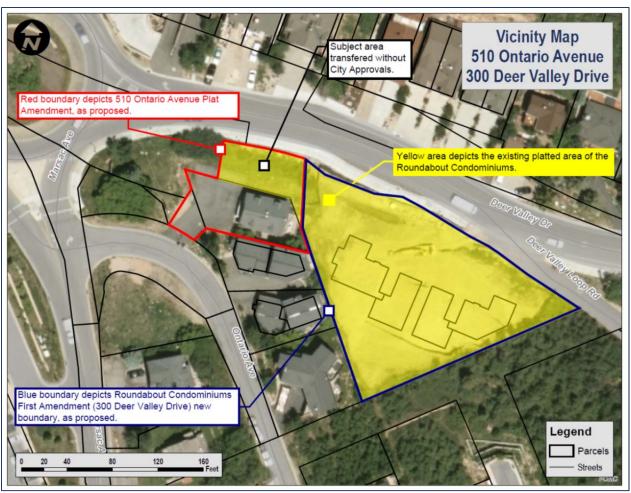
Use: 4 residential units, Roundabout Condominiums

Proposal: Roundabout About Condominiums First Amendment reflecting

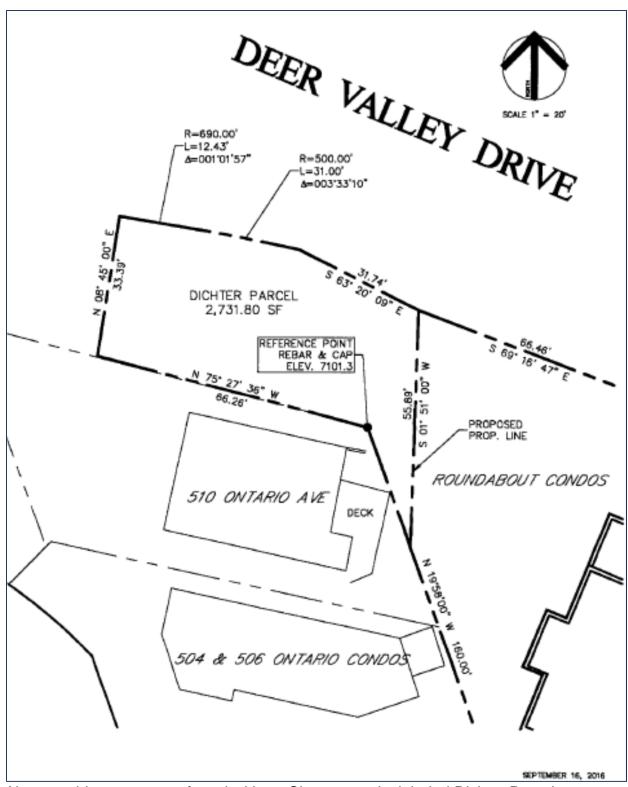
the common area transferred over to Eliot Realty LLC (-2,731.8

square feet)

See Vicinity Map on next page. The area in yellow represents the platted Roundabout Condominiums. The boundary in red represents the proposed 510 Ontario Avenue Plat Amendment, a one (1) lot subdivision plat (parcels 1, 2 and 3A above). The boundary in blue represents the proposed Roundabout Condominiums First amendment updated boundary (parcel 3B above). The area in yellow within the red boundary (labeled subject area) represents the common space area that was transferred from Roundabout Condominiums to the adjacent property owner on October 4, 2016.



Above, Vicinity Map, created for graphical representation only.



Above, subject area transferred without City approvals, labeled Dichter Parcel.

Purpose

The purpose of the Residential District is found here.

Analysis – Proposed 510 Ontario Avenue Plat Amendment

The site is located at 510 Ontario Avenue. The site currently consists of an existing single-family dwelling accessed off Ontario Avenue. The site is within the Residential District. The proposed Plat Amendment consists of two (2) metes and bounds parcels (723 and 4,191 square feet each, respectively) plus a portion of Roundabout Condominium Plat common space consisting of 2,731.8 square feet. The proposed Plat Amendment consists of one (1) lot of record 7,646 square feet in size. This proposal does not increase density as there is already a single-family dwelling on site.

The minimum lot area for a single-family dwelling is 2,812 square feet; duplex dwelling is 3,750 square feet; and triplex dwelling is 5,625 square feet. Due to its proximity to Old Town, the applicant has been working with the Planning Dept. for an addition / renovation / remodel to the existing single-family dwelling. Single-family and duplex dwellings are listed as allowed uses, and a triplex dwelling is listed as a conditional use. Based on the proposed addition / renovation / remodel, and given the site's proximity to the Historic District, staff recommends adding a condition of approval that would limit development at 510 Ontario Avenue to one (1) single-family dwelling, as proposed. Staff recommends adding a plat note that would indicate such.

The Residential District requires a minimum front setback of fifteen feet (15'), new front facing garages for single-family and duplex must be at least twenty feet (20'), minimum rear setback of ten feet (10'), and a minimum side setback of five feet (5'). The proposed Plat Amendment, one (1) lot subdivision, meets front, rear, and side setbacks.

As typical on Plat Amendments / Subdivision requests, a ten foot (10') snow storage and non-exclusive public utility easement to extend along Ontario Avenue is to be noted on the Plat. Due to the fact that this proposed lot would now be adjacent to both Ontario Avenue and Deer Valley Drive, as well as having existing vehicular access off Ontario Avenue, staff recommends adding a condition of approval that would restrict access off Deer Valley Drive and maintain its current access off Ontario Avenue. Staff recommends adding a Plat note indicating such. A portion of the proposed lot is located within Flood Zone AO. Staff recommends adding a Plat note indicating such.

Existing Roundabout Condominium Plat has a platted five foot (5') utility easement around the rear and side property lines including the area already transferred. In order to modify the location of the platted five foot (5') utility easement, prior to plat recordation the applicant needs to be responsible of submitting to the Engineering Dept. proof that there are no existing utilities on this easement and a new five foot (5') easement would be required along the side property line adjacent to Roundabout Condominiums. See diagram on next page. Such can be accomplished via condition of approval. If existing utilities are found with the five foot (5') utility easement, the proposed plat amendment will not vacate the utility easement.

Analysis – Proposed Roundabout Condominiums First Amendment

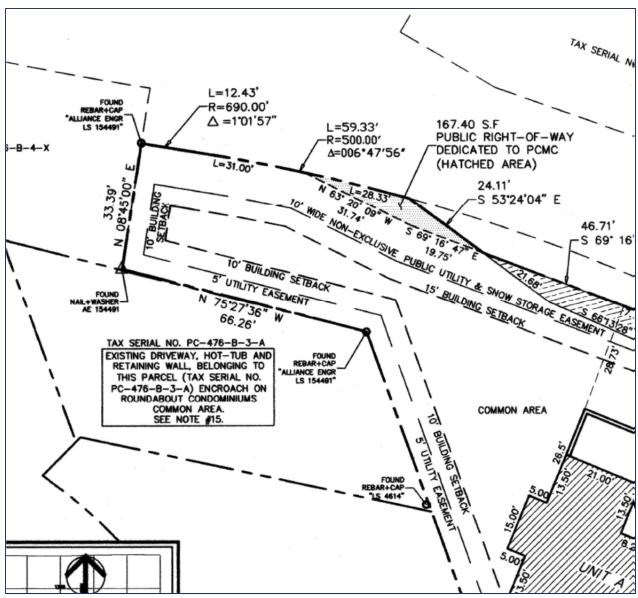
The subject site, Roundabout Condominiums, is located at 300 Deer Valley Drive. Roundabout Condominiums was approved as two (2) condominium buildings, consisting of two (2) units in each building for a total of four (4) units. On June 14, 2007 the City Council approved the Roundabout Subdivision Plat, a two (2) lot Subdivision Plat which was recorded February 21, 2008. In 2014 the site remained unimproved and on May 8, 2014 the City Council approved Ordinance No. 14-21 approving the Roundabout Condominiums Plat, which consisted of four (4) condominium units. On April 23, 2015 the City Council approved Ordinance No. 15-12 amending Ordinance No. 14-21 and approving the Roundabout Condominium Plat, four (4) condominium units. Due to the architect and developer deciding to utilize unexcavated space under the proposed footprint and decrease the limited common deck space to provide more interior private space, the square footage calculations were different and needed to be amended with the correct calculations. Everything else remained the same.

The site is within the Residential District. The proposed Condominium Plat Amendment consists of amending the boundary of the Roundabout Condominiums to reflect negative -2,731.8 square feet of common space that has already been transferred to the adjacent property owner. The proposed Condominium Plat Amendment consists of amending the overall Condominium site to 25,754 square feet. This proposal does not increase density; however, it would enable the construction of a bigger structure at 510 Ontario Avenue, as the Residential District does not regulate maximum house size, building footprint, etc.

The proposed Condominium Plat Amendment does not affect any private units, limited common spaces, parking areas, footprints, etc. The only platted designation of the subject area is **common space**. The existing Plat shows a platted ten foot (10') wide non-exclusive public utility & snow storage easement along Deer Valley Drive, as well as a five foot (5') utility easement along the side and rear property lines. Staff recommends adding a condition of approval that would keep the platted easement along Deer Valley Drive as well as keeping the utility easement along the newly proposed side property line.

Roundabout Condominiums does not have an open space requirement. The development was approved as a Condominium Plat, but an Master Planned Development was not required per the Land Management Code as the project was less than ten (10) units. The only restriction of open space (common area) is the required setbacks.

The proposed Condominium Plat Amendment does not affect the minimum lot area or any of the required minimum setbacks, based on the location of the 2,731.8 square feet of common space already transferred. See platted designation on the next page as well as platted easements.



Above, platted transferred area.

Good Cause

Staff finds good cause for the requested 510 Ontario Avenue Plat Amendment and the Roundabout Condominiums First Amendment as the (2) two proposed Plats meet applicable City codes within the Residential District. The density at 510 Ontario Avenue, one (1) single-family dwelling, and Roundabout Condominiums, four (4) residential units, remains the same.

Process

Approval of these Plat Amendments by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code § 15-1-18.

Department Review

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

Notice

On October 31, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on October 31, 2018.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the proposed Plat Amendments, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the proposed Plat Amendments, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the proposed Plat Amendments, and request additional information or analysis in order to make a recommendation.

Significant Impacts

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

Consequences of not taking recommended action

The site at 510 Ontario Avenue would continue to be two (2) metes and bound parcels. The Roundabout Condominiums common space consisting of 2,731.8 square feet would not be owned by the Roundabout Condominiums Home Owner's Association. The City would start an enforcement action to remedy this situation.

Recommendation

Staff recommends the Planning Commission review and hold a public hearing for 510 Ontario Avenue Plat Amendment and the Roundabout Condominiums First Amendment, 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 ordinances.

Exhibits

Exhibit A1 – Draft Ordinance, 510 Ontario Plat Amendment

Attachment 1 – Proposed Plat Amendment

Exhibit A2 – Draft Ordinance, Roundabout Condominiums First Amendment

Attachment 1 – Proposed Condominium Plat Amendment

Exhibit B – Vicinity Map with Proposal (2015 Aerial Photograph)

[created for graphical representation only]

Exhibit C – 510 Ontario Avenue Survey

Exhibit D – Document Entry 01055140 Special Warranty Deed Exhibit E – Document Entry 01055142 Quit Claim Deed

Exhibit F – Roundabout Condominiums Plat

Exhibit G – Roundabout Homeowners Association Letter

Exhibit H – Ordinance No. 15-12

Exhibit A1 – Draft Ordinance

Ordinance No. 18-XX

AN ORDINANCE APPROVING THE 510 ONTARIO AVENUE PLAT AMENDMENT LOCATED AT 510 ONTARIO AVENUE, PARK CITY, UTAH.

WHEREAS, the property owners of the property located at 510 Ontario Avenue have petitioned the City Council for approval of a Plat Amendment; and

WHEREAS, on October 31, 2018, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on October 31, 2018, the site was properly noticed and posted according to the requirements of the Land Management Code; and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on November 14, 2018, to receive input on the Plat Amendment; and

WHEREAS, the Planning Commission on November 14, 2018, forwarded a recommendation to the City Council; and,

WHEREAS, on December 13, 2018, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 510 Ontario Avenue Plat Amendment located at 510 Ontario Avenue.

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

SECTION 1. APPROVAL. The 510 Ontario Avenue Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1. The site is located at 510 Ontario Avenue.
- 2. The site consists of an existing single-family dwelling accessed off Ontario Avenue.
- 3. The site is within the Residential District.
- 4. The proposed Plat Amendment consists of two (2) metes and bounds parcels (723 and 4,191 square feet each, respectively) plus a portion of Roundabout Condominium Plat common space consisting of 2,731.8 square feet.

- 5. On October 4, 2016 a special warranty deed was recorded at Summit County from Roundabout LLC to Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums.
- 6. October 4, 2016 a quit claim deed was recorded at Summit County from Roundabout Homeowners Association, Inc., to Eliot Realty LLC consisting of 2,731.8 square feet of open space of the Roundabout Condominiums.
- 7. The October 4, 2016 property transfer of the 2,731.8 square feet of common area of the Roundabout Condominiums took place without City approvals.
- 8. The proposed Plat Amendment consists of one (1) lot of record 7,646 square feet in size.
- 9. This proposal does not increase density as there is already a single-family dwelling.
- 10. The minimum lot area for a single-family dwelling is 2,812 square feet; duplex dwelling is 3,750 square feet; and triplex dwelling is 5,625 square feet.
- 11. The applicant has been working with the Planning Dept. for an addition / renovation / remodel to the existing single-family dwelling.
- 12. Single-family and duplex dwellings are listed as allowed uses, and a triplex dwelling is listed as a conditional use.
- 13. The Residential District requires a minimum front setback of fifteen feet (15'), new front facing garages for single-family and duplex must be at least twenty feet (20'), a minimum rear setback of ten feet (10'), and a minimum side setback of five feet (5').
- 14. The proposed Plat Amendment, one (1) lot subdivision, meets front, rear, and side setbacks.

Conclusions of Law:

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

Conditions of Approval:

- 1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Plat.
- 2. The applicant shall record the Plats at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plats will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
- 3. A Plat note shall be added to limit one (1) single-family dwelling. No duplexes / triplexes allowed based on its proximity to the Historic District.
- 4. A ten foot (10') snow storage and non-exclusive public utility easement to extend along Ontario Avenue shall be noted on the Plat.
- 5. A Plat note shall be added indicating that access to the lot shall be from Ontario Avenue.

- 6. A Plat note shall be added indicating the portion of the site located within Flood Zone AO.
- 7. Prior to plat recordation the applicant shall be responsible of submitting to the Engineering Department proof that there are no existing utilities on the five foot (5') utility easement and a new five foot (5') utility easement is required along the side property line. If existing utilities are found with the five foot (5') utility easement, the proposed plat will not vacate the utility easement.
- 8. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the Plat.

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

DADIZ OITZAMINIOIDAL OODDODATION

PASSED AND ADOPTED this 13th day of December, 2018.

| | PARK CITY MUNICIPAL CORPORATI | |
|---------------------------------|-------------------------------|--|
| | Andy Beerman, MAYOR | |
| ATTECT. | | |
| ATTEST: | | |
| Michelle Kellogg, City Recorder | | |
| APPROVED AS TO FORM: | | |
| Mark Harrington, City Attorney | | |

Exhibit A2 – Draft Ordinance

Ordinance No. 18-XX

AN ORDINANCE AMENDING ORDINANCE NO. 15-12 AND APPROVING THE ROUNDABOUT CONDOMINIUMS FIRST AMENDMENT, LOCATED AT 300 DEER VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the property owners of the property located at 300 Deer Valley Drive have petitioned the City Council for approval of a Condominium Plat Amendment; and

WHEREAS, on October 31, 2018, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on October 31, 2018, the site was properly noticed and posted according to the requirements of the Land Management Code; and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on November 14, 2018, to receive input on the Plat Amendment; and

WHEREAS, the Planning Commission on November 14, 2018, forwarded a recommendation to the City Council; and,

WHEREAS, on December 13, 2018, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Roundabout Condominiums First Amendment located at 300 Deer Valley Drive.

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

SECTION 1. APPROVAL. The Roundabout Condominiums First Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1. The subject site, Roundabout Condominiums, is located at 300 Deer Valley Drive.
- 2. Roundabout Condominiums was approved as two (2) condominium buildings, consisting of two (2) units in each building for a total of four (4) units.
- 3. On June 14, 2007 the City Council approved the Roundabout Subdivision Plat which was recorded February 21, 2008, a two (2) lot subdivision.

- 4. In 2014 the site remained unimproved and on May 8, 2014 the City Council approved Ordinance No. 14-21 approving the Roundabout Condominiums Plat, which consisted of four (4) condominium units.
- 5. On April 23, 2015 the City Council approved Ordinance No. 15-12 amending Ordinance No. 14-21 and approving the Roundabout Condominium Plat, four (4) condominium units.
- 6. The site is within the Residential District.
- 7. The proposed Condominium Plat Amendment consists of amending the boundary of the Roundabout Condominiums to reflect 2,731.8 square feet of common space that has already been transferred to the adjacent property owner.
- 8. On October 4, 2016 a special warranty deed was recorded at Summit County from Roundabout LLC to Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums.
- 9. October 4, 2016 a quit claim deed was recorded at Summit County from Roundabout Homeowners Association, Inc., to Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums.
- 10. The October 4, 2016 property transfer of the common area of the Roundabout Condominiums took place without City approvals.
- 11. The proposed Condominium Plat Amendment consists of amending the overall Condominium site to 25,754 square feet in size.
- 12. This proposed Condominium Plat Amendment does not increase density.
- 13. The proposed Condominium Plat Amendment does not affect any private units, limited common spaces, parking areas, footprint, etc.
- 14. The only platted designation of the 2731.8 square feet area is common space.
- 15. The existing Condominium Plat shows a platted ten foot (10') wide non-exclusive public utility & snow storage easement along Deer Valley Drive, as well as a five foot (5') utility easement along the side and rear property lines.
- 16. Roundabout Condominiums does not have an open space requirement.
- 17. The proposed Condominium Plat Amendment does not affect the minimum lot area or any of the required minimum setbacks based on the location of the 2,731.8 square feet of common space already transferred.

Conclusions of Law:

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

Conditions of Approval:

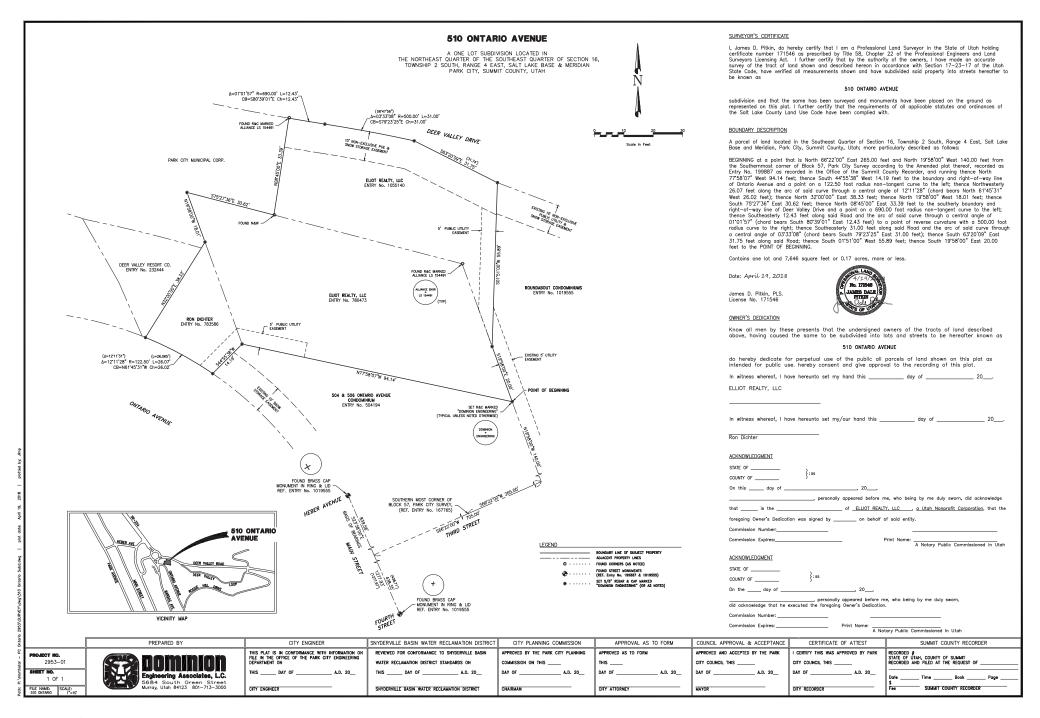
1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

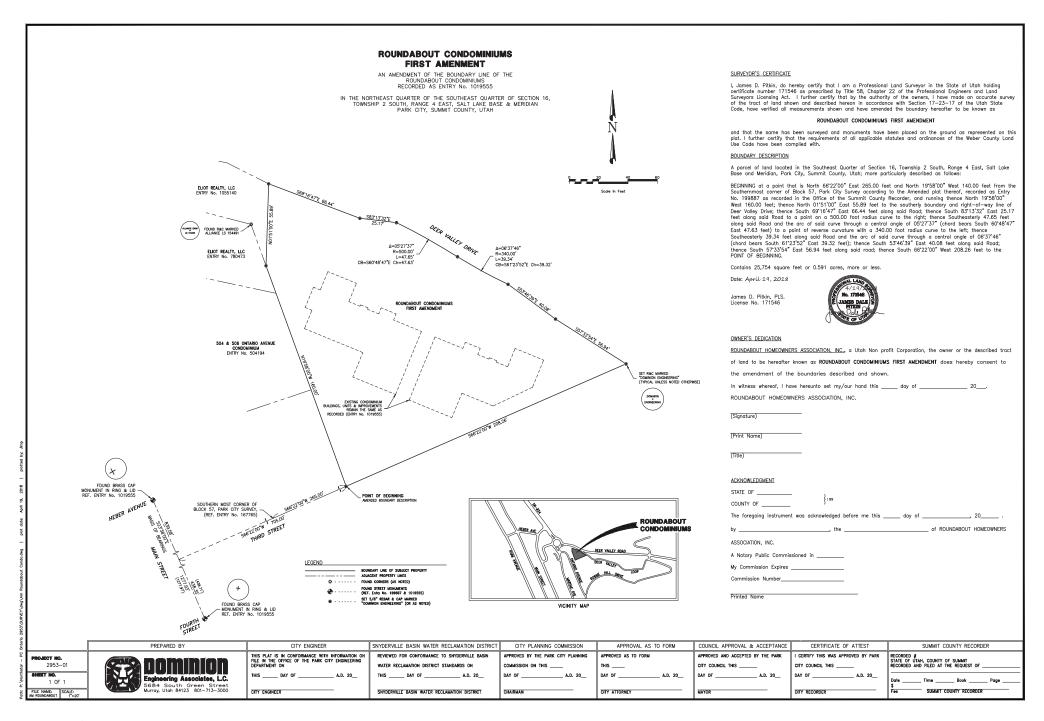
- 2. The applicant shall record the Plats at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plats will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
- 3. A ten foot (10') snow storage and non-exclusive public utility easement to extend along Deer Valley Drive shall be noted on the Plat.
- 4. A five foot (5') utility easement shall be noted on the Plat along the side property line.
- 5. All Conditions of Approval of the Ordinance No. 15-21 shall continue to apply.

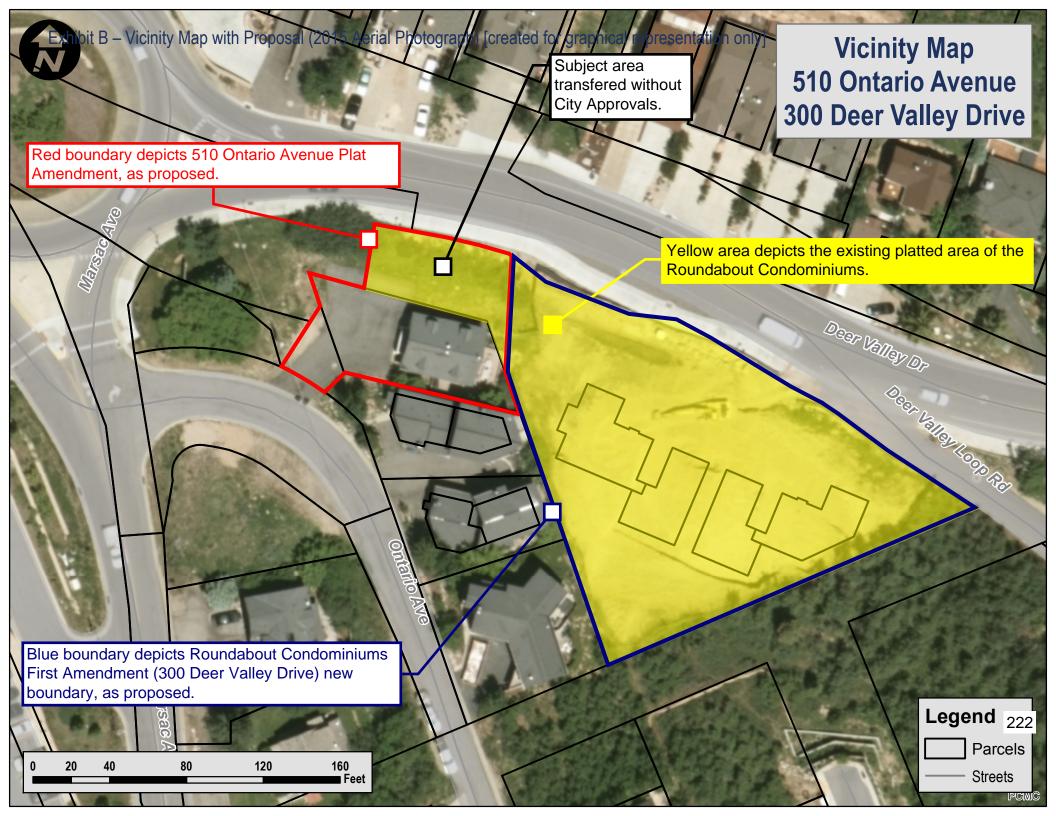
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

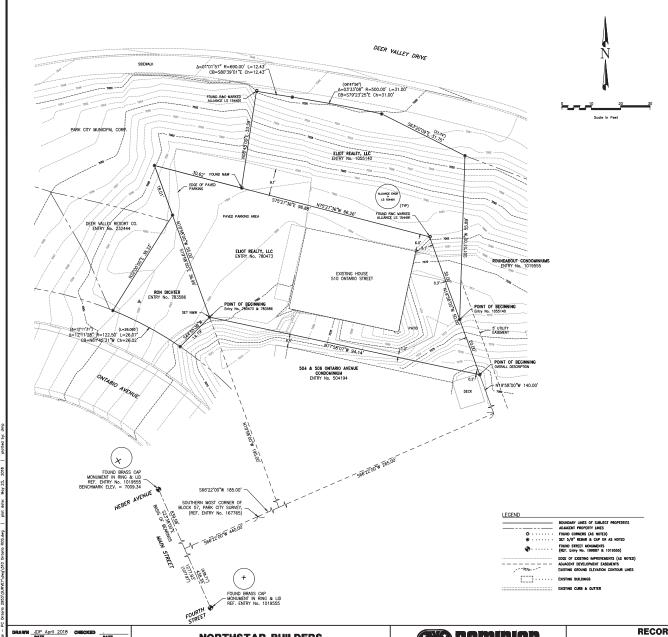
PASSED AND ADOPTED this 13th day of December, 2018.

| | PARK CITY MUNICIPAL CORPORATION | |
|------------------------------------|---------------------------------|--|
| | Andy Beerman, MAYOR | |
| ATTEST: | | |
| Michelle Kellogg, City Recorder | | |
| APPROVED AS TO FORM: | | |
| Mark Harrington, City Attorney | | |









NORTHSTAR BUILDERS

PARK CITY, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, James D. Pitkin, a Professional Land Surveyor as prescribed by the laws of the State of Utah and holding License Number 171546, do hereby certify a survey of the described property was made under my direction and the map hereon is a true and correct representation of soid survey.

Date: May 23, 201

James D. Pitkin, PL License No. 171546



NARRATIVE

A survey of the subject properties was requested by Northstor Builders as a part of a future subdivision. The on-aite measurements were completed on April 5, 2018. Corners were set as of the date of this certification.

The Basis of Bearings is South 23°38'00" East 2777.93 feet measured along the Monument line of Main Street between the intersection monuments found of Haber Avenue & Fourth Street as referenced on the Plat for the Round

The readily ovaliable research provided and found in the Summil Courty Recorder's Office were utilized and relied upon for the preparation of this survey. The specific documents utilized are tisted hereon. A fillie commitment was not provided for this survey. Bearings and distances shown in parentheses are record values, all others are measured or the result of measurements made an-site.

RECORD DESCRIPTIONS

Special Warranty Deed, recorded 10/04/2016 as Entry No. 1055140 in Book 2376 at Page 556

A parcel of land located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Park City, Utah. said parcel being more particularly described as follows:

Base and Meridian, Summit County, Park City, Ulch, said parcel being more particularly described as follows:

Beginning at a point that is North 68'22'00" East 25:00. Dest from the southernmost corner of Block 57,

Park City Survey, Entry No. 197765, according to the official pict thereof on file and of record in the office westerly boundary line of Roundsboul Comdominiums, Entry no. 1019555, according to the Official Plat thereof on file and of record in the Office of the Summit County Recorder, Summit County, Ulch; thence along sold westerly boundary the following three (3) courses: 1) North 19'55'00" West 30.00 feet, 2) North 67'27'35'' West 66,25 feet, 3) North 08'45'00" East 33.39 feet to a point on a non tangent curve to the feft having a radius of 690.00 feet, of which the radius point bears North 09'51'37' East, said point also being on the southerly right of way of Deer Volley Drive, Entry no. 155309, according to the official plat thereof on file and of record in the office of the Recorder, Summit County, Ulch; thence along the southerly soundary of a contract angle of 0'10'15'7' to (2) courses: 1) eastern long the cold of add cover 12.45 500.00 feet, of which the radius point bears South 08'50'00" West; 2) scalerly along the arc of said curve 51.00 feet through a central angle of 0'84'75'6' to the vesterity most corner of a parcel owned in fee simple by Park City Municipal Corporation for the purpose of a bus turnout; thence along the southerly boundary of said bus turnout parcel, South 0'15'100" West 55.89 feet to the point of beginning.

Quit Claim Deed, recorded 6/12/2006 as Entry No. 780473 in Book 1796 at Page 1432

BEG AT A PT N 68°22' E ALONG THE N'LY R/W LINE OF 3RO ST 185 FT & N 19°58' W 195 FT FROM THE SW COR OF BLK 57, &CORONNOTO THE AMENDED PLAT OF PARK CHT SUMMIT COUNTY & RUN TH N 19°38' W 55 FT; TH 573°27'36' E 96.88 FT; TH S 19°58' E 50 FT, TH N 77'58'07' N 94.14 FT TO THE FOF BEG

Special Warranty Deed, recorded 7/11/2006 as Entry No. 783586 in Book 1803 at Page 488

Commencing North 66 degrees 22 minutes East 185 feet and North 19 degrees 58 minutes West 195 feet from the Southwest corner of Block 57, according to the Amended Plat of Park City; thence South 44 degrees 55 minutes 38 seconds West 14,194 feet to a point on the northeasterly right of way line of Ontario Avenus, soid point being an a curve to the left, the radius point of which is South 34 degrees 20 minutes 13 seconds West 122.50, thence westley) along the arc of said curve 26,065 feet through a central angle of 12 degrees 11 minutes 31 seconds to a point on the northeasterly right of way line; thence North 32 degrees 00 minutes East 38.33 feet; thence South 19 degrees 58 minutes East 36.99 feet to the point of beginning, according to the official plat on file and of record in the summit county recorder's office.

OVERALL BOUNDARY - DESCRIPTION

A parcel of land located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah; more particularly described as follows:

BGENNING of a point that is North 65°22'00" Cost 255.00 Get and North 19°58'00" West 140.00 feet from the Southermost corner of Block 57, Park City Survey according to the Amended plot thereof, recorded as Entry No. 199887 as recorded in the Office of the Surmith County Recorder, and running thence North 77°58'07" West 94.14 feet; thence South 44°55'38" West 14.19 feet to the boundary and right-of-way line of Ontario Avenue and a point on a 122.50' foot radius non-langent curve to the left; thence Northwesterly 25.07 feet along the arc of said curve through a central angle of 12'11'28" (chord bears North 61'45'31" West 12.60, 2 feet); thence North 32'00'0" Ecs 13.3.35 feet; thence North 975'75'5" Cost 30.62 feet; thence North 67'45'00" East 33.39 feet to the southerly boundary and right-of-way line of Deer Yolley Drive and a point on a 69.00.0 foot radius non-longent curve to the left; thence South 75'00'0" East 31.39 feet long said Road and the arc of sold curve through a central angle of 10'10'15" (chord bears South 80'39'0" East 12.45 feet) to a point of reverse curvature with a 50'00'0 foot through a central angle of 03'35'108" (chord bears South 79'23'25" East 31.00 (feet); thence South 63'20'0" East 31.00 (feet) to the POINT OF BEGINNING.

Contains 7,646 square feet or 0.17 acres, more or less.



| RECORD | OF | SURVEY | MAP |
|--------|-----|---------|-----|
| 510 OF | IAT | RIO AVE | NUE |

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

| NO. | REVISIONS | BY | DATE | FILE NAME: Ontario ROS | 1"=10" |
|-----|------------------------|-----|----------|---------------------------|--------|
| 0 | FILED AT SUMMIT COUNTY | JDP | 05.23.18 | | |
| | | | | l 1 c | of 1 |
| | | | | SHEET NO. | |
| | | | | | J-01 |
| | | | | 295 | 3-01 |
| | | | | | |

Return after Recording to:

Eliot Realty, LLC 2046 Treasure Coast Plaza, Ste A250 Vero Beach, FL 32960

Mailing Address for Tax Notices:

Eliot Realty, LLC 2046 Treasure Coast Plaza, Ste A250 Vero Beach, FL 32960 01055140 B: 2376 P: 0556

Page 1 of 4
Mary Ann Trussell, Summit County Utah Recorder
10/04/2016 02:54:33 PM Fee \$19.00
By COALITION TITLE AGENCY, INC.
Electronically Recorded

SPECIAL WARRANTY DEED

ROUNDABOUT, LLC, formerly known as THE ROUNDABOUT, LLC, Summit County, State of Utah, hereby CONVEYS AND WARRANTS against all claiming by, through or under to **ELIOT REALTY, LLC**, grantee of Salt Lake County, State of Utah, for the sum of ten dollars and other valuable consideration, the following described tract of land in Salt Lake County, State of Utah, and more properly described as:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, PARK CITY, UTAH. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

26765

BEGINNING AT A POINT THAT IS NORTH 66°22'00" EAST 265.00 FEET FROM THE SOUTHERNMOST CORNER OF BLOCK 57, PARK CITY SURVEY, ENTRY NO. 197765, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, UTAH, AND NORTH 19°58'00" WEST 160.00 FEET, SAID POINT BEING ON THE WESTERLY BOUNDARY LINE OF ROUNDABOUT COMDOMINIUMS, ENTRY NO. 1019555, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SUMMIT COUNTY, UTAH; THENCE ALONG SAID WESTERLY BOUNDARY THE FOLLOWING THREE (3) COURSES: 1) NORTH 19°58'00" WEST 30.00 FEET, 2) NORTH 75°27'36" WEST 66.26 FEET, 3) NORTH 08°45'00" EAST 33.39 FEET TO A POINT ON A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 690.00 FEET, OF WHICH THE RADIUS POINT BEARS NORTH 09°51'57" EAST, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY OF DEER VALLEY DRIVE, ENTRY NO. 165809, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, UTAH; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1) EASTERLY ALONG THE ARC OF SAID CURVE 12.43 FEET THROUGH A CENTRAL ANGLE OF 01°01'57" TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET, OF WHICH THE RADIUS POINT BEARS SOUTH 08°50'00" WEST; 2)

EASTERLY ALONG THE ARC OF SAID CURVE 31.00 FEET THROUGH A CENTRAL ANGLE OF 06°47'56" TO THE WESTERLY MOST CORNER OF A PARCEL OWNED IN FEE SIMPLE BY PARK CITY MUNICIPAL CORPORATION FOR THE PURPOSE OF A BUS TURNOUT; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID BUS TURNOUT PARCEL, SOUTH 63°20'09" EAST 31.74 FEET; THENCE LEAVING SAID BUS TURNOUT PARCEL, SOUTH 01°51'00" WEST 55.89 FEET TO THE POINT OF BEGINNING.

CONTAINS 2,731.80 SF OR 0.063 AC.

Part of Serial Nos. RNDABTC-A, RNDABTC-B, RNDABTC-C and RNDABTC-D.

SUBJECT TO all easements, rights of way, and restrictions of record and those enforceable in law and equity, and:

The general property taxes for the year 2016 (and thereafter) that are now accruing but are not yet due and payable and will be assessed under Serial No. RNDABTC-A, RNDABTC-B, RNDABTC-C and RNDABTC-D;

Notice of Reinvestment Fee Covenant which provides that upon the transfer of said land the transferee is required to pay a transfer assessment, recorded AUGUST 26, 2015, as Entry No. 1026673, in Book 2310, at Page 1909, SUMMIT County Recorder's Office;

Encroachment Agreement, dated OCTOBER 9, 2014, by and between ROUNDABOUT, LLC (*Owner*) and ELIOT REALTY, LLC (*Neighbor*), recorded OCTOBER 15, 2014, as Entry No. 1004934, in Book 2261, on Page 712, SUMMIT County Recorder's Office.

Conditions, Restrictions, Easements, and Notes as shown on the recorded plat;

Declaration of Condominium for ROUNDABOUT CONDOMINIUMS, but omitting any covenants or restrictions, if any, including, but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, recorded JANUARY 21, 2015, as Entry No. 1011163, in Book 2275, Page 1480, SUMMIT County Recorder's Office;

Declaration of Covenants, Conditions and Restrictions for ROUNDABOUT CONDOMINIUMS, but omitting any covenants or restrictions, if any, including, but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, recorded MAY 21, 2015, as Entry No. 1019556, in Book 2294, Page 1919, SUMMIT County Recorder's Office;

The imposition of a transfer or conveyance fee (Reinvestment Fee) is contained within the document. The provisions for such a fee require it to be paid upon transfer or conveyance of the Land. Such

imposition may include a conveyance resulting from a foreclosure of an interest in the Land and any subsequent transfer, whether or not derived through such foreclosure;

Reservations found in that certain Special Warranty Deed from UNITED PARK CITY MINES COMPANY, a Delaware corporation, as Grantor, to GREATER PARK CITY COMPANY, a Utah Corporation, as Grantee, and recorded JULY 1, 1971, as Entry No. 113448, in Book M31, at Page 688, Summit County Recorder's Office, to wit: "EXCEPTING AND RESERVING to Grantor, its successors and assigns, all ores and minerals situated in, upon or under the above described tract of land, together with all rights in connection with or relative to the mining, removal or sale of the same (but not including the right to enter upon the surface of the premises);"

The conditions and restrictions as disclosed in that certain Warranty Deed from ROYAL STREET LAND COMPANY, a Utah corporation, to THE ROUNDABOUT, LLC, Recorded MARCH 29, 2006, as Entry No. 773051, in Book 1780, at Page 1072, SUMMIT County Recorder's Office;

Said property is located within the Park City Neighborhood Development Plan as set forth in Ordinance 82-3, recorded February 16, 1982, as Entry No. 188603, in Book 212, at Page 148, and Redevelopment Area as disclosed on plat recorded April 15, 1983, as Entry No. 204659, Summit County Recorder's Office. Amendment to Park City Neighborhood Development Plan, recorded November 2, 1990, as Entry No. 332260, in Book 585, at Page 147, Summit County Recorder's Office. Notice of Adoption of Amendment to Redevelopment Project Area Plan, recorded JANUARY 9, 2013, as Entry No. 961170, in Book 2165, at Page 1200, SUMMIT County Recorder's Office;

Said property is located within the boundaries of the Snyderville Basin Water Reclamation District and is subject to charges and assessments levied thereunder; and

Said property is located within the boundaries of PARK CITY, SUMMIT COUNTY LEVY, WEBER BASIN WATER CONSERVANCY DISTRICT, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, PARK CITY SCHOOL DISTRICT, PARK CITY WATER SERVICE DISTRICT and is subject to charges and assessments levied thereunder.

WITNESS the hand of said Grantor this _____ day of October, 2016.

ROUNDABOUT, LLC, a Utah limited liability company

By: Henderson Development, LLC, Manager

Blake Henderson, Manager

| STATE OF UTAH |) | |
|------------------|------|--|
| | : ss | |
| COUNTY OF SUMMIT |) | |

On this _____ day of October, 2016, personally appeared before me, Blake Henderson who upon oath did swear that he has authority to sign the foregoing and acknowledged to me that

he signed the same of his own free act and deed.



Notary Public CRAIG R. RODMAN My Commission Expires August 12, 2018 State of Utah

RETURN AND SEND TAX NOTICES TO:

Eliot Realty, LLC 1338 S Foothill Drive, Ste 400 Salt Lake City, UT 84108 01055142 B: 2376 P: 0563

Page 1 of 3

Mary Ann Trussell, Summit County Utah Recorder 10/04/2016 02:54:33 PM Fee \$17.00 By Coalition Title Agency, Inc.

Electronically Recorded

QUIT CLAIM DEED

ROUNDABOUT HOMEOWNERS ASSOCATION, INC., a Utah Nonprofit Corporation, Grantor, hereby quitclaims to ELIOT REALTY, LLC, a Utah Limited Liability Company, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, all of its right, title and interest in and to the real property located in Summit County, State of Utah more property described as:

See legal description at **Exhibit A** and survey map at **Exhibit B**, both attached hereto and incorporated by reference.

IN WITNESS WHEREOF, Grantor has executed this Quit Claim Deed as of the 3th day of September, 2016.

alohan

ROUNDABOUT HOMEOWNERS

ASSOCATION, INC

By: Blake Henderson

Its: President

STATE OF Utah

)ss.

COUNTY OF Summit

מאטיג גבי

On the day of September, 2016, personally appeared before me Blake Henderson, who being by me duly sworn, warrants and represents that he executed the above and foregoing instrument and that he executed the foregoing instrument in his capacity as President of Roundabout Homeowners Association and that he did so of his own voluntary act for its stated purpose.

purpose.

Notary Public CRAIG R. RODMAN Commission # 678353

My Commission Expires
August 12, 2018
State of Utah

NOTARY PUBL

Exhibit "A" Legal Description

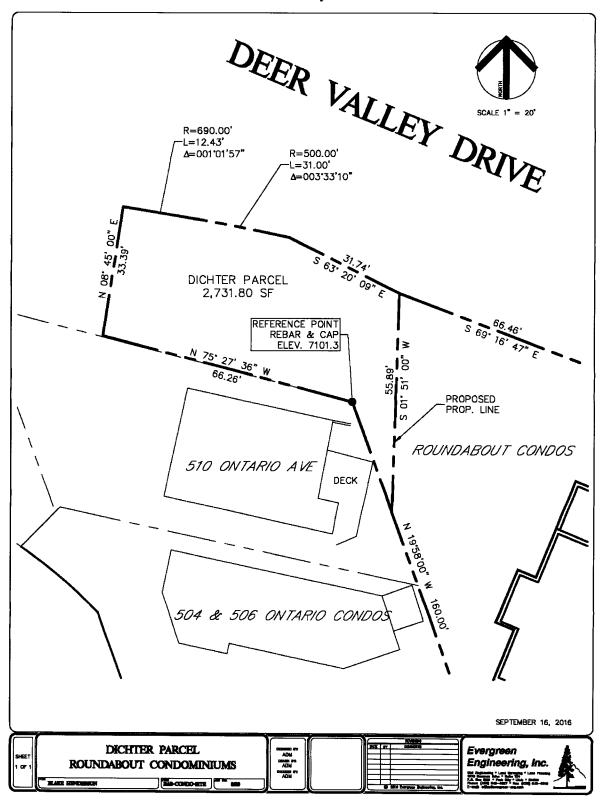
A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

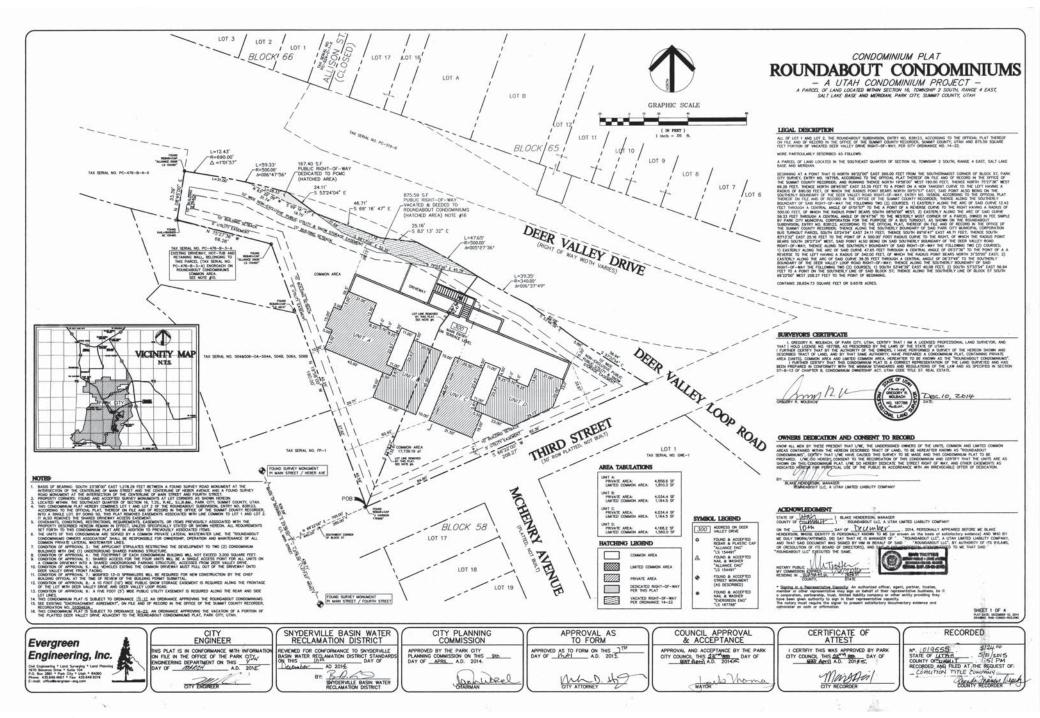
BEGINNING AT A POINT THAT IS NORTH 66°22'00" EAST 265.00 FEET FROM THE SOUTHERNMOST CORNER OF BLOCK 57, PARK CITY SURVEY, ENTRY NO. 197765, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, UTAH, AND NORTH 19°58'00" WEST 160.00 FEET, SAID POINT BEING ON THE WESTERLY BOUNDARY OF ROUNDABOUT SUBDIVISION; THENCE ALONG SAID WESTERLY BOUNDARY THE FOLLOWING THREE (3) COURSES: 1) NORTH 19°58'00" WEST 30.00 FEET, 2) NORTH 75°27'36" WEST 66.26 FEET, 3) NORTH 08°45'00" EAST 33.39 FEET TO A POINT ON A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 690.00 FEET, OF WHICH THE RADIUS POINT BEARS NORTH 09°51'57" EAST, SAID POINT ALSO BEING ON THE SOUTHERLY BOUNDARY OF THE DEER VALLEY ROAD RIGHT-OF-WAY, ENTRY NO. 165809, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, UTAH; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1) EASTERLY ALONG THE ARC OF SAID CURVE 12.43 FEET THROUGH A CENTRAL ANGLE OF 01°01'57" TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET, OF WHICH THE RADIUS POINT BEARS SOUTH 08°50'00" WEST; 2) EASTERLY ALONG THE ARC OF SAID CURVE 31.00 FEET THROUGH A CENTRAL ANGLE OF 06°47'56" TO A POINT ON THE WESTERLY MOST CORNER OF A PARCEL OWNED IN FEE SIMPLE BY PARK CITY MUNICIPAL CORPORATION FOR THE PURPOSE OF A BUS TURNOUT; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PARK CITY MUNICIPAL CORPORATION BUS TURNOUT PARCEL SOUTH 63°20'09" EAST 31.74 FEET; THENCE LEAVING SAID PARK CITY MUNICIPAL CORPORATION BUS TURNOUT PARCEL SOUTH 01°51'00" WEST 55.89 FEET TO THE POINT OF BEGINNING.

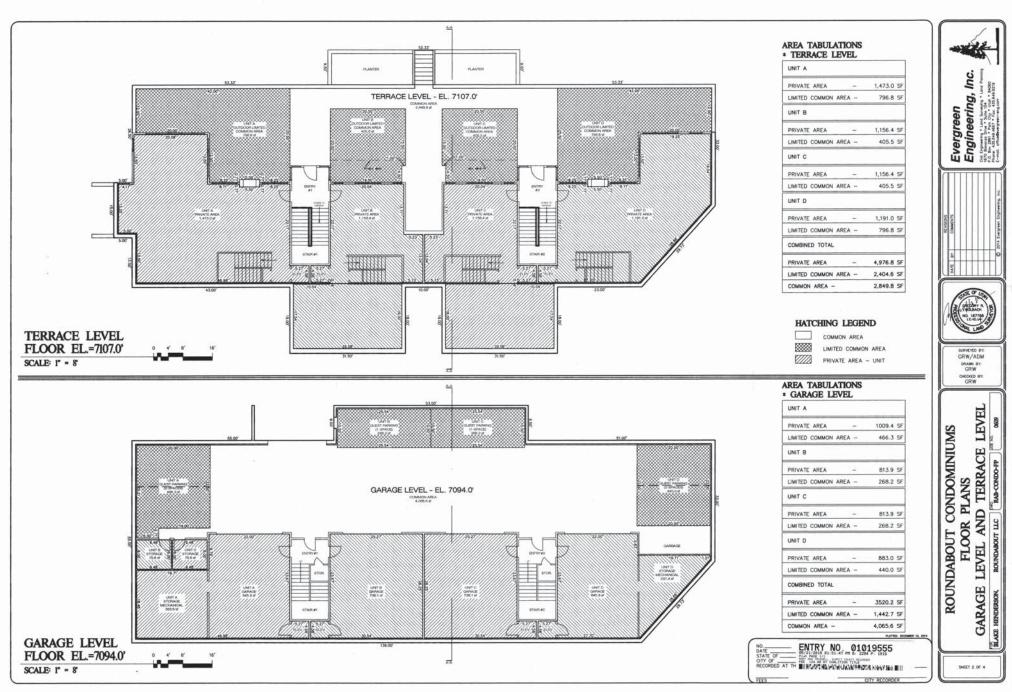
CONTAINS 2,731.80 SF OR 0.063 AC.

PART OF SERIAL NOS. RNDABTC-A, RNDABTC-B, RNDABTC-C AND RNDABTC-D.

Exhibit "B"
Survey

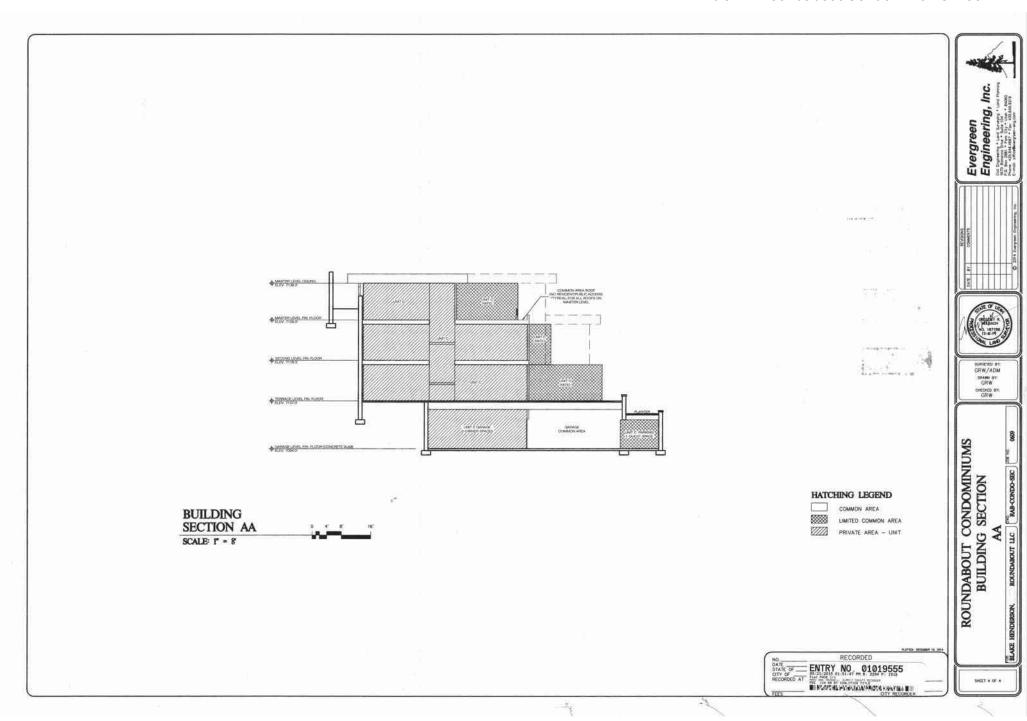


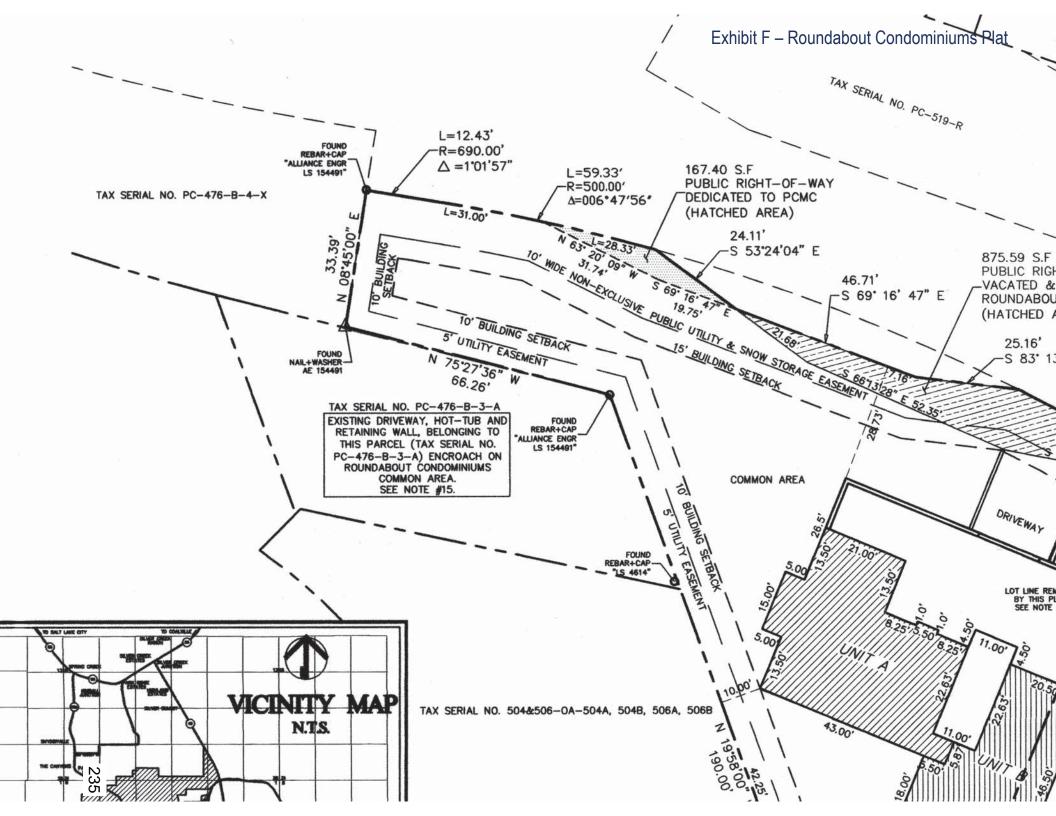




232







LEGAL DESCRIPTION

ALL OF LOT 1 AND LOT 2, THE ROUNDABOUT SUBDIVISION, ENTRY NO. 838123, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SUMMIT COUNTY, UTAH AND 875.59 SQUARE FEET PORTION OF VACATED DEER VALLEY DRIVE RIGHT-OF-WAY, PER CITY ORDINANCE NO. 14-22.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT THAT IS NORTH 66'22'00" EAST 265.00 FEET FROM THE SOUTHERNMOST CORNER OF BLOCK 57. PARK CITY SURVEY, ENTRY NO. 197765, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER; AND RUNNING THENCE NORTH 19'58'00" WEST 190.00 FEET; THENCE NORTH 75'27'36" WEST 66.26 FEET; THENCE NORTH 08'45'00" EAST 33.39 FEET TO A POINT ON A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 690.00 FEET, OF WHICH THE RADIUS POINT BEARS NORTH 09°51'57" EAST, SAID POINT ALSO BEING ON THE SOUTHERLY BOUNDARY OF THE DEER VALLEY ROAD RIGHT-OF-WAY, ENTRY NO. 165809, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1) EASTERLY ALONG THE ARC OF SAID CURVE 12.43 FEET THROUGH A CENTRAL ANGLE OF 01'01'57" TO THE A POINT OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET. OF WHICH THE RADIUS POINT BEARS SOUTH 08'50'00" WEST; 2) EASTERLY ALONG THE ARC OF SAID CURVE 59.33 FEET THROUGH A CENTRAL ANGLE OF 06'47'56" TO THE WESTERLY MOST CORNER OF A PARCEL OWNED IN FEE SIMPLE BY PARK CITY MUNICIPAL CORPORATION FOR THE PURPOSE OF A BUS TURNOUT, AS SHOWN ON THE ROUNDABOUT SUBDIVISION, ENTRY NO. 838123, ACCORDING TO THE OFFICIAL PLAT, THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER: THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PARK CITY MUNICIPAL CORPORATION BUS TURNOUT PARCEL SOUTH 53'24'04" EAST 24.11 FEET; THENCE SOUTH 69'16'47" EAST 46.71 FEET; THENCE SOUTH 8313'32" EAST 25.16 FEET TO THE POINT OF A 500.00' FOOT RADIUS CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT BEARS SOUTH 26'27'24" WEST, SAID POINT ALSO BEING ON SAID SOUTHERLY BOUNDARY OF THE DEER VALLEY ROAD RIGHT-OF-WAY: THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1) EASTERLY ALONG THE ARC OF SAID CURVE 47.65 FEET THROUGH A CENTRAL ANGLE OF 05'27'36" TO THE POINT OF A A REVERSE TO THE LEFT HAVING A RADIUS OF 340.00 FEET, OF WHICH THE RADIUS POINT BEARS NORTH 31'55'00" EAST: 2) EASTERLY ALONG THE ARC OF SAID CURVE 39.35 FEET THROUGH A CENTRAL ANGLE OF 06'37'49" TO THE SOUTHERLY BOUNDARY OF THE DEER VALLEY LOOP ROAD RIGHT-OF-WAY; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1) SOUTH 53'46'39" EAST 40.08 FEET: 2) SOUTH 57'33'54" EAST 56.94 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK 57: THENCE ALONG THE SOUTHERLY LINE OF BLOCK 57 SOUTH 66'22'00" WEST 208.27 FEET TO THE POINT OF BEGINNING. 236

CONTAINS 28,654.73 SQUARE FEET OR 0.6578 ACRES.

NOTES:

- 1. BASIS OF BEARING: SOUTH 23°38'00" EAST 1,278.29 FEET BETWEEN A FOUND SURVEY ROAD MONUMENT AT THE INTERSECTION OF THE CENTERLINE OF MAIN STREET AND THE CENTERLINE OF HEBER AVENUE AND A FOUND SURVEY ROAD MONUMENT AT THE INTERSECTION OF THE CENTERLINE OF MAIN STREET AND FOURTH STREET.
- 2. PROPERTY CORNERS: FOUND AND ACCEPTED SURVEY MONUMENTS AT LOT CORNERS AS SHOWN HEREON.
- 3. LOCATED WITHIN: THE SOUTHEAST QUARTER OF SECTION 16, T.2S., R.4E., S.L.B.&M., PARK CITY, SUMMIT COUNTY, UTAH.
- 4. THIS CONDOMINIUM PLAT HEREBY COMBINES LOT 1 AND LOT 2 OF THE ROUNDABOUT SUBDIVISION, ENTRY NO. 838123, ACCORDING TO THE OFFICIAL PLAT, THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, INTO A SINGLE LOT. BY DOING SO, THIS PLAT REMOVES EASEMENTS ASSOCIATED WITH LINE COMMON TO LOT 1 AND LOT 2. IT ALSO REMOVES THE SHARED DRIVEWAY ACCESS EASEMENT.
- 5. COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR ITEMS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT, UNLESS SPECIFICALLY STATED OR SHOWN HEREON. ALL REQUIREMENTS SET FORTH TO THIS CONDOMINIUM PLAT ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS.
- 6. THE UNITS OF THIS CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE "ROUNDABOUT CONDOMINIUMS OWNERS ASSOCIATION" SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.
- 7. CONDITION OF APPROVAL 3.: THE APPLICANT STIPULATES RESTRICTING THE DEVELOPMENT TO TWO (2) CONDOMINIUM BUILDINGS WITH ONE (1) UNDERGROUND SHARED PARKING STRUCTURE.
- 8. CONDITION OF APPROVAL 4.: THE FOOTPRINT OF EACH CONDOMINIUM BUILDING WILL NOT EXCEED 3,200 SQUARE FEET.
- 9. CONDITION OF APPROVAL 5.: SHARED ACCESS FOR THE FOUR UNITS WILL BE A SINGLE ACCESS POINT FOR ALL UNITS ON A COMMON DRIVEWAY INTO A SHARED UNDERGROUND PARKING STRUCTURE, ACCESSED FROM DEER VALLEY DRIVE.
- 10. CONDITION OF APPROVAL 6.: ALL VEHICLES EXITING THE COMMON DRIVEWAY MUST PULL OUT OF THE DRIVEWAY ONTO DEER VALLEY DRIVE FRONT FACING.
- 11. CONDITION OF APPROVAL 7.: MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
- 12. CONDITION OF APPROVAL 8.: A 10 FOOT (10') WIDE PUBLIC SNOW STORAGE EASEMENT IS REQUIRED ALONG THE FRONTAGE OF THE LOT WITH DEER VALLEY DRIVE AND DEER VALLEY LOOP ROAD.
- 13. CONDITION OF APPROVAL 9.: A FIVE FOOT (5') WIDE PUBLIC UTILITY EASEMENT IS REQUIRED ALONG THE REAR AND SIDE LOT LINES.
- 14. THIS CONDOMINIUM PLAT IS SUBJECT TO ORDINANCE 15-12 AN ORDINANCE APPROVING THE ROUNDABOUT CONDOMINIUMS.
- 15. SEE EXISTING "ENCROACHMENT AGREEMENT", ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, RECORDATION NO. 01004934.
- 16. THIS CONDOMINIUM PLAT IS SUBJECT TO ORDINANCE 14-22: AN ORDINANCE APPROVING THE VACATION OF A PORTION OF THE PLATTED DEER VALLEY DRIVE ADJACENT TO THE ROUNDABOUT CONDOMINIUMS PLAT, PARK CITY, UTAH.

UNIT A:

PRIVATE AREA: 4,858.6 SF LIMITED COMMON AREA: 1.810.3 SF

UNIT B:

PRIVATE AREA: 4,034.4 SF LIMITED COMMON AREA: 1,164.5 SF

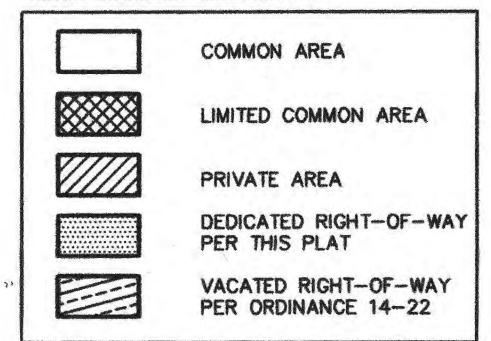
UNIT C:

PRIVATE AREA: 4,034.4 SF LIMITED COMMON AREA: 1.164.5 SF

UNIT D:

PRIVATE AREA: 4,168.2 SF LIMITED COMMON AREA: 1,560.0 SF

HATCHING LEGEND



SYMBOL LEGEND

ADDRESS ON DEER 300 VALLEY DRIVE FOUND & ACCEPTED 0 REBAR & PLASTIC CAP "ALLIANCE ENG" "LS 154491" FOUND & ACCEPTED A NAIL & WASHER "ALLIANCE ENG" "LS 154491" FOUND & ACCEPTED STREET MONUMENT (AS DESCRIBED) FOUND & ACCEPTED NAIL & WASHER

"EVERGREEN ENG"

"LS 187788"

ROUNDABOUT HOMEOWNERS ASSOCIATION, INC.

1750 Sun Peak Drive, Suite 175 Park City UT 84098

September 4, 2018

Via Email (fastorga@parkcity.org)

Francisco Astorga, AICO PARK CITY Planning Department 445 Marsac Avenue P.O. Box 1480 Park City, Utah 84060-1480

RE: Plat Amendment, Roundabout Condominiums, 300 Deer Valley Drive

Dear Mr. Astorga:

I am the President of the Roundabout Homeowners Association, Inc., which is one of my duties as the managing member of Roundabout, LLC, as developer of Roundabout Condominiums and Declarant under the Amended & Restated Declaration of Condominium for Roundabout Condominiums. I understand that the City has requested written confirmation that at least 2/3 of the Members of the Association approved the proposed plat amendment for Roundabout. The purpose of this letter is to offer that assurance.

Roundabout Condominiums is currently under Roundabout, LLC's administrative control pursuant to the Article XI of the Declaration. Section B of Article XI of the Declaration specifically provides that the Roundabout, LLC, as Declarant, shall exercise administrative control until the first date on which fee simple title to three-fourths (3/4) of the undivided interest in the Common Areas and Facilities has been conveyed to Owners or three (3) years after the first Unit is conveyed to an Owner, whichever happens first. As of the date of this letter, Roundabout, LLC still holds a 75% majority interest of the undivided Common Areas and Facilities (or ¾ interest) of the Project per the terms of the Declaration and we are within the three years after the sale of the first Unit. Roundabout, LLC voted to approve the proposed plat amendment for Roundabout, thus meeting the City's requirement that at least 2/3 of the Owners/Members of the Association approve the amendment.

If you have questions or need additional information to proceed with the plat amendment for Roundabout, please contact me by email at blake@hen-dev.com.

Blake Henderson

Ordinance No. 15-12

AN ORDINANCE AMENDING ORDINANCE 14-21 AND APPROVING THE ROUNDABOUT CONDOMINIUMS PLAT, LOCATED AT 300 DEER VALLEY LOOP ROAD, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Roundabout Subdivision, have petitioned the City Council for approval of the Roundabout Condominiums plat, a Utah Condominium project; and

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

WHEREAS, proper legal notice was published in the Park Record and notice letters were sent to all affected property owners, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on March 12, 2014, to receive input on the supplemental plat;

WHEREAS, the Planning Commission held a second public hearing on April 9, 2014, to receive additional input on the supplemental plat;

WHEREAS, the Planning Commission, on April 9, 2014, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 8, 2014, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, at the time of Mylar review, a discrepancy in the square footage calculations were found on the Mylar and previous findings of fact and were updated; and

WHEREAS, on April 23, 2015 the City Council held a public hearing on the amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Roundabout Condominiums plat, a Utah Condominium project.

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 Roundabout Condominiums plat, a Utah Condominium project, 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 300 Deer Valley Loop Road.
- 2. The property is located within the Residential (R-1) District.
- 3. The R-1 zone is a transitional zone in use and scale between the historic district and the Deer Valley Resort.
- 4. The condominium plat will create one (1) condominium lot of record containing a total of 31,971.4 square feet for the project.
- 5. There are no existing structures on the property.
- 6. Access to the property will be from Deer Valley Drive in a single access point on a common driveway for all units to a shared underground parking structure.
- 7. The minimum lot size in the R-1 zone is 3,750 square feet for a duplex dwelling.
- 8. A duplex dwelling is an allowed use in the R-1 zone.
- 9. The total private area of the condominiums consists of 17,095.6 square feet; the Limited Common Area consists of 5,699.3 square feet.
- 10. Unit A consists of 4,858.6 square feet of private area and 1,810.3 square feet of limited common area. Unit B consists of 4,034.4 square feet of private area and 1,164.5 square feet of limited common area. Unit C consists of 4,034.4 square feet of private area and 1,164.5 square feet of limited common area. Unit D consists of 4,168.2 square feet of private area and 1,560 square feet of limited common area.
- 11. The entire project including the parking structure contains 9,176.5 square feet of common area, 17,095.6 square feet of private area, and 5,699.3 square feet of limited common area.
- 12. The footprints total 3,104 square feet for Units A&B combined and 2,809 square feet for Units C&D combined; with a total footprint of the project being 5,913 square feet.
- 13. The height of the buildings will be 22 feet above existing grade
- 14. The front yard setback will be 20 feet, the rear yard setback will be 10 feet and the side yard setbacks will be 10 feet each.
- 15. The shared parking structure contains a total of 14 parking spaces, exceeding the eight (8) parking space requirement.
- 16. There are existing encroachments on the property from the owner of 510 Ontario Avenue.
- 17. The existing shared access easement will be removed with the approval of this plat.
- 18. Minimal construction staging area is available along Deer Valley Loop Road and Deer Valley Drive.
- 19. The Geo-technical report was submitted.
- 20. A Construction Mitigation Plan will be required upon submittal of a Building Permit application.
- 21. On June 14, 2007, the City Council approved the Roundabout Subdivision Plat. This plat was recorded February 21, 2008.
- 22. On November 13, 2013, the Planning Department received a complete application for the Roundabout Condominiums plat.
- 23. Due to the bus pull-out modifications along Deer Valley Drive, the applicant will dedicate 164 square feet of property to the City for ROW improvements and is petitioning the City to vacate 875 square feet of existing ROW which will revert to the applicant.

- 24. The applicant previously dedicated 3,152.54 square feet to the City with the 2007 Subdivision for the bus pull-out and Deer Valley Drive and Deer Valley Loop ROW improvements.
- 25. Applicant will build the new bus pull-out to City specifications.
- 26. As conditioned, this condominium plat is consistent with the conditions of approval of the Roundabout Subdivision plat as per the findings in the Analysis section.

Conclusions of Law:

- 1. There is good cause for this condominium plat.
- 2. The condominium plat 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 supplemental plat.
- 4. Approval of the condominium plat, subject to the conditions of approval stated below, will 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 of the condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the plat at Summit County within two months from the date of City Council amending the approval. If recordation has not occurred by July 8, 2015, this approval 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 applicant stipulates restricting the development to two (2) condominium buildings with one (1) underground shared parking structure. This shall be noted on the plat.
- 4. The footprint of each condominium building will not exceed 3,200 square feet, to be noted on the plat.
- 5. Shared access for the four units will be a single access point for all units on a common driveway into a shared underground parking structure, accessed from Deer Valley Drive, to be noted on the plat.
- 6. All vehicles exiting the common driveway must pull out of the driveway onto Deer Valley Drive front-facing, to be noted on the plat.
- 7. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
- 8. A 10 foot (10') wide public snow storage easement is required along the frontage of the lot with Deer Valley Drive and Deer Valley Loop Road and shall be shown on the plat.
- 9. A five foot (5') wide public utility easement is required along the rear and side lot lines
- 10. The applicant shall submit a financial guarantee, in an amount approved by the City Engineer and in a form approved by the City Attorney, for the public improvements

- including, but not limited to, the fire hydrant, storm drain box, bus pull-out, improvements to Deer Valley Drive, and lighting, prior to plat recordation.
- 11. An encroachment agreement between the applicant and the owner of 510 Ontario Avenue that addresses all current encroachments (asphalt driveway, rock retaining wall and hot tub) onto the applicant's property shall be remedied prior to plat recordation.
- 12. The Construction Mitigation Plan required at Building Permit application shall stipulate that all staging of the project must be done entirely on the applicant's property and that the hours of hauling shall be between 8 am and 6 pm Monday through Friday throughout the duration of the project. The sidewalk on Deer Valley Drive shall remain passible at all times unless explicit approval is given to close the sidewalk by the Building Department.
- 13. There shall be a tie breaker mechanism in the CCR's.
- 14. Due to the bus pull-out modifications along Deer Valley Drive, the applicant will need to dedicate a portion of property to the City for ROW improvements and petition the City Council to vacate the 875 square feet of ROW prior to plat recordation.
- 15. The applicant shall conduct a meeting with surrounding neighbors within one week prior to the commencement of construction to inform them of construction plans. Applicant shall make reasonable efforts to reach all neighbors within 300 feet.

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

PASSED AND ADOPTED this 23rd day of April, 2015.

PARK CITY MUNICIPAL CORPORATION

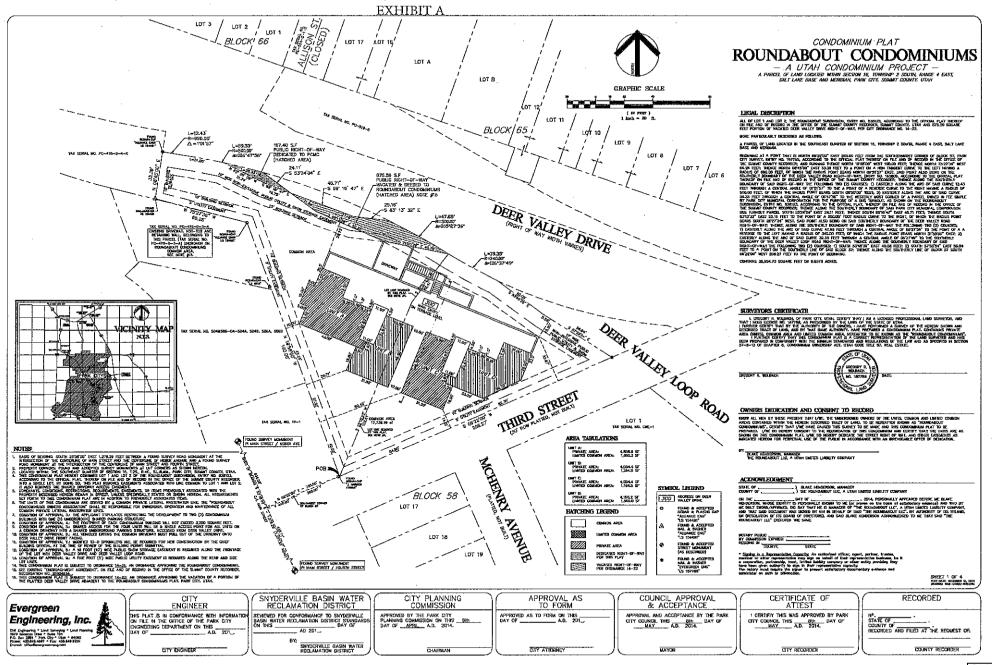
Jack Thomas, MAYOR

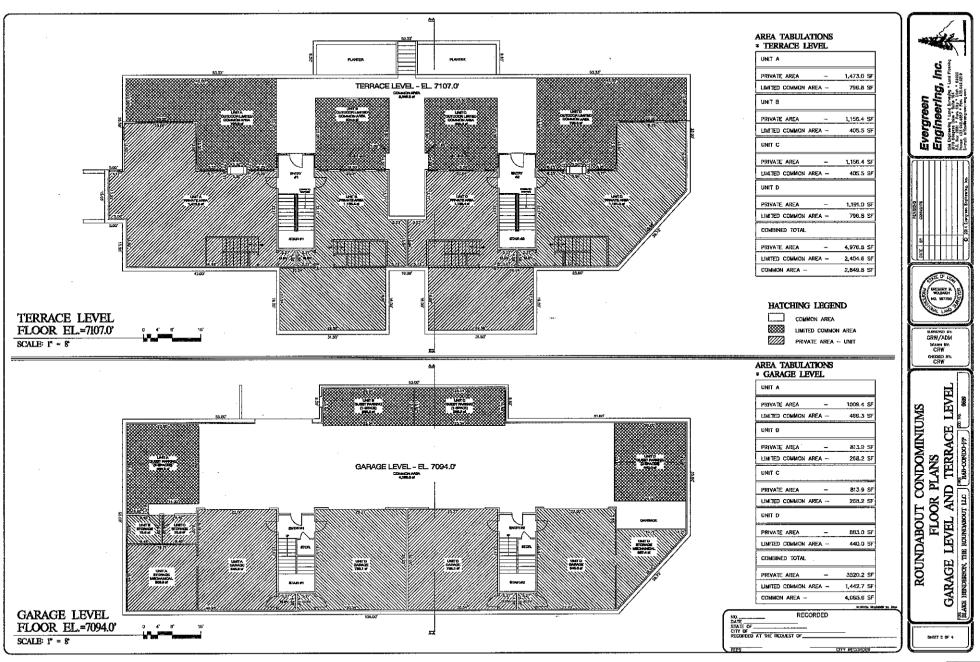
ATTEST:

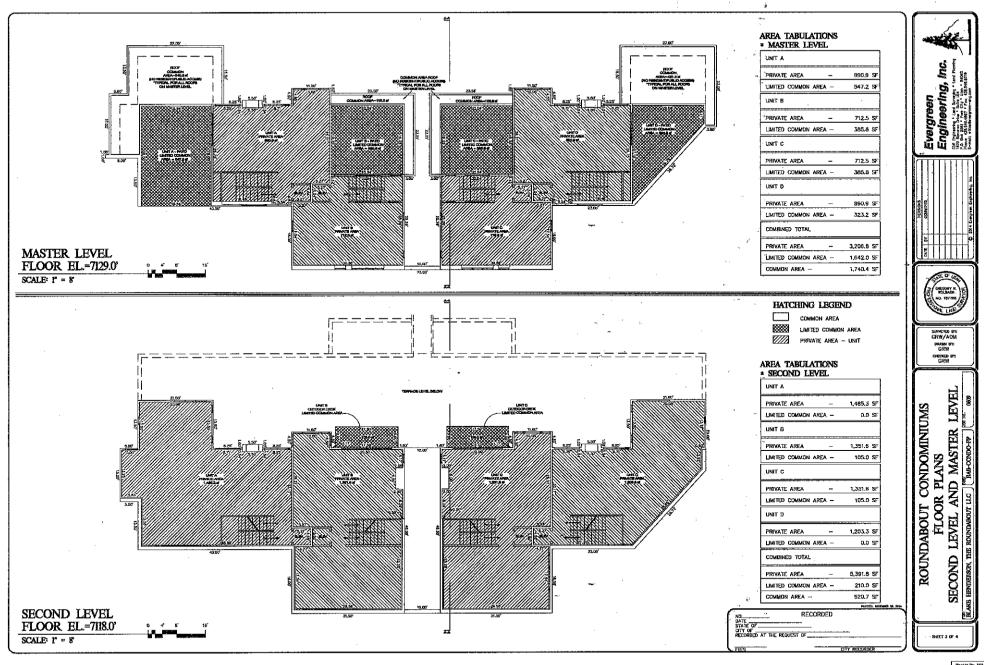
Marci Heil, CITY RECORDER

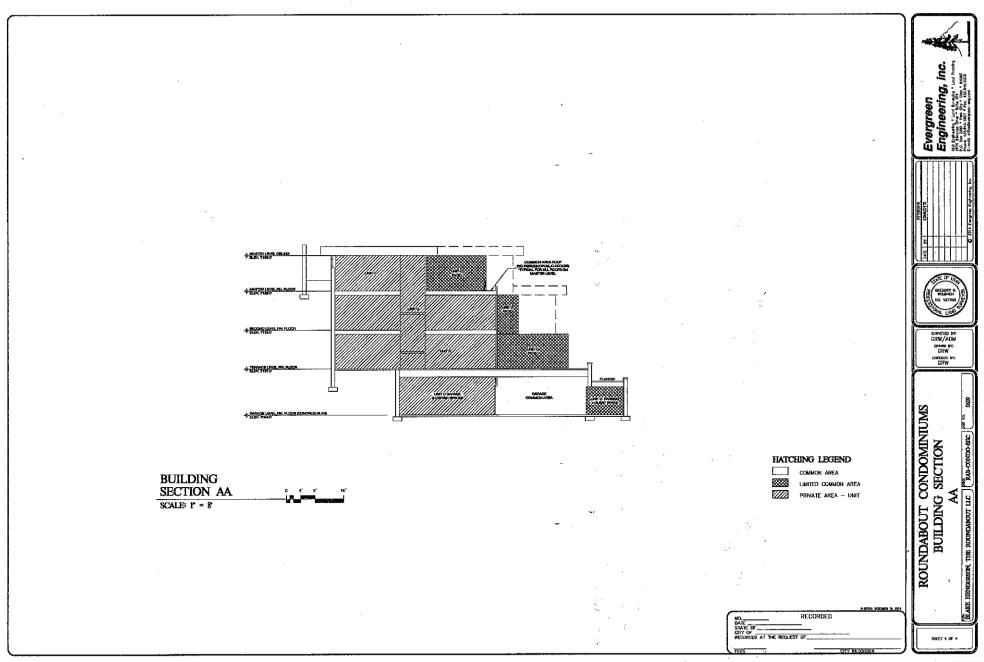
APPROVED AS TO FORM:

Mark Harrington, CITY ATTORNEY









Packet Pg. 101

Planning Commission Staff Report



Subject: Frandsen Plat Amendment Author: Tippe Morlan, AICP, Planner II

Date: November 14, 2018

Type of Item: Legislative – Plat Amendment

| Project Number: | PL-18-03978 | |
|---------------------|---|--|
| Applicant: | Stephen and Hillary Frandsen | |
| Location: | : 416 Ontario Avenue | |
| Zoning: | Historic Residential (HR-1) | |
| Adjacent Land Uses: | es: Residential – Single-family dwellings | |
| Reason for Review: | Plat Amendments require Planning Commission review and City Council approval. | |

Proposal

The proposed Frandsen Plat Amendment seeks to combine an existing lot and a portion of a second lot into one lot of record at 416 Ontario Avenue. There is an existing non-historic single-family dwelling currently on the site, and the property consists of the entirety of Lot 4 and the south half of Lot 5 of Block 58 of the Park City Survey. The proposed plat amendment will create a lot of 2,812 square feet in size.

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Frandsen Plat Amendment located at 416 Ontario Avenue and consider forwarding a **positive** recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Background

Circa 1904 – The house on this site was constructed in 1904 as indicated by the Summit County Recorder.

October 5, 2016 – The <u>Historic Preservation Board</u> denied a Determination of Significance for the existing house on this property. The Board found that the house located at 416 Ontario Avenue does not meet the criteria to be a Significant Site in Park City. The residential structure was also not listed on the 2009 Historic Sites Inventory.

October 9, 2018 – The City received a complete Plat Amendment application for the Frandsen Plat Amendment.

<u>Purpose</u>

The purpose of the HR-1 District can be found in <u>LMC Section 12-2.2-1</u>.

<u>Analysis</u>

The purpose of this plat amendment is to combine two existing lots addressed at 416 Ontario Avenue into one lot of record. There is a one-and-a-half story wood frame modified pyramid house on this property originally constructed in 1904, although significant modifications and alterations have occurred since then. The house was deemed to be a non-contributory structure within the Historic District through a Determination of Significance in 2016.

The applicant has indicated that they would like to either remodel the house and build an addition or construct a new house on this property in the future. The proposed lot may not accommodate a duplex which requires a minimum lot size of 3,750 square feet. At 2,812 square feet in size, this lot can only accommodate a single-family dwelling. A Historic District Design Review will be required for any proposed construction on this lot.

Along the west side of the lot, there are several encroachments into the City Right-of-Way (ROW); a wood deck encroaches up to 8 feet into the ROW, a stairway encroaches up to 10 feet into the ROW, and a railroad retaining wall encroaches up to 12.5 feet into the ROW. Along this portion of Ontario Avenue, the grade is steep and road was built far from the property lines, by 10 to 15 feet in some cases. Many structures, like the existing stairway, were built to access Ontario Avenue as evident in Exhibit F - Site Photographs. Retaining walls were required to stabilize the residential structures as well. Removal of the encroachments or encroachment agreements with the City are required prior to approval of the plat as conditioned by Staff. Additionally, the existing on-street parking in the public Right-of-Way on Ontario Avenue in front of this property is public parking, and any signage the designates it as private must be removed.

HR-1 Requirements

The existing house is a legal non-complying structure on this lot since it was constructed before the existing lot requirements. Any additions must meet current requirements of the HR-1 zone. The proposed lot meets HR-1 requirements as follows:

| | Required | Existing | HR-1 Compliance |
|---|------------|--------------------|-----------------|
| Lot Size | 1,875 SF | 2,812 SF proposed | Yes |
| Lot Width | 25 feet | 37.5 feet proposed | Yes |
| Building | 1,200.5 SF | Approx. 985.2 SF | Yes |
| Footprint | maximum | | |
| Building Height (from Existing Grade) | 27 feet | Approx. 25 feet | Yes |
| Front Yard | 10 feet | 6.5 feet | No |
| Rear Yard | 10 feet | 30 feet | Yes |

| Side Yard | 3 feet each | North: Approx. 6 feet South: Approx. 6 inches | Yes No |
|-----------|-------------|--|-----------|
| Parking | 2 spaces | 0 spaces | No |

Any new construction, including additions, must meet all other HR-1 requirements, including interior building height, a required 10 foot horizontal step, and parking requirements. A Steep Slope Conditional Use Permit will be required for any construction in excess of 200 square feet on slopes greater than 30 percent.

Good Cause

Staff finds good cause for this plat amendment in that it will clean up the property lines at this location and will allow an addition or a new structure to be constructed at this address in the future, as allowed by the LMC and Historic District Design Guidelines. Public snow storage easements and encroachment agreements will be dedicated with the recorded plat.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18. A Historic District Design Review application will need to be submitted for review by Planning Staff prior to issuance of building permits. A Steep Slope Conditional Use permit will be required if more than 200 square feet of any Building Footprint of any Structure is located on or projecting over an existing Slope of thirty percent (30%) or greater.

Department Review

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

Notice

On October 31, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on October 31, 2018, according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Frandsen Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Frandsen Plat Amendment and direct staff to make Findings for this decision; or

• The Planning Commission may continue the discussion on the Frandsen Plat Amendment.

Significant Impacts

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

Consequences of not taking recommended action

The subject property would remain as two separate lots and any future structure would respect existing property lines.

<u>Summary Recommendation</u>

Staff recommends the Planning Commission hold a public hearing for the Frandsen Plat Amendment and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Survey

Exhibit C – Existing Plat

Exhibit D – Applicant's Project Description

Exhibit E – Aerial Photographs

Exhibit F – Site Photographs

Ordinance No. 2018-XX

AN ORDINANCE APPROVING THE FRANDSEN PLAT AMENDMENT LOCATED AT 416 ONTARIO AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 416 Ontario Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on October 31, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 31, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on November 14, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on November 14, 2018, forwarded a recommendation to the City Council; and,

WHEREAS, on December 13, 2018, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Frandsen Plat Amendment located at 416 Ontario Avenue.

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

<u>SECTION 1. APPROVAL.</u> The Frandsen Plat Amendment, as shown in Attachment 1, 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 416 Ontario Avenue.
- 2. The property consists of the entirety of Lot 4 and the south half of Lot 5 of Block 58 of the Park City Survey.
- 3. The property is within the Historic Residential-1 (HR-1) Zoning District.
- 4. There is an existing non-historic single-family dwelling currently on the site.
- 5. The house on site was originally constructed in 1904.

- 6. On October 5, 2016, the Historic Preservation Board denied a Determination of Significance for the house on this property.
- 7. On October 9, 2018, the City received a complete Plat Amendment application for the Frandsen Plat Amendment.
- 8. A Historic District Design Review will be required for any proposed construction on this lot.
- 9. Along the west side of the lot, a wood deck encroaches up to 8 feet into the ROW.
- 10. Along the west side of the lot, a stairway encroaches up to 10 feet into the ROW.
- 11. Along the west side of the lot, a railroad retaining wall encroaches up to 12.5 feet into the ROW.
- 12. The existing house is a legal non-complying structure on this lot since it was constructed before the existing lot requirements.
- 13. The proposed lot is 2,812 square feet in size.
- 14. The proposed lot meets the minimum lot size of 1,875 square feet.
- 15. The proposed lot is 37.5 feet wide and meets the minimum lot width of 25 feet.
- 16. The maximum allowed Building Footprint is 1,200.5 square feet.
- 17. The existing Building Footprint is approximately 985.2 square feet.
- 18. The maximum Building Height is 27 feet from Existing Grade. The existing structure is approximately 25 feet from Existing Grade.
- 19. The front Setback is 6.5 feet and does not comply with the 10 feet requirement.
- 20. The rear Setback is 30 feet and complies with the 10 feet requirement.
- 21. The north side Setback is 6 feet, and complies with the 3 feet requirement and the south side Setback is approximately 6 inches which does not comply with the 3 feet requirement.
- 22. A Steep Slope Conditional Use Permit will be required for any construction in excess of 200 square feet on slopes greater than 30 percent.
- 23. A Historic District Design Review application is required for any new construction proposed at the existing site.

Conclusions of Law:

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

Conditions of Approval:

- 1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this

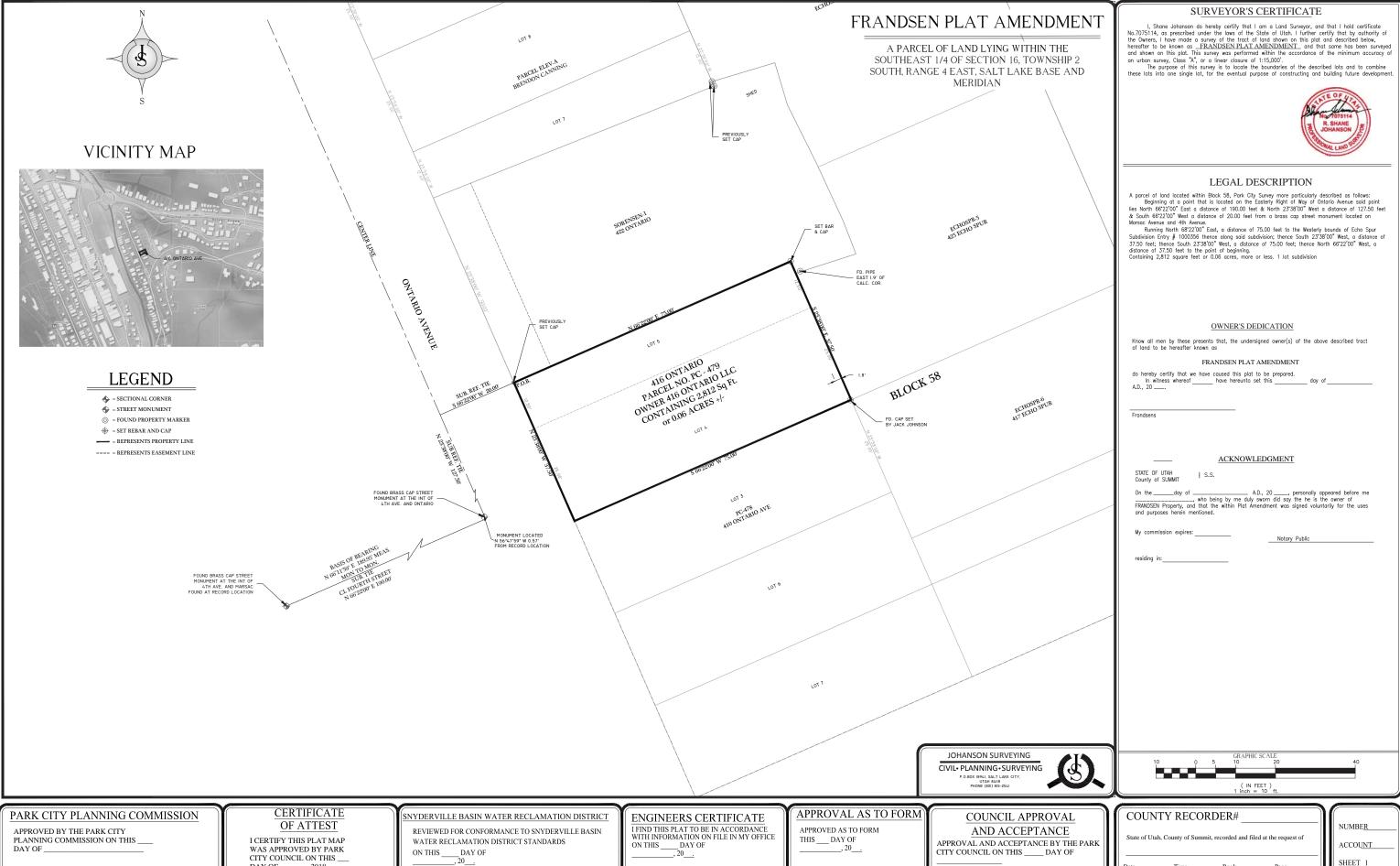
- approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
- 3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
- 4. A 10 foot wide public snow storage easement will be required along Ontario Avenue.
- 5. The site has a wooden deck, stairway, and railroad retaining wall located in the City Right-of-Way (ROW) along Ontario Avenue. The applicant shall either remove the wooden deck, stairway, and railroad retaining wall located on the City ROW along Ontario Avenue or work with the City Engineer to assure that these improvements are authorized in the form of an ROW encroachment agreement.
- 6. Nothing in this approval of the Plat Amendment grants or dedicates or approves the ROW encroachment area for parking for exclusive use of the applicant. On-site parking must be provided for all new construction.
- 7. Compliance with off-street parking requirements is required prior to the issuance of any building permit for an addition or new construction.

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

PASSED AND ADOPTED this 13th day of December 2018

| TAGGED AND ADOL TED this 15th day of December, 2010. |
|--|
| PARK CITY MUNICIPAL CORPORATION |
| MAYOR |
| ATTEST: |
| City Recorder |
| APPROVED AS TO FORM: |
| City Attorney |

Attachment 1 – Proposed Plat



255

CITY COUNCIL ON THIS ___ DAY OF 2018.

PARK CITY RECORDER

PARK CITY ENGINEER

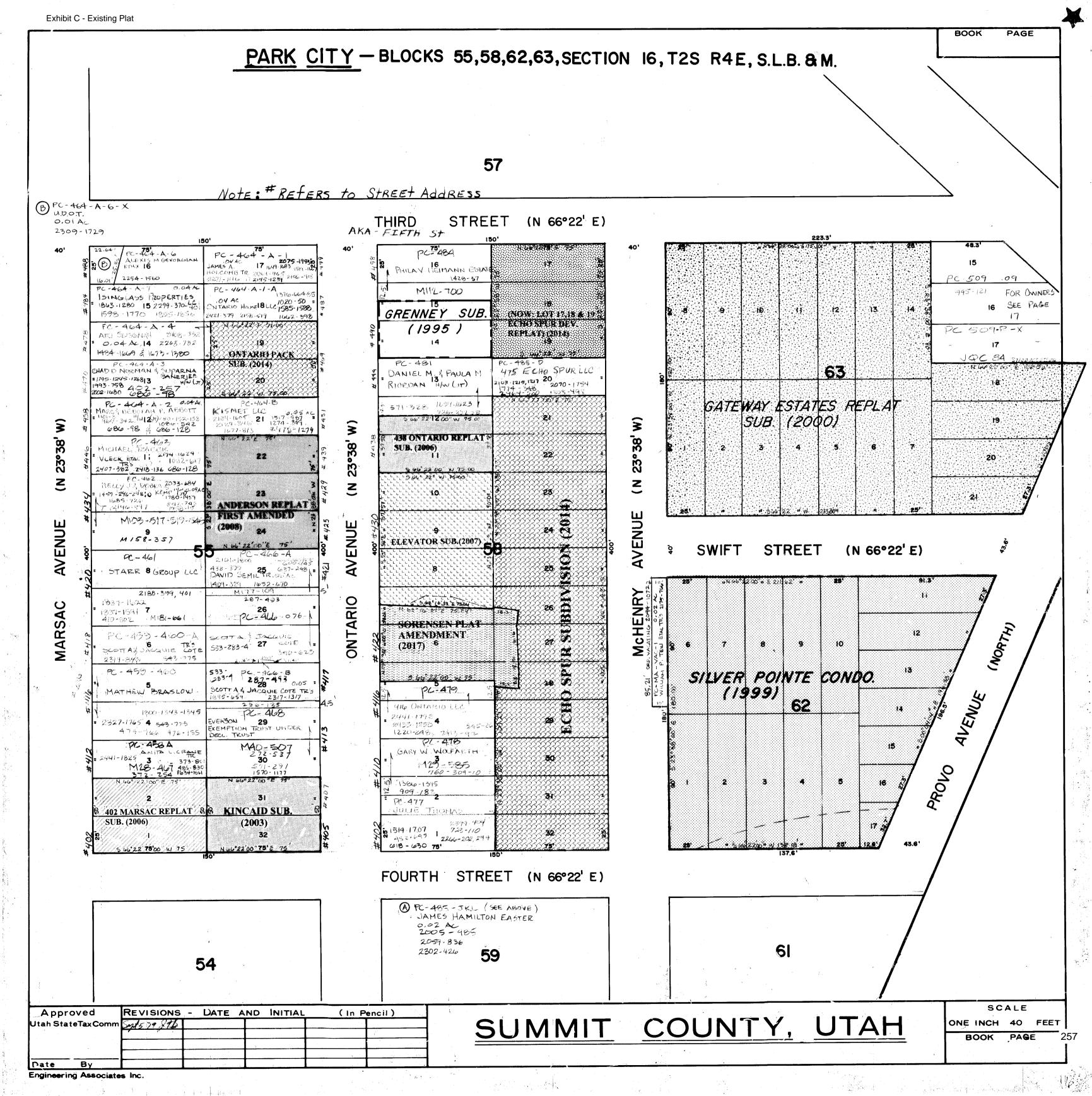
PARK CITY ATTORNEY

PARK CITY MAYOR

Book County Recorder OF 1 SHEETS

DRAWN BY: HATHAN SSEISD O.S.P. III CKHO BY: SHAME M. JOHANSON P.L.S. SHEET NUMBER

SHEET-001



Mammen Associates Archite e, Inc. 2001 Lucky John Drive, Park City, U

415 Ontario Park City, UT 84060

Statement of Project Description:

The existing property is described in city records as Parcel PC-479. The legal description is:

"The South one-half of Lot 5 and all of Lot 4, Block 58, Park City Survey; according to the official plat therof file and recored in the Summit County Recorder's Office."

The current owners' would like to either make an addition and remodel or new construction in the future and want the property to be re-platted so that work may proceed.

Included in this application are:

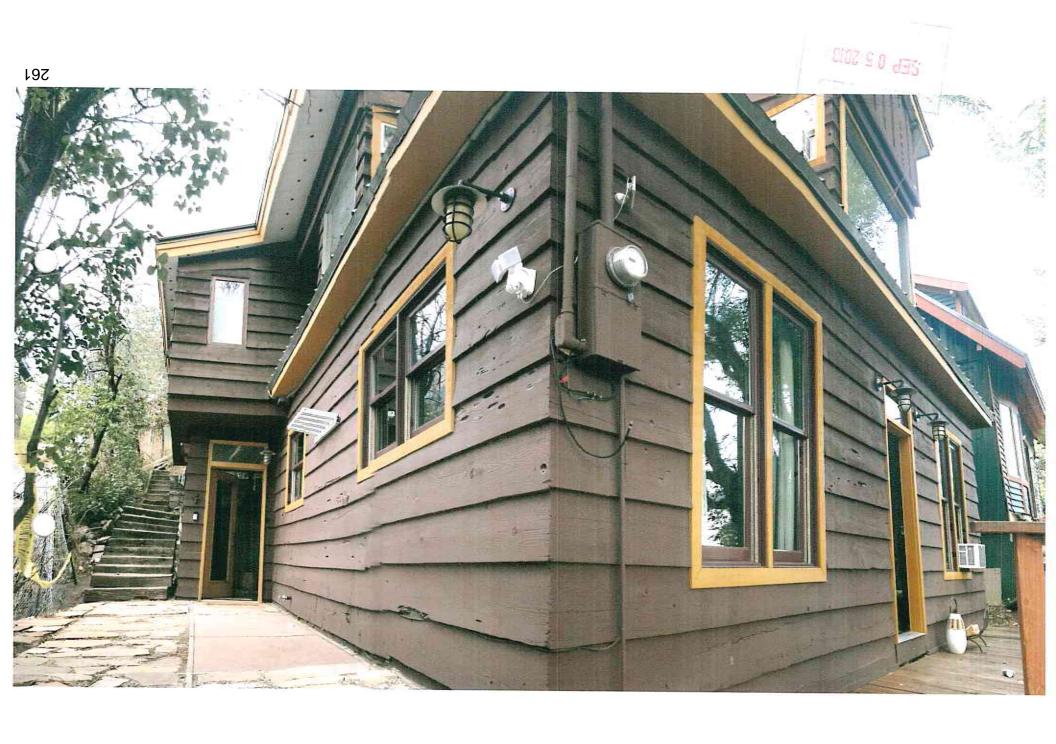
- 1. The completed application.
- 2. This written statement.
- 3. A receipt for the review fee.
- 4. (1) 24 x 36 survey of record.
- (1) 24 x 36 proposed plat 5.
- (4) photos of the existing property taken from roughly the 4 sides of the lot. 6.
- 7. (1) photo taken from across the valley looking east at the property
 - (2) current aerial photos; (1) tight in showing the surrounding neighbors and
 - (1) showing the surrounding properties.
- No addition presentations currently submitted. 8.
- 9. (1) set of 11x17 of the survey and proposed plat amendment.
- The property is NOT within a condominium. 10.
- Current Title Report dated Aug. 27, 2018. 11.
- There is no current plat 12.
- 13. There is no condominium association
- 14. There is a list of all the owners within 300 feet with Parcel Numbers
- 15. Stamped, addressed #10 size Business envelopes for the property owners within 300 ft excluding Park City Municipal Corp.







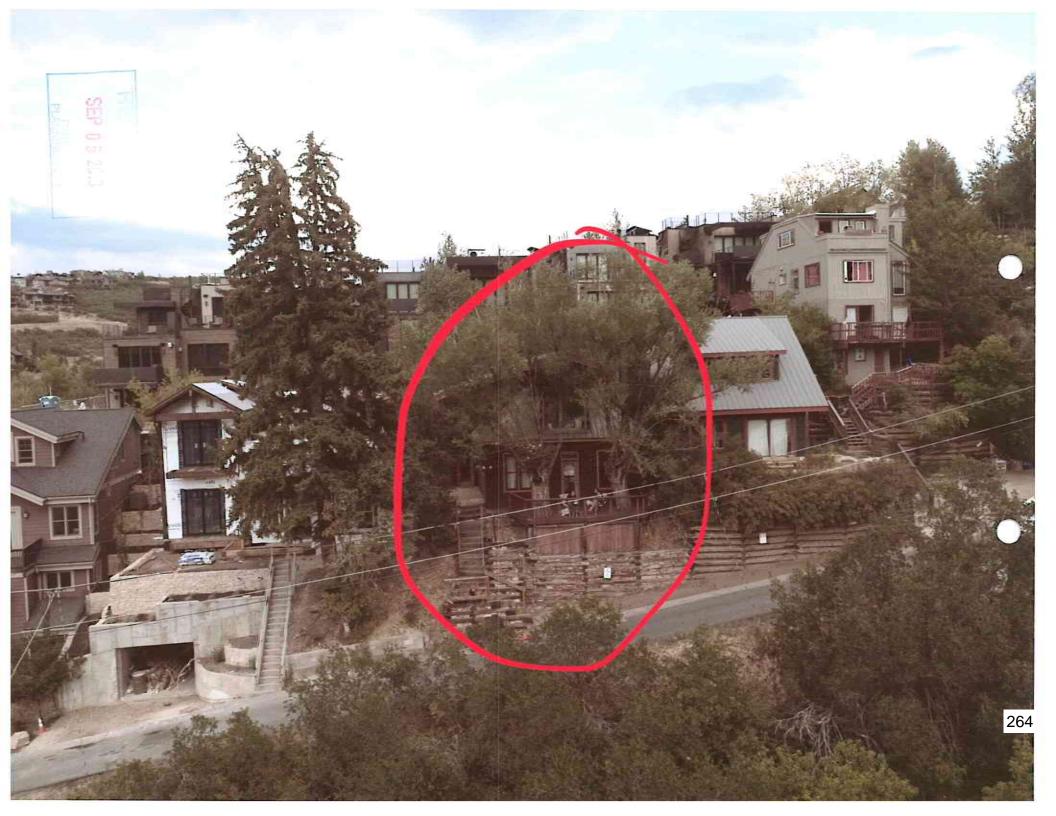














DATE: November 14, 2018

TO HONORABLE PLANNING COMMISSION

The City Transportation Department is beginning the process of updating the Transportation Master Plan. In the past, two Planning Commissioners have volunteered to participate in the workshops and planning efforts for this document.

The Planning Commission members have special priorities and responsibilities outlined in Section 15-12-15(B)(1) of The Land Management Code:

"The Planning Commission shall have the primary responsibility to initiate and update the City General Plan, including planning for adequate Streets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of Sensitive Lands, and shall conduct periodic review of existing plans to keep them current."

As the Planning Commission is responsible for initiating any updates to the City General Plan, taking part in the formation of the Transportation Master Plan is critical as the two plans impact one another and should be coordinated. The two Planning Commissioners' participation is intended as a means to keep the entire Planning Commission Board up to date on the progress and developments of this plan. They may request work sessions to discuss transportation matters relating to the Transportation Master Plan.

Planning Staff recommends that Planning Commission approve the following:

The appointment of Commissioners John Kenworthy and Mark Sletten to the Transportation Master Plan Committee to represent the Planning Commission at large, and report back on any findings and progress of this plan.

Respectfully:

Liz Jackson, Planning Technician