VILLAGE EMPIRE PASS APPROVALS

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

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

Conclusions of Law

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

Conditions of Approval

- 1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
- 2. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

6. Empire Pass Master Planned Development

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

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

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

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

Chair Barth re-opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

Findings of Fact - Empire Pass

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

Development agreement sets forth maximum project densities, location of densities, and developer-offered amenities.

- 3. The Flagstaff Mountain Annexation is approximately1,655 acres. Mixed-use development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2 and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
- 4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites;
 - no more than 85,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
- 5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
- 6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.
- 7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 unit equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
- 8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
- 9. The 14 technical reports/studies along with the Land Management Code and the Development Agreement (99-30) for the standard which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
- 10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B), Volumetric Analysis (dated July 5, 2004, Exhibits D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), Supplemental Plans

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

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

Conclusions of Law - Empire Pass

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

Conditions of Approval - Empire Pass

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

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buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.

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

7. Red Cloud Subdivision

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

Village MPD Supplemental Project Description and Conditions

Site Plan

The site plan for the project shows the location of the nine condo-lodge buildings that have received additional height as established in the volumetrics. The shape and location of these buildings on the site plan are approximate and are more fully described in the attached volumetric analysis. The building locations for the nine condo lodges are controlled by the preliminary parcel map. Within the parcels on that map areas have been identified where reduced setbacks will be allowed. Final dimensions of these setback reductions will be determined at CUP approval for the individual buildings. Building location within the parcel is subject only to the zoned setbacks and the approved reductions, and general compliance with preservation of significant vegetation as shown on the MPD Limits of Disturbance exhibit.

Volumetrics

The intent of the volumetric analysis is to define the architectural massing of a building and insure that the mass of the building is broken up by significant façade and roofline shifts, as well as introducing architectural elements at the base of the building. The volumetrics define three distinct zones within the building: a parking zone, the intermediate floor plates and a roof zone. The roof zone is a region in which the roof shapes and architectural elements that appear in the project design guidelines are required to be employed in order to break up the building massing and provide architectural character. The roof zones are allowed as residential or mechanical space.

The volumetrics generally depicts the location and heights modeled in the attached visual analysis, however there has been, and will continue to be, some changes in the shapes and approximate locations of the buildings as the plans evolve through the design process.

The volumetrics will be used in conjunction with the approved project Design Guidelines to control final architecture that will be reviewed by the Planning Commission at a subsequent CUP.



Building Height

Building height is measured continuously from the highest point of the building to the existing grade directly below that point. The isometric diagrams establish maximum heights at various areas of the building. This height allow for three separate elements above existing grade as follows:

- 1. Height to accommodate the roof and residential units within the roof zone.
- 2. Height for the intervening full floors of residential below the roof zone, and
- 3. Height for a varying amount of parking structure above the existing grade depending on where you draw the section through the building.

The sum of these three elements cannot exceed the maximum heights and are further restricted as follows:

Floor to Floor Height

The isometric diagram shows numbered full height floors that are sandwiched between the garage and roof zone. The floor to floor height of these floors is limited to 12'. The remaining height up to the maximum height of the building is available only for roof elements, garage, and the provision for residential units in the roof zone as described below.

The Roof Zone

In addition to the numbered floors that are between the roof zone and the garage, there is a provision for units in the roof. Residential units are encouraged within the roof to the extent that they add architectural interest by providing for dormers and window elements in the roof. Out of the maximum height allowed within each area of a building, up to 6' of that height can be allocated for a stem wall in order to accommodate a functional residential unit in the roof. The height of the stem wall is measured from the floor of the unit to where the units ceiling intersect the wall on the inside of the unit. The floor of the Roof Zone unit cannot be more then 12' above the floor of the lower unit. Acceptable roof forms are found in the approved Design Guidelines.

Ground Floor Architectural Elements

The volumetrics denote "entry structures" at possible locations that are intended to break down the mass of the structure at the entry points. In addition, a portion of the ground floor will have architectural elements such as covered balconies that will project out from the façade above in order to break down overall building scale.

Building Appurtenances and Exceptions

Beyond the height and massing shown in the volumetrics, some appurtenances are allowed outside of this envelope. Acceptable appurtenances include but are not limited to:

- 1. Dormer with ridge heights not exceeding the ridge height of the roof to which they are attached
- Chimneys and chimney roof forms used for HVAC equipment and mechanical penthouses provided that they do not extend more the 5' above the top of the roof. Elevator penthouses may exceed the ridge height by 8'.
- 3. Skylights not exceeding 3' above the ridgeline of the roof that it is on
- 4. Code required parapet walls
- 5. Roof overhangs, brackets and bracing
- 6. Awnings
- 7. Covered and uncovered balconies
- 8. Grade level arcades not to exceed 15' in height
- 9. Kiosks, pool and spa pavilions, outdoor food service not exceeding 15' in height
- 10. Bay windows not exceeding 5' in depth measured perpendicular to the building
- 11. Screened and covered HVAC equipment
- 12. Porte Cochere structures not to exceed 28' in height
- 13. Accessory buildings and other structures and appurtenances as allowed in the zone by the LMC

Appurtenances that fall outside of the building envelope must not remove significant vegetation as preserved in the Limits of Disturbance plan and are subject to Planning Commission approval through a CUP. All appurtenances are subject to the projects approved Design Guidelines.

Conservation Easements and Conservation Parcels

Conservation Easements and Conservation Parcels are to remain as open space. Their purpose is to maintain a vegetative buffer between the project and Marsac Avenue. No structures, accessory building or appurtenances are allowed in any Conservation Easement or Conservation Parcel. Only those utilities as approved by the MPD or as revised in subsequent CUPs are allowed. Signs, as allowed by the Land Management Code, which are adjacent to the road, are allowed provided they do not cause the removal of Significant Vegetation as defined by the LMC.



Master Plan - Summer

May 6, 2004

HART HOWERTON

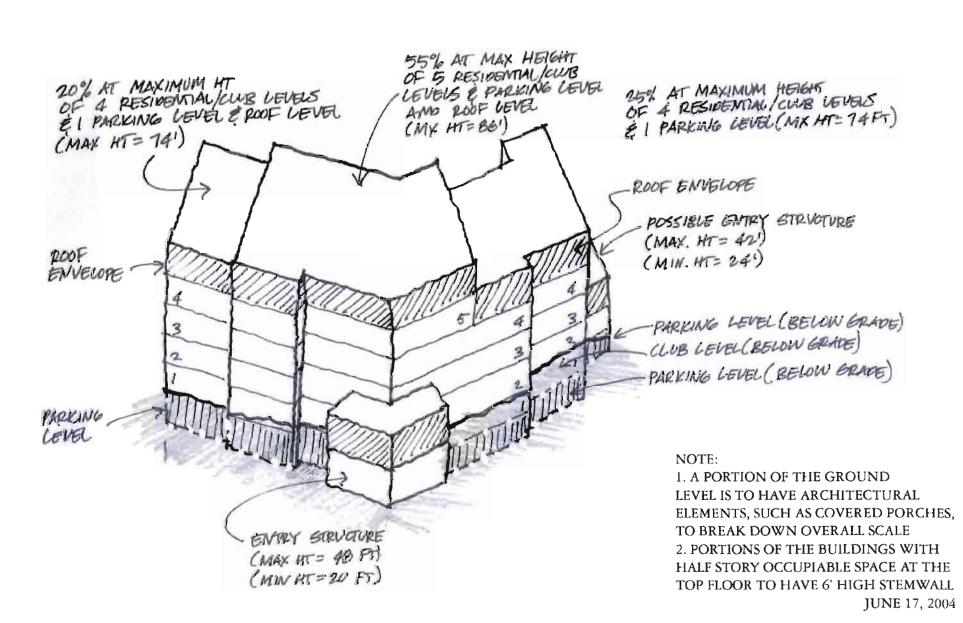
THE VILLAGE AT EMPIRE PASS

Park City, Utab

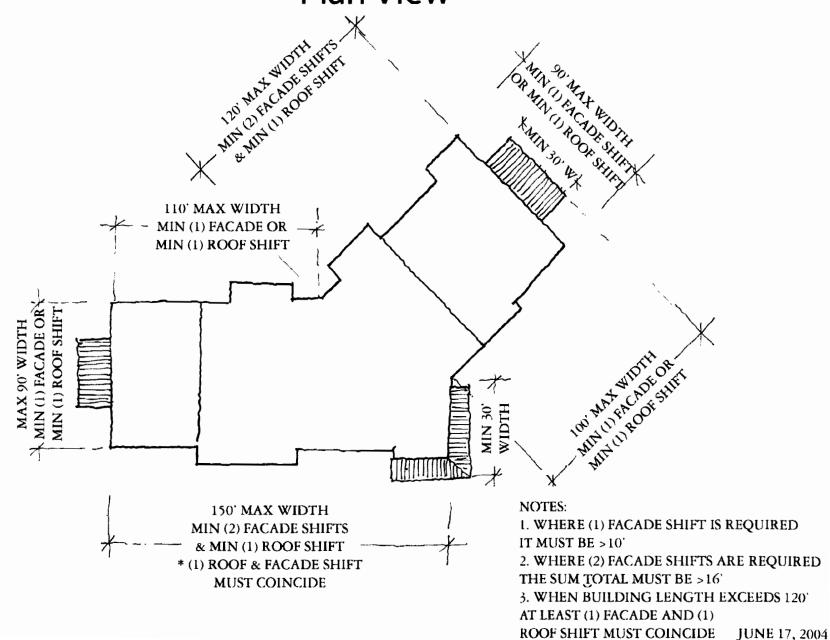
Alpine Club Volumetrics

(Building 1)

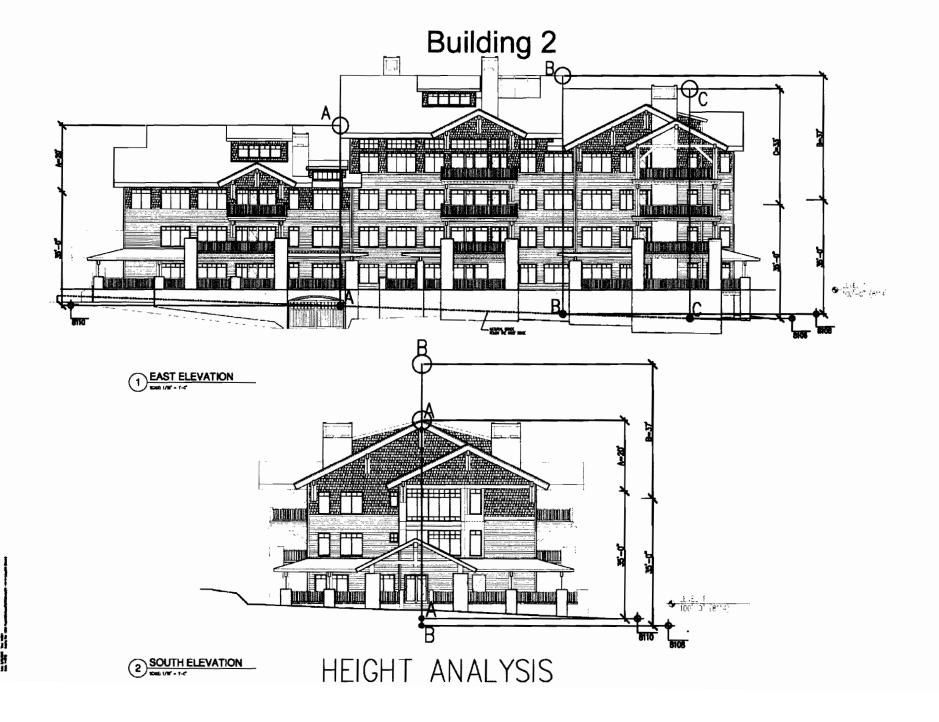
Isometric View

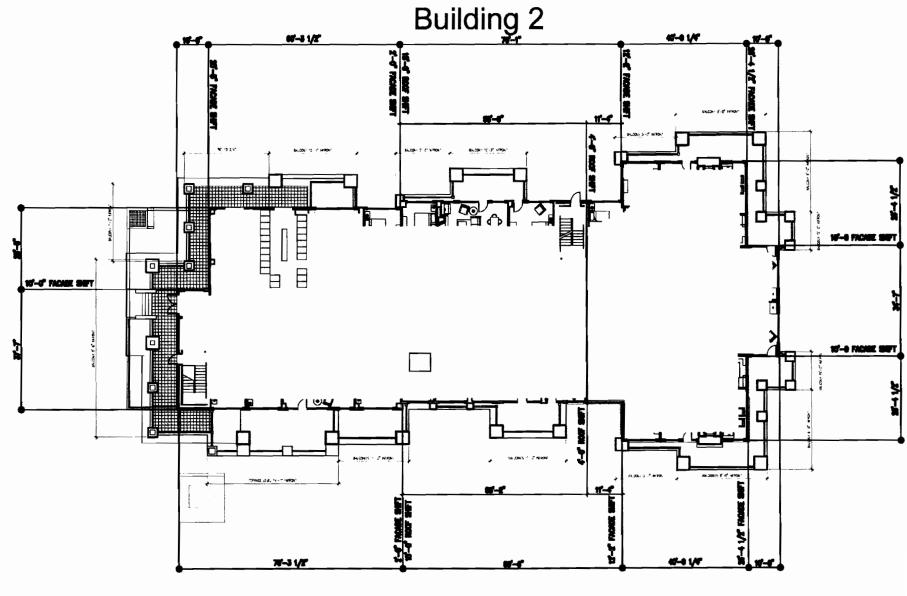


Alpine Club Volumetrics Plan View

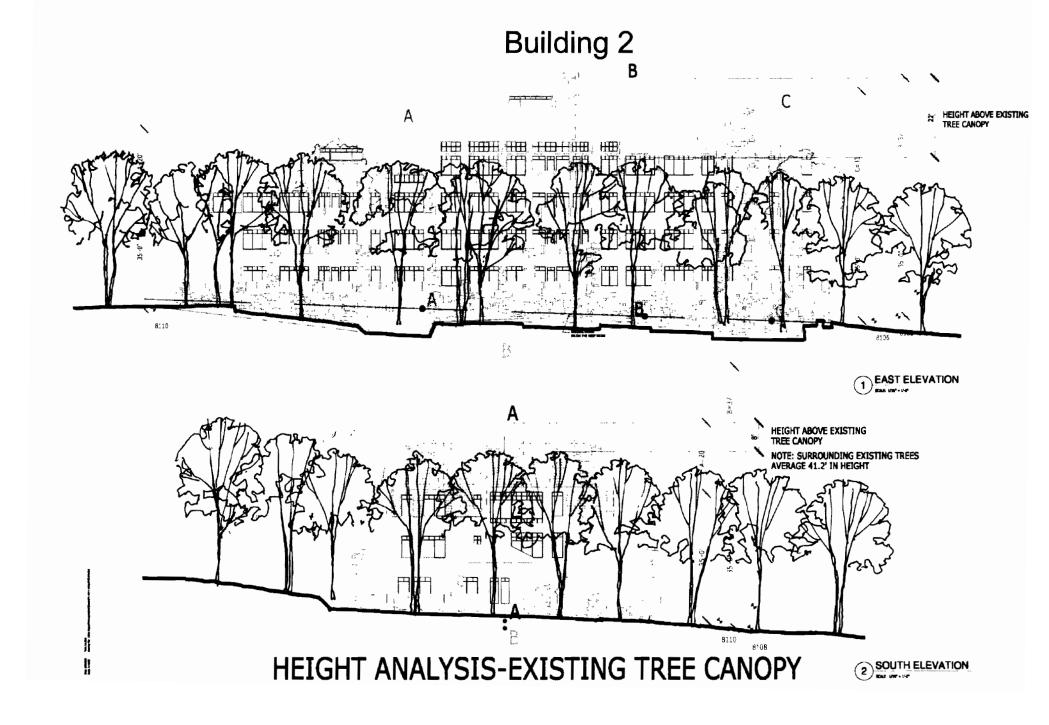


ROOF SHIFT MUST COINCIDE

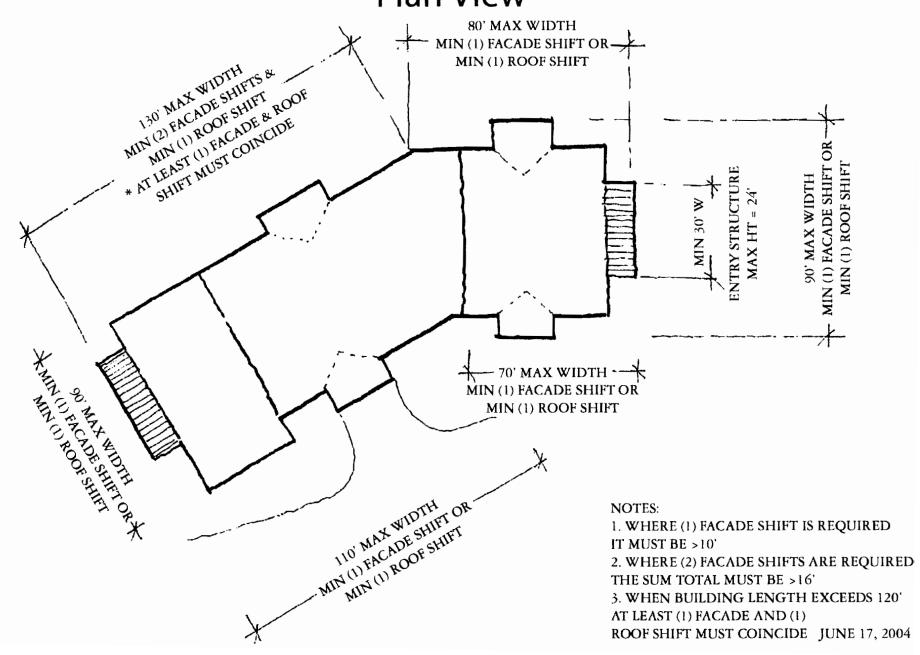




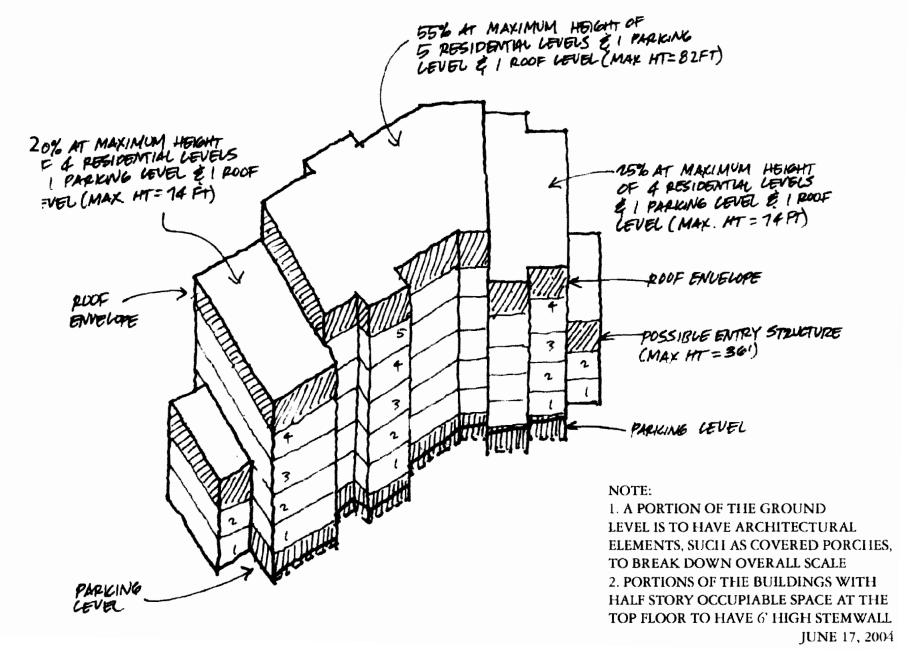
VOLUMETRICS ANALYSIS



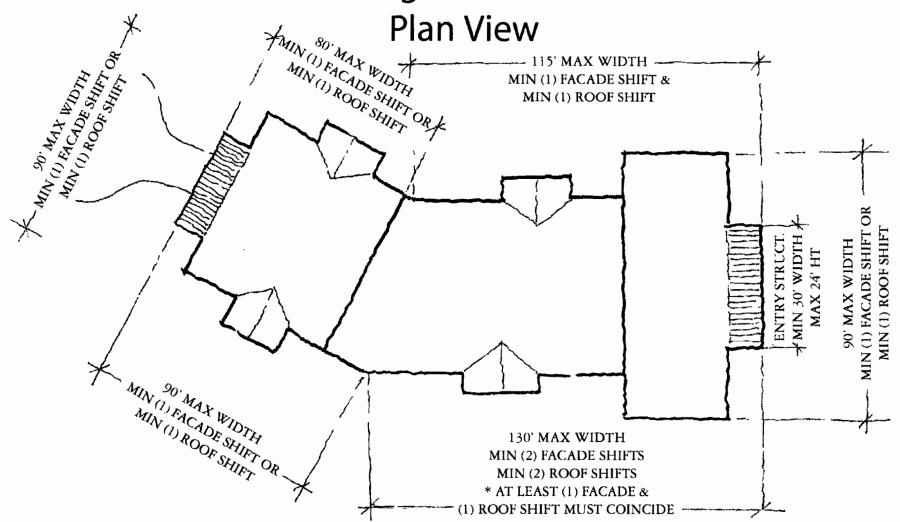
Building 3 Volumetrics Plan View



Building 3 Volumetrics Isometric View



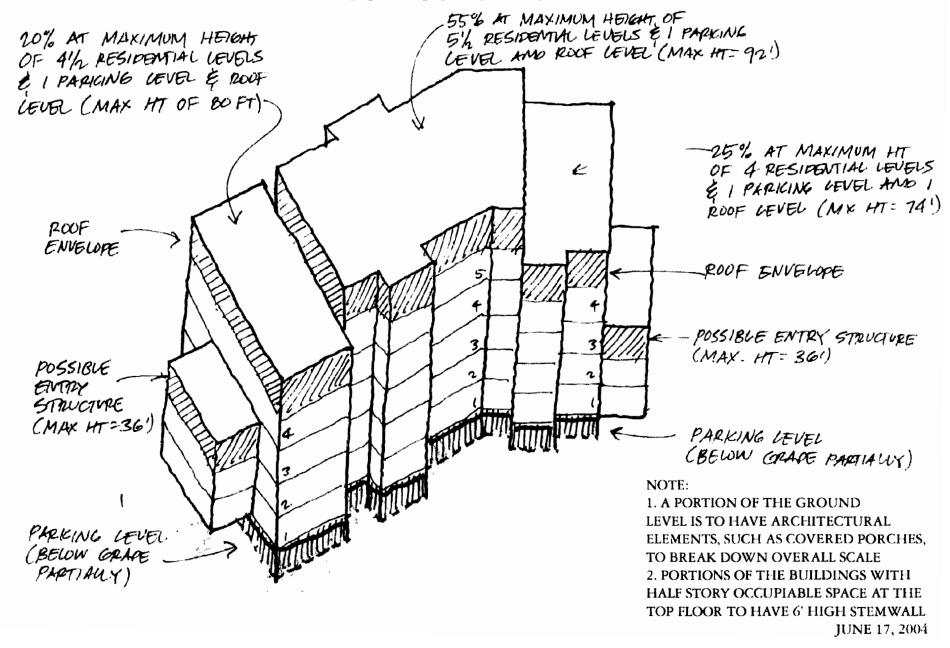
Building 4 Volumetrics



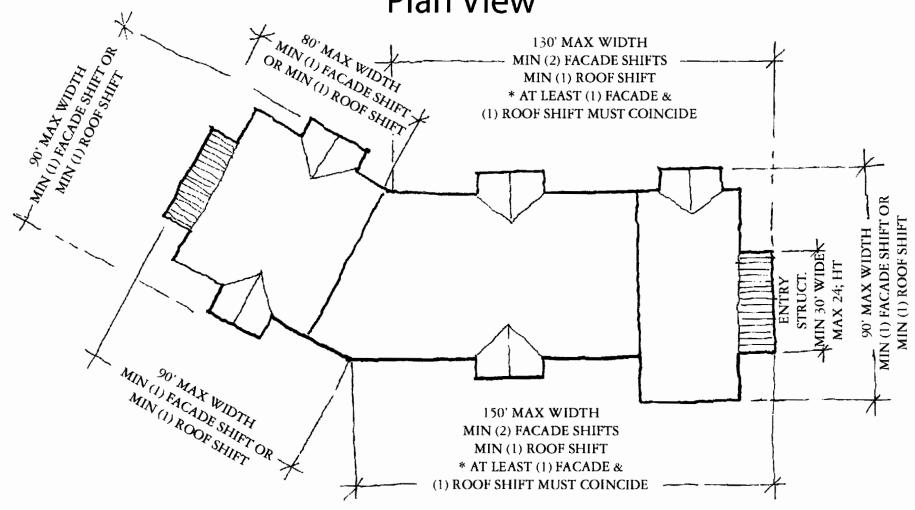
NOTES:

- 1. WHERE (1) FACADE SHIFT IS REQUIRED IT MUST BE > 10'
- 2. WHERE (2) FACADE SHIFTS ARE REQUIRED THE SUM TOTAL MUST BE >16'
- 3. WHEN BUILDING LENGTH EXCEEDS 120'
 AT LEAST (1) FACADE AND (1)
 ROOF SHIFT MUST COINCIDE JUNE 17, 2004

Building 4 Volumetrics Isometric View



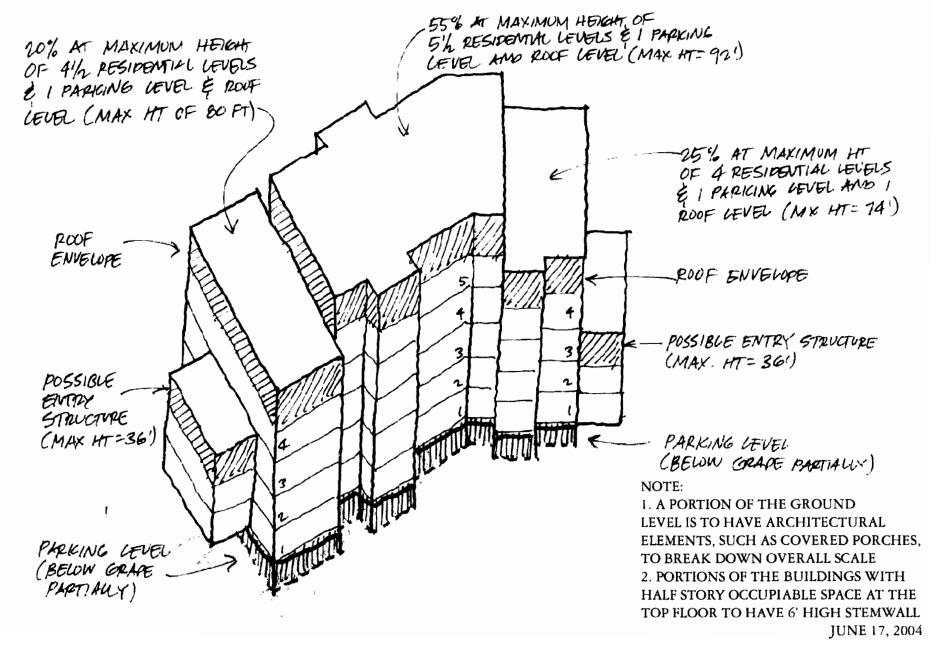
Building 5 Volumetric Plan View



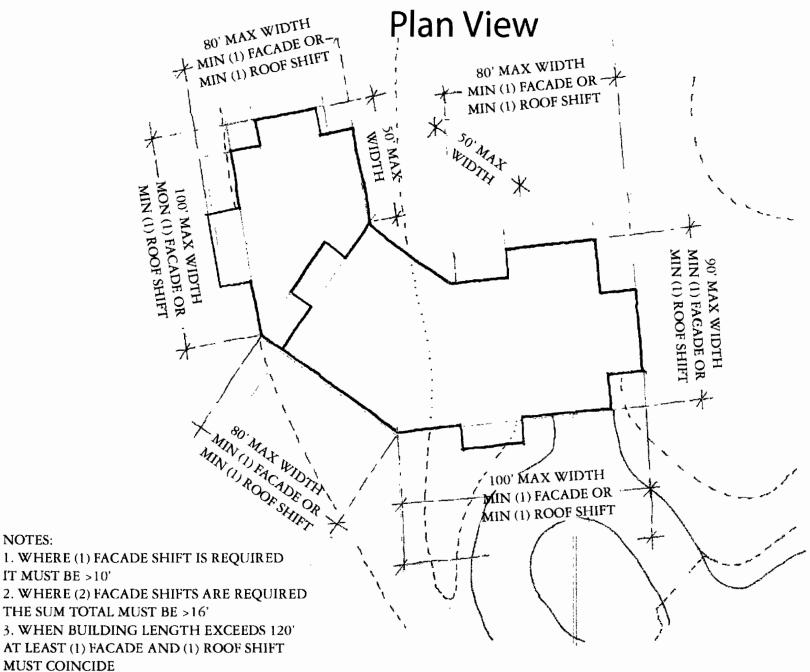
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 AT LEAST (1) FACADE AND (1)
 ROOF SHIFT MUST COINCIDE JUNE 17, 2004

Building 5 Volumetrics Isometric View



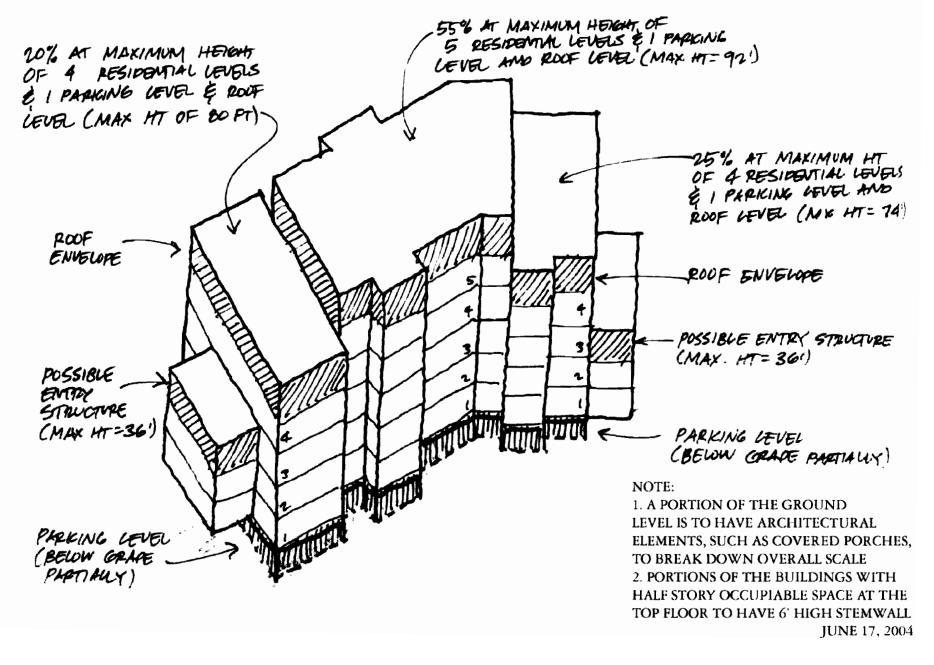
Building 6 Volumetric



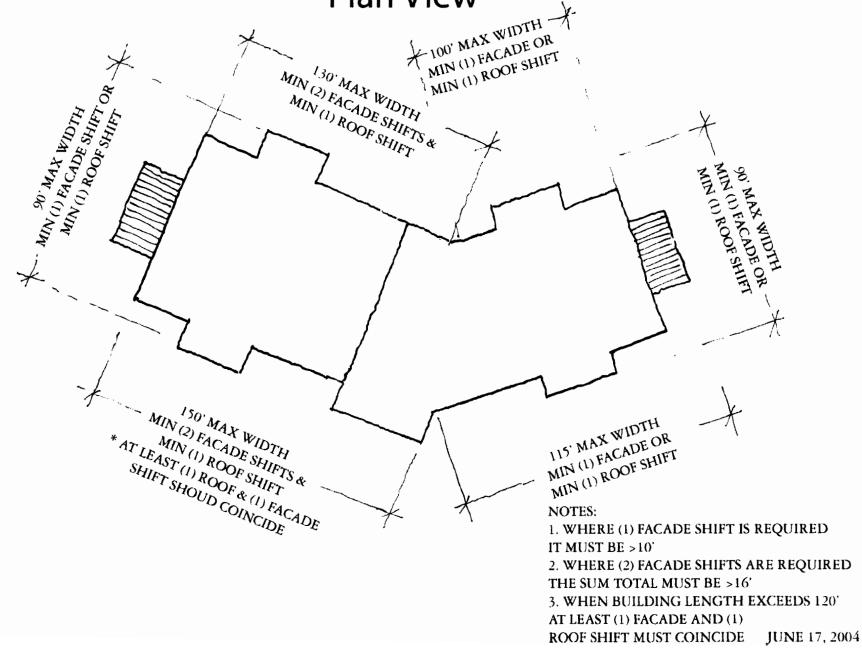
NOTES:

IT MUST BE >10'

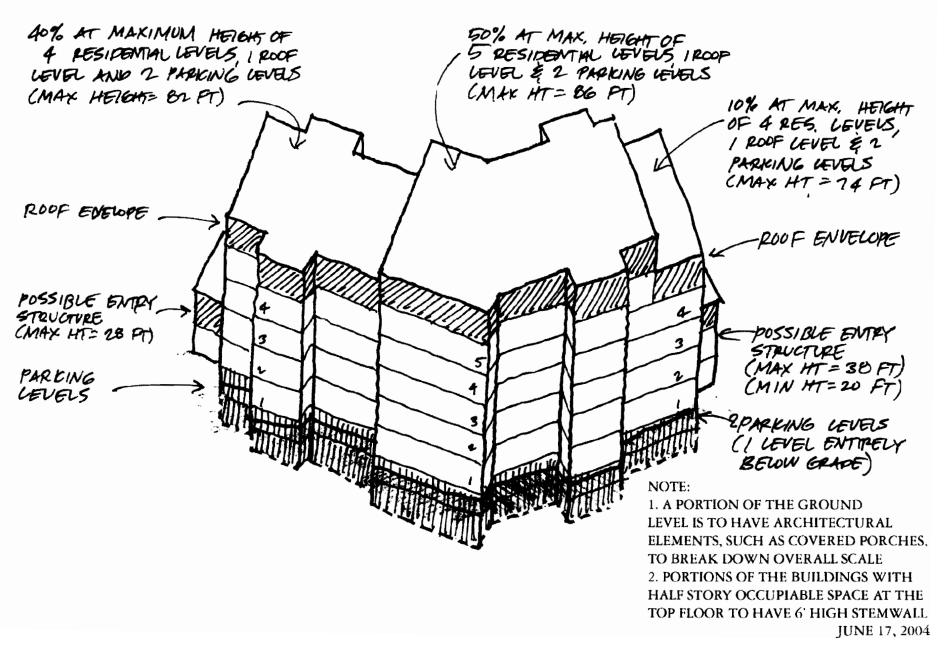
Building 6 Volumetrics Isometric View

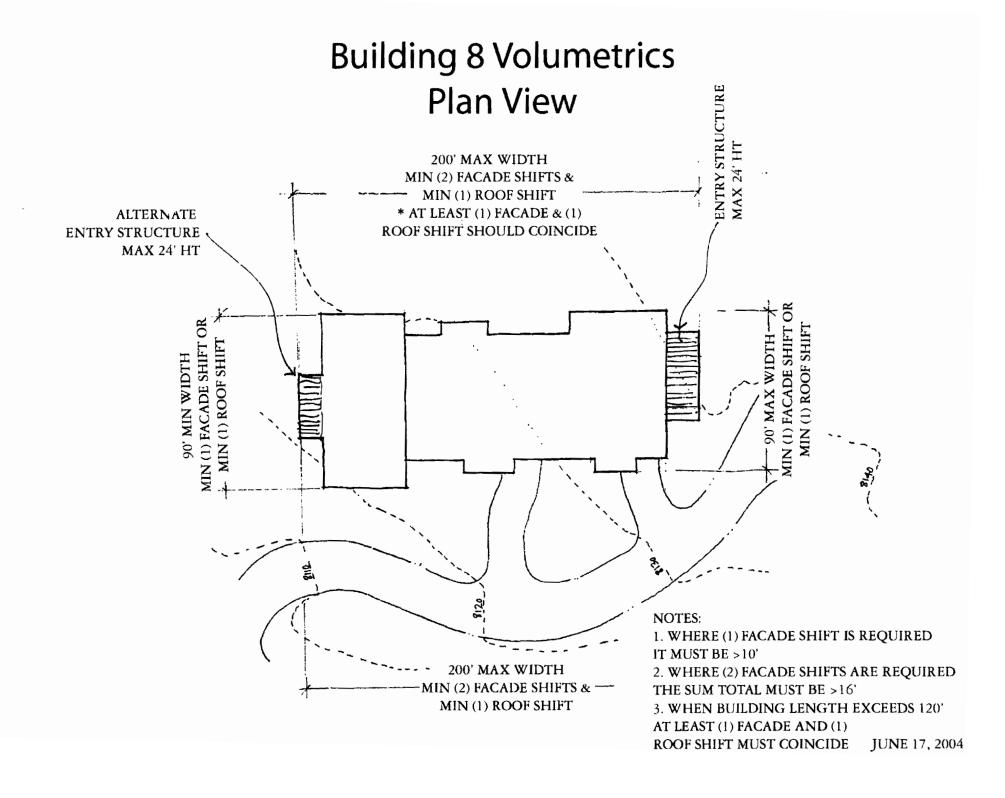


Building 7 Volumetric Plan View

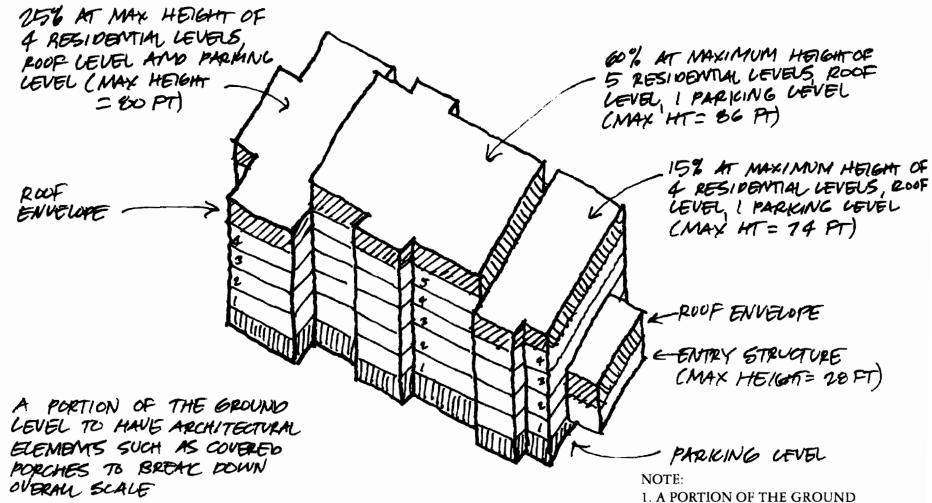


Building 7 Volumetrics Isometric View



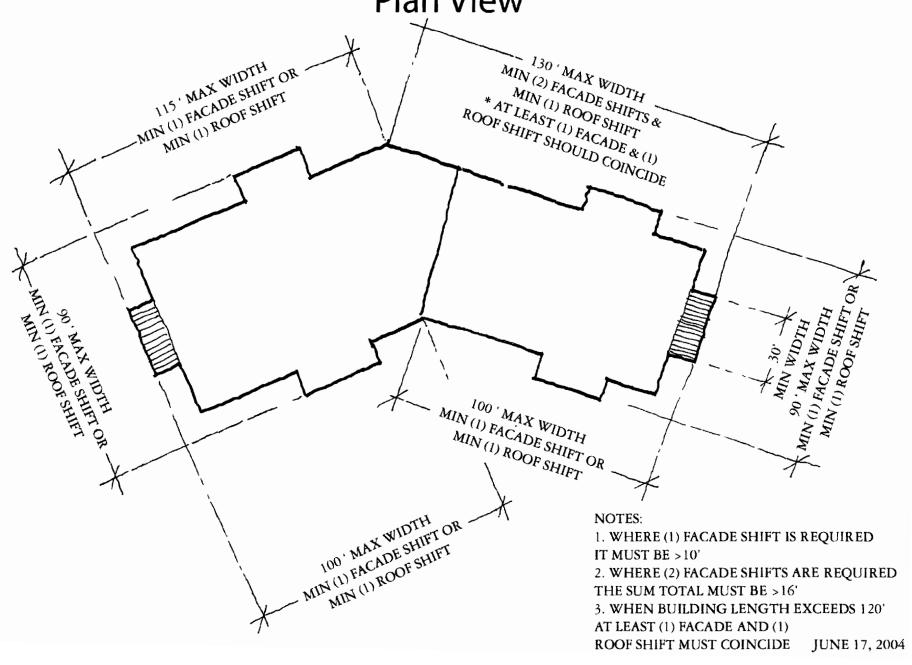


Building 8 Volumetrics Isometric View



1. A PORTION OF THE GROUND LEVEL IS TO HAVE ARCHITECTURAL ELEMENTS, SUCH AS COVERED PORCHES, TO BREAK DOWN OVERALL SCALE 2. PORTIONS OF THE BUILDINGS WITH HALF STORY OCCUPIABLE SPACE AT THE TOP FLOOR TO HAVE 6' HIGH STEMWALL JUNE 17, 2004

Building 9 Volumetrics Plan View



Building 9 Volumetrics Isometric View

