

**PARK CITY MUNICIPAL CORPORATION
 PLANNING COMMISSION
 CITY COUNCIL CHAMBERS
 June 13, 2018**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF May 23, 2018

PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda

STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

Land Management Code (LMC) Amendment – LMC Amendments regarding Chapter 15-1-21 Notice Matrix to reflect the 30 day appeal period for Historic District Design Reviews. PL-18-03870 16
Planner
Grahn
Public hearing and continuation to July 11, 2018.

REGULAR AGENDA – Discussion, public hearing, and possible action as outlined below

638 Park Avenue – City Council Remand of a Conditional Use Permit (CUP) for a Private Event Facility Back to Planning Commission for Additional Review. PL-16-03412 17
Planner
Grahn
Public hearing and possible action.

Twisted Branch Subdivision Plat – A Subdivision Plat for 4 lots of record for an on-mountain private restaurant, a City water tank, a City pump station, and a recreational warming shelter/yurt; existing Twisted Branch Road; parcels for Deer Valley Resort uses; open space; and existing SR 244, subject to the Flagstaff Annexation and Development Agreement, located within the Empire Pass Development Area and Flagstaff Mountain and Empire Pass Development Construction Mitigation Plan amendments regarding clean excavation materials stockpiling and depositing and construction traffic routing. PL-18-03664 92
Planner
Whetstone
Public hearing, discussion, and continuation to July 11, 2018.

Park City Heights Subdivision – Amendment to subdivision phasing plan. PL-17-03552 172
Planner
Whetstone
Public hearing and possible action.

Daly Delight Plat Amendment at 180 & 182 Daly Avenue - The applicant intends to create a two (2) lot subdivision two platted lots and vacated Anchor Avenue. In addition, a portion of the property will be dedicated to Park City Municipal Corporation as Daly Avenue Right-of-Way. Another portion of the property will be dedicated to Park City Municipal Corporation as Ridge Avenue Right-of-Way. PL-18-03838 196
Planner Tyler
Public Hearing and possible recommendation for City Council on June 28th, 2018.

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

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

<p>115 Sampson Avenue – Steep Slope Conditional Use Permit – applicant is proposing to construct an addition to a historic house, designated as “Significant” on the Historic Sites Inventory, on a slope greater than 30%. <i>Public hearing and possible action.</i></p>	<p>PL-18-03794 219 <i>Planner Grahm</i></p>
<p>Land Management Code (LMC) Amendment – Removing Garage at 1503 Park Avenue from the Park City Historic Sites Inventory (HSI) as codified by LMC Section 15-11-10(D)(2)(dt). <i>Public hearing and possible recommendation for City Council on June 21st, 2018.</i></p>	<p>PL-18-03830 254 <i>Planner Grahm</i></p>
<p>813 Woodside Avenue Plat Amendment – Proposal to remove an interior lot line to create one (1) lot of record 2,417 sf. in size. <i>Public hearing and possible recommendation for City Council on July 12, 2018</i></p>	<p>PL-18-03841 278 <i>Planner Astorga and Planner Jackson</i></p>
<p>Land Management Code Amendments regarding Setbacks and Yards in Chapters 15-2.1 Historic Residential-Low Density (HRL); 15-2.2 Historic Residential (HR-1); 15-2.3 Historic Residential (HR-2); 15-2.4 Historic Residential Medium District (HRM); 15-2.5 Historic Recreation Commercial (HRC); 15-2.6 Historic Commercial Business (HCB); 15-2.7 Recreation and Open Space (ROS); 15-2.8 Protected Open Space (POS); 15-2.9 Rural Estate (E-40); 15-2.10 Estate (E); 15-2.11 Single Family (SF); 15-2.12 Residential (R-1); 15-2.13 Residential Development (RD); 15-2.14 Residential Development-Medium Density (RDM); 15-2.15 Residential- Medium Density (RM); 15-2.16 Recreation Commercial (RC); 15-2.18 General Commercial (GC); 15-2.19 Light Industrial (LI); 15-2.22 Public Use Transition (PUT); 15-2.23 Community Transition (CT); 15-3 Off-Street Parking; 15-4 Supplemental Regulations; and 15-15 Defined Terms. <i>Public hearing and possible recommendation for City Council on July 12, 2018.</i></p>	<p>PL-18-03867 295 <i>Planner Morlan and Planner Jackson and Planner Newberry</i></p>
<p>1304 Park Avenue Plat Amendment – Proposal to create one (1) legal lot of record from a metes and bounds parcel. <i>Public hearing and possible recommendation for City Council on July 12, 2018.</i></p>	<p>PL-18-03539 369 <i>Planner Jackson</i></p>
<p>1201 – 1299 Lowell Avenue – King's Crown Development Agreement. <i>Review and ratification.</i></p>	<p>PL-17-03515 381 <i>Planner Astorga</i></p>

ADJOURN

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

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PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 23, 2018

COMMISSIONERS IN ATTENDANCE:

Chair Melissa Band, John Kenworthy, John Phillips, Mark Sletten, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Anya Grahn, Planner; Hannah Turner, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Band called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Hall, who was excused.

ADOPTION OF MINUTES

May 9, 2018

Commissioner Kenworthy referred to page 23, last full paragraph, and added the words **extended height**. the revised sentence read “The City is doing everything possible regarding transportation, but if we want to satisfy the affordable housing issue, they may have to compromise by allowing height in areas where we do not particularly want **extended height**”.

Commissioner Thimm referred to page 23, second paragraph, first sentence and changed “Commissioner Thimm said that the...” to correctly read, “Commissioner Thimm said that **he** has been involved in a number of affordable housing projects...”.

MOTION: Commissioner Phillips moved to APPROVE the Minutes of May 19, 2018 as amended. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson announced that Planner Anya Grahn and Planner Tippe Morlan had earned their American Institute of Certified Planners certification. He believed Park City has more certified planners per capita than any other planning department in the State. He noted that both had scored 100%. Director Erickson congratulated Anya and Tippe.

Director Erickson stated that Planner Hannah Tyler would be taking the test in November.

Chair Band welcomed former Planning Commissioner Adam Strachan and recognized the number of years and hours he gave to the City and the Planning Commission; especially on the Treasure Hill application. He was an amazing leader and a great asset to the community.

Mayor Andy Beerman presented Adam with a plaque for his service, and questioned how they could properly thank him for all the time he had given over ten years. He named a number of the larger and more contentious projects the City faced during his time on the Planning Commission. Mayor Beerman believed they had reached this point in trying to resolve Treasure Hill because of the hard work the Planning Commission did under Adam's leadership. On behalf of everyone, Mayor Beerman thanked Adam for his service and all his good work.

Adam stated that he was thankful and honored. The Planning Commission is close to his heart and he does not regret any of the time he spent on the Commission. He appreciated the opportunity of having served with Commissioners Phillips, Band, Suesser and Thimm; and he wished the new Commissioners the best of luck.

Director Erickson thanked Laura Newberry and Liz Jackson for their efforts in getting the plaque for Adam.

CONTINUATIONS – Public hearing and continue to date specified.

1. 115 Sampson Avenue – Steep Slope Conditional Use Permit – applicant is proposing to construct an addition to a historic house, designated as “Significant” on the Historic Sites Inventory, on a slope greater than 30%.
(Application PL-18-03794)

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

MOTION: Commissioner Thimm moved to CONTINUE 115 Sampson Avenue Steep Slope CUP to June 13, 2018. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

2. Land Management Code Amendments regarding Food Trucks in Chapters 15-1-10 Conditional Use Review Process; 15-2.5 Historic Recreation Commercial (HRC) District; 15-2.6 Historic Commercial Business (HCB) District; 15-2.13 Residential Development (RD) District; 15-2.14 Residential Development-Medium Density (RDM) District; 15-2.16 Recreation Commercial (RC) District; 15-2.17 Regional Commercial Overlay (RCO) District; 15-2.18 General Commercial (GC) District; 15-2.19 Light Industrial (LI) District; 15-2.22 Public Use Transition (PUT) District; 15-2.23 Community Transition (CT) District; and 15-15 Defined Terms. (Application PL-18-03846)

Planner Tyler reported that this was a LMC amendment for food truck locations in Park City. The Staff would be taking this amendment to the City Council for policy direction on June 13th. After getting that direction, doing their analysis, and reaching out to the important stakeholders in the community, the Staff will come back to the Planning Commission with a Land Management Code amendment. She noted that the objective this evening was to give notice to the public that this amendment was being considered and it would be aligned with State Code.

Commissioner Thimm read from Item 14 on page 35 of the Staff report, "Food Trucks must not impede safe movement". He noted that Item 3 only refers to emergency vehicle access. Commissioner Thimm thought Item 3 should be strongly worded in its final form to say that it must not impede emergency vehicles.

Commissioner Suesser wanted to know which locations were being considered for food trucks; or whether there were potential sites. Planner Tyler noted that page 29 showed all the possible zones for food trucks. At this point, food trucks will not be located in the rights-of-way due to safety concerns. It would only be for private property.

Assistant City Attorney McLean pointed out that it could also be for City-owned properties; and the City would have to follow the same CUP process as a private property owner. Regarding rights-of-way, Ms. McLean stated that State Code is very explicit about what they have to allow. If food trucks are allowed in the right-of-way a CUP would not apply.

Commissioner Band opened the public hearing. There were no comments. Chair Band closed the public hearing.

MOTION: Commissioner Sletten moved to CONTINUE the Land Management Code Amendments regarding food trucks to a date uncertain. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

3. Twisted Branch Road Subdivision Plat – A Subdivision Plat for 3 lots of record for an on-mountain private restaurant, a City water tank and pump station, and a recreational warming shelter/yurt; existing Twisted Branch Road; parcels for Deer Valley Resort uses; open space and existing SR 244, subject to the Flagstaff Annexation and Development Agreement, located within the Empire Pass Development Area. (Application PL-17-03664)

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

Commissioner Phillips questioned the number of times this item has been continued. Commissioner Band noted that this would be the third continuation. Planner Whetstone thought they would be ready to come to the Planning Commission on June 13, 2018.

MOTION: Commissioner Suesser moved to CONTINUE Twisted Branch Road Subdivision Plat to June 13, 2018. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

4. Flagstaff Mountain and Empire Pass Development – Construction Mitigation Plan amendments regarding clean excavation materials stockpiling and depositing and construction traffic routing.

Commissioner Band opened the public hearing. There were no comments. Chair Band closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE Flagstaff Mountain and Empire Pass Development – Construction Mitigation Plan Amendments to June 13, 2018. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

5. Park City Heights Subdivision – Amendment to subdivision phasing plan.

Commissioner Band opened the public hearing. There were no comments.
Commissioner Band closed the public hearing.

MOTION: Commissioner Sletten moved to CONTINUE the Park City Heights Subdivision Amendment to the subdivision phasing plan to June 21, 2018.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **1062 and 1064 Park Avenue – A plat amendment proposing to create a two (2) lot subdivision from four (4) existing lots of record and two (2) metes-and-bounds parcels. (Application PL-18-03818)**

Commissioner Suesser assumed from the photos in the Staff report that the existing residence straddles two of the four lots. Planner Tyler answered yes. She explained that there is a Landmark structure on Lot B that straddles both of the interior lots. This amendment would clean that up, as well as the lot lines on the metes and bounds parcel.

Planner Tyler reported that this was a simple plat amendment. Both platted lots are the same site configuration as two platted lots in the Snyder's addition, along with an adjacent metes and bounds parcel. The request is to combine the existing lots four lots and the metes and bounds parcel into two lots of record.

The Staff recommended that the Planning Commission forward a POSITIVE recommendation to the City Council for the Plat Amendment at 1062 and 1064 Park Avenue based on the findings of fact, conclusions of law, and conditions of approved found in the draft ordinance.

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

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council regarding the Sunshine Ski Home plat amendment located at 1062 Park Avenue and 1064 Park Avenue, based upon 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 – 1062 and 1064 Park Avenue

1. The properties are located at 1062 Park Avenue and 1064 Park Avenue are in the Historic Residential-Medium Density (HR-M) District.
2. The proposed site location consists of 1062 Park Avenue (“Landmark” Single-Family Dwelling) and 1064 Park Avenue (vacant lot).
3. 1062 Park Avenue and 1064 Park Avenue are adjoining properties, each consisting of two (2) platted lots in Snyder’s Addition to Park City Survey and an adjacent metes-and-bounds parcel to the northeast.
4. The applicant intends to create a two (2) lot subdivision from the four (4) platted lots and two (2) metes-and-bounds parcels.
5. The Plat Amendment application was complete on March 21, 2018.
6. 1062 Park Avenue is listed as a “Landmark” Site (single-family dwelling) on the Park City Historic Sites Inventory (HSI). The applicant has stated their intent to restore the “Landmark” single-family dwelling and construct an addition in the rear.
7. 1064 Park Avenue is currently a vacant lot.
8. Portions of both 1062 and 1064 Park Avenue are located in Federal Emergency Management Agency’s (FEMA) Flood Zone AO and Flood Zone X. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.
9. The minimum lot width in the HRM District is 37.5 feet; the lot width of Lot A and Lot B will be 37.5 feet.
10. For lots over 75 feet in depth, the required Front Yard Setback for the Single-family Dwelling and a Duplex Dwelling is 15 feet in the HRM Zoning District.
11. The required Rear Yard Setback is 10 feet in the HRM Zoning District.
12. The required Side Yard Setback for the Single-Family Dwelling and a Duplex Dwelling is 5 feet in the HRM District.
13. A single-family dwelling is an allowed use in the HRM Zoning District.
14. A duplex dwelling is an allowed use in the HRM Zoning District.
15. Staff finds good cause for this Plat Amendment as interior lot lines and metes and-bounds parcel boundaries will be removed for both 1062 and 1064 Park Avenue creating two (2) legal lots of record. In addition, ten foot (10”) public snow storage easements along Park Avenue and 11th Street will be granted to the City.
16. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards.
17. On May 9th, 2018 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on May 5th, 2018 according to requirements of

the Land Management Code.

18. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1062 and 1064 Park Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. There is good cause for this plat amendment as it will resolve lot line encroachments and provide snow storage easements.
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 – 1062 and 1064 Park Avenue

1. The 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 year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and is granted by the City Council.
3. The applicant shall show and label all easements with Snyderville Basin Water Reclamation District (SBWRD) on the plat amendment.
4. A ten feet (10") wide public snow storage easement will be required along the Park Avenue and 11th Street frontage of the property.
5. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.

2. **1011 Empire Plat Amendment, located at the same address – A plat amendment proposing to subdivide 3 existing lots of record addressed at 1011 Empire Avenue into two lots of record. (Application PL-17-03625)**

Planner Anya Grahn reviewed the application for a plat amendment at 1011 Empire Avenue. There is an existing historic house on Lot 1 of the proposed subdivision. The applicant is proposing to subdivide three lots into two lots of record. The historic house would remain on Lot 1.

Planner Grahn reported that the applicant went before the Historic Preservation Board for material deconstruction approval, which addressed a number of encroachments such as the garage and retaining walls in the right-of-way.

Commissioner Suesser thought the historic house actually sits on Lots 1 and 2 because it is larger than one lot. Planner Grahn stated that in looking at the current survey, the historic house sits over Lots 4, 5 and 6. However, when they actually do the subdivision it will be on Lot 1 of the new subdivided plat.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 1011 Empire Avenue Plat Amendment, 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 – 1011 Empire Avenue

1. The property is located at 1011 Empire Avenue.
2. The property consists of all of Lots 4, 5, and 6 of Block 28 of Snyder's Addition to Park City.
3. The property is in the Historic Residential (HR-1) District.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
5. The Plat Amendment removes two (2) interior lot lines.
6. The proposed Plat Amendment combines the property into two (2) lots: Lot 1 which includes the historic house will include 2,812.5 square feet. Lot 2 will contain 2,812.5 square feet.
7. The minimum lot area for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed lots meet the minimum lot area for single-family dwellings. The proposed lots do not meet the minimum lot area for a duplex at 3,750 square feet.
8. A single-family dwelling is an allowed use in the District.
9. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lots meet the minimum lot width requirement with widths of 37.50 feet.

10.LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

11.The applicant proposes to maintain and renovate the historic house on Lot 1 of the 1011 Empire Avenue Subdivision and develop Lot 2 with a new single family house.

12.The minimum front/rear yard setbacks are 10 feet (10"); the minimum total front plus rear yard setbacks are minimum of twenty feet (20"). The historic house, located on Lot 1 of the proposed plat amendment, has a front yard setback of 19 feet and a rear yard of 8 feet. The 8-foot rear setback is valid non-complying. There is an existing non-historic garage which is non-historic which has 0" front setback and encroaches in the City right of way. The owner has indicated he will remove the garage.

13.The minimum side yards for the two (2) proposed lots are 3 feet for a total of 6 feet for each lot.

14.There are several existing encroachments on site. The existing non-historic garage, constructed in the 1970s, encroaches three feet (3") into the City right-of-way. There are also stacked stone retaining walls that encroach approximately two feet (2") into the right-of-way.

15.The area behind the curb is not landscaped and has become an illegal, gravel parking space.

16.The applicant stipulates to abandoning the Bed and Breakfast use approved in 1991 and 1999 by the Park City Planning Commission and to removal of the reserved parking sign.

17.The Park City Planning Department received the plat amendment application on July 26, 2017; the application was deemed complete on August 14, 2017. The applicant then amended his plat amendment and submitted a revised request on March 6, 2018.

18.On April 18, 2018 the Historic Preservation Board approved the Material Deconstruction associated with the HDDR at 1011 Empire, this included approval to remove the non-historic garage and stone retaining walls in the public ROW.

19.All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1011 Empire 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 – 1011 Empire 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 date and an extension is granted by the City Council.
 3. The existing garage encroaches approximately three feet (3") into the right-of-way. The applicant shall remove the existing garage prior to recordation of this plat amendment.
 4. The existing stone retaining walls encroach approximately three feet (3") into the right-of-way. The applicant shall remove the existing retaining walls prior to recordation of this plat amendment.
 5. Residential fire sprinklers will be required for all new construction per the requirements of the Chief Building Official.
 6. Ten foot (10") public snow storage easement shall be granted along the Woodside Avenue right-of-way.
 7. The "Reserved Parking" signs within the right-of-way shall be removed as street parking is public and not exclusively reserved for 1011 Empire Avenue.
 8. Prior to plat recordation, the applicant shall remove the illegal gravel parking pads behind the curb and landscape this area to prevent future parking.
 9. The Owner stipulates that he is abandoning the Bed and Breakfast Use at this Location.
3. **1135 Norfolk Plat Amendment, located at the same address—A plat amendment proposing to combine all of Lots 8 and 9 and the south half of Lot 10, Block 17 of the Snyder's Addition to Park City into one lot of record. (Application PL-18-03826)**

Planner Grahn reported that this was a Significant Site on the Historic Site Inventory. The existing house encroaches over two interior lot lines. The entire site contains 2-1/2 lots. There is also a non-historic garage. The applicant currently does not have a Historic District Design Review; but cleaning up the lot lines is the first step in the process. If the plat amendment is approved, the next step would be to submit a proposal for the house and the site.

The Staff recommended approving this plat amendment to create one lot of record and to remove the interior lot lines.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Commissioner Suesser asked if Lot 10 was on the north side of the property. Planner Grahn thought it was on the north side. Commissioner Suesser understood that this plat amendment would combine half of Lot 10 with Lots 8 and 9 to form one lot of record. Planner Grahn replied that the current parcel contains 2-1/2 lots. She was unsure when the half portion was acquired. She clarified that 2-1/2 lots would be combined into one lot of record.

Commissioner Suesser asked if the non-historic garage was an encroachment. Planner Grahn answered yes. She pointed to where it encroaches on to the neighboring property, but mostly into the right-of-way. Planner Grahn stated that the garage is in poor condition and she believed the applicant was interested in removing the garage. The Staff asked the applicant to pull back the garage and remove the portions that encroach in order to resolve the encroachment issue.

MOTION: Commissioner Kenworthy moved to forward a POSITIVE recommendation to the City Council for the 1135 Norfolk plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1135 Norfolk

1. The property is located at 1135 Norfolk Avenue.
2. The site contains all of Lots 8 and 9 and the south half of Lot 10, Block 17 of the Snyder's Addition to Park City. The property is in the Historic Residential (HR-1) District.
3. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
4. The Plat Amendment removes two (2) interior lot lines.
5. The proposed Plat Amendment combines the property into one lot of record.
6. The minimum Lot Size for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed lots meet the minimum lot area for single-family dwellings as it will create a lot containing 4,687.5 square feet.
7. The total lot size and width will be larger than neighboring single-family lots;

however, development on this lot is limited due to the location of the historic house on the site, which limits additional development to the rear of the historic house.

8. A single-family dwelling is an allowed use in the District.

9. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lot meets the minimum lot width requirement at 62.50 feet.

10.LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

11.The minimum front/rear yard setbacks are 10 feet (10"); there is a non-historic shed in the backyard that has a 5-foot rear yard setback and complies with the allowed rear yard setback of 1 foot for Accessory Buildings less than 18 feet in height, per LMC 15-2.2-3(G)(6). There is a 0 foot front yard setback as a non-historic concrete garage encroaches over the front property line and into the City's right-of-way.

12.The minimum side yards are 5 feet for a total of 14 feet. The existing site has a side yard setback of 5 feet along the north property line, but 0 feet along the south property line. The non-historic concrete garage encroaches into the neighboring property to the south.

13.There are several existing encroachments on site. The existing non-historic concrete garage encroaches approximately 2 feet into the City right-of-way and approximately 1.5 feet into the property directly to the south at 1121 Norfolk Avenue. There are concrete retaining walls built into the right-of-way and into the neighboring property at 1121 Norfolk Avenue. There is also a railroad tie retaining wall that encroaches over the property west property line and into the neighboring property. The Victorian Village Condominiums. Finally, it appears that the Victorian Village Condominiums built a composite staircase that bisects the northwest corner of the subject site.

14.The Park City Planning Department received the plat amendment application on March 23, 2018; the application was deemed complete on March 29, 2018.

15.All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law - 1135 Norfolk

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 – 1135 Norfolk

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 date and an extension is granted by the City Council.
3. The applicant shall demolish the portion of the non-historic concrete garage that encroaches into the City right-of-way and neighboring property at 1121 Norfolk Avenue prior to recordation of the plat amendment.
4. The applicant shall demolish the portion of the non-historic concrete and railroad tie retaining walls prior to recordation of the plat amendment.
5. The composite staircase that bisects the northwest corner of this lot and owned by the Victorian Village Condominiums shall either be removed or the applicant shall enter into an encroachment agreement with Victorian Village Condominiums for the stairs, prior to recordation of the plat amendment.
6. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the plat
7. Ten foot (10") public snow storage easement shall be granted along the Woodside Avenue right-of-way.

The Park City Planning Commission Meeting adjourned at 5:50 p.m.

Approved by Planning Commission: _____



Planning Commission Staff Report

Subject: LMC Amendments – Notice Matrix
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-18-03870
Date: July 11, 2018
Type of Item: Legislative – Land Management Code (LMC) Amendments

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to July 11, 2018 to allow staff to make additional revisions to this chapter regarding the appeal process.

Description

Proposal: LMC amendments to update Notice Matrix to reflect 30-day required appeal period for Historic District Design Reviews (HDDRs).

Applicant: Planning Department

Location: Historic Zoning Districts [Historic Residential Low-Density (HRL); Historic Residential 1(HR-1); Historic Residential 2 (HR-2); Historic Residential-Medium Density (HRM); Historic Recreation Commercial (HRC); Historic Commercial Business (HCB)]; sites designated as Historic but outside the H-Districts

Reason for Review: LMC Amendments require Planning Commission review, public hearing, and recommendation plus City Council review, public hearing, and final action

Planning Commission Staff Report

Subject: 638 Park Avenue (Kimball Garage)
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-16-03412
Date: June 13, 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 recommends that the Planning Commission discuss the remand of the appeal of the Conditional Use Permit (CUP) for a Private Event Facility at the Historic Kimball Garage at 638 Park Avenue, hold a public hearing, and consider providing direction to prepare findings to approve with additional conditions or denying the CUP 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

On September 19, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) for a Private Event Facility at 638 Park Avenue. The applicant is rehabilitating the existing historic building for Retail and other Commercial uses and is constructing a new addition to the east, adjacent to Main Street. The upper level of the addition is proposed to be used as a Private Event Facility; an exterior rooftop terrace, part of the Private Event Facility, will be over the historic building. The CUP application is specifically to allow the Private Event Facility uses. The building is currently under construction and is not subject to the CUP. Only the proposed use of the Private Event Space in the new addition and rooftop deck are subject to the CUP review.

Background

Recent History of Applications

The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016; an appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment (BOA) met

on October 18, 2016, denied the appeal and upheld staff's determination [[Staff Report](#) (page 23) and [Minutes](#) (page 1)]. The time to appeal that decision to the District Court has passed and no appeal has been filed.

The Park City Museum had objected to a number of issues, including the removal of one (1) of the two (2) bow-string arches forming the roof of the building; however, the BOA found that the removal complied with the Design Guidelines as rooftop additions are permitted on commercial buildings in the Main Street National Register District, of which the Kimball Garage is a part of. Further, because the barrel was not visible from the primary public rights-of-way, it was appropriate to remove it to accommodate the rooftop deck addition which will sit below the parapet and will generally not be visible from the Heber Avenue right-of-way.

The BOA stressed that they found the rooftop terrace addition permissible because it would generally not be visible from the Heber Avenue right-of-way. The approval included Finding of Fact #26 specifying, "the proposal complies with Specific Design Guidelines B.1. Roofs. The BOA has determined that the original roof form, consisting of two (2) barrel vaults running north-to-south are not character-defining features of the historic structure, and, thus, the applicant will only be required to maintain the western barrel-vault." As designed, the rooftop terrace will be setback from the Heber Avenue façade of the building in order to minimize the visibility of the necessary railing from street view. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck. (See [BOA Minutes 10.18.16.](#))

The Park City Council also approved the Kimball on Main plat amendment for this property at 638 Park Avenue on May 19, 2016 (See [Ordinance 2016-21](#)). The plat was recorded on February 3, 2017.

On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. It is important to note that in 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The property is currently in the Heber Avenue Subzone of the HRC District. The proposed FAR of the proposed project with the new addition is 1.45.

History of Conditional Use Permit (CUP) for Private Event Facility

On September 19, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) for a Private Event Facility at 638 Park Avenue. The applicant is in the process of rehabilitating the existing historic building for Retail and other Commercial uses and constructing a new addition to the east, adjacent to Main Street. (A building permit was issued on February 16, 2017.) The upper level of the addition is proposed to be a Private Event Facility that extends on to the rooftop terrace.

(This CUP will allow for outdoor private events, without requiring approval of an individual Administrative CUP for each outdoor event.)

The following staff reports and meeting summarize the history of this application:

- **November 9, 2016:** Planning Commission reviews CUP for Private Event Facility on [see [Staff Report](#) (starting page 23) and [Minutes](#) (starting page 28)]. Planning Commission continues the item to December for further discussion.
- **December 14, 2016:** Planning Commission reviews CUP [see [Staff Report](#) (starting page 95) and [Minutes](#) (starting page 60)]. They voted unanimously (6-0) to approve the CUP for Private Event Facility.
- **March 30, 2017:** Park City Council heard the appeal [[Staff Report](#) (page 151), [Minutes](#) (page 9), and [Audio](#)]. The Park City Council was overall not in favor of the CUP as they found there were reasonably anticipated detrimental effects of the proposed CUP that could not be substantially mitigated. City Council remanded the appeal back to the Planning Commission for further review.
- **September 27, 2017:** Staff held a work session with the Planning Commission to receive additional direction on moving forward [[Staff Report](#) (starting page 202) and [Minutes](#) (starting page 3)].

Process:

This appeal has been remanded back to the Planning Commission for their review of the CUP. The Planning Commission will review the scope of the remand on the CUP and make a determination on the CUP. The scope of the Planning Commission review is limited to the remand.

Per LMC 15-1-18(J), the City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

Analysis:

In response to the City Council remand on March 30, 2017 and the Planning Commission work session on September 27, 2017, the applicant submitted a response to Staff on the remand on May 11, 2018.

Pursuant to [LMC 15-1-10 Conditional Use Review Process](#), "There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use. A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the

reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.” The Conditional Use review items are outlined in [LMC 15-1-10\(E\)](#).

Staff has provided a summary of past City Council and Planning Commission direction on each of the four (4) items below. The size of the possible events to be held at this Private Event Facility warrants consideration of specific mitigation strategies. Staff concludes that the proposed mitigation strategies are not specific to the size of the impacts. The Planning Commission should review these mitigation strategies, and determine whether or not the applicant has mitigated the issues and addressed concerns. A complete report by the applicant has been provided as Exhibit C; staff has summarized the applicant’s responses below.

1. NOISE

City Council Direction

- City Council found that the location was a geographic problem because it faced uphill residential neighborhoods, and they determined that the Conditions of Approval did not adequately address noise associated with the outdoor event space. They worried that the likelihood of violations of the noise ordinance would unreasonably and adversely impact the residential neighbors, forcing the neighborhood to bare an unreasonable enforcement role especially after-hours and weekends.
- City Council found that the glass railing and walls surrounding the outdoor space would be sound reflectors and amplify the noise. To combat this, they suggested amplified sound be limited to the interior only.
- Finally, City Council directed the Planning Commission to mitigate or find a way to restrict the noise through more restrictive event uses, more limited hours, and additional methods that would limit operations and prevent the use from becoming a nuisance to the surrounding neighborhood.

Planning Commission Work Session Analysis

- The Planning Commission also had concerns about the location of the site; however, they found that the outdoor space would likely regulate itself due to the Park City’s climate. They recommended that outdoor activity not be permitted after the sun goes down and to refrain from heating the outdoor space after dark to encourage guests to move inside.
- The Planning Commission also considered the applicant’s design solutions to mitigate noise. They found that the proposed vestibule between the indoor event space and outdoor space would likely help mitigate sound; however, they requested additional analysis on how the glass railings would act as a speaker and amplify the noise.

- In response to the applicant's presentation of a sound mitigation system, they found that the noise mitigation plan was technically advanced, but they were unsure how it could be regulated. They asked the applicant to further demonstrate how it would function for amplified noises. They also expressed concerns about the noise monitoring equipment not being able to mitigate the impacts of guests having a conversation on the deck. Like City Council, the Planning Commission worried about noise enforcement falling on the neighbors.
- They also emphasized the need for time limitations on the use of the outdoor space to prevent excessive noise.

Applicant's Response

- The applicant has commissioned Henderson Engineers to conduct a third-party study of noise. The consultants found that the baseline for ambient noise averaged about 52.5 dBA. Based on an analysis of 150 guests with 2 acoustic musicians on the terrace and 75 people talking simultaneously, the study found that the maximum noise level would be 72 dBA for "loud talking." The study also measured comparable outdoor music and human chatter at other active locations and found that the levels were roughly 53 and 54 dBA, below the Maximum Permissible Sound Levels for the Commercial Use District. The applicant believes that the Henderson Study demonstrates that any event at maximum capacity on the terrace would not exceed the Maximum Permissible Sound Levels for the Commercial District, which vary from 60 dBA to 65 dBA depending on the time of the day. They find that the proposed use will comply with the City's [Noise Ordinance](#).
- The applicant has also introduced design features that would further mitigate noise. They have incorporated a sound trap in the soffit of the west elevation that will diffuse sound waves and acoustic baffles in the ventilation outlets to minimize noise transfers through the mechanical shafts. The insulated glass used on the doors and windows of the west façade and railings will reduce sound reflectivity and reduce noise traveling between the interior and exterior spaces. In particular, the applicant argues that the glass railings surrounding the terrace will actually reduce the sound on the outdoor terrace because it will reflect the sound back into the terrace and not project it into surrounding neighborhoods. They are also proposing automatic closing devices on the exterior doors to ensure that the doors are maintained in a closed position and are not left open. The applicant also notes that the barrel vault on the west side of the terrace will provide a physical separation and noise barrier. Landscape buffers on the south and west sides of the terrace will provide additional separation and help absorb sound.
- Additionally, the applicant has proposed a Noise Management Plan as part of their operations management. The plan calls for the use of sound limiting and monitoring equipment, training procedures for event staff, and robust complaint procedures. The applicant proposes to train their management staff to educate guests and facility users of the city's noise ordinance requirements as well as conduct periodic measurements to ensure compliance. Detailed complaint

procedures designate the operator of the event space as the first line of communication. Additional procedures will disallow the removal of containers (garbage) and emptying of bottles to external areas after 9pm, permitting these activities to occur the following day and reduce nighttime noise.

- The applicant has not proposed to modify the hours of operation, which the CUP initially limited to 8am and midnight for the indoor event space and 11am to 10pm for the outdoor space, consistent with the City's Noise Ordinance.

Staff Analysis

- Staff finds that the applicant has mitigated the impacts for potential amplified music and sound on the balcony through the use of design elements and technology; however, the applicant has not provided a means of controlling the non-amplified noise that is caused by maximum occupancy. This was of particular concern for the Planning Commission and City Council during their past reviews.
- According to the approved building permit plans, staff finds that the maximum occupancy load permitted on the outdoor terrace is 141 guests for non-constrained assembly (i.e. no tables and chairs) and will be less than 141 guests for most events due to the need for outdoor furnishings. In the past, City Council and the Planning Commission have made the distinction between acoustic music and bands playing on the patio. The applicant has restricted the patio level for only amplified acoustic music, meaning the bands and DJs will be restricted to the indoor event space. Further, the applicant has proposed a robust sound mitigation strategy through the use of technology and operations plan.
- They also have both requested that the hours of operation on the patio be limited; in the September 2017 meeting, the applicant did not want to restrict the use of the patio after 10pm in case guests wanted to go outside to smoke or carry on a conversation. Staff finds that there is a second balcony proposed on the Main Street-Heber Avenue corner that can be utilized to accommodate these types of activities after 10pm.
- Per the noise study by Henderson Engineers, the proposed use of the outdoor rooftop terrace should not violate the City's noise ordinance if operated within the proposed restrictions. Should the Planning Commission find that the use needs to be further mitigated due to the unique location and design issues, staff recommends that the Planning Commission direct the applicant to:
 - Further limiting the number of guests allowed on the rooftop terrace.
 - Limiting the hours of operation for the rooftop terrace further than what is required by the Noise Ordinance, with special consideration given to uphill residential neighborhoods.
 - Limiting outdoor activities that might generate undue noise to daytime hours.

2. LOADING, TRAFFIC, AND PARKING

City Council Direction

- City Council did not find that traffic, loading, and parking demands was sufficiently mitigated. They feared that this use would only exasperate the already congested intersections of Main Street and Heber Avenue as well as Park Avenue and Heber Avenue.
- They did not want to see overflow parking on Park Avenue that would create additional duress for the residential neighborhood.

Planning Commission Direction

- The Planning Commission found that the traffic mitigation needed to be more closely looked at, with special consideration given the proximity of congested intersections along Park Avenue, Heber Avenue, and Main Street. There was concern that traffic congestion at these intersections would block bus traffic. They did not believe the Heber Avenue intersections functioned in the same way that the rest of Main Street did, and they wanted to see a viable plan for mitigating the traffic.
- The Planning Commission also did not believe the applicant had adequately addressed loading/unloading areas. In addition to blocking sidewalk traffic, some commissioners feared that large crowds departing at the same time would increase noise levels; they recommended the applicant consider designating a loading/unloading zone for Transportation Network Companies (TNC) to pull off the street altogether.
- The Planning Commission Chair specifically addressed concern about the applicant relying on loading/unloading techniques for upper Main Street as a solution, as he found the Heber Avenue Subzone could not be treated the same because of impacts to the neighboring residents.
- The Commissioners were split regarding event parking mitigation. The Planning Commission asserted it was inappropriate for the applicant to perpetually rely on purchasing parking spaces from the City to address parking generated by the events. They were also not supportive of reducing parking or permanently converting parking along Heber Avenue into a 15-minute loading/unloading zone.

Applicant's Response

- The applicant reiterates that the Planning, Engineering, and Transportation Staffs' opinion that this use would not generate significantly greater traffic to the site than what already existed during the Kimball Arts Center events. They further state that the Planning Director determined on March 20, 2016 that parking had provided up to an FAR of 1.5 and no additional parking is required.
- The applicant goes on to say that they had approached the City about redesigning the Main Street-Heber Avenue intersection for the benefit of their project. They had offered to create a drop-off zone along Heber Avenue, however, the City did not approve those plans as the City was moving forward with their own redesign of the streetscape at this intersection.

- Applicant believes that the LMC does not require load-in and load-out zones for the event use, and the applicant has taken significant steps to mitigate any potential impacts by constructing on-site storage. The applicant has proposed a 1,180 square foot on-site storage room to allow the private event facility to store goods associated with the events; they believe this will minimize loading/unloading requirements associated with the events.
- The applicant further relies on [LMC 15-3-10 Off-Street Loading Spaces](#) which states that “Except in the Historic District Zones, every Structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle, must provide and maintain adequate space for standing, loading, or unloading services Off-Street. All such loading Areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any Front Yard or in any Street or Right-of-Way.” Applicant intends to follow the regulations for delivery along Main Street as provided in [Municipal Code 9-8-3](#).
- Applicant finds that emergency vehicle access has been provided as the building permit plans were approved by the Park City Fire District.

Staff Analysis

- During the September 2017 work session, the Planning Commission specifically requested that the applicant provide traffic mitigation plan, address loading/unloading of guest attendees and the associated noise, and parking. Since this application was submitted, the City has implemented a paid parking plan to further address parking in the commercial core and encourage the use of public transportation; however, as the Planning Commission noted in their last review, the applicant’s plans have not addressed rideshare programs that would require on-site drop-off and pick-up.
- The Planning Commission stated in their last review that the loading/unloading plans for Main Street were not synonymous with the activities of Lower Main Street. While on-site storage may mitigate some of the impact of loading/unloading, staff finds that deliveries will still be necessary to support the event space. Staff agrees with the applicant that there are specific provisions to address loading/unloading on upper Main Street, staff also finds that [Municipal Code 9-8-3](#) does address deliveries on Lower Main Street stating that:
 - A. Delivery vehicles operating north of Heber Avenue shall utilize Main Street during the hours from 7:00 a.m. to 12:00 noon. After 12:00 noon, no delivery vehicle shall be parked on Main Street.
 - B. Delivery vehicles may double park on Main Street north of Heber Avenue from the hours of 7:00 a.m. to 12:00 noon. Delivery vehicles may double park provided that: the double parked vehicle is in the course of an expeditious delivery, there is no other curb parking available, the double parked vehicle does not inhibit traffic flow or block a legally parked car from leaving the curb.

The Municipal Code goes on to say that deliveries cannot impede traffic on Main Street. Staff finds that the applicant will likely need to pay careful attention to deliveries and their impacts on the Park Avenue-Heber Avenue and Main Street-

Heber Avenue intersections to ensure that parked trucks do not create traffic implications.

- Staff finds that the applicant has not addressed all the concerns expressed by the Planning Commission during the September 2017 work session, specifically in regards to traffic mitigation, loading/unloading guests, and parking. Staff finds that while the applicant has met the minimum requirements for loading/unloading and parking, the Planning Commission had emphasized the increased intensity of spikes in traffic, loading/unloading, and parking generated by the use. Staff finds that the Planning Commission could further mitigate the impacts of the Private Event Space by directing the applicant to:
 - Providing an adopted traffic mitigation and off-site parking plan for all events over a set number of participants. This plan should address private shuttle service, enforcement of drop-off and loading zones, stewards to direct parking patrons to correct locations, and other mitigation strategies.
 - Consistent with other special events, the applicant's parking mitigation plan could require large events to make arrangements with other private parking areas to address the parking generated by the event.
 - Events will need to be staffed. Thus far, the emphasis has been on parking for event participants; however, the applicant's proposed parking plan should also address parking for staff.
- In our discussions with Public Works, staff found that there was concerns that traffic along this intersection could impede public bus traffic. Should the Planning Commission choose to approve this CUP, staff recommends adding a Condition of Approval requiring a minimum of two (2) traffic controlers to help control traffic while private high occupancy vehicles are loading and unloading event attendees.
- Emergency Manager Mike McComb expressed concerns about the lack of traffic mitigation and parking impact, especially when events at this location coincided with other large-scale community events, such as the Kimball Arts Festival. He recommended that the applicant create and train staff on an emergency operations plan for use during evacuation and/or shelter-in-place while an event was occurring. Should the Planing Commission choose to approve this CUP, staff recommends adding a Condition of Approval that the applicant develop an Emergency Management Plan to be submitted, reviewed, and approved by the City.

3. COMPATIBILITY WITH THE NEIGHBORING USES

City Council Direction

- City Council found that outdoor use faced compatibility challenges due to the building design, height of the deck and the fact it faced the residential area. There were specific concerns for the impacts of this use on the adjacent residential areas that abut the Heber Avenue Subzone.

Planning Commission Direction

- During the work session, the applicant compared the use of this space to neighboring event spaces such as the Town Lift as well as restaurants with outdoor dining. The Planning Commission believed that outdoor dining associated with neighboring restaurants had a much lower occupancy load than what was proposed on the outdoor terrace of this private event space. As such, they believed the outdoor space was not consistent with other outdoor dining areas.
- The Planning Commission requested actual occupancy loads for the interior and outdoor spaces.
- They also found that there would be fewer concerns with the use if the applicant was willing to limit the types of events, hours of operation, and duration of events at this site.
- The Planning Commission recommended that the outdoor space should be removed from the applicants request and that the applicant apply for individual CUPs for all proposed outdoor events.

Applicant's Response

- The applicant refers to the General Plan which encourages the use of Old Town as a backdrop for festivals, competitions, concerts, and other special events. The applicant believes that the proposed use is consistent with these public events.
- The applicant argues that the HRC zoning district is intended to “provide a transitional in scale and land Uses between the HR-1 and HCB Districts that retains the character of the Historic Buildings in the Area.” They contend that the Heber Avenue Subzone was created to allow more intensive uses adjacent to upper Main Street, zoned HCB, than in the rest of the HRC zone. The applicant further points out that property is surrounded by primarily commercial and retail uses and limited adjacent residential uses. The neighbors include two restaurants, two ski rental shops, two real estate office, two condominium developments, a parking garage, and two private commercial properties used for private events.
- The applicant believes they have mitigated the impacts of this use on the neighborhood. The entry to the private event facility has been located along Heber Avenue, away from the proposed retail spaces along Main Street. They have also incorporated design elements into the outdoor event space to mitigate noise levels. They conclude that they have mitigated the impacts of parking, loading/unloading, and traffic.
- Finally, the applicant points out that they have agreed to regular review of this use by the City, as stated in Condition of Approval #23 that states, “In the event that sustained code violations are registered with the City regarding this use, including complaints of glare, noise, smoke, odor, grease, or traffic, the applicant will be required to address the code violation within 30 days. The Planning Department shall investigate these complaints and take measures necessary to

ensure that the property owner complies with the requirements of this permit. Additionally, the Planning Department may bring forward these complaints to the Planning Commission, as deemed necessary by the Planning Director, in order to further mitigate the nuisance. Should these code violations not be mitigated, the Planning Commission may revoke this CUP.”

- The applicant also points out that they are working with the Planning Department on their sign permit and that lighting has already been approved.

Staff Analysis

- The applicant has not specified the occupancy loads for the outdoor space in this submittal, as requested by the Planning Commission. Based on the approved building permit, the occupancy loads for the space are:

Interior Event Space	522 occupants, based on concentrated assembly use
Kitchen Space	2 occupants
Outdoor Event Space	141 Occupants, based on un-concentrated assembly use
Total Occupancy Load	480 guests, based on applicant’s self-imposed occupancy limit

Despite this use generating a total occupancy load of a maximum of 665, the applicant has placed a self-imposed occupancy limit to 480 guests. This is a 27.8% reduction in the allowable occupancy based on building codes.

- Staff also finds that this use differs from neighboring restaurants and associated outdoor dining areas. Neighboring restaurants are far smaller in occupancy loads, even when outdoor dining is provided. Additionally, no other outdoor dining area in the vicinity has an occupancy load of up to 141 outdoor guests. Based on limited data of occupancy loads, staff has provided the following comparison of other outdoor dining spaces. The most comparable occupancy to this proposed space is that of the Bone Yard.

Business:	Zone:	Occupancy in outdoor areas:
Bone Yard-1251 Kearns	GC	133 occupants
Spur-352 Main Street	HCB	49 occupants
No Name-447 Main Street	HCB	49 occupants
Riverhorse- 544 Main Street	HCB	154 occupants (includes indoor space)
Wahso- 577 Main Street	HCB	Approx. 16 occupants
Sky Lodge -201 Heber	HRC	68 occupants

One significant difference between this space and adjacent outdoor dining is that even the most successful private event spaces are not booked every hour of every day. Unlike a restaurant that may offer outdoor dining every day of the week, the private event space will probably only offer events several days a week. At the same time, restaurants do not have a fixed arrival/departure time

the way that an event space will. Nor does a restaurant require guests to check credentials or enter queuing lines the way that a private event space might.

- Staff finds that the LMC permits a Private Event Space when the impacts of the use have been mitigated. The applicant has provided mitigation strategies; however, the applicant has not addressed Planning Commission's comments regarding limiting the types of events, hours of operation, and duration of events at this site. The applicant has maintained the hours of operation approved in the original CUP approval which limit the hours of activity to 8am and midnight for the indoor event space and 11am to 10pm for the outdoor space, in accordance with the City's Noise Ordinance.
- Staff finds that the impacts of this use could be further mitigated by:
 - Limiting the number of occupants on the rooftop terrace.
 - Limiting the hours of operation for the rooftop terrace beyond the requirements of the Noise Ordinance. Outdoor activities should be limited to daytime hours to prevent disruption to the residential neighborhood.
 - Providing a traffic mitigation and off-site parking plan for events over a set number of guests. The plan should address staff parking as well as drop-off and pick-up areas to reduce traffic congestion and impacts on bus circulation at the Park Avenue-Heber Avenue and Main Street-Heber Avenue intersections.
 - Developing an Emergency Management Plan to be approved by the City. Special emphasis should be given to events occurring at the same time as community-wide events along Main Street.
- While staff confirms that the applicant has been working with the Planning Department through their sign permit application, staff has not reviewed and approved any outdoor lighting at this site. Condition of Approval #19 of the HDDR Action Letter states, "All new lighting fixtures shall be reviewed and approved by the Planning Department prior to installation. Exterior light fixtures shall be compatible with the building's style, period and materials, and shall also be down-directed and shielded." All exterior lighting will need to be downward directed and shielded as well as compatible in design to the building.
- The Planning Commission could consider adding a Condition of Approval limiting the number of lights on the rooftop terrace to further prevent outdoor events from occurring after sunset.

4. TENTS ON THE BALCONY

City Council Direction

- City Council found that the use of the outdoor terrace to accommodate a tent was counterintuitive to the BOA's finding that outdoor furnishings, heaters, and other visual obstructions be limited on the deck space. City Council requested that the Planning Commission review and address visual inconsistencies of the tent.

Planning Commission Direction

- The Planning Commission had initially approved the CUP with specific Conditions of Approval that addressed the location, placement, mass and scale, and duration of any tents required as part of the private event's outdoor use.
- During the work session, the Planning Commission was appreciative that the applicant had removed the tent from the CUP request for the private event facility; however, they wanted to see Conditions of Approval that defined the location of the tent.

Applicant's Response

- The applicant has withdrawn the tent from the CUP request for the private event facility. The applicant argues that the BOA did not require the applicant to reduce the visibility of the rooftop deck, but supported its design and so their intent was not to regulate the use of the deck.

Staff's Analysis

- Staff would generally agree with the applicant that they have mitigated the impacts of the tent, but further explain that the BOA did request that a set of guidelines be developed to regulate outdoor furnishings on the deck as they did not want to add mass and bulk to it by allowing umbrellas, heaters, tents, etc. to be left up indefinitely.
- The applicant had proposed specifications for a tent that was to be specifically constructed for use on the rooftop deck. The Planning Commission reviewed this tent and included Conditions of Approval to address the tent and other outdoor furnishings associated with the outdoor event space:

#11. The use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.

#12. Any proposed tent shall comply with the following regulations:

- a. The tent shall not increase the occupancy of the existing building.*
- b. The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.*
- c. The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.*
- d. The tent shall be no more than fifteen feet (15') in height.*
- e. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.*
- f. The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10)*

- days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.*
- g. The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.*
- h. The size of the tent shall be limited to 780 square feet.*
- i. The rooftop terrace shall be limited to one (1) tent.*
- j. The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.*

Staff recommends that should the Planning Commission find that the applicant has addressed the Planning Commission's concerns regarding the tent, these Conditions of Approval should be included in any final action.

Department Review

This project has gone through an interdepartmental review. Specifically, this staff report has been reviewed by the Planning, Building, Engineering, Police, Public Works, Emergency Management, and Legal Departments. No further issues were brought up at that time.

Notice

Legal notice was published in the Park Record on May 26, 2018, according to requirements of the Land Management Code. A property notice and mailing was also completed on May 30, 2018.

Public Input

No additional public input has been received by the time of this report. Past public comment has been provided as exhibits to previous staff reports.

Recommendation

Staff recommends that the Planning Commission discuss the remand of the appeal of the Conditional Use Permit (CUP) for a Private Event Facility at the Historic Kimball Garage at 638 Park Avenue, hold a public hearing, and consider providing direction to prepare findings to approve with additional conditions or denying the CUP for the Private Event Facility.

Exhibits

- Exhibit A – City Council Remand Letter,
- Exhibit B – Planning Commission Action Letter, 12.16.16
- Exhibit C – Applicant's revised submittal
- Exhibit D – Public Comment

PROPOSED ORDER DENYING THE CUP:

Finding of Fact:

1. The subject property is located 638 Park Avenue. It is also Lot 1 of the Kimball on Main plat amendment that was recorded on February 3, 2017.
2. The property is located in the Historic Recreation Commercial (HRC) District.
3. Per 15-2.5-10, the property is located in the Heber Avenue Subzone; the allowed

uses within the sub-zone are identical to the allowed uses of the Historic Commercial Business (HCB) District, and the Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.

4. The property is bound by Main Street to the east, Heber Avenue to the south, and Park Avenue to the west. These are all public streets.
5. The Park City Council also approved a Kimball on Main Plat Amendment for this property at 638 Park Avenue on May 19, 2016. The plat was recorded on February 2, 2017.
6. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).
7. The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016. The applicant is proposing to rehabilitate the historic Kimball Garage and construct a new addition to the east, fronting Main Street.
8. An appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment met on October 18, 2016, denied the appeal and upheld staff's determination. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck.
9. The BOA found that the rooftop deck addition above the historic Kimball Garage was appropriate as the Design Guidelines permit construction of rooftop additions and the addition would remove one of the two barrel-vaulted roof forms. The addition was permissible because it was generally not visible from the primary public right-of-way along Heber Avenue.
10. On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. In 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The proposed FAR of the proposed project with the new addition is 1.45.
11. In 1984, the Kimball Art Center had a Gross Floor Area of approximately 13,477 square feet, which generates an FAR of 0.7. The 0.7 FAR is less than the 1.5 FAR that they paid for as part of the Main Street Parking Special Improvement District.
12. Gross Commercial Floor Area includes all enclosed Areas of the building, but excludes parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.
13. Because 638 Park Avenue is located in the Heber Avenue Subzone, the FAR limitation of the HRC District does not apply to gross commercial floor area; however, the parking exception is only for an FAR up to 1.5.
14. The Conditional Use Permit (CUP) for the Private Event Facility requires that all developments are subject to the conditions and requirements of the conditional use review of LMC chapter 15-1-10.
15. The Planning Commission held public hearings for the CUP application on November 9, 2016 and December 14, 2016; the Planning Commission unanimously

approved the CUP application with a 6-0 vote on December 14, 2016. The Planning Commission Chair does not vote (unless there is a tie).

16. The Planning Commission approval of the CUP was appealed to the City Council and on December 22, 2016.
17. On March 30, 2017, the Park City Council reviewed the appeal and remanded the appeal back to the Planning Commission for further review. The City Council was overall not in favor of the proposed CUP as they believed that there were reasonably anticipated detrimental effects of the proposed CUP that could not be substantially mitigated. These impacts included:
 - a. The location of the site faced uphill residential neighborhoods and additional Conditions of Approval would be needed to adequately address noise associated with the outdoor event space. There were concerns that the geographic location of the site prevented the mitigation of noise impacts altogether.
 - b. The glass railings and walls would be sound reflectors and amplify the noise.
 - c. Concerns that event uses, hours, and operations would become a nuisance to the surrounding residential neighborhood.
 - d. Fears that the Private Event Facility use would exasperate the already congested intersections of Main Street and Heber Avenue as well as Park Avenue and Heber Avenue due to increased traffic, loading/unloading, and additional parking demands generated by the use. They did not want to see overflow parking on Park Avenue that would create additional duress for the residential neighborhood.
 - e. Found that the use was compatible with some, but not all of the neighbors, specifically the surrounding and adjacent residential areas that abut the Heber Avenue Subzone.
 - f. Believed allowing tents on the outdoor terrace was counterintuitive to the BOA's finds that outdoor furnishings, heaters, and other visual obstructions be limited on the deck space.
18. On September 27, 2017, the Planning Commission reviewed the applicant's proposed mitigation strategies during work session. The Planning Commission expressed concerns about:
 - a. Wanted to limit the use of the outdoor terrace to daylight hours only and refrain from heating the space after dark.
 - b. Found the proposed vestibule between the indoor and outdoor event spaces would mitigate sound, but wanted additional analysis to ensure that the glass railings would not act as a speaker and amplify noise.
 - c. Requested further demonstration on how amplified noises would be regulated by the proposed technology. Also concerns about the noise monitoring equipment not being able to mitigate the sound of guests having a conversation on the deck.
 - d. The additional traffic generated by this use would block bus traffic and requested the applicant provide a viable plan for mitigating the traffic.
 - e. The applicant had not adequately addressed loading/unloading areas. In addition to blocking sidewalk traffic, there were concerns that large crowds

- departing the event space at the same time would increase noise levels.
 - f. The additional parking generated by this use would rely on China Bridge, which was designed for shared parking not intensive private events.
 - g. It was not appropriate for the applicant to perpetually rely on purchasing parking spaces from the City to address parking generated by the events. The Planning Commission was also not supportive of reducing parking or permanently converting parking along Heber Avenue into a 15-minute loading/unloading zone.
 - h. The outdoor dining associated with neighboring restaurants had a much lower occupancy load than the proposed outdoor terrace of the Private Event Facility. Planning Commission requested the applicant to provide occupancy loads for the interior and exterior spaces.
 - i. Believed there would be fewer concerns with the use if the applicant was willing to limit the types of events, hours of operation, and duration of events on the site.
 - j. Requested that Conditions of Approval defining the location and duration of any tents on the outdoor event space be maintained.
19. On May 11, 2018, the applicant submitted a narrative describing the ways in which they believed they have mitigated the impacts of the Private Event Facility by:
- a. Commissioning Henderson Engineers to conduct a third-party study of noise. The consultants found that ambient noise averaged about 52.5 dBA. Based on an analysis of 150 guests with 2 acoustic musicians on the terrace and 75 people talking simultaneously, the study found the maximum noise level would be 72 dBA for “loud talking”. Applicant believes that the average sound levels will vary between 60 dBA to 65 dBA depending on the time of day for outdoor events, which complies with the City’s Noise Ordinance standards of 60 dBA from 10pm to 6am and 65 dBA from 6am to 10pm.
 - b. Introducing design features such as a sound trap in the soffit of the west elevation, acoustic baffles in the ventilation outlets, insulated glass doors and windows, a vestibule between the interior and exterior event spaces, automatic closing devices on the exterior doors, and landscape buffers on the south and west sides of the terrace to mitigate noise. The applicant also argues that the glass railings will actually reflect the noise back into the terrace and not outwards towards the uphill residential neighborhoods.
 - c. Proposing a Noise Mitigation Plan as part of their operations management that provide for sound limiting and monitoring equipment, training procedures for event staff, and robust complaint procedures. Additional procedures will disallow the removal of containers (garbage) and emptying of bottles to external areas after 9pm.
 - d. Providing parking up to an FAR of 1.5, thus no additional parking is required.
 - e. Providing on-site storage to further mitigate the need for loading/unloading of deliveries associated with the Private Event Facility. Applicant has stated they will follow the regulations for delivery along Main Street as provided in Municipal Code 9-8-3.

- f. Applicant believes the use is consistent with the General Plan, which encourages the use of Old Town as a backdrop for events. Applicant further argues that the HRC Heber Avenue Subzone is intended to provide a transition in scale and land Uses between the HR-1 and HCB zoning district. Applicant contests that they have mitigated the impacts of the use by locating the entrance to the space along Heber Avenue, addressing noise, and mitigating impacts of parking, loading/unloading, and traffic.
 - g. Applicant has committed to requesting an Administrative Conditional Use Permit for any proposed tents to be installed on the rooftop terrace.
20. The proposal **does not comply** with LMC 15-1-10(D) in that the City Council found that the CUP complies with all of the requirements of the LMC; that the use is **not** compatible with surrounding Structures in Use, scale, mass and circulation; and that the effects of any differences in Use or scale have **not** been mitigated through careful planning. The applicant's occupancy loads are 480 occupants for the entire space, with the outdoor event space limited to 141 occupants, based on un-concentrated assembly use on the outdoor event space; this is a 27.8% reduction in the allowable occupancy based on building codes. The occupancy of the proposed rooftop terrace is significantly larger than similar outdoor dining space in the HCB and HRC zoning district. The applicant has not sufficiently addressed limiting the types of events, hours of operation, and duration of events at the site. The applicant has not adequately addressed traffic mitigation, off-site parking, and loading/unloading. Emergency management has not been addressed.
 21. The proposal **does not comply** with LMC 15-1-10(E)(12) in that noise, vibration, odors, steam, and other mechanical factors that might affect people and Property Off-Site have **not** been mitigated through the Conditions of Approval of the CUP approved on December 14, 2016. While the applicant has mitigated the impacts for potential amplified music and sound on the balcony through the use of design elements and technology, the applicant has not provided a means of controlling the non-amplified noise that is caused by a talking crowd. Further, the applicant has not reduced the hours of operation or occupancy load on the rooftop terrace which could have further limited noise.
 22. The proposal complies with LMC 15-1-10(E)(10) in that exterior lighting has been mitigated through the Conditions of Approval of the CUP approved on December 14, 2016. All exterior lighting must be in compliance with the Park City codes and the Design Guidelines for Historic Districts and Historic Sites, which requires that lighting fixtures be downward directed and shielded.
 23. The proposal **does not comply** with LMC 15-1-10(E)(2) in that traffic considerations including capacity of the existing streets in the area; LMC 15-1-10(E)(4) Emergency Vehicle Access; and LMC 15-1-10(E)(13) control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pick-up Areas. The City Council has found that the current owner will not be reducing the overall size of the event space and the new event space will generate new and additional traffic to the site. Guests and patrons of the Private Event Space will have to abide by the same parking and access restrictions as other visitors to Main Street. While the applicant has met the minimum requirements for parking and loading/unloading as outlined in the Municipal Code and LMC, they have not addressed the increased

intensity of the proposed use. The applicant has not provided a traffic and parking mitigation plan, nor emergency management plans for when the proposed private events coincide with large-scale community events.

24. The proposal **does not comply** with LMC 15-1-10(E)(5) Location and amount of off-street parking. The Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Improvement District as of January 1, 1984, for a parking requirement up to an FAR of 1.5. The applicant is proposing a total FAR of 1.45 following completion of the new addition, and is not required to provide on-site parking. Exterior spaces, such as the rooftop terrace, are not included in the FAR calculation. Nevertheless, City Council finds that the proposed use will cause additional congestion and traffic demands on the Main Street corridor that exceed existing conditions, particularly for load-in and load-out. The applicant has not sufficiently addressed the impacts of spikes in traffic and parking demands generated by the private event space, nor have they demonstrated that any loading/unloading of guests attending private events will not add to the already congested intersections of Park Avenue-Heber Avenue and Main Street-Heber Avenue. They have also not shown that loading/unloading will not impede bus traffic and circulation.
25. The applicant has consented to applying for separate Administrative Conditional Use Permits (Admin-CUPs) for any tents installed on the rooftop terrace.
26. The proposal complies with LMC 15-1-10(D)(1) in that the application complies with all requirements of the LMC, including the Design Guidelines. The BOA reviewed the Park City Museum's appeal of the HDDR and upheld staff's determination that the HDDR complied with the Design Guidelines.
27. The approval of a tent on the rooftop deck is at odds with the concerns and reasons that the Board of Adjustment stated were important to their design as approved with Conditions of Approval by the Planning Commission on December 14, 2016.
28. The rooftop outdoor event space **does not comply** with LMC 15-1-10(E)(16) Goals and Objectives of the Park City General Plan. The Private Event Space will create impacts on the Old Town residential and commercial core that have not been mitigated, including increased noise, traffic congestion, additional parking demands, and load-in and load-out. Further, the applicant has not demonstrated that this use is compatible with the surrounding neighborhood.
29. The proposed rooftop terrace is consistent with the Design Guidelines, as determined by the BOA during the October 18, 2016 appeal hearing.
30. The proposed rooftop outdoor event facility **does not comply** with LMC 15-1-10(E)(16) Goals and Objectives of the Park City General Plan as it will cause additional negative impacts on adjacent residential neighborhoods and discourage full-time residents from living in Old Town. The private event space will **not** contribute to our goals of maintaining and enhancing the long term viability of the Historic District. Unmitigated impacts include parking, loading/unloading, additional traffic, and noise.
31. The proposed Rooftop outdoor event facility is consistent with the Design Guidelines as determined by the BOA during the October 18, 2016 hearing.

Conclusions of Law

1. The application is **not** consistent with the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. There are changes in circumstance that result in unmitigated impacts and result in findings of non-compliance with the Park City General Plan or Land Management Code.

ACTION LETTER

Subject: Remand from City Council to the Planning Commission on the Appeal of a Private Events Facility at 638 Park Avenue (Historic Kimball Garage)

Project#: PL-16-03412

Date: April 14, 2017

Type of Item: Remand of a Quasi-Judicial Appeal of Planning Commission's approval of a Conditional Use Permit (CUP) for a Private Events Facility

On March 30, 2017, the City Council held a public hearing and considered a Quasi-Judicial Appeal of Planning Commission's approval of a Conditional Use Permit (CUP) for a Private Events Facility at 638 Park Avenue and hereby REMANDS the CUP and the use as proposed/configured back to the Planning Commission with specific direction as outlined below:

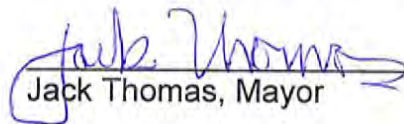
1. The Conditional Use Permit (CUP) for the Private Event Facility requires that the use is subject to the conditions and requirements of the conditional use review of LMC chapter 15-1-10.
2. The City Council reviewed the appeal of the CUP for a Private Events Facility at 638 Park Avenue (historic Kimball Garage) on March 30, 2017.
3. During the City Council review of the appeal of the proposed use, Council found that impacts from the noise from the outdoor terrace on the second level of the historic Kimball building was not mitigated.
4. Council found that the impacts of the proposed use as configured related to amplified outdoor music and human chatter could violate the City's Noise Ordinance.
5. Council found that the glass railings and open space on the deck would amplify the noise and create noise impacts on the roof deck which cannot be mitigated.
6. City Council found that impacts from the proposed use as configured related to traffic had not been mitigated. They found it impacts included likely bottlenecking on the corners of Heber Avenue and Main Street as well as Heber Avenue and Park Avenue, particularly during peak load-in and load-out times.
7. Council found that the impacts of the use would increase parking demand which has not been mitigated.
8. City Council found that unmitigated impacts included the lack of a load-in and load-out zone or a clear traffic mitigation plan for events.
9. City Council found that the use of the second level roof deck as Private Event Space as proposed was not mitigated to be compatible with the surrounding residential uses to the north and west of the site.
10. City Council found that the use of the proposed roof deck on the second level was too unrestricted and not compatible in use to neighboring structures as currently proposed. They found it was very visible due to its geographic location at the bottom of the street and it was too public and too impactful to the surrounding neighborhood as currently proposed.

11. City Council found that the proposed tent to be located on the northwest corner of the roof deck conflicted with the BOA's findings that activities on the deck should be visually minimized. Council found that a mitigation could be to require any tents to be reviewed and approved through a special events permit.
12. At a minimum, Council suggested the impacts could be mitigated by a limitation on the number of days and times the roof deck and tent would be in use.
13. City Council found that a mitigation of the impacts could include on going monitoring with the Planning Commission to ensure the applicant was complying with the conditions of approval of the CUP.
14. City Council found that mitigations of the impacts included reducing the visibility of the roof deck which was required by the Board of Adjustment.
15. The City Council found the proposed use and configuration failed to mitigate the impacts in reviewing the criteria listed in LMC § 15-1-10(E)(2), (4), (5), (6), (7), (10) (11), (12), (13) and (16) by failing to mitigate the traffic considerations including capacity of the existing streets in the Area; emergency vehicle Access; location and amount of off-street parking; internal vehicular circulation system; Fencing, Screening, and landscaping to separate the Use from adjoining Uses; signs and lighting; physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, noise vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site; control of delivery and service vehicles, loading and unloading zones, and pickup areas and within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site;.
16. Council remanded the appeal for further review of the Indoor use related to the private event facility and required additional mitigation evaluation by the Planning Commission on loading areas, traffic and parking
17. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor deck use. As proposed the impacts are not adequately mitigated. Review of the impacts and their mitigation should include at a minimum a strong re-evaluation of the design, and conditions of approval which reflect the requirements of the Board of Adjustment decision including minimum visual impacts on the roof.
18. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts specific to the overall use purposed of traffic from deliveries including loading and unloading for deliveries and load in/load out areas
19. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts specific to the overall use purposed of traffic patron use including loading and unloading and pick up and load in/load out areas
20. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of Sound and Noise created by the use of the outdoor space The impacts of the sound needs to be mitigated by keeping the sound inside of the space so it doesn't unduly impact neighbors.
21. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor space on the compatibility of the

neighborhood. Such mitigation may include denial of use of the deck beyond which is already permitted, limit number of people on the deck, limiting the use of the deck for the conditional use. Council asked Planning Commission to focus on implementing strong mitigation for impacts of use of outdoor deck including compatibility, noise mitigation concerns and impacts beyond ancillary deck use which is permitted. Mitigation should limit any noise any mitigation use beyond permitted use on the deck and consider mitigation including design changes, limitation or reduction of use by hours per days or number of days, direction of deck/event space, remove speakers, require sound insulation between indoor use and outdoor use (i.e don't permit glass separation)

22. Council asked Planning commission to review impacts related to criteria 2, 5, 6, 12, and 13 closely.
23. Council remanded the CUP for the Planning Commission to consider mitigating impacts by having an affirmative review by the City incrementally by the use, more frequently than just once a year.
24. Council asked Planning commission to review impacts related to criteria 3 and 4 address loading traffic and parking. More specific conditions are needed to mitigate current impacts.
25. Council asked Planning commission to review impacts related to Noise. Council is unable to find a way to mitigation for noise and asked Planning Commission to revisit criteria 2,5,6,12,13 and 15 to find a better way to mitigate or to restrict the use to limit the noise through more restrictive event usage or limited hours.
26. Council asked Planning commission to review impacts related to the visual impacts and found Condition of Approval 11 of the Planning Commission determination contradicts Board of Adjustment findings and impacts need to be mitigated related to tents and other rooftop visual impacts
27. Council asked Planning commission to review impacts of Condition of Approval 15 of the Planning Commission determination and consider an additional review component.

Remanded March 30, 2017


 Jack Thomas, Mayor

Attest:


 City Recorder's Office

Approved as to form:


 City Attorney's Office





December 16, 2016

Tony Tyler
CPP Kimball LLC
C/O: Columbus Pacific Properties
429 Santa Monica Blvd. Ste. 600
Santa Monica, CA 90401

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-16-03313
<u>Subject</u>	638 Park Avenue/Historic Kimball Garage
<u>Address</u>	638 Park Avenue
<u>Description</u>	Conditional Use Permit for Private Event Facility and Tent
<u>Action Taken</u>	Approved
<u>Date of Action</u>	December 14, 2016

On December 14, 2016, the Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved the proposed Private Event Facility and Tent at 638 Park Avenue based on the following:

Findings of Fact

1. The Condition Use Permit is for a private event facility at 638 Park Avenue .
2. The property is located in the Historic Recreation Commercial (HRC) District).
3. Per 15-2.5-10he property is located in the Heber Avenue Subzone; the allowed uses within the sub-zone are identical to the allowed uses of the Historic Commercial Business (HCB) District, and the Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.
4. The property is bound by Main Street to the east, Heber Avenue to the south, and Park Avenue to the west. These are all public streets.
5. The Park City Council also approved a Kimball on Main plat amendment for this property at 638 Park Avenue on May 19, 2016. The plat has not yet been recorded.
6. The site is designated as Landmark on the City’s Historic Sites Inventory (HSI).
7. The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016. The applicant is proposing to rehabilitate the historic Kimball Garage and construct a new addition to the east, fronting Main Street.

8. An appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment met on October 18, 2016, denied the appeal and upheld staff's determination. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck.
9. The BOA found that the rooftop deck addition above the historic Kimball Garage was appropriate as the Design Guidelines permit construction of rooftop additions and the addition would remove one of the two barrel-vaulted roof forms. The addition was permissible because it was generally not visible from the primary public right-of-way along Heber Avenue.
10. On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. In 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The proposed FAR of the proposed project with the new addition is 1.45.
11. In 1984, the Kimball Art Center had a Gross Floor Area of approximately 13,477 square feet, which generates an FAR of 0.7. The 0.7 FAR is less than the 1.5 FAR that they paid for as part of the Main Street Parking Special Improvement District.
12. The minimum front/rear yard setbacks are ten feet (10'). The historic structure has a 1-foot front yard setback along Park Avenue and the new addition will have a 12-foot rear yard setback along Main Street.
13. Gross Commercial Floor Area includes all enclosed Areas of the building, but excludes parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.
14. Because 638 Park Avenue is located in the Heber Avenue Subzone, the FAR limitation of the HRC District does not apply to gross commercial floor area; however, the parking exception is only for an FAR up to 1.5.
15. The minimum side yard setbacks are five feet (5'); the historic structure currently has a side yard setback of 6 feet along the north property line. The new addition will have a 5-foot setback from the north property line.
16. On corner lots, such as this, the side yard setback that faces a street is ten feet (10'). The historic structure has a 1-foot side yard setback along Heber Avenue; the new addition will have a 10-foot setback along Heber Avenue.
17. Per LMC 15-2.5-4, a project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless

an additional Access is approved by the Planning Commission. The applicant has provided vehicular access along Heber Avenue.

18. Per LMC 15-2.5-5, no structure, including a tent, shall be erected to a height greater than 32 feet from Existing Grade; the height of the roof on the new addition is a maximum of 30.5 feet.
19. Per LMC 15-2.5-5(A)(3), mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building; the applicant is proposing parapets incorporated into the design of the street front facades in order to reduce the visibility of rooftop mechanical equipment. These parapets do not exceed 4.5 feet in height, for a maximum height of 35 feet above existing grade.
20. Per LMC 15-2.5-5(A)(5), an Elevator Penthouse may extend up to eight feet (8') above the Zone Height. The applicant has proposed an elevator penthouse on the northwest corner of the new addition. The height of the Elevator Penthouse does not exceed 38 feet in height from Existing Grade.
21. Per LMC 15-2.5-6, Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures.
22. Per LMC 15-2.5-8, all exterior mechanical equipment must be screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District. The applicant has proposed to locate mechanical equipment on the rooftop of the new addition, screening it with parapets and other rooftop screening.
23. Per LMC 15-2.5-9, all Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards. The applicant has proposed an acceptable refuse storage area along the north property line, adjacent to Main Street.
24. On the third level of the new addition, the applicant is proposing a Private Event Facility. The Private Event Facility will include 3,785 square feet of interior space on the top floor above the street level commercial spaces as well as a 477 square foot outdoor balcony and 2,530 square foot rooftop terrace.
25. The LMC defines this as a facility where the primary Use is for staging, conducting, and holding Private Events. Private Events are events, gathering, party, or activity that is closed to the general public or that requires an invitation and/or fee to attend. A Private Event Facility is a Conditional Use in the Heber Avenue Sub-zone and is not permitted in storefronts along Heber, Park, and Main Street.
26. The Private Event Facility will be accessible from a street-level lobby along Heber Avenue. Access, circulation, and lobby areas are permitted within Storefront property.

27. In 2015, the Kimball hosted an event with an occupant load of 697 people. The applicant finds that the proposed Private Event Facility will have an occupancy load of 480 people, a 32% reduction from past event occupancy loads.
28. Special Events, as defined by the LMC, are those events, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations or creates public impacts through any of the following: (A) Use of City personnel; (B) Impacts via disturbance to adjacent residents; (C) Traffic/parking; (D) Disruption of the normal routine of the community or affected neighborhood; or (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.
29. There is no vehicular access proposed. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue.
30. Outdoor use of the terraces and balconies are permitted by this CUP, and shall comply with all conditions and regulations included herein.
31. Any temporary structures, such as tents, are permitted by this CUP, and shall comply with all conditions and regulations included herein.
32. The Building Department will require a fire permit for the installation of any tent in excess of 400 square feet, measured from the outside dimensions.
33. The applicant anticipates that hours of use will vary depending on the event; however, typical operating hours will be between 8am and midnight. Outdoor speakers and music will be limited to 11am to 10pm in accordance with the City's Noise Ordinance.
34. There are no open space requirements specified for this development.
35. The design complies with the Park City Design Guidelines for Historic Districts and Sites and complements the mass, scale, style, design, and architectural detailing of its neighbors.
36. The applicant has proposed an acceptable screened refuse storage area along the north property line, adjacent to Main Street. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue.
37. The event space is intended to be privately owned and professionally managed. The applicant anticipates that the number of employees will vary from 4 to 40 based on the event; as previously noted, the applicant anticipates events no larger than an occupant load of 480.
38. The site is located within the Park City Soils Ordinance boundary and FEMA flood Zone A.
39. The site is located in a FEMA flood Zone A.
40. The CUP application was deemed complete on September 28, 2016 upon receipt of additional materials.

41. The proposed conditional use meets the criteria set forth in LMC 15-1-10(E).
42. The staff findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.
2. The proposed use, as conditioned, will be 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 for a Private Event Facility as well as a temporary tent.
2. Should the owner host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in this CUP, a Special Event permit may be required.
3. Guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.
4. The applicant, at its cost, shall incorporate such measures to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the events will be conducted with due regard for safety are provided and paid for by the applicant.
5. The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:
 - a. The owner, or his/her designee, shall provide on-site management for each aspect of the event.
 - b. The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance for the outdoor use.
6. All exterior signs require a separate sign permit reviewed by the Planning and Building Departments and multi-tenant buildings require a Master Sign Plan.
7. The final building plans and construction details for the project shall meet substantial compliance with the HDDR approved on June 20, 2016 and the drawings reviewed by the Planning Commission on November 9, 2016.
8. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
9. A Utility Plan must be provided at the time of the building permit application showing the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property can be adequately screened and written approval from the utility company is provided indicating that are satisfying this condition

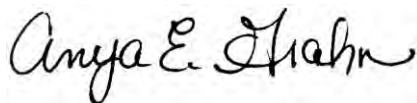
10. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof and/or screened from public view.
11. The use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.
12. Any proposed tent shall comply with the following regulations:
 - a. The tent shall not increase the occupancy of the existing building.
 - b. The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.
 - c. The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.
 - d. The tent shall be no more than fifteen feet (15') in height.
 - e. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.
 - f. The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10) days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.
 - g. The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.
 - h. The size of the tent shall be limited to 780 square feet.
 - i. The rooftop terrace shall be limited to one (1) tent.
 - j. The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.
13. The hours of operation within the interior shall be limited to 8am to midnight.
14. The rooftop terrace shall not be used for activities that may create dust or odor, such as but not limited to cooking.
15. The owner shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the licensed premise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.
16. Outdoor speakers will only be allowed between the hours of 11am to 10pm.
17. The applicant agrees to abide by all current and future Park City municipal

codes.

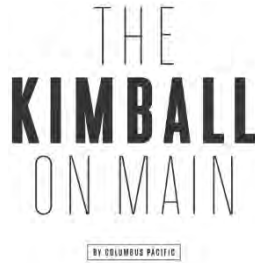
18. The applicant must submit a condo plat in order to sell any of the individual retail/commercial units.
19. A final Construction Mitigation Plan must be approved by the Planning and Building Departments prior to issuance of a building permit.
20. All projects within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning Departments prior to issuance of a Building Permit.
21. Property is located in a FEMA flood Zone A. The lowest occupied floor shall be at or above the base flood elevation. Additionally, an H and H study must be completed showing the impacts to the flood plain. Any changes to the flood plain by 12 inches or more will require the filing of a LOMR.
22. All exterior lighting, including any existing lighting and lighting on the balcony and terrace, shall comply with the Lighting Requirements of LMC 15-5-5(I). The lighting shall be downward directed and fully shielded. Exterior lighting shall be approved by the Planning Department prior to installation.
23. In the event that sustained code violations are registered with the City regarding this use, including complaints of glare, noise, smoke, odor, grease, or traffic, the applicant will be required to address the code violation within 30 days. The Planning Department shall investigate these complaints and take measures necessary to ensure that the property owner complies with the requirements of this permit. Additionally, the Planning Department may bring forward these complaints to the Planning Commission, as deemed necessary by the Planning Director, in order to further mitigate the nuisance. Should these code violations not be mitigated, the Planning Commission may revoke this CUP.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 435-615-5067 or anya.grahn@parkcity.org.

Sincerely,



Anya Grahn
Historic Preservation Planner



May 11, 2018

Park City Planning Department
C/O Anya Grahn
445 Marsac
Park City, UT 84060

RE: Project Number PL-16-03412

Dear Anya,

Please see the attached response to the City Council's Action Letter for review by the Planning Commission under the Remand directive. While the Council's letter included 27 numbered items for the Planning Commission to discuss and address, some of these items contained multiple references to other documents (namely the Land Management Code and December 16, 2016 Planning Commission Approval conditions), effectively increasing the specific directives identified in the Action Letter to 49 individual items. Each of these items contains a detailed response from the Applicant, including references where necessary.

If you have any additional follow up questions prior to the scheduled June 13, 2018 Planning Commission meeting, please feel free to reach out to me directly.

Thank you and have a great day!

Sincerely,

A handwritten signature in blue ink, appearing to read "Tony Tyler", is written over the typed name and title.

Tony Tyler
Authorized Representative
CPP Kimball, LLC

OFFICE MEMORANDUM

TO: Park City Planning
Department

FROM: Applicant and Wade Budge

DATE: May 11, 2018

RE: Project Number PL-16-03412

CITY COUNCIL ACTION LETTER
Applicant Responses

- 1. The Conditional Use Permit (CUP) for the Private Event Facility requires that the use is subject to the conditions and requirements of the conditional use review of LMC chapter 15-1-10.**

RESPONSE

The Applicant has followed the process.

- 2. The City Council reviewed the appeal of the CUP for a Private Events Facility at 638 Park Avenue (historic Kimball Garage) on March 30, 2017.**

RESPONSE

The Applicant confirms.

- 3. During the City Council review of the appeal of the proposed use, Council found that impacts from the noise from the outdoor terrace on the second level of the historic Kimball building was not mitigated.**

RESPONSE

In addition to the detailed information provided under Responses 4, 5 and 15, the Applicant commissioned a professional third-party study by an expert in environmental noise in order to determine the impacts to be mitigated. Please see the attached Environmental Noise Study dated April 19, 2018, conducted by Henderson Engineers on and around the development site (the "Henderson Study"). The data was collected on March 28 and 29, 2018, a Wednesday and Thursday with clear weather, light to moderate winds, and no residual snow on the adjacent streets or sidewalks. The study dates were carefully chosen by Henderson in an effort to represent as close to an average day in Park City as possible from an environmental noise perspective.

The existing ambient noise measurements provide a baseline for comparison of the anticipated noise generated from the event use. The measurements were taken specifically to conform to the mechanism defined in the city's noise ordinance. The Land Management Code ("LMC") chapter 6-3-9(A) states

*Maximum Permissible Sound Level: It is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound in such a manner as to create **a ninetieth percentile sound pressure level (L90)** of any measurement period **(which shall not be less than 10 minutes)** unless otherwise provided in this chapter) which exceeds the limits set forth for the following receiving land use districts, **when measured at or within the property line of the receiving property** [emphasis added]*

The related exhibit recognizes that the noise limits for the Commercial Use District is 60 dBA from 10:00pm – 6:00am and 65 dBA from 6:00am – 10:00pm. It is worth noting that the subject property does not border a Residential Use District, so the Commercial Use District is the applicable standard for the event use. The results of the Henderson Study determined that the baseline for ambient noise at the Southwest corner of the subject property averaged 52.5 dBA utilizing the L90 metric. The quietest one-hour time period was from 5:00am – 6:00am (48 dBA) and loudest was 10:00am – 11:00am (60 dBA), both of which fall within the Maximum Permissible Sound Level as defined in the LMC.

Similarly, the predicted sound levels for the event use on the outdoor terrace were carefully determined to include 150 guests, calculated with and without 2 acoustic musicians, and configured in the anticipated orientation for a maximum capacity event for the outdoor terrace. As noted in the Henderson Study, “Sound levels for the human voice can vary significantly depending on many factors including size of group, ambient noise, age, directionality (which way people are facing), and activity” [Henderson, pg 5]. These described factors indicate the variation in voice effort, which ranges from “Relaxed Normal Talking” at 54 dBA to “Loud Talking” at 72 dBA [Henderson, pg 5]. For the purposes of predicting the sound levels for the event use on the outdoor terrace, the Henderson Study utilized a worst-case scenario of 75 people talking simultaneously (full capacity with each person engaged in a 1 on 1 conversation where one person is talking and one is listening), and at the highest voice effort, 72 dBA. Additionally, Henderson utilized a more conservative measurement technique, the Equivalent Sound Energy Level, or “LEQ”. The result of an event at full capacity on the outdoor terrace without musicians is 54 dBA and with musicians is 59 dBA. In both instances, the anticipated noise generated from a maximum capacity event on the outdoor terrace is below the Maximum Permissible Sound Levels for the Commercial Use District, regardless of day or night use.

As shown in the Henderson Study, the anticipated noise from the event use on the outdoor terrace is not only below the Maximum Permissible Sound Levels for the Commercial Use District for all time periods, but also the “sound levels are below the existing ambient noise level measurements during the event space hours of operation” [Henderson, pg 6]. As a result, there is no noise from the outdoor terrace to be mitigated, as ambient city noise exceeds the noise that would be generated by the event use.

Despite the fact that the anticipated noise generated from the event use is overshadowed by the existing ambient city noise, the Applicant designed sound mitigation measures into

the development plans for the construction of the space. These measures included a sound trap in the soffit of the Western façade of the event space, which is architecturally designed to diffuse sound waves from the outdoor terrace space. Additionally, the Western façade specified insulated glass units which reduce sound reflectivity and insulate both the exterior space from interior noise and vice versa. Automatic closing devices were added to the exterior doors accessible from the event space, which maintain the doors in a closed position. All ventilation outlets that serve the event space also include acoustic baffles to minimize noise transfer through mechanical shafts. As part of the overall design of the outdoor terrace, landscape buffers were added on the South and West borders. These planters offer a soft-scape next to the outdoor terrace use, which further diffuses sound that may originate from the event use. An added feature of the subject property is the barrel roof shape, which has been retained and restored on the Western half of the historic building. The shape, height and configuration of the barrel roof structure acts to reduce any sound originating from the outdoor terrace, via “a noise barrier effect, which partially blocks the line of sight to the adjacent buildings” [Henderson, pg 5].

The Applicant has also previously provided a proposed comprehensive Noise Management Plan to detail the policies and procedures in place for the operator of the event space. The Noise Management Plan calls for sound limiting equipment, training procedures for event space staff, ongoing monitoring equipment and a robust complaints procedure for the public. The sound limiting equipment proposed is capable of shutting down the power source to amplified music in the interior of the event space in a situation where a preset sound pressure level is exceeded for a certain period of time. This system operates on a traffic light sequence, providing immediate feedback on noise levels to the users and allowing for instantaneous corrections to the amplified sound levels to better control overall noise originating from the event space. For example, a green light indicates the sound source is producing noise within acceptable levels, while a yellow light indicates the sound source is nearing the preset threshold. A red light indicates immediate corrective action must be taken in order to avoid an automatic shutdown of the power source servicing the amplified sound source. The management staff is trained not only to educate guests and users of the facility of the city’s noise ordinance requirements, but also to be able to take periodic measurements of the noise levels originating from the event use, using on-site and available monitoring equipment. Lastly, the Applicant proposed a detailed complaints procedure that allows the operator of the event space to be the first line of communication for any complaints received related to the event use. This process encourages healthy communication and education between the operator and the public to facilitate resolution of any real or perceived violations of the city’s noise ordinance.

Based on the information noted above, the Applicant has demonstrated that there are no detrimental impacts from the noise from the outdoor terrace on the second level of the historic Kimball building and that the Applicant has taken steps beyond a reasonable standard to further “mitigate” any noise originating from the event use.

- 4. Council found that the impacts of the proposed use as configured related to amplified outdoor music and human chatter could violate the City's Noise Ordinance.**

RESPONSE

In addition to the detailed information provided under Responses 3, 5 and 15, the Henderson Study also measured two similar venues that utilize outdoor amplified music, The Cabin Bar and Collie's Sports Bar. The results, periodically taken over the evening hours, found that the sound levels at these comparable locations were between 53 and 54 dBA – well below the Maximum Permissible Sound Levels for the Commercial Use District.

Based on the information provided above, the Applicant has demonstrated that amplified outdoor music and associated human chatter already exist in the Commercial Use District and do not violate the city's noise ordinance.

- 5. Council found that the glass railings and open space on the deck would amplify the noise and create noise impacts on the roof deck which cannot be mitigated.**

RESPONSE

In addition to the detailed information provided under Responses 3, 4 and 15, and contrary to the Council finding, glass railings serve to reduce the sound originating from the outdoor terrace because it reflects sound back into the terrace, thereby adding distance between the point source and the off-site recipient. Sound levels diminish over distance (the Inverse-Square Law), so a barrier such as a glass railing disrupts the sound and adds distance between the point source and recipient of the noise.

Based on the information provided above, the Applicant has demonstrated that the glass railings and open space on the deck will not amplify the noise impacts from the event use on the outdoor terrace.

- 6. City Council found that impacts from the proposed use as configured related to traffic had not been mitigated. They found it impacts included likely bottlenecking on the corners of Heber Avenue and Main Street as well as Heber Avenue and Park Avenue, particularly during peak load-in and load-out times.**

RESPONSE

In addition to the detailed information provided under Responses 7, 8 and 15, the Staff Report indicates on page 210 that

*Staff has met with the City Engineer Matt Cassel and Transportation Planning Manager Alfred Knotts to discuss the applicant's revised proposal. **The City Engineer found that this location had already been used for private events** and activities when the building was in use by the Kimball Arts Center; **the City Engineer did not believe the new event***

space would generate any significantly greater traffic to the site. The Transportation Manager came to a similar conclusion. [emphasis added]

After reviewing the Applicant's proposal for the event use, the City's staff experts in engineering and transportation indicated that the proposed use will not have a detrimental impact to existing and historical traffic surrounding the subject property.

Additionally, Applicant proposed street improvements, at its cost, to Heber Avenue, including a dedicated drop-off and loading zone on Heber Avenue and increased sidewalk widths, which also serve to increase the safe turning radius of the Heber Avenue / Park Avenue intersection (as noted in the Planning Commission Staff Report dated September 27, 2017, pg 209, the "Staff Report"). This dedicated drop-off and loading zone would service not only the event use, but would also serve as a potential ride-share drop-off for the City and loading zones for retailers along Heber Avenue. In further discussions with City staff, it was determined that the City was pursuing its own redesign of the streetscape surrounding the subject property and that while a dedicated drop-off and loading zone on Heber Avenue must wait for the final City streetscape design, the added sidewalk width and subsequent safer turning radius at the Heber Avenue / Park Avenue intersection (specifically for busses) was desirable, approved and implemented into the project construction. The Applicant not only provided the design and engineering for this detail, but also incurred the cost of the re-configured curb and sidewalk dimension to incorporate the beneficial change to the streetscape.

Based on the information provided above, the Applicant has demonstrated compliance with the standards as indicated by determinations made by the City Engineer and Transportation Manager.

7. Council found that the impacts of the use would increase parking demand which has not been mitigated.

RESPONSE

In addition to the detailed information provided under Response 6, 8 and 15, the Applicant has previously provided evidence that

*The Planning Director found, that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, **for parking requirements up to a Floor Area Ratio (FAR) of 1.5**; the determination was made on March 20, 2016....**The proposed FAR of the proposed project with the new addition is 1.45.** [Staff Report, pg 210, Note that determination was made March 20, 2015 and not 2016, also referenced on pg 203, emphasis added]*

Furthermore,

*A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use **in accordance with applicable standards.** [LMC 15-1-10, emphasis added]*

The applicable standard in the case of the event use can be found under LMC 15-3-7(A), which states that, "...in review of Conditional Use permits, the initial parking requirement is determined by referring to the requirements for the Use and the underlying zone." The requirements of the Use proposed are not specifically identified in LMC 15-3-6(B) for a Private Event Facility, and even if a separate requirement was defined in the LMC for the proposed use, the determination by the Planning Director cited above allows for the payment to the Main Street Parking Special Improvement District to offset all required parking for the subject property up to an FAR of 1.5, regardless of the type of Non-Residential Use. The LMC, in 15-2.5-6 also states that "Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment." In the case of the subject property, the addition to the historic structure did not create a Lockout Unit or an Accessory Apartment, which clearly exempts the addition from further Off-Street parking requirements, independent of the determination above.

Based on the information provided above, the Applicant has demonstrated that neither the LMC nor the Planning Director's determination of parking for the subject property require any off-street parking for the proposed use.

8. City Council found that unmitigated impacts included the lack of a load-in and load-out zone or a clear traffic mitigation plan for events.

RESPONSE

In addition to the detailed information provided under Responses 6, 7 and 15, the LMC specifically addresses loading and delivery service in three locations:

Delivery vehicles operating south of Heber Avenue shall utilize the west side of Main Street during the hours from 3:00 a.m. to 12:00 noon. [9.8.3(A)]

Delivery vehicles may double park on the west side of Main Street south of Heber Avenue from the hours of 3:00 a.m. to 12:00 noon. [9.8.3(B)]

Except in the Historic District Zones, every Structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle, must provide and maintain adequate space for standing, loading, or unloading services Off-Street. All such loading Areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any Front Yard or in any Street or Right-of-Way. [15-3-10(A), emphasis added]

The subject property is located within the Historic District Zones, which exempts the use from any requirement for Off-Street standing, loading or unloading services. Additionally, the LMC specifically provides for delivery vehicles in the Main Street Core under chapter 9.8.3, allowing both times and locations for deliveries to occur. As a further mitigation to load-in and load-out requirements, the Applicant constructed an 1,180 square foot on-site storage room. This storage room is directly accessible by elevator to the event space and outdoor terrace and provides for storage of most durable goods required for operation of the event use, thereby minimizing the load-in and load-out requirements of the use.

Based on the information provided above, the Applicant has demonstrated the LMC does not require load-in or load-out zones for the event use, however, the Applicant has taken significant steps to mitigate any potential impacts by constructing the storage space to drastically limit load-in and load-out requirements associated with the use.

9. City Council found that the use of the second level roof deck as Private Event Space as proposed was not mitigated to be compatible with the surrounding residential uses to the North and West of the site.

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5, 6, 7, 8, 11, 13, 14, 15, 26 and previously provided Exhibit D-2 in the Staff Report [pgs 237-242], the Applicant has provided significant design information related to the layout of the event space and outdoor terrace. The Staff Report supports the Applicant's stance related to the configuration of the building, stating that "The project is currently under construction and is not subject to the CUP. Only the proposed use of the Private Event Space in the new addition and rooftop deck are subject to the CUP review" [Staff Report, pg 202]. The project design has been approved on three separate occasions, each time appealed by the same party. The Historic District Design Review ("HDDR") was approved on June 20, 2016. The Board of Adjustment ("BoA") denied the subsequent appeal and again re-affirmed the HDDR approval the project on October 18, 2016. The Park City Building Department then issued a building permit on February 16, 2017. The ensuing Conditional Use Permit application for the Private Event Facility was approved on December 14, 2016. In each case, the ruling board determined that both the design and the anticipated use of the event space and outdoor terrace was compatible with the surrounding uses. The Planning Commission action approving the Conditional Use Permit explicitly addressed the compatibility of the project and associated use in Findings of Fact #9, 35, 41 and Conclusions of Law #2 and 3 [Staff Report, pgs 217, 219 and 220].

The subject property is located within the Historic Recreation Commercial ("HRC") Zone, and specifically within the Heber Avenue Sub-zone. The described purpose of the HRC zone is to "provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area" [LMC 15-2.5-1(E), emphasis added]. The

subject property itself does not abut the HR-1 zone and moreover was intended to be a more intensive use than other HRC-zoned property. This more intensive use is evidenced by the inclusion of the subject property in the Heber Avenue Sub-zone, which adds all of the available Allowed Uses and Conditional Uses of the Historic Commercial Business (“HCB”) zone and additionally removes the limitation on non-residential FAR to which other HRC zoned property is limited [LMC 15-2.5.10 and LMC 15-2.5-3(G)]. Based on the LMC alone, it is clear that the code specifically transitions the uses from the most intensive HCB zone, to the HRC-Heber Avenue Sub-zone, to the HRC, then to the HR-1 zone. The Private Event Facility Use is listed as a Conditional Use in both the LMC chapter 15-2.5.2(B)32 related to the HRC zone and 15-2.6-2(B)25 related to the HCB zone (as incorporated by the Heber Avenue Sub-zone), which also reinforces the compatibility of the event use at the subject property.

Based on the information provided above, the Applicant has demonstrated that the use and configuration of the event space is compatible with the surrounding zone.

- 10. City Council found that the use of the proposed roof deck on the second level was too unrestricted and not compatible in use to neighboring structures as currently proposed. They found it was very visible due to its geographic location at the bottom of the street and it was too public and too impactful to the surrounding neighborhood as currently proposed.**

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 26.

- 11. City Council found that the proposed tent to be located on the northwest corner of the roof deck should be visually minimized. Council found that a mitigation could be to require any tents to be reviewed and approved through a special events permit.**

RESPONSE

The Applicant has withdrawn its request for Condition of Approval #12 [Staff Report, pg 221].

- 12. At a minimum, Council suggested that the impacts could be mitigated by a limitation on the number of days and times the roof deck and tent would be in use.**

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 26.

- 13. City Council found that the mitigation of the impacts could include on going monitoring with the Planning Commission to ensure the applicant was complying with the conditions of approval of the CUP.**

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 26, the LMC specifically addresses enforcement under chapter 15-14-3, namely

*The City, through its designated officials, shall, have the right of Access to any premises at any reasonable hour for the purpose of inspecting all Buildings and Structures during the course of their construction, modification, or repair, **and to inspect land Uses to determine compliance with the provisions of this Code;** and to make examinations and surveys pertinent to the preparation of the General Plan or preparation or enforcement of this Code. [emphasis added]*

Based on the information provided above, including the enforcement provisions of the LMC, existing processes will ensure conformity with applicable standards.

- 14. City Council found that the mitigations of the impacts included reducing the visibility of the roof deck which was required by the Board of Adjustment.**

RESPONSE

In addition to the detailed information provided under Response 9, 15 and 26, the BoA discussed and determined that the visibility of the outdoor terrace was acceptable, but only as it specifically related to the design of the project and not as it related to the use. See BoA Meeting Minutes dated October 18, 2016, Findings of Fact #16, 22, 24, 26, 28 and 29. It is indisputable that the BoA did not require any additional mitigation related to the visibility of the outdoor terrace and, in fact, supported the design and configuration with their Findings of Fact.

Based on the information provided above, the Applicant has demonstrated that the Board of Adjustment did not require mitigations of the impacts of the visibility of the roof deck.

- 15. The City Council found the proposed use and configuration failed to mitigate the impacts in reviewing the criteria listed in LMC 15-1-10(E)(2), (4), (5), (6), (7), (10) (11), (12), (13) and (16) by failing to mitigate the traffic considerations including capacity of the existing streets in the Area; emergency vehicle Access; location and amount of off-street parking; internal vehicular circulation system; Fencing, Screening and landscaping to separate the Use from adjoining Uses; signs and lighting; physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, noise vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site; control of delivery and service vehicles, loading and unloading zones, and pickup areas and within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park**

City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site;

Incorporated by reference above, 15-1-10(E):

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

RESPONSE

Please see the detailed information provided under Responses 6, 7, 8 and 15.

(4): emergency vehicle Access;

RESPONSE

In addition to the detailed information provided under Responses 6, 7, 8 and 15, the Park City Fire District conducted a Non-Structural Fire & Life Safety Review on the project and forwarded a Favorable Recommendation for Approval on December 7, 2016.

(5): location and amount of off-Street parking;

RESPONSE

Please see the detailed information provided under Responses 6, 7, 8 and 15.

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

RESPONSE

In addition to the detailed information provided under Responses 3, 5, 9, 11, 14, 15 and 26, the event space is physically located on the second floor above Heber Avenue on the South building façade and extends to the third floor above Main Street on the East building façade. The event space access is set back from the building façade to separate the guest entry from the retail storefronts on either side of the entry. This design and use is provided for in the LMC 15-2.5-2, which states "...access, circulation, and lobby areas are permitted within Storefront Property" [footnote 5]. Occupying the full width of Heber Avenue between Park Ave and Main Street, the subject property is bordered only by HRC and HCB zones, and include uses such as two restaurants, two ski rental shops, two real estate offices, two condominium developments (one with associated lobby access on Main Street), a parking garage and two private commercial properties used for private events.

Based on the information provided above, the Applicant has demonstrated that the event use is both compatible with the surrounding and adjoining Uses and physically separated from the same Uses.

(10): signs and lighting;

RESPONSE

The Staff Report “finds that City Council likely did not mean to include Condition of Approval #6 referencing signage on site as this was not discussed as part of the appeal” [pg 205]. However, the Applicant is currently working with city Planning Staff on the required Master Sign Plan, pursuant to Condition of Approval #6. The project lighting was approved through the building permit process, and no additional outdoor lighting is proposed to serve the event use.

Based on the information provided above, the Applicant has demonstrated that the event use complies with the signs and lighting provision of the LMC 15-1-10.

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

RESPONSE

In addition to the detailed information provided under Responses 9, 11, 14, 15 and 26, the project was designed and purpose-built to accommodate the Private Event Facility use. This process allowed for significant city Staff and public input into the design and configuration of the project, which was ultimately approved via HDDR, upheld at the BoA and confirmed by issuance of the building permit for construction of the space [Permit # BD-16-23516]. Also recall in Action Letter Response #9 that the configuration of the project is not subject to the Conditional Use Permit review process [Staff Report, pg 202].

Based on the information provided above, the Applicant has demonstrated that the event space design has been confirmed to be compatible with the surrounding Structures in mass, scale, style, design and architectural detailing.

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

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5 and 15, the Condition of Approval #13 states that “The rooftop terrace shall not be used for activities that may create dust or odor, such as but not limited to cooking” [Staff Report, pg 221]. This condition restricts the outdoor terrace use to mitigate these potential impacts. Further, the Condition of Approval #10 defines and restricts the potential visible impacts associated with the mechanical factors, saying

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. [Staff Report, pg 221]

Based on the information provided above, the Applicant has demonstrated that the event space has been appropriately mitigated by the Planning Commission's Approval of the Conditional Use Permit.

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

RESPONSE

In addition to the detailed information provided under Responses 6, 7, 8 and 15, the Findings of Fact #36 state that "The applicant has proposed an acceptable screened refuse storage area along the north property line, adjacent to Main Street" [pg 219]. The Noise Management Plan also restricts the impacts of refuse disposal from the event use. "The removal of used containers to external areas after 9:00pm will not be permitted nor the emptying of used bottles until the following day" [Staff Report, pg 234].

Based on the information provided above, the Applicant has demonstrated that the event space has been appropriately mitigated by the Planning Commission's Approval of the Conditional Use Permit.

(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. [Note that the Action Letter directive #15 incorrectly references 15-1-10(E)(15) rather than (16)]

RESPONSE

The General Plan specifically addresses event uses for the Old Town neighborhood, describing that

***This central core is also the backdrop to community events** such as parades, festivals, competitions, and concerts. **Continued programming of the street** provides local businesses with year round patrons. As a center for cultural and recreation tourism, the street is becoming more than a winter destination, but **host to events year round**. Being **in the spot light for large events** translates into national and international advertising of the Park City experience and capturing new visitors. Ensuring quality management, safe venues, and a straightforward process by the City for master festival and special events license holders is key to continued success for programming the street [General Plan, pg 219, emphasis added].*

The subject property's location is also addressed and identified explicitly, saying that uses such as "...the Kimball Arts Center draw in Parkites **for various events** and classes" [General Plan, pg 219, emphasis added].

Based on the direct and detailed language in the General Plan for event uses and the subject property's historic uses, the Applicant has demonstrated that the event use is consistent with the goals and objectives of the Park City General Plan.

- 16. Council remanded the appeal for further review of the Indoor use related to the private event facility and require additional mitigation evaluation by the Planning Commission on loading areas, traffic and parking.**

RESPONSE

Please see the detailed information provided under Responses 6, 7, 8 and 15.

- 17. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor deck use. As proposed the impacts are not adequately mitigated. Review of the impacts and their mitigation should include at a minimum a strong re-evaluation of the design, and conditions of the approval which reflect the requirements of the Board of Adjustment decision including minimum visual impacts on the roof.**

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 26.

- 18. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts specific to the overall purposed of traffic from deliveries including loading and unloading for deliveries and load in/out areas.**

RESPONSE

Please see the detailed information provided under Responses 6, 7, 8 and 15.

- 19. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts specific to the overall use purposed of traffic patron use including loading and unloading and pick up and loan in/out areas.**

RESPONSE

Please see the detailed information provided under Responses 6, 7, 8 and 15.

- 20. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of Sound and Noise created by the use of the outdoor space. The impacts of the**

sound needs to be mitigated by keeping the sound inside of the space so it doesn't unduly impact neighbors.

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5 and 15.

- 21. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor space on the compatibility of the neighborhood. Such mitigation may include denial of use of the deck beyond which is already permitted, limit number of people on the deck, limiting the use of the deck for the conditional use. Council also asked Planning Commission to focus on implementing strong mitigation for impacts of use of outdoor deck including compatibility, noise mitigation concerns and impacts beyond ancillary deck use which is permitted. Mitigation should limit any noise any mitigation use beyond permitted use on the deck and consider mitigation including design changes, limitation or reduction of use by hours per days or number of days, direction of deck/event space, remove speakers, require sound insulation between indoor and outdoor use (i.e. don't permit glass separation).**

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 26.

- 22. Council asked Planning commission to review impacts related to criteria 2, 5, 6, 12, and 13 closely.**

Incorporated by reference above [Staff Report, pgs 220, 221]:

(2): Should the owner host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in the CUP, a Special Event permit may be required.

RESPONSE

The Applicant confirms.

(5): The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:

- a. The owner, or his/her designee, shall provide an on-site management for each aspect of the event.**
- b. The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance for the outdoor use.**

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5 and 15.

(6): All exterior signs require a separate sign permit reviewed by the Planning and Building Departments and multi-tenant buildings require a Master Sign Plan.

RESPONSE

Please see the detailed information provided under Response 15.

(12): Any proposed tent shall comply with the following regulations:

- a. The tent shall not increase the occupancy of the existing building.
- b. The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.
- c. The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.
- d. The tent shall be no more than fifteen feet (15') in height.
- e. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.
- f. The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10) days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.
- g. The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.
- h. The size of the tent shall be limited to 780 square feet.
- i. The rooftop terrace shall be limited to one (1) tent.
- j. The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.

RESPONSE

Please see the detailed information provided under Response 11.

(13): The hours of operation within the interior shall be limited to 8am to midnight.

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5 and 15, the Applicant confirms.

- 23. Council remanded the CUP for the Planning Commission to consider mitigating impacts by having an affirmative review the City incrementally by the use, more frequently than just once a year.**

RESPONSE

Please see the detailed information provided under Response 13.

- 24. Council asked Planning commission to review impacts related to criteria 3 and 4 address loading traffic and parking. More specific conditions are needed to mitigate current impacts.**

Incorporated by reference above [Staff Report, pgs 220, 221]:

(3): Guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.

RESPONSE

Please see the detailed information provided under Responses 6, 7, 8 and 15, the Applicant confirms.

(3): The applicant, at its cost, shall incorporate such measures to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the events will be conducted with due regard for safety are provided and paid for by the applicant.

RESPONSE

In addition to the detailed information provided under Responses 6, 7, 8 and 15, the Applicant confirms.

- 25. Council asked Planning commission to review impacts related to Noise. Council is unable to find a way to mitigation for noise and asked Planning Commission to revisit criteria 2,5,6,12,13 and 15 to find a better way to mitigate or to restrict the use to limit the noise through more restrictive event usage or limited hours.**

Incorporated by reference above [Staff Report, pgs 220, 221]:

(2): Should the owner host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in this CUP, a Special Event permit may be required.

RESPONSE

The Applicant confirms.

(5): The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:

- a. **The owner, or his/her designee, shall provide an on-site management for each aspect of the event.**
- b. **The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance for the outdoor use.**

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5 and 15.

(6): All exterior signs require a separate sign permit reviewed by the Planning and Building Departments and multi-tenant buildings require a Master Sign Plan.

RESPONSE

Please see the detailed information provided under Response 15.

(12): Any proposed tent shall comply with the following regulations:

- a. **The tent shall not increase the occupancy of the existing building.**
- b. **The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.**
- c. **The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.**
- d. **The tent shall be no more than fifteen feet (15') in height.**
- e. **The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.**
- f. **The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10) days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.**
- g. **The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.**
- h. **The size of the tent shall be limited to 780 square feet.**
- i. **The rooftop terrace shall be limited to one (1) tent.**
- j. **The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.**

RESPONSE

Please see the detailed information provided under Response 11.

(13): The hours of operation within the interior shall be limited to 8am to midnight.

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5 and 15, the Applicant confirms.

(15): The owner shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the licensed premise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5 and 15, the Applicant confirms.

26. Council asked Planning commission to review impacts related to the visual impacts and found Condition of Approval 11 of the Planning Commission determination contradicts Board of Adjustment findings and impacts need to be mitigated related to tents and other rooftop visual impacts.

Incorporated by reference above [Staff Report, pg 221]:

(11): The use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.

RESPONSE

In addition to the detailed information provided under Responses 9, 11, 14, and 15, the BoA discussed the visibility of the improvements associated with the event use, specifically railings, umbrellas and the tent (since withdrawn from the Conditional Use Permit application pursuant to Response 11). The BoA was specifically concerned with any permanent visible improvements and much less so with temporary improvements, as evidenced by the Meeting Minutes dated October 18, 2016. The Assistant City Attorney Mclean noted, "If the Board has concerns with permanent or temporary elements, and how long those items could be visible from the street are present, this would be the time to add a condition of approval with those restrictions" [BoA Meeting Minutes dated October 18, 2016, pg 25]. The subsequent BoA vote included 30 Findings of Fact and 1 Condition of Approval – none of which addressed the visibility of temporary improvements associated with the event use, despite clear optionality to include a condition in the motion.

Based on the information provided above, the Applicant has demonstrated that the BoA did not specifically restrict temporary improvements, and instead left the condition to the Planning Commission to determine, which was provided under this Condition of Approval #11 [Staff Report, pg 221].

27. Council asked Planning commission to review impacts of Condition of Approval 15 of the Planning Commission determination and consider an additional review component.

Incorporated by reference above [Staff Report, pg 221]:

(15): The owner shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the licensed premise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5 and 15, the Applicant confirms.

April 19, 2018

Craig Elliott
Elliott Workgroup
1441 W. Ute Blvd., Suite 100
Park City, Utah 84098

RE: The Kimball on Main – Environmental Noise Study
Project No. 1750004581

Dear Craig:

The Kimball on Main is a new event venue currently under construction at 638 Park Avenue in Park City, Utah. The City has requested a review of the sound levels from the rooftop patio to adjacent properties to ensure compliance with the City Municipal Code.

We visited the project site on March 28 and 29, 2018 to conduct ambient noise measurements of the existing conditions. The most noise-sensitive neighbor appears to be the residential use buildings southwest of the project site. The figure below shows a map of the surrounding areas. This report includes details on the criteria, ambient noise measurements, and predicted noise levels.



Figure 1: Map - Project and Surrounding Sites

Criteria

The Park City Municipal Code Section 6-3-9 states maximum permissible sound levels.

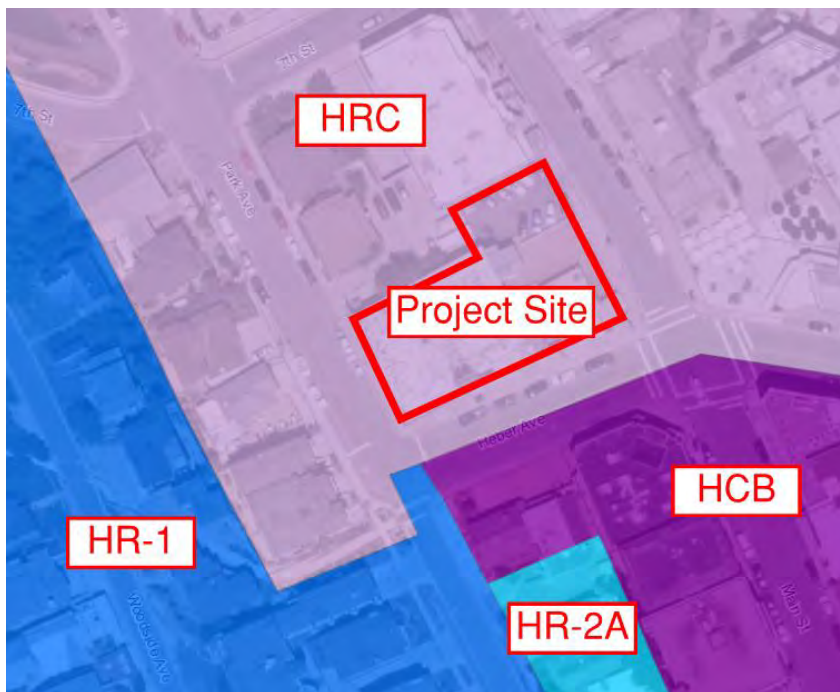
It is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound in such a manner as to create a ninetieth percentile sound pressure level (L90) of any measurement period (which shall not be less than 10 minutes unless otherwise provided in this chapter) which exceeds the limits set forth for the following receiving land use districts, when measured at or within the property line of the receiving property:

Use District	10:00 p.m. - 6:00 a.m.	6:00 a.m. - 10:00 p.m.
Residential	50 dBA	55 dBA
Commercial	60 dBA	65 dBA

When a noise source can be identified and its noise measured in more than one land use category, the limits of the least restrictive use shall apply at the boundaries between different land use categories.

A zoning map of the project site and surrounding area is shown below. The project and adjacent properties to the North, East, and West are zoned HRC (Historic Recreation Commercial). The adjacent property to the southeast is zoned HCB (Historic Commercial Business). Both HRC and HCB are Commercial zoning. However, the building to the southwest of the site appears to have three residences.

The noise limits for Residential districts are 55 dBA during the day and 50 dBA at night. The noise limits for Commercial districts are 65 dBA during the day and 60 dBA at night.



- HRC Historic Recreation Commercial
- HCB Historic Commercial Business
- HR-1 Historic Residential
- HR-2A Historic Residential

Figure 2: Zoning Map

Ambient Noise Measurements

Sound measurements were conducted at various times of day and night from Wednesday, March 28 to Thursday, March 29, 2018. Measurements used a Type-1 Svantek Model 979 Sound Level Meter with ½” microphone. The sound level meter was field calibrated before the measurements and checked at the end of the measurements to ensure accuracy. The instrument used a windscreen for all measurements. All measurements were 45 to 60 minutes in duration.



Figure 3: Sound Meter Location - Looking Southeast

The sound meter was placed on the roof of the existing building in the far southwest corner. A tripod was used to ensure the microphone remained at a height of 5-feet above the roof. This location had direct line of sight to the street below and the adjacent residential use buildings.

During the measurements, the temperature ranged from 36 to 52 degrees Fahrenheit and wind ranged from calm to 26 mph from the NW. Roads and sidewalks were dry and snow had melted from most surfaces except for the ski slopes. Overall, environmental conditions negligibly influenced the measurement results.

The main source of noise was traffic including cars and buses on Park Avenue and Heber Avenue. In addition, there was construction noise on site during the daytime sound measurements, which will not be typical during event space operation. The nighttime measurements represent typical ambient sound levels. The table below shows the sound levels measured at various hours of the day. Measurements included L90, LEQ (equivalent/average sound level), and L10 which are defined in the appendix. More measurement details are available upon request.

Date	Time	Sound Pressure Level (dBA)			Comments
		L90	LEQ	L10	
3/28	1:00-2:00 P.M.	53	66	68	Some Construction Noise
	2:00-3:00 P.M.	55	65	66	Some Construction Noise
	6:00-7:00 P.M.	53	62	63	
	8:00-9:00 P.M.	51	61	63	
	9:00-10:00 P.M.	51	62	62	Busses still running at 10:00 P.M.
3/29	4:00-5:00 A.M.	49	52	54	
	5:00-6:00 A.M.	48	51	51	
	10:00-11:00 A.M.	60	65	67	Some Construction Noise

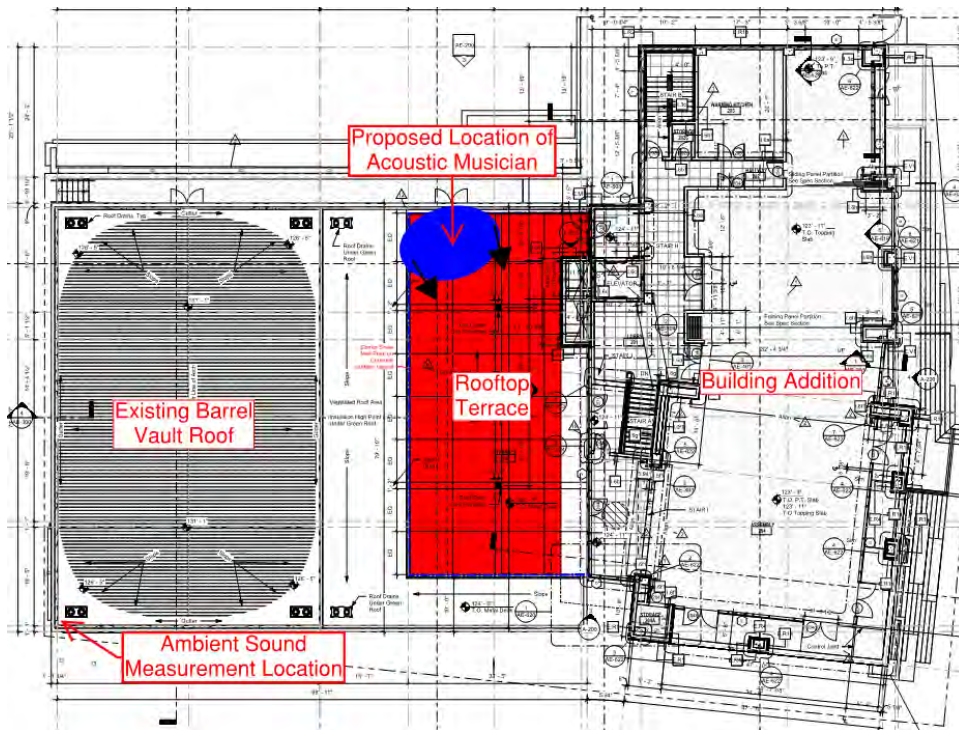
As shown above, the quietest sound levels were measured from 5:00 to 6:00 A.M., which was 51 dBA (LEQ). From 9:00 to 10:00 P.M., the measured sound level was 62 dBA (LEQ). Note, the outdoor event space has limited hours, and will not be occupied during the quietest hours of the night. Therefore, the commercial requirements of 65 dBA during the daytime and 60 dBA at night are sufficient to ensure the sound level from the proposed building are below the existing ambient sound levels.

Additional measurements were conducted on March 28 to determine the sound levels from two existing establishments (The Cabin Bar and Collie’s Sports Bar). The sound meter was placed on the second story patio near the town ski lift (approximately 825 Main Street) approximately 50 feet from The Cabin and 100 feet from Collie’s Sports Bar. However, due to the cold temperature there was little to no outdoor activity. Only a few patrons were outdoors, and the background music was set to a low volume. The main noise source was traffic on Main Street, not voices or music from the surrounding establishments. Each measurement was 10 minutes in duration. Although this data is likely insignificant, the short-term sound levels at the comparable location are presented in the table below for completeness purposes.

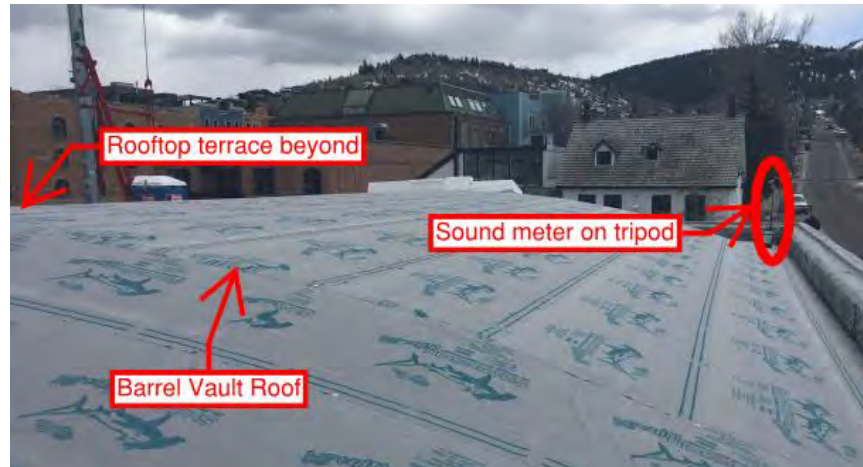
Time	Sound Pressure Level (dBA)		
	L90	LEQ	L10
3:00 P.M.	54	58	60
5:45 P.M.	53	64	65
7:15 P.M.	54	57	59
10:00 P.M.	53	62	64

Predicted Sound Levels

The proposed rooftop terrace space has a capacity of approximately 150 people. The majority of the sound from events will be people talking. Some events may include live acoustic guitar music on the rooftop as well. The figure below shows the roof plan including the extents of the rooftop terrace and proposed location for acoustic musicians. The center of the rooftop terrace is approximately 145 feet away from the southwest adjacent property line. The musician location is approximately 130 feet away from the southwest adjacent property line.



The existing barrel vault roof provides a noise barrier effect, which partially blocks the line of sight to the adjacent buildings. The photo below shows the rooftop looking south.



Sound levels for the human voice can vary significantly depending on many factors including size of group, ambient noise, age, directionality (which way people are facing), and activity. The table below shows typical sound levels for one person talking at various effort levels.

Voice Effort	Average Speech Sound Pressure Level (dBA, LEQ @ 3-ft)	Sound Power Level (LWA)
Relaxed Normal Talking	54	61
Raised Normal Talking	60	67
Loud Talking	72	79

We assume the worst-case scenario would be 75 people talking simultaneously at the “Loud Talking” voice effort. This would be full capacity with each person engaged in a 1 on 1 conversation where one person is listening and one person is listening.

Some events may have acoustic musicians playing background music. The proposed musician location is shown on the previous page. The musicians will point towards the rooftop terrace and the second floor of the building, and away from adjacent properties. A typical acoustic musician will produce a sound level of approximately 85 dBA at 10 feet (equivalent to 103 LWA sound power level). We assume the worst-case scenario would be two musicians at this location. Music levels can vary drastically depending on style of music and equipment used. The event space should ensure musicians will not produce excessive sound levels.

Note, the predicted sound levels are LEQ. The L90 required by the code will always be less than or equal to the LEQ. The table below shows the predicted noise level at the southwest adjacent property line, for an event on the rooftop terrace at full capacity with people talking at “loud talking” levels.

Source	Sound Power, LwA	Number of Sources	Distance Reduction (ft)	Reduction Factors	Sound Pressure, dB(A)
People Talking	79	+19 (x75 Sources)	-41 (145')	-3*	54
Combined LEQ Sound Pressure Level (dBA)					54

*Barrier effect from barrel vault roof

The table below shows the predicted noise level at the southwest adjacent property line, for an event on the rooftop terrace at full capacity with people talking at “loud talking” levels with two acoustic musicians playing.

Source	Sound Power, LwA	Number of Sources	Distance Reduction (ft)	Reduction Factors	Sound Pressure, dB(A)
People Talking	79	+19 (x75 Sources)	-41 (145')	-3*	54
Musicians	103	+3 (x2 Sources)	-40 (130')	-3*, -5+	58
Combined LEQ Sound Pressure Level (dBA)					59

*Barrier effect from barrel vault roof

+Off axis receiver, musicians pointed towards terrace and away from neighbors

Conclusion

As shown in the tables above, the predicted sound levels at the southwest adjacent property meet the Park City Municipal Code requirements for commercial district (65 dBA during the day and 60 dBA at night). In addition, these predicted sound levels are below the existing ambient noise level measurements during the event space hours of operation.

Please contact me if you have any questions.

Sincerely,

Henderson Engineers



Josh Thede
Acoustics Specialist

Acoustical Terms

- dBA** The sound level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.
- LEQ** Equivalent sound energy level. The sound level correctly corresponding to steady-state sound level containing the same total energy as a time-varying signal over a given sample period.
- L₁₀** Tenth percentile noise – The A-weighted sound pressure level that is exceeded 10 percent of the time in any measurement period.
- L₉₀** Ninetieth percentile noise - The A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period.

Exhibit D

Public Comment for Kimball Event Center CUP Application

I am writing this letter to voice my opposition to any approval of the proposed outdoor Private Event deck above the old Kimball Art Center. This process has been flawed from the start, from the Board of Adjustment's override of the appeal to leave the barrel roof structures intact on this Landmark Bldg, (which enabled this deck in the first place), to the Planning Commission's prior unanimous vote to approve the CUP for the use of the entire facility without any substantial or verifiable mitigation.

When the approval was appealed to the City Council, the Council members not only voted unanimously to remand that decision back to Planning, but also questioned how the deck was allowed in the first place, at the expense of the historic integrity of the structure. Since the deck construction is almost complete, that ship has, sadly, sailed. But it is still within the Planning Commission's power, and duty, to greatly reduce the other negative effects of this facility's use.

While I believe the applicant has failed to mitigate almost all of the points brought up by the Council in its remand letter, I am particularly concerned about the approval for UNLIMITED PRIVATE EVENTS on the deck (and the facility in general), and the devastating and PERMANENT PRECEDENT that any approval will set.

For starters, just down the street from the Kimball sits the privately owned Town Lift deck. The owners of that site currently must apply for a Special Event Permit to hold events there, each individual event subject to the rules, constraints and supervision of the Special Events process. With approval of the Kimball's deck use as proposed, I fear it now opens the door for this owner in particular to apply for the same rights. How can you allow one and not the other? The answer is clear...you can't. It's no secret that this owner has attended the prior hearings and voiced his support for the approval. It's no secret that he has a vested interest in seeing this approval for the precedent it sets for him. And surely there are other business interests looking at this process with a keen eye toward the precedent it will set.

I believe there are now about 280 special event permits issued each year, with 80+% being for non-profits. Not only is the Kimball use a for-profit enterprise, it also is private. How can the City, which has acknowledged repeatedly that it is suffering from "Event Fatigue", approve a CUP that will effectively double the number of events in one stroke...without requiring any ongoing regulatory process? And with additional businesses seeking similar rights due to the precedent set, that number goes up exponentially years down the road.

I believe the City owes it to the people who own and live full-time in homes nearby, who contribute daily to the vitality of the district, and who will be permanently affected by any unmitigated approval of this event deck and facility, **to reject this use in the strongest terms allowed by law.** That includes a SERIOUS look at not only the event process, but also the traffic, parking, and noise issues that are inevitable, and that I believe are simply not mitigable to any significant degree. Make no mistake, the events planned for this facility are special

events as defined by the City, and allowing them 365 days/yr., carte blanche, without regulation is inviting event overlap on a constant basis, including during Sundance and the Kimball Arts Festival...and any other time. This is completely anathema to the city's stated objectives, and can be legally prevented by the Planning Commission if it sticks to the facts of the application and its adherence to the LMC.

Thank you for reading and hearing this objection. I look forward to you folks making the right decision for the locals who live, work, play and contribute in this town...and not a commercial entity whose sole motive is profit, whether at the expense of the local population or not. The proposal is simply a bad deal for the town and it's citizens. Any Approval of this application without strict mitigation and limits will set a permanent and devastating precedent that eventually will contribute to a dearth of citizens in Old Town, and will ultimately contribute to Old Town becoming a free-for-all "party zone". Is that what we want? Everything I hear from City officials says "no" to that question.

Thank you,
Ed Parigian
Old Town resident for 12 years

Comments for Planning Commission's consideration regarding the submittal from CPP Kimball LLC addressing City Council Remand to the Planning Commission on the Appeal of a CUP for Private Events Facility at 638 Park Avenue (Historic Kimball Garage)

Submitted by: Sanford Melville

The starting point for this CUP review must be the City Council's Remand letter itself, dated April 14, 2017. Council remanded the Private Event Facility CUP for failure to meet the requirements of LMC 15-1-10, both for the indoor and outdoor portions of the proposed event facility. Council's Remand provided specific directions which are stated in the numbered paragraphs of the Remand letter. On May 11, 2018 the applicant submitted a Response to the City Council remand on an item by item basis corresponding to the numbered paragraphs of the Remand letter. These are all summarized below under the six specific topics of unmitigated noise, traffic, parking, incompatibility, visibility, and required City monitoring.

It should be noted that this proposed CUP is for the operation of a permanent indoor/outdoor rooftop private event center at the site of the historic Kimball Garage adjacent to a residential neighborhood. The occupant capacity for this private event facility is up to 480 people. The event center has a large outdoor component – it includes as part of the event facility an outdoor rooftop terrace of 2,530 square feet over the historic Kimball garage, plus a 477 square foot outdoor balcony overlooking the Heber Avenue-Main Street corner – over 3,000 square feet of outdoor event space. Requested allowable operating hours for this nightly event center would be between 8am and midnight, with outdoor speakers and music allowed 11am to 10pm.

Unlike all others who must obtain administrative CUP's for outdoor events and who are subject to City review for continuing approval of events, this applicant seeks permanent CUP approval of their private event center before a single event has been held.

There are good reasons why the Code was expressly written not to allow such permanent pre-approval, as explained by Chair Strachan in the Work Session on September 17, 2017. See minutes of 9/17/17 Work Session.

1. Unmitigated Noise Impacts from Outdoor Rooftop Event Space

In Remand paragraphs 3 & 15, Council found that the impacts from noise from the proposed outdoor second level event space were not mitigated, and did not meet the CUP criteria of LMC 15-1-10(E)(12). This included noise from amplified outdoor music and human chatter, and Council found that "the glass railing and open space on the deck would amplify the noise and create noise impacts on the roof deck which cannot be mitigated." Remand para. 4 & 5.

Council remanded the CUP for further review by Planning Commission to mitigate the impacts of sound and noise created by the use of the outdoor space so that these sounds do not unduly impact neighbors and suggested a number of specific restrictions on use. Remand para. 20 & 21. Council asked Planning Commission to *closely* review impacts related to CUP

criteria 12 (i.e., noise). Remand para. 22 & 25. Council stated it “is unable to find a way to mitigation for noise”, and asked Planning Commission to find a better way to mitigate or to restrict the event usage to limit the noise. Remand para. 25 & 27.

In Response 3 applicant discusses a study applicant commissioned by a professional third-party expert in environmental noise to determine the noise impacts to be mitigated. The applicant refers to this as the “Henderson Study”. A review of the Henderson Study shows some significant deficiencies. The study measured ambient noise during a quiet period of the Park City season (March 28 and 29) and then made a theoretical prediction of what the noise would be from 150 people (75 talking), and 2 acoustic musicians on the outdoor deck. While interesting, this is an academic analysis at best. How would this compare to 150 or more people partying, accompanied by a band with amplified music?

In Response 3 applicant has provided a complex noise management plan coupling electronic technology with procedures for staff to prevent the noise from exceeding the City’s noise ordinance requirements. In my opinion this proposed complex plan will be unworkable and likely ineffective. It relies on neighbors to complain and will not prevent intrusive noise from events on the open rooftop deck.

In Response 3 the applicant references a sound trap designed into the soffit of the western façade which applicant states will “diffuse sound waves from the outdoor terrace.” Note that the Henderson Study does not make any reference to the sound trap or its effectiveness. One can only assume that this is because the expert was not comfortable commenting on the theoretical effectiveness of this minor architectural feature. In addition, since the entire western façade adjacent to the rooftop deck appears to be glass, it seems inevitable that this glass façade itself will be a “sound amplifier”.

In Response 3 the applicant cites the historic barrel roof that was retained on the western half of the historic structure as a line of sight sound barrier. The Henderson Study takes a sound reduction credit for this roof. However, line of sight only applies, at most, only to adjacent buildings. Even a casual observer knows that sound travels uphill in the bottom of a canyon and that the neighbors impacted by the noise on the deck are mostly physically located above the barrel roof of the historic building.

In Response 5 the applicant indicates that the glass railings will not amplify the noise impacts on the deck but would in fact diminish the impacts. Again, the Henderson Study is silent on this claim by the applicant, likely because this is simply speculation by the applicant’s lawyer.

2. Unmitigated Traffic Impacts and Lack of Loading Zone

In Remand para. 6 & 15, Council found that the traffic impacts of the proposed use had not been mitigated, and did not meet the CUP criteria of LMC 15-1-10(E)(2), (4), (6), and (13). Council found the “impacts included likely bottlenecks on the corners of Heber Avenue and Main Street as well as Heber Avenue and Park Avenue, particularly during peak load-in and load-out times.” Remand para. 6. Council also found that “unmitigated impacts included the lack of a load-in and load-out zone or a clear traffic mitigation plan for events.” Remand para. 8.

Council remanded for further review, including of the Indoor use of the private event facility, and required additional mitigation evaluation by the Planning Commission on loading

areas and traffic. Remand para. 16. Council also remanded the CUP for further review to mitigate the impacts due to traffic from deliveries loading and unloading for events and load in/load out areas, and due to patron use including loading and unloading and pick up. Remand para. 19. Council requested Planning Commission to “closely” review the impacts related to CUP criteria 2, 6, and 13 (i.e., traffic circulation, and load/unload zones), and Council stated that “More specific conditions are needed to mitigate current [loading traffic] impacts.” Remand para. 22 & 24.

In applicant’s Response 6, 7, 8 and 15 there is no new information provided to address Council’s concerns for mitigation. Further, it should be noted that the Kimball Art Center’s previous existing loading area in its parking lot was built over and eliminated by this project.

3. Unmitigated Increased Parking Demand

In Remand para. 7 & 15, Council found that the impact of the increased parking demand from the proposed Events Facility use was not mitigated, and did not meet the criteria of LMC 15-1-10(E)(5).

Council remanded the CUP for further review of the private event facility, including the indoor use, and required additional mitigation evaluation by Planning Commission on the parking issue. Remand para. 16. Council asked Planning Commission to *closely* review and address impacts related to CUP criteria 5 [parking], and stated that “more specific conditions are needed to mitigate current impacts.” Remand para. 22 & 24.

In applicant’s Response 7, 8 and 15 there is no new information provided to address Council’s concerns for mitigation. Further, it should be noted that the Kimball Art Center’s previously existing parking lot was built over and its parking spaces were eliminated by this project.

4. Incompatibility of Use of Roof Deck as Event Space

In Remand para. 9 & 10, the Council found that the proposed use of the second level roof deck as Private Event Space was not compatible with the surrounding residential uses, since it was very visible due to its geographic location at the bottom of the street and too public and impactful to the surrounding neighborhood. See LMC 15-1-10.

Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor space on compatibility, suggesting a number of restrictions on use. Remand para. 21.

The applicant in Response 9 provides no new information to address Council’s concerns for mitigation. Further, applicant incorrectly states that on appeal to the Board of Adjustment (“BoA”) that the BoA approved the proposed “use” as a private outdoor event facility. The BoA had a narrow scope in which to work and could not in fact consider “use” in its review.

5. Visibility of Use of Roof Deck

Council found that the use of the proposed roof deck on the second level was very visible due to its geographic location at the bottom of the street, and that such use conflicted with the BoA's findings that activities on the deck should be visually minimized. Remand para. 10 & 11.

Council suggested that possible mitigation of impacts could include limitation on the number of days and times the roof deck would be in use, and on-going monitoring with the Planning Commission to ensure compliance with conditions of approval. Remand para. 12 & 13. Council also suggested mitigations including "reducing the visibility of the roof deck", and "at a minimum a strong re-evaluation of the design" to reflect the BoA's requirements in their decision. Remand para. 14, 17, 21, & 26.

The applicant's current proposal has withdrawn the request for a CUP for the tent. The applicant will go through an Administrative CUP process for tents. However, this does not address the rest of the visibility issues of the proposed use of the rooftop deck mentioned by Council, and which concern was an important part of the BoA's findings. Anyone standing just above the site on Main Street and on Park Avenue can see that the rooftop deck is very visible. The applicant in responses 10, 11, 12, 14, 15 and 26 provides no new information to address Council's concerns for mitigation.

6. Unrestricted Use of Roof Deck and Monitoring by City

Council found that the use of the proposed second level roof deck was too unrestricted. Remand para. 10. Council remanded the CUP for further review by Planning Commission to mitigate the impacts of the Outdoor space, such as further limits on its use and to focus on strong mitigation of impacts. Remand para. 21. Council also suggested on-going monitoring with the Planning Commission to ensure compliance with conditions of approval, and affirmative review by the City incrementally by the use, and more frequently than once per year. Remand para. 13 & 23. Council was concerned that it should not be up to the neighbors to file complaints to assure compliance with any conditions of approval.

The applicant in Response 10 and associated items provides no new information to address Council's concerns to mitigate impacts and ensure compliance.

Further, there is simply no good reason to grant this applicant's request to bypass the reasonable ongoing oversight that the City applies to all others who wish to stage outdoor events in Park City.

7. Conclusion

I urge the Planning Commission to carefully consider City Council's many concerns, as stated in Council's Remand letter about this CUP, and accordingly deny the requested CUP.

Respectfully submitted,

Sanford Melville

Public Comment for CPP Kimball LLC CUP Application 6/6/18

John Stafsholt

December 2016 the PC Planning Commission granted a CUP for a permanent private events center with a permanent outdoor deck. There were many potential limits that could have been placed on this CUP application. But, no restriction of note were requested by the planning commission and the CUP application was approved 6-0. The PC Planning Commission is very diligent, but they just plain missed this one.

Adam Strachan (the Chairman) did not get to vote, but he made a strong comment, *“Chair Strachan stated that he would not be voting in favor of the CUP because the impacts are unknown and, therefore, could not be mitigated. None of the Conditions are clean, which is a good indication that the mitigation will not be clean. Chair Strachan believed the public comments were right on point; and he was unsure how this was ever approved by the Board of Adjustment. Chair Strachan did not believe the associated impacts could be reasonably mitigated”*. PC planning staff report 12/14/18 pg. 69.

Chairman Strachan was correct in not understanding how the Board of Adjustment could approve this project. The Kimball Arts Center is a Landmark Building and the code is clear that historic structures (barrel-vaulted roof forms unique to the Kimball within the state of Utah) can not be removed, period. This first mistake has now created the second situation of the 2,533 square foot party deck. At this time, we are not appealing the structure, just the use. It is the Planning Commission’s responsibility to mitigate the use, to make it compatible for the existing historic neighborhood. The Planning Commission has not done this to date.

The Planning Commission’s 6-0 approval was overturned (remanded) by the PC City Council with a similar unanimous vote 5-0. Some short direct quotes from the PC City Council Remand document 4/14/18 are below. It should be noted that the remand was 14 months ago and the response from the developer has only come 13 months later. Nothing but delay tactics and continued building by the developer. This construction while under a remand was done at their own risk. Their action to develop while under a remand should not give them any leverage over the town of PC. The developers knew the entire time that their use at this site was at risk and they took that financial risk with eyes open.

Direct cut and paste from the City Council remand.

On March 30, 2017, the City Council held a public hearing and considered a Quasi-Judicial Appeal of Planning Commission’s approval of a Conditional Use Permit (CUP) for a Private Events Facility at 638 Park Avenue and hereby REMANDS the CUP and the use as proposed/configured back to the Planning Commission with specific direction as outlined below:

1. The Conditional Use Permit (CUP) for the Private Event Facility requires that the use is subject to the conditions and requirements of the conditional use review of LMC chapter 15-1-10.

15. The City Council found the proposed use and configuration failed to mitigate the impacts in reviewing the criteria listed in LMC § 15-1-10(E)(2), (4), (5), (6), (7), (10) (11), (12), (13) and (16) by failing to mitigate the traffic considerations including capacity of the existing streets in the Area; emergency vehicle Access; location and amount of off-street parking; internal vehicular circulation system; Fencing, Screening, and landscaping to separate the Use from adjoining Uses; signs and lighting; physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, noise vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site; control of delivery and service vehicles, loading and unloading zones, and pickup areas and within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site;.
16. Council remanded the appeal for further review of the Indoor use related to the private event facility and required additional mitigation evaluation by the Planning Commission on loading areas, traffic and parking
17. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor deck use. As proposed the impacts are not adequately mitigated. Review of the impacts and their mitigation should include at a minimum a strong re-evaluation of the design, and conditions of approval which reflect the requirements of the Board of Adjustment decision including minimum visual impacts on the roof.

PC City Council Remand item #15 highlights a failure to mitigate required CUP requirements 2,4,5,6,7,10,11,12,13, &16. Since requirements 3,9,14, & 15 are not applicable, that shows that the developer's project only meets CUP criteria, 1 & 8. All 16 criteria are required for a CUP approval and they are listed below as a direct cut & paste from the applicable LMC.

1. **REVIEW**. The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:
 1. size and location of the Site; **PASSED**
 2. **FAILED**: traffic considerations including capacity of the existing Streets in the Area;
 3. utility capacity, including Storm Water run-off; N/A
 4. **FAILED**: emergency vehicle Access;
 5. **FAILED**: location and amount of off-Street parking;
 6. **FAILED**: internal vehicular and pedestrian circulation system;

7. **FAILED**: Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots; **PASSED**
9. usable Open Space; N/A
10. **FAILED**: signs and lighting;
11. **FAILED**: physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
12. **FAILED**: noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
13. **FAILED**: control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;
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; N/A
15. within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site; and N/A
16. **FAILED**: reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

Every one of the 16 items must be mitigated to grant a CUP. According to the highest elected body in this city, this project fails to mitigate 10 of these items. Failure to mitigate any one of these ten is a requirement to deny the CUP. **THIS CUP MUST BE DENIED!**

The 13 month late response from the developers is woefully inadequate on all 10 of these CUP points. My very short responses below.

2. **FAILED**: *traffic considerations including capacity of the existing Streets in the Area;*
Without exaggeration, this is the #1 most congested traffic area in the entire city. Buses come through here every 8-10 minutes and can not make the corner now. Additional parking and double parking, loading/ unloading/ catering/ up to 522 people arriving for an event is a completely unmitigated impact. Their response is to change parking for their benefit and detriment to the neighborhood.

The developers have extended the sidewalks to accommodate their patrons outside the building. They have the audacity to call making the streets narrower a mitigation. Narrower streets in the most congested corner in the city is actually a mitigation because it increases the turning radius for buses at Heber and Park Ave. Not Mitigated at all, extremely worsens a bad situation.

4. **FAILED**: *emergency vehicle Access*; There is no emergency vehicle access at all. Double park on Heber Ave and shut down the street for an emergency. Not Mitigated at all, unsafe.
5. **FAILED**: *location and amount of off-Street parking*; There are literally zero parking spaces for a 522 person private event facility. Most events will have everyone show up at once with the capacity for 4 parking spots (only if the city takes those 4 spots away from the public). To make it worse, the Kimball had 12 spots for parking and the developers built on top of them taking the parking away from the building. No Mitigation at all.
6. **FAILED**: *internal vehicular and pedestrian circulation system*; There is one main entrance on Heber Ave. There should be a secondary entrance for pedestrian circulation on Main St. No Mitigation.
7. **FAILED**: *Fencing, Screening, and landscaping to separate the Use from adjoining Uses*; There is none. Residences on Woodside will look down onto the deck and into the interior of the private event facility. All tables, chairs, speakers, tent, etc... must be removed from the deck immediately after any event. This is not a condition from the planning commission, even though the BOA required a zero visibility deck. No Mitigation.
10. **FAILED**: *signs and lighting*; Residents will be looking down onto the outdoor facility's lighting and into the interior of the private event facility. No Mitigation.
11. **FAILED**: *physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing*; The design of the building kept much of the Kimball Garage façade. But, the entrance into town from Marsac is now dominated by the mass and orientation of the new, additional structure with a new balcony in the most prominent corner.

The City Council remand #17 requires “a strong re-evaluation of the design, and conditions of approval which reflect the BOA decision including minimum visual impacts on the roof. Not Done. Not Mitigated.

12. **FAILED**: *noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site*; Probably the most audacious and onerous impact on the residents of a 130 year old residential community. There is no way to mitigate the impact of a 2500+ square foot party deck adjacent to a residential community. Council has not found a way to mitigate impacts related to noise on the deck. “Such mitigation may include denial of use of the deck beyond which is already permitted”... “mitigation use beyond permitted use on the deck and consider mitigation including design changes, limitation or or reduction of use by hours per days or number of days, direction of deck/ event space, remove speakers”... Amazingly, the previous planning commission did not limit noise, which they must to meet city ordinances. Examples: no amplified music, no live music, no outdoor speakers, change hours of outdoor operations, etc...

The business plan of this *private* event facility allows all types of amplified music, all days and nights of the year. Every other similar outdoor use requires either a Special Event Permit or a Master Festival License. No one has the right to have these events on a 365 day per year basis without special permits. Special Event Permits must be required. The developers refer in their response to: a single *indoor* event that was held at the Kimball Art Center in a previous year. It was one event out of the whole year and it was indoors. No comparison whatsoever.

The developer's noise study took 13 months to get completed. That should show their intent. The study must be rejected, since it only measured ambient noise, then a projected value based on expected voices and 2 acoustic musicians. Amplified music is allowed in their CUP and omitted for obvious reasons. Live amplified music is allowed and also never mentioned. It is easy enough to get real numbers vs. their charts. Their charts have different units from one chart to the next. Surprisingly, their final numbers are 1 bd below the maximum allowed by Park City code.

I can tell you for sure, that when the Sky Lodge bar was open on the deck of the Sky Lodge (twice as far away) we could clearly hear conversations at our home and there was never amplified outdoor music allowed on that deck. We could converse with the patrons to ask them to quiet down.

I can also tell you for sure that the sound problems will be during the evening when the neighbors want to sleep. Most Old Town homes were built prior to air conditioning and most rely on open windows to cool their home in the summer. Any amplified music will make it impossible in some locations to sleep, in some locations unable to hear your TV with windows open. Similar issue with voices.

Park City Code Enforcement is only available 8-5PM Monday- Friday. These problems will be after hours and on weekends. There will not be any City officials to enforce the code. The PC Police to date have not enforced the code. They rely on complaints and then the complainant must go with the officers to the offending location. The officers did not know the code, do not have db meters, do not shut down the offending location.

By the way, what neighbor wants to show up at a wedding with hundreds of guests and shut them down. Avoiding this problem is what the LMC and code is for. Eliminate these issues through code before they start. We are potentially allowing a developer to have a business plan that is against code, unworkable, and unenforceable. It is the Planning Commission's responsibility to put mitigating requirements in place where possible. Where impossible, it is the Planning Commission's duty to deny the CUP outright. PCMC is not in the habit of revoking a CUP even though they can and should.
Not Mitigated.

13. **FAILED:** *control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;*

Another situation where the developer has forsaken the neighborhood to build a maximum sized project. There was a 12 space parking/ loading/ unloading zone which was allowed to be built upon. There is literally no loading/ unloading area other than Heber Ave. Because of

the nature of the Private Event Facility and the fact that the developers wanted to maximize the occupancy, there is no cooking facilities on site. That means that the developers expect caterers, musicians, etc to show up with food/ instruments right before the event. That violates the delivery restrictions that are in place in their zone. Now the developers want the public to give them our public parking spaces since they know they will have to break the law and/or double park shutting down Heber Ave. No Mitigation at all.

16. **FAILED**: *reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.*

Too many inconsistencies to list. Very short version. General plan goals: Small Town, Natural Setting, Sense of Community, Historic Character. This project adds to the traffic, congestion, noise, pollution, etc... This project does all this for the benefit of a “private” events facility which only detracts from our Sense of Community since it benefits only those who can pay to rent the facility for their events. Certainly, the vast majority of facility renters will not be from the historic neighborhood that bears their impacts.

Planning Commissioners: Thank you for what you are doing. You are the residents only real defense against profiteering at the expense of our quality of life. The Historic District and the residents are under constant attack from out of town developers who create impacts, sell, take their profits and move on. Sure, they will say they are here for the long haul, they care about the community etc, but we have seen this repeatedly, and the residents are left with the impacts. These developers are selling our quality of life. They profit from taking our quality of life.

This is a Conditional Use Permit because the impacts exceed what is allowed. Please help the residents by denying the CUP as it is.

Respectfully Submitted,
John, Deb, Steve, & Katerina Stafsholt

Anya Grahn

From: kelleraf <kelleraf4106@gmail.com>
Sent: Wednesday, June 06, 2018 10:18 PM
To: Anya Grahn
Subject: Kimball Arts Center Private Events Facility

Dear Ms. Grahn,

We are writing to communicate our deep concerns regarding the Kimball Arts Private Events Facility. We fear that the amplified outdoor music from the second floor outdoor deck will interfere with the quiet enjoyment of our home.

We live on Norfolk Avenue close to 8th street and have been there for 15 years. When the Silly Market was first started several years ago, the amplified outdoor music was a big change from the usual quiet atmosphere in our neighborhood. And yet the Silly is held only in the summer months and only one day a week. Furthermore it is over at 5:00PM.

What is being proposed for this Kimball Arts Private Facility are potential daily and evening social events with amplified outdoor music. The music will be further amplified as it rises from this open space rooftop creating significant noise pollution potentially on a daily basis that will continue well into the evening to the detriment of Old Town residents.

We are requesting that the city planning commission disallow the second floor outdoor deck to be used for amplified musical or other noisy events.

Thank you for your consideration.

Sincerely,

Annette and Fred Keller

Anya Grah

From: Brian Van Hecke <bvhutah@gmail.com>
Sent: Wednesday, June 06, 2018 11:24 PM
To: Anya Grah
Subject: The Kimball Arts Center Private Events Facility

Hi Anya,

I have serious concerns about the proposed Kimball Arts Center Private Events Facility.

The previous planning commission voted to approve this CUP for an outdoor party deck without any real conditions. Without condition, this property can have private parties out on the deck every day of the year with live music, etc. Please make sure strict conditions (specific hours, # of people, frequency per month/year, max decibels, etc.) are applied to protect and preserve the integrity of Historic Old Town and respects the rights of local residents.

Thanks,

Brian Van Hecke
1101 Empire Avenue
435-901-1500

Anya Grahn

From: Rick Kuhle <rkuhle@vestar.com>
Sent: Tuesday, June 05, 2018 4:40 PM
To: Anya Grahn
Subject: Historic Kimball Garage

Anya, this will serve as our family's objection to any "Roof top bar" being allowed in any form on the old Kimball Garage. We as Old Town residents have enough issues with noise reverberating through our area and don't deed this. I will not be able to make the planning commission meeting but please put 713 Norfolk as totally against it.



Rick Kuhle
Chairman and CEO
2425 East Camelback Road | Suite 750
Phoenix, AZ 85016
Office: 602.866.0900
rkuhle@vestar.com

Anya Grahn

From: David Van Denburgh <David.Vandenburg@AmericanFence.com>
Sent: Wednesday, May 30, 2018 3:40 PM
To: Anya Grahn
Subject: Fwd: PL-16-03412 638 Park Avenue - Remand to Planning Commission Scheduled for 6.13.18
Attachments: PL-16-03412 638 Park Ave- Remand Notice Letters 5.30.18.pdf; ATT00001.htm

Sent from my iPad

Dear Ms. Grahn:

In reply to your Planning Commission notice regarding subject property, I would like to express my concern and therefore objection to this use permit application. As a homeowner at 911 Lowell Avenue, I am concerned about the increased noise this use would generate for the neighborhood.

Unfortunately I will be unable to attend the meeting but would appreciate my concern being passed on to the City Council.

Sincerely,

David S. Van Denburgh, Chrm. & CEO
American Fence Co.
P. O. Box 18085
Phoenix, AZ 85005-8085
Ph: 602-352-7681
Fax: 602-734-0575
Email: david.vandenburg@americanfence.com<<mailto:debbie.cadman@americanfence.com>>

Visit us at americanfence.com<<http://americanfence.com>>.

Begin forwarded message:

From: Anya Grahn <anya.grahn@parkcity.org<<mailto:anya.grahn@parkcity.org>>>
Date: May 30, 2018 at 8:41:54 PM GMT+1
Cc: Bruce Erickson <bruce.erickson@parkcity.org<<mailto:bruce.erickson@parkcity.org>>>
Subject: PL-16-03412 638 Park Avenue - Remand to Planning Commission Scheduled for 6.13.18 On April 14, 2017, the Park City Council remanded the proposed Conditional Use Permit (CUP) for a Private Events Facility at 638 Park Avenue (Historic Kimball Garage) back to Planning Commission. The Planning Commission will be reviewing this remand on Wednesday, June 13, 2018 at 5:30pm in City Council Chambers at the Marsac Building. Please find attached a copy of the mailing notice that will be sent out today.

Thanks so much,

Anya Grahn

Historic Preservation Planner
Park City Planning Department
435.615.5067

Anya Grahn

From: Jonathan Preston <jpreston78@gmail.com>
Sent: Wednesday, May 30, 2018 2:45 PM
To: Anya Grahn
Subject: Application # PL-16-03412

I am a resident at 730 Norfolk and would like to respectfully voice my opposition to the proposed permit for Historic Kimball Garage/ Private Event Facility. We believe it would not be appropriate due to the excessive noise it would generate.

Thank you

Jonathan Preston
512 428-5425 ofc

Sent from my iPhone

Planning Commission Staff Report



Application: PL-17-03664
Subject: Twisted Branch Subdivision
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: June 13, 2018
Type of Item: Legislative – Subdivision Plat

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, review the application and draft findings of fact and conditions of approval, and continue the public hearing to July 11, 2018. Staff requests discussion on specific items outlined below.

Description

Owners: REDUS Park City LLC and PCMC
Applicant: Alliance Engineering, Inc. (representing owners)
Location: Guardsman Pass and Twisted Branch Roads and property between them within the Flagstaff Annexation area
Zoning: Residential Development (RD-MPD) District and Recreation Open Space (ROS), subject to the Amended Flagstaff Development Agreement
Adjacent Land Uses: Deer Valley Resort, Guardsman Pass Road (aka Marsac Avenue), B2 East Subdivision (undeveloped multi-family residential), Red Cloud Subdivision, open space areas and trails.

Proposal

This is a request for a final subdivision plat (**Exhibit A**) to create four platted lots of record for the following uses as described in the applicant’s letter (**Exhibit B**):

- Lot 1- warming shelter at Guardsman Pass as an accessory use specifically for the Talisker Club (aka Empire Club, a private club located in Pod A).
- Lot 2- on-mountain, “Beano Style” private restaurant as specifically described in Section 2.6 of the Amended Flagstaff Development Agreement ([Exhibit C- link](#))
- Lot 3- existing city water tank and additional land
- Lot 4- existing city water pump house and additional land

The plat also creates non-development open space parcels; records easements for ski runs, public trails and trailheads, bridges, snowmaking, access, utilities and open space; and plats one parcel inclusive of Twisted Branch Road, a private road.

No residential or commercial development density or Unit Equivalent (UE) are allocated or assigned to any of the proposed lots or parcels. See **Table 1** below for proposed lots, parcels, size, uses, zoning, access and current ownership.

An abbreviated version of this table will be recorded on the plat. All parcels are designated as open space parcels and all uses are intended to comply with the Amended Flagstaff Development Agreement (Amended Agreement) and the Land Management Code (LMC).

The intent of this proposed subdivision plat, as conditioned, is to comply with the LMC and the Amended Agreement, including Exhibits, Technical Reports, and associated recorded Agreements. This subdivision plat is also intended to maintain status quo in terms of use of both Twisted Branch Road, a private road maintained by the Master Association, and SR 224, a State Route maintained by UDOT, consistent with the Amended Agreement.

Staff requests discussion regarding the following items (as further described herein):

- **Waiver of the preliminary plat step to review as a final subdivision plat.**
- **FAQ and staff analysis including specifics of the plat, parcels, location, uses, easements, etc.**
- **Applicant's request to include a plat note allowing Building Height to be measured for Lot 2 from final grade after fill is deposited and graded to match contours of adjacent land.**
- **Applicant's request to amend the Construction Mitigation Plan, Exhibit 15 to the Development Agreement.**
- **Draft findings of fact and conditions of approval as outlined in the Draft Ordinance.**

Background

Flagstaff Development Agreement

On June 24, 1999, Council adopted [Ordinance 99-30](#) and [Resolution 20-99](#) approving the annexation and development agreement for the Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" Master Planned Development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions, restrictions, obligations, and amenities for each parcel. The Flagstaff Development Agreement was amended and recorded in March 2007 ([Exhibit C- link](#)) and is referred to as the Amended Agreement. No exhibits were amended except a new Schedule 3.1 regarding Richardson park and ride.

Fourteen (14) specific technical reports are included as part of the controlling documents for the entire Flagstaff Annexation and Development areas ([Exhibit D- link](#)). Chapter 7 of the Land Management Code describes standards under which subdivision plats are reviewed. The property is also subject to the March 12, 2004 Maintenance Agreement ([Exhibit L- link](#)). The Maintenance Agreement is intended to be a covenant running with the land and binding upon the successors of the Owners that memorializes the undertaking and agreement of the Master Association to cause to be maintained at all times the public infrastructure with the Flagstaff Development, with the costs and

expenses of such maintenance and repair to be paid for by the Master Association and the Sub-Associations formed within the Flagstaff Development as provided in this document.

Properties within the Twisted Branch Subdivision while part of the Large Scale Flagstaff Mountain MPD, are not located within previously approved “small scale” MPDs such as the Village at Empire Pass MPD (Pod A), Flagstaff Mountain Resort Phase II (Pod B-1) MPD, or the Village at Empire Pass Pod B-2 MPD and have no assigned residential or commercial density or unit equivalents (UE) from the Amended Agreement. Section 2.6 of the Amended Agreement describes the “Beano Style”, private on- mountain restaurant proposed on Lot 2.

No portion of this property has been previously platted as part of other approved subdivision plats. Property is described as follows: REDUS parcels are PCA-S-98-SD-1, PCA-S-98-SD-3, and PCA-S-98-SD-9. City parcels are PCA-S-98-II-X. Total property is approximately 54.6 acres.

Submittal

On September 17, 2017, the City received an application for the proposed Twisted Branch Subdivision. The application was complete on September 22, 2017, with submittal of revised title reports. City staff and the applicant have spent several months coordinating with utility providers and various city staff to ensure that the utility plans, platted lots and parcels, ownership and easements, and previous agreements are correctly identified and accounted for. Various revised plats have been submitted to address concerns raised by city staff and utility providers.

Previous Conditional Use Permits

A Conditional Use Permit (CUP) approved on February 13, 2008, for a private on-mountain restaurant, on proposed Lot 2, was granted a one (1) year extension in 2009 to allow the applicant time to apply for a subdivision plat and receive a building permit. Having a platted lot was a condition of approval of that CUP. The CUP has expired.

An Administrative CUP was issued on December 5, 2017, for installation of a 320 sf private warming yurt on a 520 sf concrete platform, on proposed Lot 1, for use by Talisker Club (aka Empire Club a private club located within Pod A). The yurt is located near the intersection of Twisted Branch Road and Red Cloud Trail and is allowed to be used for up to 180 days. Extensions of the Administrative CUP may be granted by the Planning and Building Departments. In the future, the applicant desires to construct a permanent private warming shelter on Lot 1 for Empire Club owner’s use, as a Resort Accessory Use, specifically as an accessory use for the private club.

Analysis

Proposed Subdivision

The applicant requests approval of a final subdivision plat to create four (4) lots and eight (8) parcels from metes and bounds described parcels consisting of approximately 54.6 acres (see **Exhibit K**) as described below.

Table 1

Proposed Lot or Parcel	Size (acres)	Existing and/or Proposed Uses	Zoning District	Access	Ownership
Lot 1	1.00	Warming yurt or other Resort Accessory Uses specific to the private Talisker Club (aka Empire Club) located within Pod A and consistent with the Amended Agreement and the LMC.	ROS	Twisted Branch Road	REDUS Park City LLC
Lot 2	2.51	On-mountain, Beano Style, private restaurant as specifically described in Section 2.6 of the Amended Development Agreement, subject to CUP. Also proposed location of clean fill and excavated soils deposit area (subject to amended CMP).	ROS	Twisted Branch Road	REDUS Park City LLC
Lot 3	3.62	City water tank and municipal uses.	RD	SR 224 (also easement to platted Marsac Avenue)	PCMC
Lot 4	0.24	City water pump station and municipal uses.	RD	SR 224 and Marsac Avenue	PCMC
Parcel A	7.36 (5.98 plus SR 224)	Open space land adjacent to SR 224, public trail head and access easement for PCMC.	ROS	Twisted Branch Road and SR 224	REDUS Park City LLC
Parcel B	11.84 (9.98 plus SR 224)	Open space land adjacent to SR 224.	RD and ROS	Marsac Avenue and SR 224	REDUS Park City LLC
Parcel C	4.90	Open Space and proposed clean	ROS	Twisted Branch Road	REDUS Park City LLC

		fill deposit area (subject to amended CMP) and future DV ski resort uses.			
Parcel D	4.89 (4.75 plus SR 224)	Open Space and winter snow mobile by-pass route.	ROS	Twisted Branch Road and SR 224	REDUS Park City LLC
Parcel E	4.25	Open Space and Bandana ski run above TBR.	ROS	Twisted Branch Road	REDUS Park City LLC
Parcel F	1.02 (0.90 plus SR 224)	Open Space, Bandana ski run below TBR, and panhandle of land west of TBR for extension of public sewer line to Lot 2.	ROS	Twisted Branch Road	REDUS Park City LLC
Parcel G	0.18	Open Space, proposed driveway access to adjacent B2 East Subdivision, and utility easements.	RD	Marsac Avenue and SR 224	REDUS Park City LLC
Parcel H (plat shows Lot 5 and will be changed to Parcel H)	0.30	Open Space and existing paved public trailhead parking area and adjacent sloped bank.	RD	SR 224	REDUS Park City LLC
Twisted Branch Road, a private, gated road	12.79 (12.74 plus SR 224)	Twisted Branch Road- 60' private road, existing pavement and additional land and public utility easements.	RD and ROS	Marsac Avenue/SR 224	REDUS Park City LLC.
SR 224	3.70	State Road-edge of asphalt to center line of ditch (on uphill side of the road).	RD and ROS	Marsac Avenue and Twisted Branch Road	Utah State Route 224 (UDOT) as to use, REDUS Park City as to land

Twisted Branch Subdivision Issues and Frequently Asked Questions (FAQ)

Where is the property located, and what is the zoning?

The lower portion of this proposed subdivision is adjacent to and southeast of the B2

East Subdivision (Pod B-2) approved by City Council in 2017 (**Exhibit F**) and south (uphill) of the Marsac Avenue round-about at the Montage Resort and Northside Village Subdivision (Pod B-1). A portion is adjacent to the western boundary of the amended Red Cloud Subdivision (Pod D). The southern boundary is adjacent to the Wasatch/Summit County line.

A majority of the land is located within the Recreation Open Space (ROS) District. The lower portions of Twisted Branch Road and SR 224, as well as the City water tank and water pump house parcels are located within the Residential Development (RD) District (**Exhibit J**). No changes are proposed to the existing zoning.

Is the property within any approved Master Planned Development (MPD)?

The property is within the Amended Flagstaff Mountain Resort Large Scale Master Planned Development, subject to the March 2007 Amended Flagstaff Annexation and Development Agreement ([Exhibit C- link](#)), associated Technical Reports ([Exhibit D-link](#)), and other recorded agreements.

No portion of the proposed subdivision is located within the small scale MPDs, such as the Mountain Village MPD, the Village at Empire Pass MPD, the Northside Village MPD, the Parcel B-2 Empire Pass MPD or the Red Cloud MPD. The land is part of the Flagstaff Annexation area and is subject to the Annexation Resolution as well as the Amended Agreement.

Are there existing Conservation Easements on this property?

The property is located between two identified conservation easements, namely Conservation Easement West Parcel and Conservation Easement East Parcel (see **Exhibit O**). These are conservation easements placed on much of the ROS zoned portions of the Flagstaff Mountain Annexation area managed by Summit Land Conservancy [link](#). This property is not subject to these recorded conservation easements. Parcel D is proposed as an open space parcel; however, because it is less than 5 acres in area, not contiguous to an existing conservation easement, and is located within a switchback of Twisted Branch Road it is not considered a good candidate for a conservation easement.

Does the plat make changes to existing SR 224 or Twisted Branch Road?

Twisted Branch Road remains a private, gated road. State Route 224 (SR 224) remains a seasonal public road. This plat does not create residential development lots or parcels, and no additional road construction is proposed.

Staff recommends a condition of approval (see Condition #8) that the owner's dedication includes an irrevocable offer to dedicate this road, known as Twisted Branch Road, for public use as a roadway, which shall remain a private roadway until the dedication thereof is accepted by the City.

This is the language on the recorded plat for relocated Marsac Avenue, and is consistent with Section 2.8 (including subsections) of the Amended Agreement ([Exhibit](#)

C). This Section describes the access and alignment of SR 224, requires a private road that the Developer maintains for all season access. The Agreement (Section 2.8.2) also states that “said private road, from the point of departure from SR 224 to the Summit/Wasatch line may be converted to a public road, in which event existing SR 224 from said point of departure to the county line shall no longer be used as a public road. Additionally, the Amended Agreement states in Section 2.8.3 that the Developer shall support and shall not undermine seasonal closure of realigned SR 224 and shall control motorized vehicular access from SR 224 to the private road system to prevent vehicular through traffic. Staff recommends adding these references to the plat as required plat notes.

What are the existing and proposed uses?

See **Table 1** above for existing and proposed uses, size, zoning, access and current ownership. All uses are subject to zoning district requirements, the Amended Agreement and associated Exhibits, technical reports and recorded agreements. No residential or commercial development density or Unit Equivalents (UE) are allocated or assigned to any of the lots or parcels within this subdivision.

Applicant requests that Lot 2 and Parcel C be designated to accept excavated soil and material from Flagstaff Development sites, to replace the Daly West site which is no longer available (**see Exhibit N- grading exhibit for Lot 2**), subject to approval of the amended CMP (described below). Fill would only be approved to the extent that the final slope and surface of the Lot matches contours of the adjacent property in a natural and unobtrusive manner.

The applicant requests a plat note that allows building height for the restaurant on Lot 2 to be measured from final grade following placement of excavated material, as described in Exhibit N. This would allow access from Lot 2 to the adjacent ski run, as Lot 2 is a hollow. Final location of building and building height will be reviewed and approved by the Planning Commission, at the time of CUP application for the private on- mountain restaurant. The property is within a Large Scale MPD and compliance with the review criteria for Height exceptions as stated in LMC Chapter 6 is required and noted as a condition of approval and plat note. **Staff requests discussion.**

Are there any historic structures on this property?

Historic structures identified in the Amended Agreement and Technical Reports are not located on this property.

Are there any existing or proposed public trails and trailheads and will they remain?

Public trails and trailheads, as required by the Amended Agreement, are complete (**see Exhibit M**). There are trails located on this property and they are identified on the proposed plat in specific trail easements. A plat note indicates that trails may be relocated with the City’s permission (as is necessary for the on-mountain restaurant and soil deposit areas). New trails may be proposed over time. The Guardsman Pass public trailhead parking is located within an easement on Parcel A. A lower public trailhead parking area easement is identified on a separate Parcel H.

Why are the City's water tank and pump station parcels included in this plat?

Two city parcels are located within the boundary of the subdivision. In order to not leave remnant parcels, the applicant agreed to include these parcels. Proposed Lot 3 is developed with a City water tank and access road and proposed Lot 4 is developed with a city water pump station, both currently are described as metes and bounds parcels. The subdivision plat creates platted lots of record for the current uses. These lots will continue to be City owned lots. Additional adjacent REDUS land is incorporated into Lots 3 and 4 to prevent remnant parcels. There is no waste water service provided to Lots 3 or 4 and therefore these lots are designated as non-developable on the plat. These lots have access to platted Marsac and/or SR 224.

Are there any utility issues?

Existing recorded and proposed utility easements are provided based on utility coordination meetings held with service providers and city staff. An aerial photograph overlay of the plat is helpful in visualizing the proposed lots and parcels in relationship to the two roads, existing and proposed utilities and existing adjacent subdivisions (**Exhibit E- existing conditions and Exhibit F – aerial photo overview**). Additional submittal information is included in the following: **Exhibit G- photos, Exhibit H- SBWRD letter, Exhibit I- utility plans, and Exhibit J - zoning map.**

On July 2017, the applicant received approval for a Line Extension Agreement (LEA) by the Snyderville Basin Water Reclamation District (SBWRD) extending a sewer line to Lot 2 via a dedicated Sewer Easement recorded on July 21, 2017 and shown on the B2 East Subdivision plat. SBWRD recommends conditions and plat notes to address their concerns (**Exhibit H- SBWRD letter**). With a recent change in utility plans, a new LEA will be required for Lot 2. Final utility plans for Lot 2 are required to be submitted with the CUP application. Any additional required utility easements, based on final building design and approval, shall be recorded if necessary, prior to issuance of a building permit.

A LEA is required for extension of wastewater service to Lot 1. Such Agreement shall be provided prior to plat recordation or a note shall indicate that wastewater service is not available for this lot. The Owner is responsible for extending the public wastewater system to Lots 1 and 2 according to requirements of the LEAs. Wastewater service is not available for Lots 3 and 4, or Parcels A, B, C, D, E, F, G or H. These lots and parcels are considered undevelopable.

What roads does the existing property and proposed lots have frontage on?

The property has frontage on platted Marsac Avenue; Twisted Branch Road, and State Route 224 (SR 224). Twisted Branch Road is a private, gated road. Proposed lots and parcels have access to Marsac, Twisted Branch Road and/or SR 224.

Are there any proposed changes to existing roads, uses or access control gates?

The plat identifies Twisted Branch Road as a private road. Twisted Branch Road remains a private gated road maintained by the Empire Pass Master Owners

Association. No changes are proposed to the layout of existing roads. The existing roads provide access in compliance with the Amended Development Agreement (see above). March 12, 2004, Maintenance Agreement intended to be a covenant running with the land and binding upon the successors of the Owners that memorializes the undertaking and agreement of the Master Association to cause to be maintained at all times the public infrastructure with the Flagstaff Development, with the costs and expenses of such maintenance and repair to be paid for by the Master Association and the Sub-Associations formed within the Flagstaff Development as provided in the Master Declaration.

Is an access protection easement required to limit access to this property from adjacent property?

No additional access protection easements are required as the City owns the adjacent property in Wasatch County. There is already such an easement along the Red Cloud parcel adjacent to Wasatch County. Additional easements would be redundant. The subdivision abuts platted subdivisions and conservation easements on the east and west. An exception being a metes and bounds parcel adjacent to Lot 2 that was recently quit claimed to Deer Valley Resort by the applicant.

Does the subdivision plat comply with development regulations and density identified in the Amended Agreement? Is this property subject to any approved MPDs?

The plat complies with development regulations and density as identified in the Amended Agreement and the LMC (see below). The private road was constructed and gated per the Agreement, and the subdivision plat does not change how the roads are accessed or used. The proposed lots and parcels are assigned no residential or commercial development density.

None of the land subject to this proposed subdivision plat is located within the Village at Empire Pass MPD, the Northside Village MPD, Pod B-2 MPD or the Red Cloud MPD.

The private, Beano Style, on-mountain restaurant identified for Lot 2 is described in Section 2.6 of the Amended Agreement and may be between 7,000 and 10,000 sf in floor area for use by the HOA and members of the private Empire Club. Approval of a CUP by the Planning Commission is required prior to issuance of building permits. Resort Accessory Uses, as accessory to the Empire Club located within Pod A, are permitted on Lot 1 subject to ROS zoning regulations and the Amended Agreement. Lots 3 and 4 contain existing utility and municipal uses.

Land Management Code (LMC) Compliance

The subdivision plat has been reviewed for compliance with lot and site requirements of the RD and ROS Zoning Districts described in the table below:

	RD Zoning District/Amended Agreement Requirements	ROS Zoning District/Amended Agreement Requirements
Lot Size	No minimum lot size. See Table 1 above. Complies.	No minimum lot size. See Table 1 above. Complies.

Uses	See Table 1. Complies. No residential or commercial units or UE are proposed for any of the lots or parcels.	See Table 1. Complies. No residential units or UE are proposed for any of the lots or parcels. A 7,000 to 10,000 sf private on-mountain restaurant on Lot 2 is allowed by the Amended Agreement subject to CUP approval by the Planning Commission.
Perimeter setbacks	Amended Agreement requires perimeter setbacks of 25', unless exceptions are approved by the Planning Commission at the time of the plat approval. No setback exceptions requested.	Amended Agreement requires perimeter setbacks of 25', unless exceptions are approved by the Planning Commission at the time of the plat approval. Lot 1 is on the perimeter of the MPD. No setback exceptions requested.
Front yard setbacks	LMC requires a minimum of 25 feet to front facing garages, 20 feet to the building (LMC exceptions apply). Reviewed at time of CUP and building permits.	LMC requires a minimum of 25 feet from all property lines (LMC exceptions apply). Reviewed at time of CUP and building permits.
Rear yard setbacks	LMC requires a minimum of 15 feet (LMC exceptions apply). Reviewed at time of CUP and building permits.	LMC requires a minimum of 25 feet from all property lines (LMC exceptions for accessory uses, etc. apply). Reviewed at time of CUP and building permits.
Side yard setbacks	LMC requires a minimum of 12 feet (LMC exceptions apply). Reviewed at time of CUP and building permits.	LMC requires a minimum of 25 feet from all property lines (LMC exceptions for accessory uses, etc. apply). Reviewed at time of CUP and building permit.
Building Height and Volumetric	LMC allows 28' and an additional 5' for a pitched roof (minimum of 4:12 roof pitch required for the exception).	LMC allows 28' and an additional 5' for a pitched roof (minimum of 4:12 roof pitch required for the exception). Building height for Lot 2 is requested to be measured from the grade following placement of excavated material, with final location of building and height to be reviewed and approved by the Planning Commission, at the time of the CUP for the on- mountain restaurant for compliance with the height exception criteria of LMC Chapter 6, as the property is part of a large scale MPD. Height not to exceed the change. See condition of approval 9o.
Architectural Design	All construction is subject to Village at Empire Pass Design Review Board approval with review conducted prior to approval of CUPs and Building Permits.	All construction is subject to Village at Empire Pass Design Review Board approval with review conducted prior to approval of CUPs and Building Permits.

As conditioned, this application meets requirements of Section 15-7 of the Park City Land Management Code regarding subdivisions and the proposed plat complies with requirements for lot, parcel and street layout, lot and parcel descriptions, access and utility easements, roads, and road dedications. See conditions of approval 8 and 9u for additional language consistent with Section 2.8 of the Amended Agreement.

A utility plan (**Exhibit I**) was reviewed by the City Engineer, Department of Public Utilities, and SBWRD and found to be consistent with the proposed plat and utility requirements. Specific utility plans for Lots 1 and 2 will be submitted with any CUP applications for future uses.

Request to waive requirement of a Preliminary Plat (**Staff requests discussion**)

The proposed plat includes four (4) platted lots of record, two (2) of which result from City owned parcels located within the boundaries of this plat. The Applicant agreed to include the City property, after the initial submittal was reviewed. The initial submittal included two (2) lots of record. Additionally, there are eight (8) proposed platted undevelopable open space parcels. Subdivision plats with three (3) or fewer lots are considered Minor Subdivisions if no additional roads or extension of public utilities are proposed. Minor Subdivisions are typically reviewed as final subdivisions without initial review as a preliminary plat.

Per the LMC, the Planning Commission may waive one or more steps in the approval process by allowing the Applicant to combine requirements of the Preliminary Plat and Final Subdivision Plat into a single submittal. As this plat has no residential or commercial development parcels, no additional road construction is proposed, and the extension of sewer and water requested to Lots 1 and 2 has been coordinated by these service providers and the City, with easements identified on the plat, **Staff recommends the Commission consider waiving the Preliminary Plat step for this subdivision application.**

Construction Mitigation Plan (**Staff requests discussion**)

Site specific Construction Mitigation Plans are required by the Amended Agreement to be submitted with CUP applications and in advance of issuing Building Permits. These plans are required to be consistent with Exhibit 15 to the Development Agreement, namely the Construction Mitigation Plan (CMP) for Flagstaff Mountain Resort, originally approved in May 2001 with revisions adopted in April of 2005.

According to the CMP “the primary goal and objective of the CMP is to identify and mitigate the impacts of infrastructure construction associated with the Resort, adhering to the standard Park City required construction impact mitigation measures along with additional site-specific mitigation measures required by the Development Agreement”

The CMP includes sections on the scope of infrastructure construction, construction impacts and mitigation measures, construction phasing, and construction mitigation plan management.

The Applicant requests the Planning Commission consider and accept a proposed Addendum to the Construction Mitigation Plan technical report, also known as Exhibit 15 to the Development Agreement (see Exhibit P). The Applicant requests the addendum in order to better address three primary issues. The first is to identify additional “tipping sites” for depositing and/or storage of clean excavated soils from within the Annexation Area. The second is to allow the use of Marsac Avenue for

construction vehicle routing and the third is to address construction issues more specific to development sites than infrastructure.

Currently the CMP identifies Daly West as a primary site for depositing and storage of clean excavated soils from within the Annexation Area. This site has been developed with the Montage Resort, the Empire Day Lodge and is the location of a future second phase of condominium development, recently platted as the B2 East Subdivision. Additionally, the Ontario #3 Mine Building Complex (Mine Bench) is also identified for long-term storage of construction materials.

The proposed Addendum lists the following locations as tipping sites, specifically for clean, excavated soils, subject to grading permits and property owner approval:

- Proposed Twisted Branch Subdivision Lot 2 (“Hot Creek”)
- Proposed Twisted Branch Subdivision Parcel C
- VEPN Lot 1 (Marsac Horseshoe)
- Period No. 1 Mining Claim – MS 6567
- Period No. 5 Mining Claim – MS 6567
- O.K. Mining Claim – MS 5929
- L.E. Mining Claim - MS 5930
- Deer Valley Ski Runs

Additionally the current CMP calls out the use of Royal Street for construction vehicle routing. With improvements made to Marsac Avenue, including lane additions and construction of the emergency truck ramp, the applicant is requesting an amendment to the CMP to allow construction traffic to use Marsac Avenue rather than Royal Street.

The third issue addressed by this proposed addendum includes more specific language regarding construction access, contractor parking, construction staging, handling of excavated materials, construction waste and trash management, and recycling of construction materials as these relate to the construction and development of the remaining residential sites, including condominiums, townhouses, PUD style units and remaining single family lots at Banner Wood and Red Cloud Subdivisions.

Amending the Construction Mitigation Plan requires a separate motion and vote by the Planning Commission. At the time of final action on the subdivision plat, staff will provide language for a separate motion on this item.

Good Cause

Staff finds good cause for this subdivision plat as it is consistent with the Land Management Code and as conditioned, complies with the Amended Agreement, Exhibits and associated technical reports. The proposed subdivision plat provides platted lots of record for existing uses and uses stipulated in the Amended Agreement; plats utility, snow storage, trails, trailheads and access easements; identifies non-development open space parcels; and addresses issues identified in the Amended Agreement regarding Twisted Branch Road, a private road, and SR 224.

Department Review

This application has gone through an interdepartmental review. Issues raised at the review have been addressed with revisions to the plat and conditions of approval.

Notice

On March 13, 2018, the property was posted and notices were mailed to property owners within 300 feet. On March 9th and May 7th, legal notice was published in the Park Record and the Utah Public Notice and City websites. On April 12th and May 25th the property was reposted.

Public Input

On March 28, 2018, the Planning Commission conducted a public hearing and continued this item to April 11th. On April 11th the Planning Commission conducted a public hearing and continued the hearing to May 9th. This item was subsequently continued to June 13th following a public hearing. No public input was received. Staff met with a Wasatch County property owner to go over the application and answer questions about the plat.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the subdivision plat, as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to deny the subdivision plat and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion to a date certain and provide Staff and the applicant with direction regarding additional information needed in order to make a recommendation to City Council. **Staff recommends this option.**

Significant Impacts

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

Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the application and draft findings of fact and conditions of approval, and continue the public hearing to July 11, 2018. Staff requests discussion on specific items outlined above.

Exhibits

Draft Ordinance

Exhibit A – Proposed subdivision plat

Exhibit B – Applicant letter

Exhibit C – Flagstaff Development Agreement (2007) sections [\(link\)](#)

Exhibit D – Technical Reports [\(link\)](#)

Exhibit E – Existing conditions and topographic survey

Exhibit F – Aerial photo overview

Exhibit G – Photos

Exhibit H– SBWRD letter

Exhibit I – Utility Plans signed

- Exhibit J – Zoning map of area
- Exhibit K – Metes and Bounds parcels- County Recorder plat
- Exhibit L – March 12, 2004 [Maintenance Agreement \(link\)](#)
- Exhibit M – Existing public trails in the Twisted Branch Road area
- Exhibit N – Grading exhibit for Lot 2 and Parcel C for soil depository
- Exhibit O – Surrounding property and Conservation Easements
- Exhibit P – Proposed Addendum to Construction Mitigation Plan

DRAFT Ordinance 18-XX

AN ORDINANCE APPROVING THE TWISTED BRANCH SUBDIVISION, LOCATED WITHIN THE FLAGSTAFF ANNEXATION AND DEVELOPMENT AREA IN PARK CITY, UTAH.

WHEREAS, owners of the property known as Twisted Branch Subdivision, located in Park City, Utah, have petitioned the City Council for approval of a final subdivision plat; and

WHEREAS, legal notice of the public hearing was published in the Park Record and on the Utah Public Notice website on March 9, 2018, and the property was posted on March 13, 2018, according to the requirements of the Land Management Code. On April 12th and May 25th, 2018 the property was reposted due to continuations; and

WHEREAS, courtesy notice was sent to surrounding property owners on March 13, 2018, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held public hearings on March 28th, April 11th, and May 9th and 23rd, 2018, to receive input on the proposed subdivision plat; and

WHEREAS, the Planning Commission, on June 13, 2018 conducted a public hearing and forwarded a recommendation to the City Council; and,

WHEREAS, on July __ 2018, City Council held a public hearing on the subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Twisted Branch Subdivision plat in that this subdivision plat is intended to comply with the Park City Land Management Code and the Amended Flagstaff Development Agreement, including all Exhibits, Technical Reports and other recorded agreements. This subdivision plat is also intended to maintain status quo in terms of the use of Twisted Branch Road, a private road, and SR 224, a State Route maintained by UDOT and to include conditions consistent with the Amended Agreement.

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 subdivision plat as shown in Exhibit A is approved subject to the following findings of fact, conclusions of law, and conditions of approval:

DRAFT Findings of Fact

1. The property is located within the Flagstaff Annexation area south and east of the B2East Subdivision and north of the Summit/Wasatch County line. The property includes metes and bounds described parcels that contain Guardsman Pass Road

and Twisted Branch Road and adjacent property (Parcel 1), and a city water tank (Parcel 2).

2. The following parcels are subject to this subdivision plat: REDUS parcels are PCA-S-98-SD-1, PCA-S-98-SD-3 and PCA-S-98-SD-9. City parcels are PCA-S-98-II-X. Total plat area is approximately 54.6 acres.
3. Zoning of the property is Residential Development (RD) and Recreation Open Space (ROS).
4. On June 24, 1999, Council adopted [Ordinance 99-30](#) and [Resolution 20-99](#) approving the annexation and development agreement for the Flagstaff Mountain area.
5. 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.
6. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007 and is referred to as the Amended Agreement.
7. The property is also subject to the March 12, 2004, Maintenance Agreement intended to be a covenant running with the land and binding upon the successors of the Owners that memorializes the undertaking and agreement of the Master Association to cause to be maintained at all times the public infrastructure with the Flagstaff Development, with the costs and expenses of such maintenance and repair to be paid for by the Master Association and the Sub-Associations formed within the Flagstaff Development as provided in the Master Declaration.
8. 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. Subsequent approvals occurred for sub area Master Plans, such as the Village at Empire Pass MPD, the POD B-2 Empire Pass MPD, and the Red Cloud MPD.
9. The lands subject to the Twisted Branch Subdivision are not located within the Mountain Village, the Village at Empire Pass MPD, the Northside Village MPD, the POD B-2 Empire Pass MPD, or the Red Cloud MPD. The property has no assigned residential or commercial density in terms of units or unit equivalents (UE).
10. The lands within the Twisted Branch Subdivision are adjacent to B2 East Subdivision, Northside Village Subdivision and Red Cloud Subdivision but are not part of these or any other approved or recorded subdivisions.
11. This subdivision plat does not create remnant un-platted parcels of land under common ownership.
12. Section 2.6 of the Amended Agreement allows for development of an on-mountain private restaurant, identified as a “Beano Style” restaurant ranging in size from 7,000 sf to 10,000 sf within this property, subject to approval of a CUP by the Planning Commission.
13. The proposed Twisted Branch Subdivision plat creates four (4) lots of record (2 of which are City owned parcels the Applicant agreed to include in this subdivision rather than leave as exception parcels) and eight (8) open space parcels of record from several metes and bounds described parcels. At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing

the Applicant to combine the requirements of the Preliminary Plat and final Subdivision Plat into a single submittal.

14. Lot 1 is proposed specifically for Resort Accessory Uses, such as a private warming yurt specifically as an accessory use for the Empire Club located within Pod A. Lot 1 includes an access easement for PCMC.
15. Lot 2 is proposed as the location of an on-mountain private restaurant described by Section 2.6 of the Amended Agreement and provides sewer service access for Lot 2 from the main.
16. Lot 3 contains a city water tank and access road.
17. Lot 4 contains a city water pump station.
18. A Conditional Use Permit (CUP) was approved on February 13, 2008, for the private, Beano's Style, on-mountain restaurant, as described in Section 2.6 of the Amended Agreement, in the location of Lot 2 with a condition that a platted lot was required prior to issuance of a building permit. In 2009, a one year extension of the CUP approval was granted to allow time for the applicant to apply for a subdivision plat and receive a building permit.
19. The CUP expired in 2010 and a new CUP application and Planning Commission approval is required prior to issuance of a building permit for the private restaurant.
20. Parcel A is proposed for open space land adjacent to SR 224, public trail head parking and access.
21. Parcel B is proposed for open space land adjacent to SR 224.
22. Parcel C is proposed for open space and as a tipping site for clean fill from the Annexation Area, subject to approval of the amended CMP, and future ski resort uses.
23. Parcel D is proposed as open space and contains the winter snowmobile by-pass route.
24. Parcel E is open space and the location of existing Bandana ski run above Twisted Branch Road.
25. Parcel F is open space and the location of existing Bandana ski run below Twisted Branch Road, and includes the panhandle of land west of Twisted Branch Road for extension of public sewer line to Lot 2.
26. Parcel G is open space and also proposed for secondary driveway access to adjacent B2 East Subdivision.
27. Parcel H is a separate parcel for the existing paved public trailhead parking adjacent to SR 224 and the City's water tank Lot 3.
28. Twisted Branch Road, including existing pavement, adjacent land, and retaining walls and bridges, is identified as a private, gated road.
29. State Route 224 (SR 224) is shown on the plat as the existing road from edge of asphalt to centerline of ditch (on the uphill side of the road). State Route 224 (SR 224) remains a seasonal public road.
30. Parcels A, B, C, D, E, F, G and H are non-developable open space parcels and have no allocated or assigned residential or commercial density from the Amended Agreement.
31. Lots 1 and 2 have frontage on Twisted Branch Road, an existing private road. Lots 3 and 4 have frontage on platted Marsac Avenue and/or SR 224. Lot 3 has an access easement to Marsac Avenue.

32. A Line Extension Agreement approval letter for Lot 2 was issued by SBWRD in July 2017 extending a sewer line to Lot 2 via a dedicated Sewer Easement recorded on July 21, 2017 and is shown on the B2 East Subdivision plat.
33. Final utility plans are required to be submitted with Conditional Use Permits based on the proposed configuration of buildings. Any additional required utility easements, based on final building design and approval, shall be recorded prior to issuance of a building permit.
34. A SBWRD Line Extension Agreement is required for extension of wastewater service to Lot 1 for a permanent warming yurt or other accessory resort uses.
35. All existing and required easements will be shown on the plat prior to recordation, including utilities, storm drainage, access, trails, snow storage, etc.
36. No changes are proposed to existing road alignment or uses with this plat. Twisted Branch Road will continue to be a private gated road, maintained by the Master Association, and is subject to Section 2.8 of the Amended Agreement.
37. The applicant requests that Parcel C and Lot 2 be allowed to accept excavated material (clean materials) from the Flagstaff Development lots within the Annexation Area, subject to approval of an amended Construction Mitigation Plan.
38. The applicant requests that building height for Lot 2 to be measured from existing grade, following placement of excavated material, in order to bring the grade up to meet the adjacent ski run. This will allow ski in and ski out access to the restaurant from the adjacent ski run.
39. The final plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.
40. Snow storage area is necessary along public and private streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
41. Requirements of the Amended Agreement will be reviewed and verified for compliance during the Conditional Use Permit application review for development of the "Beano Style" private, on-mountain restaurant on Lot 2 and for administrative CUP applications for Lot 1.
42. The property subject to this subdivision plat is located between two identified conservation easements, namely Conservation Easement West Parcel and Conservation Easement East Parcel. These are conservation easements placed on much of the ROS zoned portions of the Flagstaff Mountain Annexation area. This property is not subject to an existing conservation easement.
43. Existing and proposed uses of the ROS zoned portions of this subdivision plat include ski trails, ski lifts and bridges, private on-mountain restaurant, roads, retaining walls, utility installations, drainage facilities, city water tank and pump station, parking areas, trail heads, trails, warming hut, etc.
44. Findings within the Analysis section are incorporated herein as findings of fact.

Conclusions of Law

1. The subdivision plat, as conditioned, complies with Land Management Code Chapter 7.
2. The subdivision plat, as conditioned, is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.

3. The subdivision plat, as conditioned, is consistent with the Flagstaff Development Agreement and associated documents and agreements.
4. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat as conditioned.
5. Approval of the subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

DRAFT 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, the Amended Agreement and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the 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 written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. Non-exclusive public utility easements shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD and consistent with the utility plan, including drainage easements. All existing recorded easements and agreements shall be referenced on the plat, including entry number, book and page.
4. A financial guarantee, in a form and amount acceptable to the City and in conformance with these conditions of approvals, for the value of any required public improvements, such as water, sewer, landscaping, fire hydrants, etc. shall be provided to the City prior to building permit issuance for new construction. All public improvements shall be completed according to City standards prior to release of this guarantee. Ten percent of the bond shall be held by the City for the warranty period and until such improvements are accepted by the City.
5. A SBWRD Line Extension Agreement is required for extension of wastewater service to Lot 1 and 2. Such Agreement shall be provided prior to plat recordation.
6. The Owner shall be responsible for extending the public wastewater system to Lots 1 and 2 according to requirements of the Line Extension Agreements.
7. All approved public trails, consistent with the Amended Development Agreement and the Park City Master Trails Plan, shall be shown on the plat.
8. Prior to recordation of this plat, the owner's dedication language for Parcel 1 (REDUS, Park City) shall state that as Owner of the parcel identified on this plat as Parcel 1, hereby irrevocably offers to dedicate the road, known as Twisted Branch Road, for public use as a roadway, which shall remain a private roadway until the dedication thereof is accepted by the City.
9. The recorded plat shall include, but is not limited to, the following plat notes:
 - a. This plat is subject to the conditions of approval in Ordinance 2018-xx.
 - b. Conditional use permit approval is required prior to issuance of building permits for the on-mountain private restaurant on Lot 2. No building permits shall be issued until all necessary utility easements are recorded. A construction mitigation plan, landscape and irrigation plan, grading and

storm water plan, and a limit of disturbance plan shall be submitted with the conditional use permit application and in advance of issuing any building permits.

- c. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007, as Entry No. 0086100 in Book 1850, Page 1897 ("the Amended Development Agreement"), and associated technical reports, and including the March 12, 2004 Maintenance Agreement, continue to apply.
- d. All existing and required easements, based on review by the City Engineer, Department of Public Utilities and SBWRD will be shown and recorded on the plat, including utilities, storm drainage, access (public, utility and emergency), snow storage, trails and trailhead parking, etc. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots and not within public right of way.
- e. A fire protection and emergency access plan shall be submitted and approved by the Park City Fire District prior to the issuance of any building permits for this phase. The fire protection and emergency access plan shall include any required fire sprinkler systems and landscaping restrictions within the Wild land interface zones as required by the Chief Building Official.
- f. Wastewater service to Lots 1 and 2 will be provided by the Snyderville Basin Water Reclamation District, according to approved Line Extension Agreements.
- g. Wastewater service is not available for Lots 3 and 4 or for Parcels A, B, C, D, E, F, G and H. Structures requiring wastewater service may not be constructed on lots and parcels without approved Line Extension Agreements.
- h. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
- i. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
- j. Public safety access and public utility easements are hereby dedicated for all public and private roadways and emergency access roads.
- k. Trees, structures and retaining walls shall not be located within SBWRD easements.
- l. Twisted Branch Road is a private road operated, maintained and repaired by the Master Owners Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. All required access control gates shall remain in place as required by the Amended Agreement, unless such Agreement is amended by the City Council in the future.

- m. A ten foot (10') wide snow storage easement is hereby dedicated to the Empire Pass Master Owners Association along the frontage of all lots and parcels and shall be shown on the plat.
- n. No residential or commercial density (units or unit equivalents) are assigned or allocated to any of the Lots or Parcels of this plat. A private, Beano Style, on-mountain restaurant is allowed on Lot 2, as further described in the Amended Agreement (Section 2.6), subject to approval of a Conditional Use Permit.
- o. Planning Commission may allow building height for Lot 2 to be measured from final grade following placement of excavated material and re-grading of the site to tie into existing grade of the adjacent ski run. Fill will be approved only to the extent that final slope and surface of the Lot matches contours of the adjacent property in a natural and unobtrusive manner. Final building height shall be determined by the Planning Commission during review of the Conditional Use Permit and shall be based on height exception review criteria in LMC Chapter 6, site specific review, a visual analysis, and substantial compliance with the grading plan exhibit reviewed by the Planning Commission during review of this subdivision plat.
- p. A grading permit and grading plans, that are substantially consistent with the grading plan exhibit reviewed during the subdivision plat approval, are required prior to depositing clean excavated soil from the Annexation Area, on Lot 2 and Parcel C.
- q. Uses on Lot 1 are restricted to Resort Accessory Uses associated with the Empire Club, located within Pod A, as permitted by the Amended Agreement, and subject to an Administrative Conditional Use Permit.
- r. Existing public trails are agreed, by the recording of this plat, to be within ten (10') foot public trail easements and are subject to reasonable relocation by the Owner with approvals by the City.
- s. A public trailhead parking easement is hereby established on Parcels A and H, as shown on the plat.
- t. Prior to placement of clean fill on Lot 2 and/or Parcel C, the Owner shall relocate trails impacted by proposed grading and construction. Trail closures shall be avoided to the greatest extent possible during the peak season.
- u. Section 2.8 of the Amended Agreement shall apply unless further amended by the City Council. Amended Agreement (Section 2.8.2) states that "said private road, from the point of departure from SR 224 to the Summit/Wasatch line may be converted to a public road, in which event existing SR 224 from said point of departure to the county line shall no longer be used as a public road". Additionally, Amended Agreement states in Section 2.8.3 that "the Developer shall support and shall not undermine seasonal closure of realigned SR 224 and shall control motorized vehicular access from SR 224 to the private road system to prevent vehicular through traffic".

The exact language of the plat notes shall be finalized by the City's Legal Department prior to Mylar signature by the City Attorney. The City Engineer may add other typical plat notes.

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

PASSED AND ADOPTED this _____ day of July, 2018.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

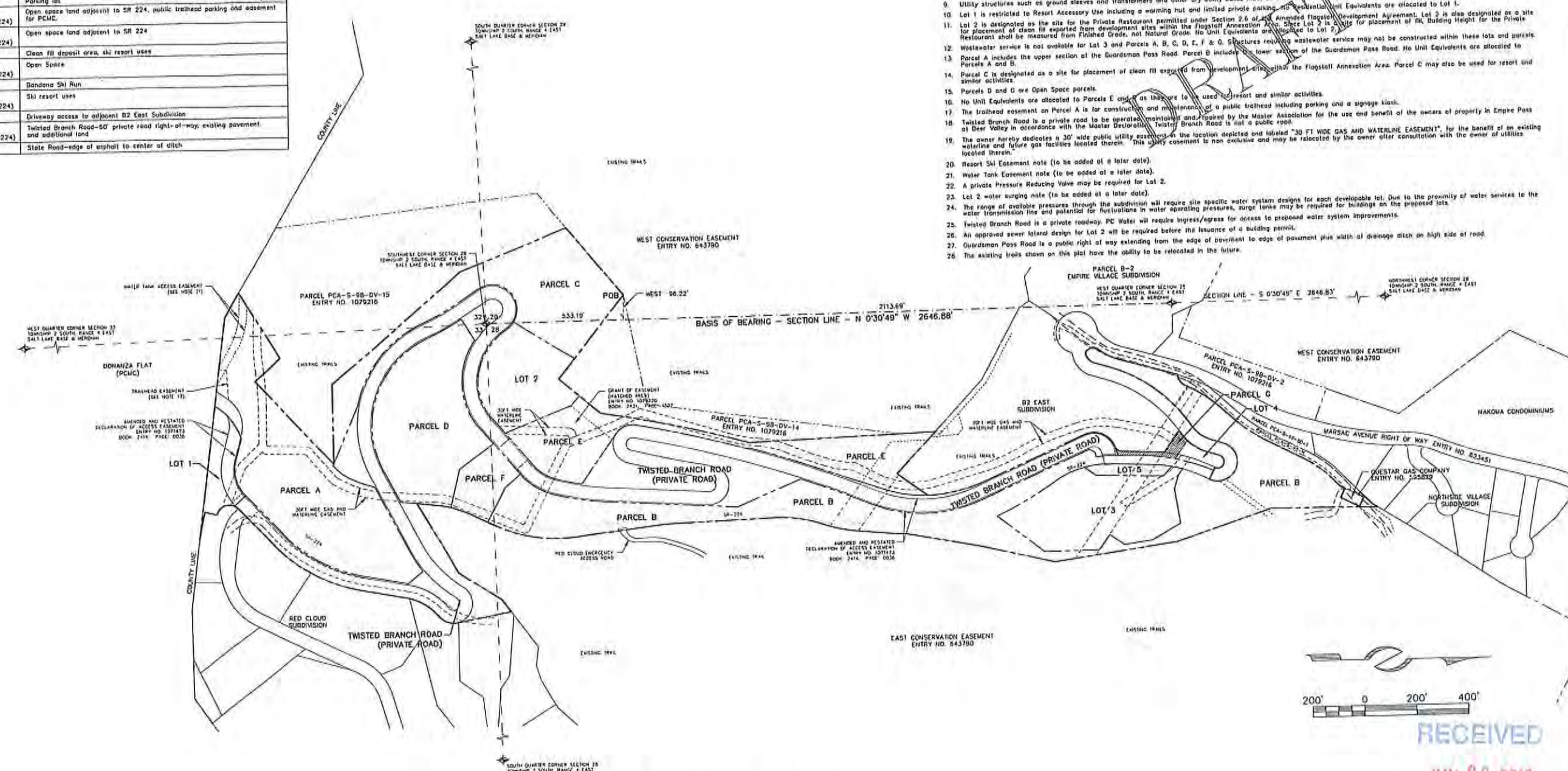
Mark Harrington, City Attorney

Exhibits

Exhibit A – Proposed subdivision plat

LOT/PARCEL	AREA (ACRES)	PERMITTED USE
LOT 1	1.00	Resort Accessory Uses-warming yurt and parking
LOT 2	2.51	On-mountain private restaurant
LOT 3	3.62	City water tank, municipal uses
LOT 4	0.24	City water pump station
LOT 5	0.30	Parking lot
PARCEL A	7.36 (5.98 lvs SR224)	Open space land adjacent to SR 224, public trailhead parking and easement for PCMC.
PARCEL B	11.84 (9.98 lvs SR224)	Open space land adjacent to SR 224
PARCEL C	4.90	Clean fill deposit area, ski resort uses
PARCEL D	4.89	Open Space
PARCEL E	4.25	Bandana Ski Run
PARCEL F	1.02 (0.80 lvs SR224)	Ski resort uses
PARCEL G	0.18	Driveway access to adjacent B2 East Subdivision
TWISTED BRANCH ROAD-PRIVATE ROAD	12.79 (12.74 lvs SR224)	Twisted Branch Road-50' private road right-of-way existing pavement and additional land
SR 224	3.70	State Road-edge of asphalt to center of ditch

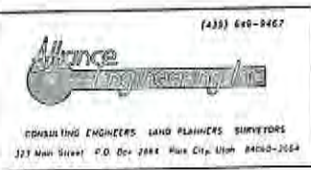
- NOTES:
- This plot is subject to the Conditions of Approval in Ordinance 2018-...
 - The lots and parcels described on this plot are subject to the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flat, Richardson Flat, The 20-Acre Quinn's Junction Parcel and Iron Mountain dated March 2, 2007, and recorded on March 7, 2007, as Entry No. 00806100 in Book 1850, Page 1897 (the "Development Agreement").
 - Owners and potential buyers of any parcel, unit or land within the lots or parcels depicted on this plot are given notice that they own or are buying property in a resort area in which all-season resort activities are conducted and where certain risks are present, including, without limitation, damage to property and personal injury and death caused by erosion, slides, snowboarders, mountain bikers and other resort patrons, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow falls, wind patterns, and other conditions that may affect the properties depicted hereon. The adjacent ski resort and its facilities are not amenities of any master association but are owned by a private resort and access to such lands and facilities is governed by such owner or agreements with such owner.
 - The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass, as amended ("Master Declaration"), requires the membership of each lot or unit owner. Members are subject to the terms of its articles of incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reinvestment fees as provided therein.
 - Conditional use permit approval will be required prior to issuance of a building permit on Lots 1 and 2.
 - The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.
 - Wastewater service to Lot 2 shall be provided by a sewer lateral that connects to the main line, owned and operated by The Snyderville Basin Water Reclamation District (District).
 - The sprinklers will be required within all buildings constructed on the two lots depicted herein.
 - Utility structures such as ground sleeves and transformers and other dry utility bases must be located on the lots.
 - Lot 1 is restricted to Resort Accessory Use including a warming hut and limited private parking. No Unit Equivalents are allocated to Lot 1.
 - Lot 2 is designated as the site for the Private Restaurant permitted under Section 2.6 of the Amended Flagstaff Development Agreement. Lot 2 is also designated as a site for placement of clean fill exported from development sites within the Flagstaff Annexation Area. Since Lot 2 is a site for placement of fill, Building Height for the Private Restaurant shall be measured from Finished Grade, not Natural Grade. No Unit Equivalents are allocated to Lot 2.
 - Wastewater service is not available for Lot 3 and Parcels A, B, C, D, E, F & G. Structures requiring wastewater service may not be constructed within these lots and parcels.
 - Parcel A includes the upper section of the Guardsman Pass Road. Parcel B includes the lower section of the Guardsman Pass Road. No Unit Equivalents are allocated to these parcels.
 - Parcel C is designated as a site for placement of clean fill exported from development sites within the Flagstaff Annexation Area. Parcel C may also be used for resort and similar activities.
 - Parcels D and E are Open Space parcels.
 - No Unit Equivalents are allocated to Parcels F and G as they are to be used for resort and similar activities.
 - The trailhead easement on Parcel A is for construction and maintenance of a public trailhead including parking and a signage kiosk.
 - Twisted Branch Road is a private road to be 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. Twisted Branch Road is not a public road.
 - The owner hereby dedicates a 30' wide public utility easement in the location depicted and labeled "30 FT WIDE GAS AND WATERLINE EASEMENT", for the benefit of an existing waterline and future gas facilities located therein. This utility easement is non-exclusive and may be relocated by the owner after consultation with the owner of utilities located therein.
 - Resort Ski Easement note (to be added at a later date).
 - Water Tank Easement note (to be added at a later date).
 - A private Pressure Reducing Valve may be required for Lot 2.
 - Lot 2 water surging note (to be added at a later date).
 - The range of available pressures through the subdivision will require site specific water system design for each developable lot. Due to the proximity of water services to the water transmission line and potential for fluctuations in water operating pressure, surge tanks may be required for buildings on the proposed lots.
 - Twisted Branch Road is a private roadway. PC Water will require ingress/egress for access to proposed water system improvements.
 - An approved sewer lateral design for Lot 2 will be required before the issuance of a building permit.
 - Guardsman Pass Road is a public right of way extending from the edge of pavement to edge of pavement plus width of drainage ditch on high side of road.
 - The existing trails shown on this plot have the ability to be relocated in the future.



TWISTED BRANCH ROAD SUBDIVISION

LOCATED IN THE WEST HALF OF SECTION 28, THE NORTHWEST QUARTER OF SECTION 33, THE NORTHEAST QUARTER OF SECTION 32, AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

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SHEET 2 OF 4

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AT THE REQUEST OF _____

FEC _____ RECORDER _____

TIME _____ DATE _____ ENTRY NO. _____

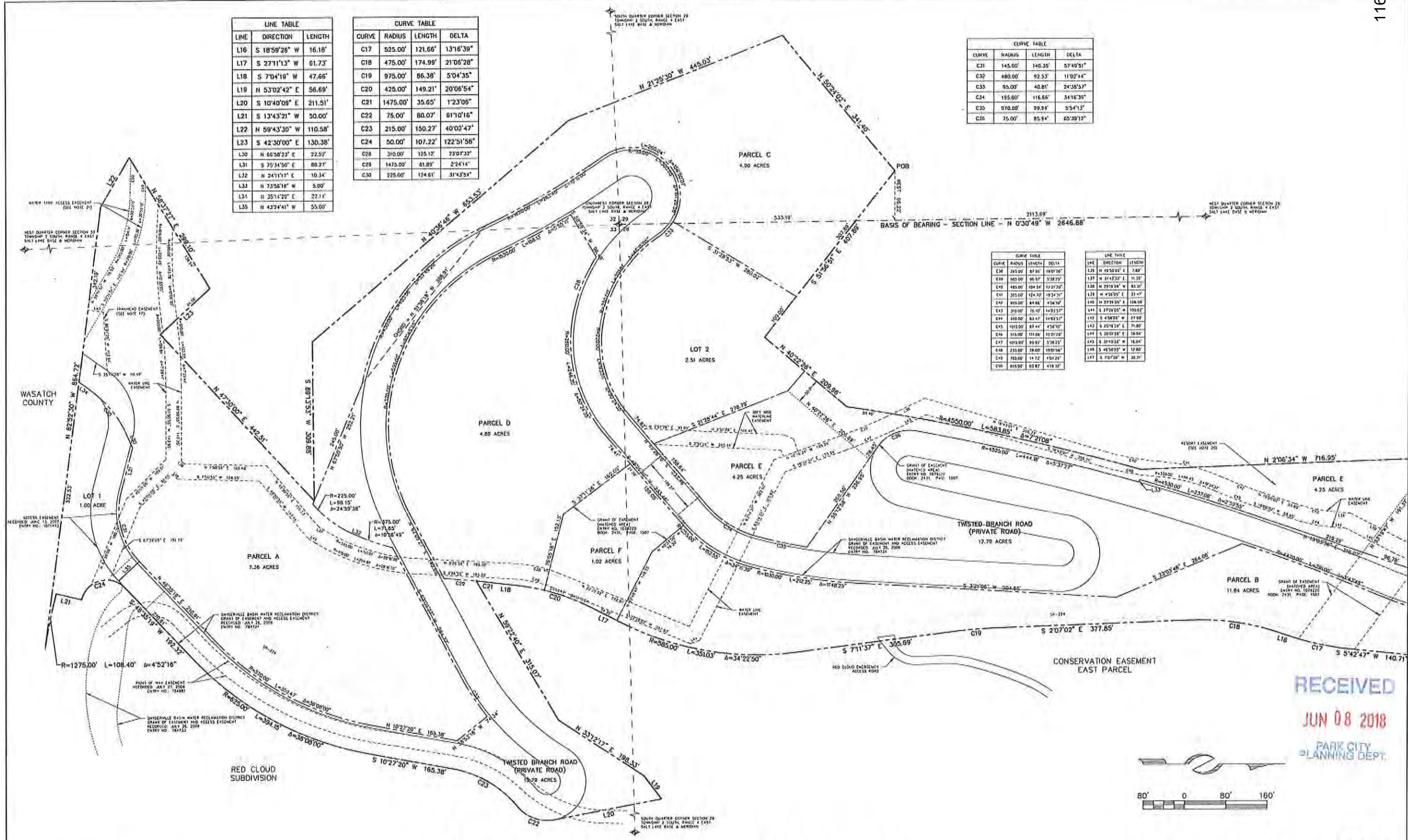
LINE	DIRECTION	LENGTH
L16	S 18°59'26" W	16.16'
L17	S 27°11'13" W	61.73'
L18	S 7°04'19" W	47.66'
L19	N 53°02'42" E	56.69'
L20	S 10°40'09" E	211.51'
L21	S 13°43'21" W	50.00'
L22	N 59°43'30" W	110.58'
L23	S 42°30'00" E	130.38'
L30	N 66°58'23" E	22.52'
L31	S 75°34'50" E	88.27'
L32	N 24°11'17" E	10.34'
L33	N 73°56'18" W	5.00'
L34	N 35°14'29" E	27.14'
L35	N 43°24'41" W	55.00'

CURVE	RADIUS	LENGTH	DELTA
C17	525.00'	121.66'	131°6'39"
C18	475.00'	174.99'	21°06'28"
C19	975.00'	86.38'	5°04'35"
C20	425.00'	149.21'	20°06'54"
C21	1475.00'	35.65'	1°23'08"
C22	75.00'	80.07'	81°10'16"
C23	215.00'	150.27'	40°02'47"
C24	50.00'	107.22'	122°51'58"
C28	310.00'	125.12'	23°07'32"
C29	1475.00'	61.89'	2°24'14"
C30	325.00'	124.61'	31°43'54"

CURVE	RADIUS	LENGTH	DELTA
C31	145.00'	146.35'	57°49'51"
C32	480.00'	92.53'	11°02'14"
C33	95.00'	40.81'	24°58'57"
C34	195.00'	116.66'	34°16'30"
C35	970.00'	99.28'	5°54'13"
C36	75.00'	85.94'	85°38'12"

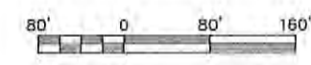
CURVE	RADIUS	LENGTH	DELTA
C37	265.00'	87.95'	18°01'50"
C38	985.00'	96.97'	5°38'23"
C39	485.00'	104.58'	12°21'30"
C40	355.00'	124.70'	19°34'31"
C41	310.00'	75.10'	14°03'57"
C42	210.00'	82.47'	14°03'57"
C43	1015.00'	87.44'	4°58'10"
C44	115.00'	111.06'	12°21'20"
C45	1015.00'	99.97'	5°38'23"
C46	235.00'	78.00'	19°01'04"
C47	185.00'	14.72'	1°04'27"
C48	815.00'	80.87'	4°18'32"

LINE	DIRECTION	LENGTH
L36	N 42°50'15" E	7.82'
L37	N 21°43'33" E	11.25'
L38	N 29°18'58" W	83.27'
L39	N 4°56'55" E	33.47'
L40	N 27°38'04" E	108.58'
L41	S 27°29'25" W	100.62'
L42	S 4°58'25" W	27.80'
L43	S 25°18'24" E	71.80'
L44	S 20°01'38" E	180.04'
L45	S 21°43'33" W	18.04'
L46	S 48°30'55" W	17.80'
L47	S 72°13'50" W	30.21'



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SHEET 3 OF 4

TWISTED BRANCH ROAD SUBDIVISION

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Alliance
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2584 Park City, Utah 84013-2584
 (435) 649-9407

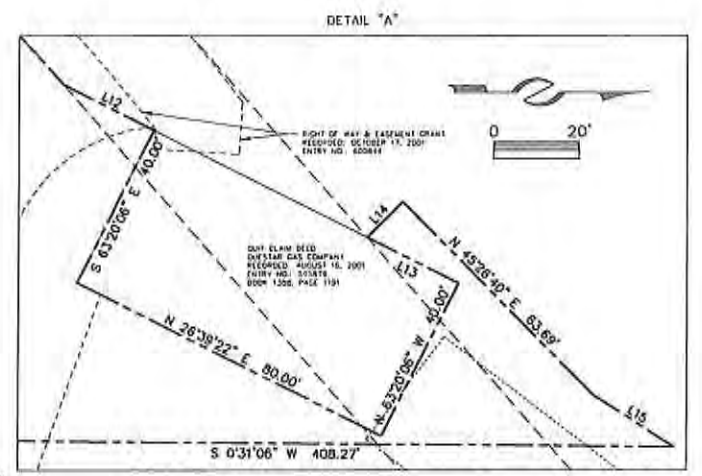
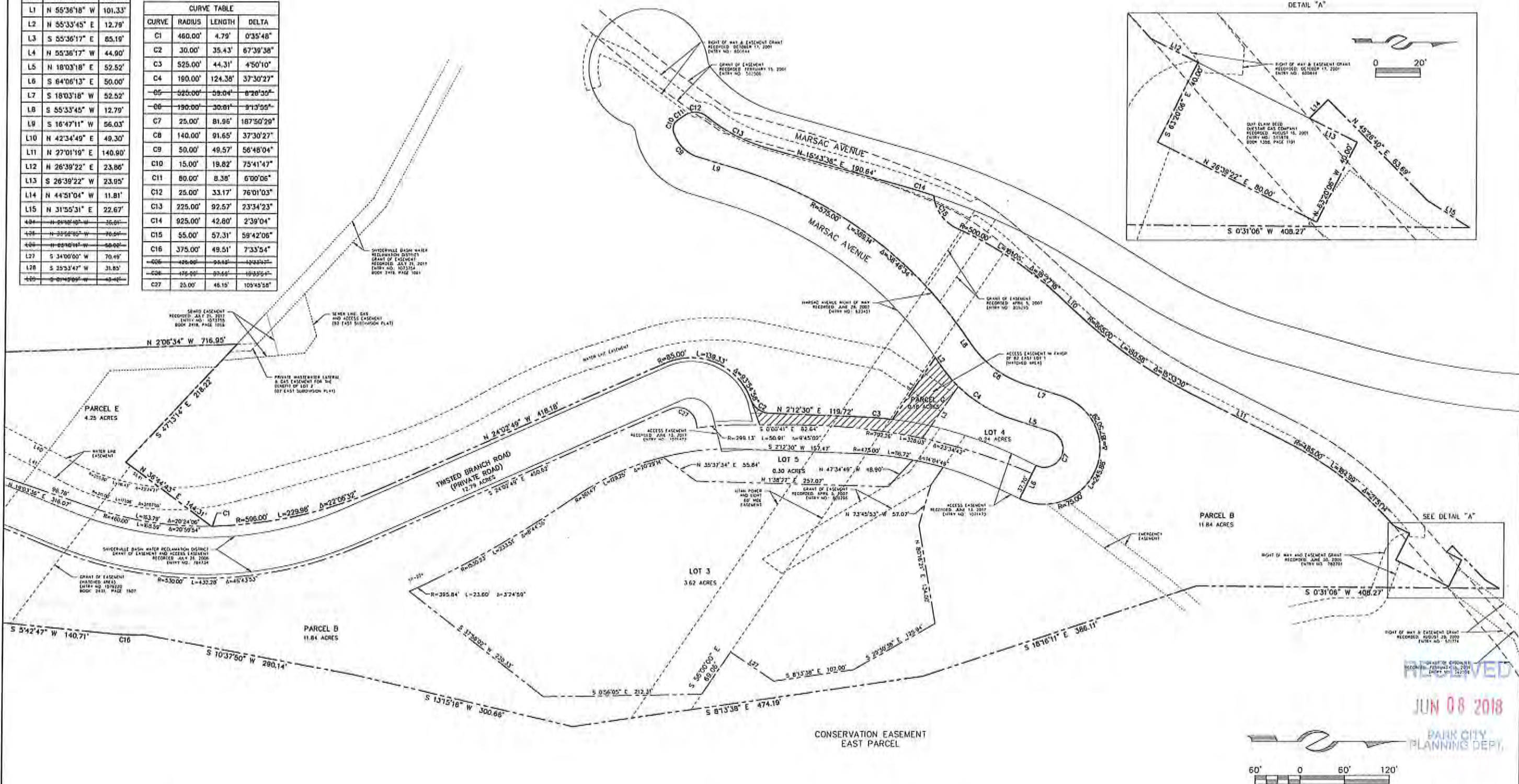
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RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____

 RECORDER
 TIME _____ DATE _____ ENTRY NO. _____

LINE	DIRECTION	LENGTH
L1	N 55°36'18" W	101.33'
L2	N 55°33'45" E	12.79'
L3	S 55°36'17" E	85.19'
L4	N 55°36'17" W	44.90'
L5	N 18°03'18" E	52.52'
L6	S 64°06'13" E	50.00'
L7	S 18°03'18" W	52.52'
L8	S 55°33'45" W	12.79'
L9	S 16°47'11" W	56.03'
L10	N 42°34'49" E	49.30'
L11	N 27°01'19" E	140.90'
L12	N 26°39'22" E	23.86'
L13	S 26°39'22" W	23.05'
L14	N 44°01'04" W	11.81'
L15	N 31°55'31" E	22.67'
L16	N 04°42'40" W	35.01'
L17	N 33°42'40" W	76.54'
L18	N 25°40'44" W	50.00'
L19	S 34°00'00" W	70.49'
L20	S 25°53'47" W	31.85'
L21	S 01°49'09" W	49.40'

CURVE	RADIUS	LENGTH	DELTA
C1	460.00'	4.79'	0°35'48"
C2	30.00'	35.43'	67°39'38"
C3	525.00'	44.31'	4°50'10"
C4	190.00'	124.36'	37°30'27"
C5	525.00'	39.04'	8°28'35"
C6	190.00'	30.01'	3°13'55"
C7	25.00'	81.96'	187°50'29"
C8	140.00'	91.65'	37°30'27"
C9	50.00'	49.57'	58°48'04"
C10	15.00'	19.82'	75°41'47"
C11	80.00'	8.38'	6°00'06"
C12	25.00'	33.17'	76°01'03"
C13	225.00'	92.57'	23°34'23"
C14	925.00'	42.80'	2°39'04"
C15	55.00'	57.31'	59°42'06"
C16	375.00'	49.51'	7°33'54"
C17	426.00'	95.48'	12°43'37"
C18	476.00'	99.46'	10°33'54"
C19	25.00'	48.15'	105°45'58"



Alliance
Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
123 Main Street P.O. Box 2004 Park City, Utah 84060-2004
(435) 649-9467

TWISTED BRANCH ROAD SUBDIVISION

LOCATED IN THE WEST HALF OF SECTION 28, THE NORTHWEST QUARTER OF SECTION 33,
THE NORTHEAST QUARTER OF SECTION 32, AND THE SOUTHEAST QUARTER OF SECTION 29,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

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SHEET 4 OF 4

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RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
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Twisted Branch Road Plat
Project Narrative
March 13th, 2018

Twisted Branch Road and adjacent lands are part of the Flagstaff Annexation Area with development governed by the Amended Flagstaff Development Agreement (“Flagstaff DA”). The property is bounded to the south by the Red Cloud Subdivision and properties owned by Deer Valley. To the north the plat is bounded by the B2East Plat and additional properties owned by Deer Valley. The properties included within the proposed plat are owned by REDUS Park City LLC, the current Declarant under the Flagstaff DA and Park City Municipal Corp. The proposed plat is intended to address various outstanding issues related to the Flagstaff DA

- The Twisted Branch Road ROW is established as a private road to be operated, maintained and repaired by the Empire Pass Master Association.
- UDOT’s Guardsman Pass Road, a public right-of-way, is situated on proposed Parcels A and B
- The Bandana Ski Run is situated on Parcel E.
- A Lot 1 is created adjacent the entry to Red Cloud. Uses on this lot will be restricted to Resort Accessory Use including a warming hut and limited private parking. No Residential Unit Equivalents are allocated to Lot 1.
- A Lot 2 is created adjacent the Bandana ski trail and is designated as the site for the Private Restaurant permitted under Section 2.6 of the Amended Flagstaff Development Agreement.
- A Lot 3 is created combining the water tank parcel adjacent the start of Twisted Branch Road and the adjacent City owned parcel. This parcel also includes the trailhead parking alongside Guardsman Pass Road. No sewer service is available for this parcel at this time.
- Two sites (Lot 2 and Parcel C) are identified for placement of clean fill exported from development sites within the Flagstaff Annexation Area.
- Easements are established for the current PCMC water main serving the Red Cloud Subdivision.
- An easement is established for trailhead parking and kiosk at top of Guardsman Pass Road.
- An easement is established for access to upper portion of B2 East Lot 1.

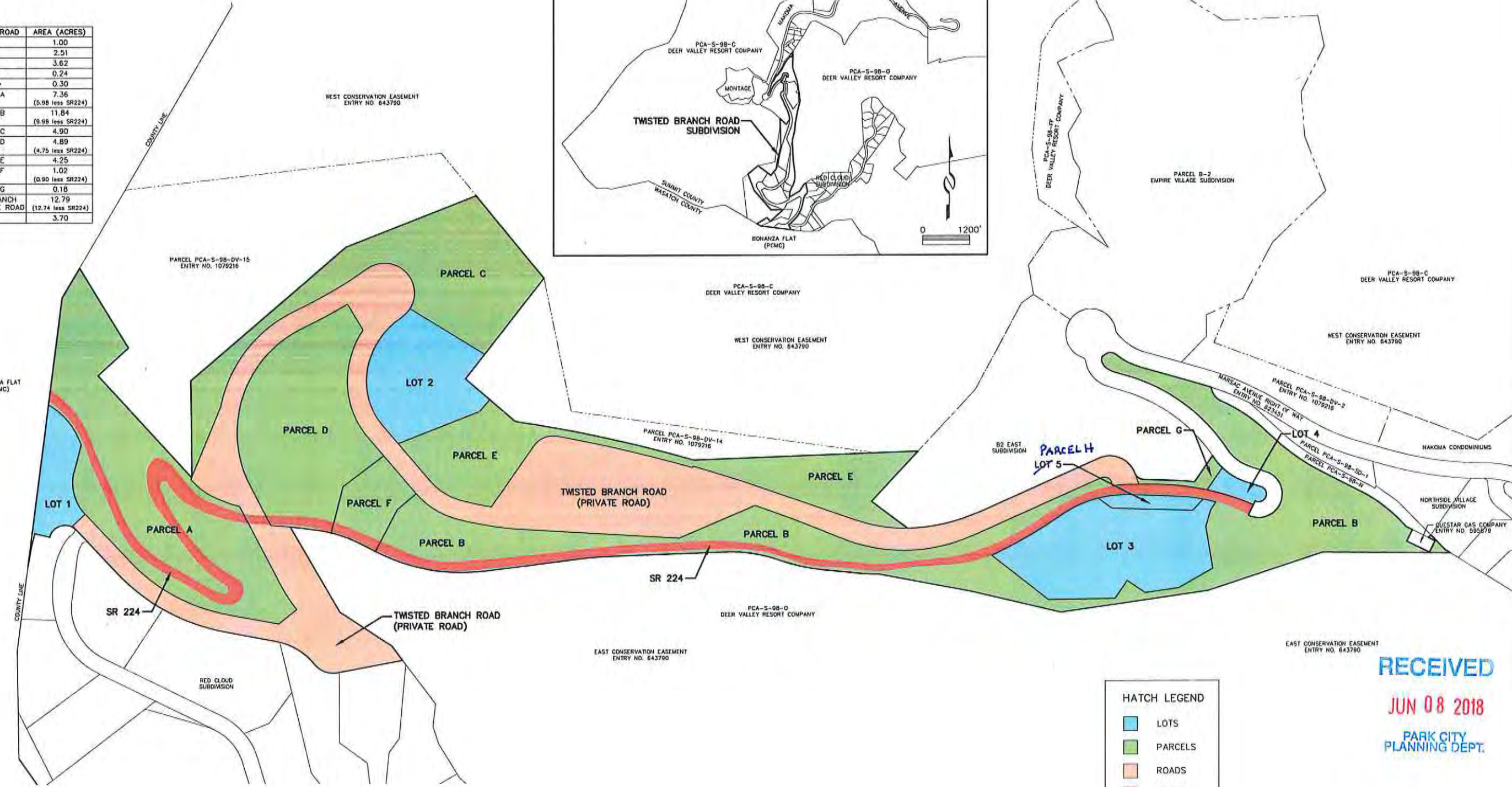
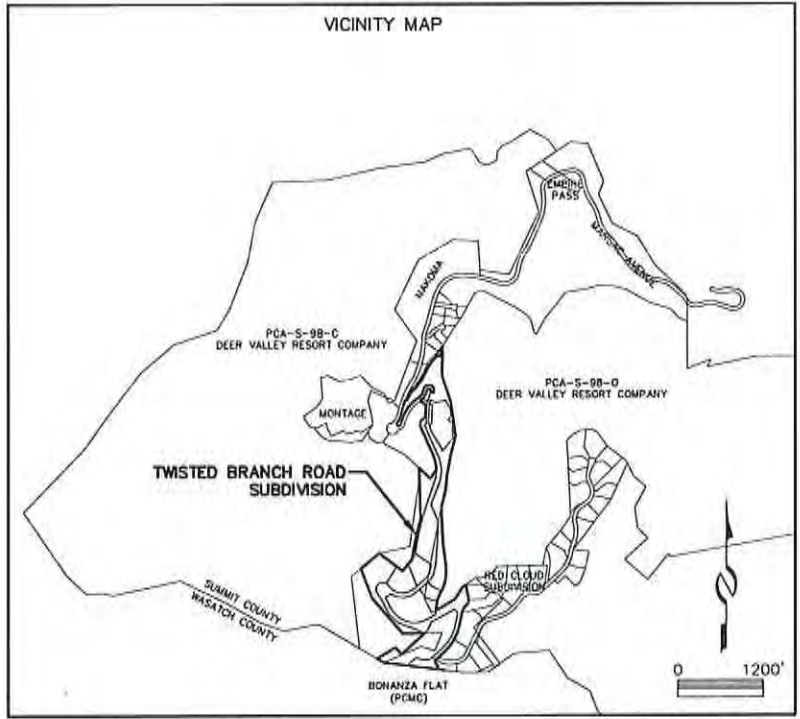
- Plat shows the existing easement on Twisted Branch Road in favor of PCMC Bonanza Flat property for maintenance and emergency access use.
- Plat shows existing easements in favor of Deer Valley for ski trails.

Lot 2 is immediately adjacent Bandana ski trail, but approximately 20' lower, so it is a very logical receptor site for excess material from Flagstaff development sites. It is also the designated site for the Private Restaurant permitted under the DA. In recognition of the need to accept fill on this site, the proposed plat clarifies that for purposes of measuring Building Height, Existing Grade shall be established after placement of fill.

Amended Construction Mitigation Plan

Concurrent with the TBR Plat approval, REDUS Park City is requesting an amendment to the Construction Mitigation Plan ("CMP") included in the Empire Pass MPD as a technical exhibit. The original CMP primarily addressed infrastructure construction. With infrastructure construction substantially complete, the CMP is amended to reflect the remaining residential and commercial construction, and to specifically address receiving sites for export material from the remaining development within Empire Pass.

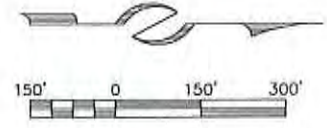
LOT/PARCEL/ROAD	AREA (ACRES)
LOT 1	1.00
LOT 2	2.51
LOT 3	3.62
LOT 4	0.24
LOT 5	0.30
PARCEL A	7.36 (5.98 less SR224)
PARCEL B	11.84 (9.98 less SR224)
PARCEL C	4.90
PARCEL D	4.89 (4.75 less SR224)
PARCEL E	4.25
PARCEL F	1.02 (0.90 less SR224)
PARCEL G	0.18
TWISTED BRANCH ROAD-PRIVATE ROAD	12.79 (12.74 less SR224)
SR 224	3.70



HATCH LEGEND

[Blue Hatch]	LOTS
[Green Hatch]	PARCELS
[Orange Hatch]	ROADS
[Red Hatch]	SR 224

RECEIVED
JUN 08 2018
 PARK CITY
 PLANNING DEPT.



TWISTED BRANCH ROAD SUBDIVISION

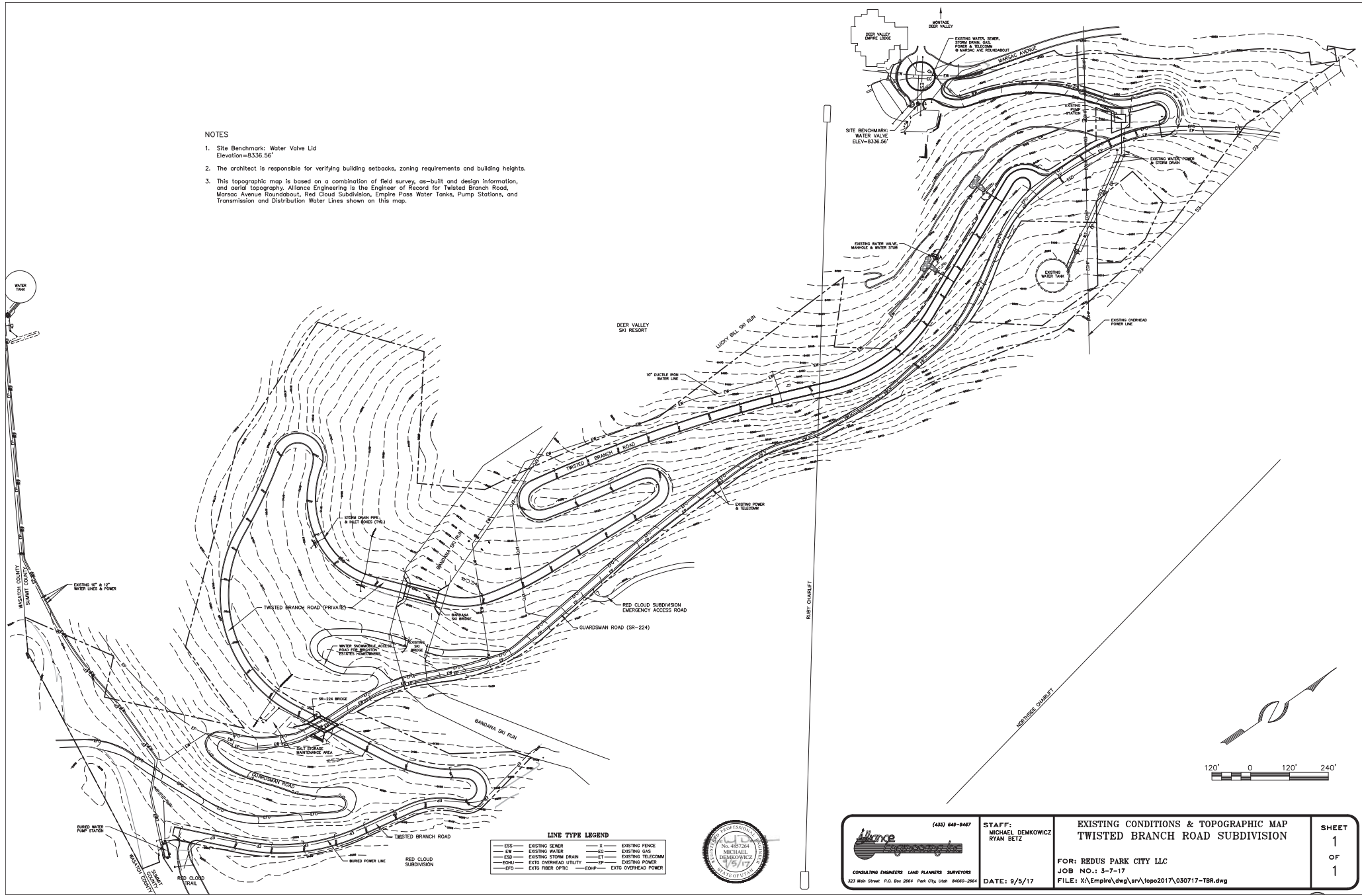
REFERENCE PLAN EXHIBIT

Alliance
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 223 Main Street P.O. Box 2164 Park City, Utah 84060-2164
 (435) 849-9487

EXHIBIT E

NOTES

1. Site Benchmark: Water Valve Lid
Elevation=8336.56'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a combination of field survey, as-built and design information, and aerial topography. Alliance Engineering is the Engineer of Record for Twisted Branch Road, Marzac Avenue Roundabout, Red Cloud Subdivision, Empire Pass Water Tanks, Pump Stations, and Transmission and Distribution Water Lines shown on this map.

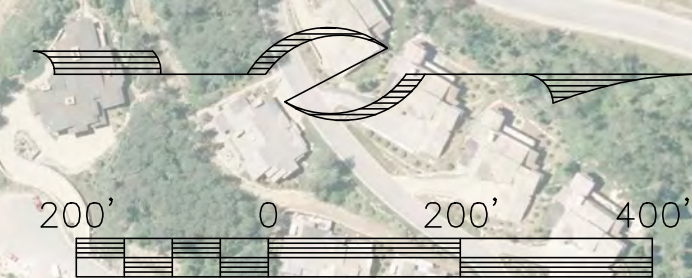



LINE TYPE LEGEND

ESS	EXISTING SEWER	X	EXISTING FENCE
EW	EXISTING WATER	—○—	EXISTING GAS
ESD	EXISTING STORM DRAIN	—□—	EXISTING TELECOMM
EDRW	EXTG OVERHEAD UTILITY	—◇—	EXISTING POWER
EFU	EXTG FIBER OPTIC	—◇—	EXTG OVERHEAD POWER



<p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street, P.O. Box 2654, Park City, Utah 84060-2654</p>	<p>(435) 648-9487</p>	<p>STAFF: MICHAEL DEMKOWICZ RYAN BETZ</p>	<p>EXISTING CONDITIONS & TOPOGRAPHIC MAP TWISTED BRANCH ROAD SUBDIVISION</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 9/5/17</p>	<p>FOR: REDUS PARK CITY LLC JOB NO.: 3-7-17 FILE: X:\Empire\dwg\ar\topo2017\030717-TBR.dwg</p>		



 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</small> <small>323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</small>	<small>(435) 649-9467</small> STAFF: MICHAEL DEMKOWICZ RYAN BETZ MARSHALL KING	AERIAL PHOTOGRAPH TWISTED BRANCH ROAD SUBDIVISION SECTIONS 28, 29, 32, 33, T2S, R4E, SLB&M FOR: REDUS PARK CITY LLC JOB NO.: 3-7-17 FILE: X:\Empire\dwg\Exhibits\Twisted Branch Road-aerial.dwg	SHEET 1 OF 1
	DATE: 5/24/18		



Looking south from Guardsman Pass

Twisted Branch Road Subdivision



Twisted Branch Road Subdivision

Looking south from TBR to Guardsman Pass
near top switch backs



Twisted Branch Road Subdivision

Looking south near TBR access gates
Guardsman Road on left



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Bandana Ski Run

Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision

Looking South on Marsac Ave
Public Trailhead and Lot 3 on left



Twisted Branch Road Subdivision

Kirsten Whetstone

From: Bryan Atwood <BATwood@sbwrđ.org>
Sent: Wednesday, December 13, 2017 10:09 AM
To: Fox, J. Tayler
Cc: Durham, Paul M.; Kevin Berkley; Kirsten Whetstone
Subject: RE: Empire Pass Development

Tayler,

Sewer service for Lot 2 of the yet to be approved and recorded Twisted Branch Road Subdivision, is proposed to be provided by way of a public sewer line extension through Lot 1 and Parcel A of the yet to be approved and recorded B2 East Subdivision. A Line Extension Agreement between the District and Redus Park City, LLC is in place for construction of the public line extension and the project has received Final Design Approval. Final Design Approval means that the design of the sewer line extension has been approved, fees associated with construction of the public line have been paid, required easements have been granted, an Improvement Completion Agreement supported by a Letter of Credit is in place, and the project can proceed to construction.

Construction of a private sewer lateral from the end of the proposed public sewer to the proposed building on Lot 2 will also be required. SBWRD approval of this lateral extension will be required and will include review and approval of construction plans and payment of SBWRD fees.

Please let me know if you need additional information.

Thanks



Bryan D. Atwood, P.E
 District Engineer
 Snyderville Basin Water Reclamation District
 2800 Homestead Road
 Park City, UT 84098
 Office: 435-214-5245
 Mobile: 435-731-0039
batwood@sbwrđ.org

From: Fox, J. Tayler [mailto:TFox@djplaw.com]
Sent: Tuesday, December 12, 2017 4:43 PM
To: Bryan Atwood <BATwood@sbwrđ.org>
Cc: Durham, Paul M. <pdurham@djplaw.com>
Subject: Empire Pass Development

Bryan,

I just left you a voicemail message and this is to follow up.

We represent a potential purchaser of Empire Pass. As part of our client's due diligence, we need to figure out if the Empire Pass "Hot Creek" parcel (Lot 2 of Twisted Branch Road Subdivision) can tap into the sewer line at the adjoining B2 East subdivision? We asked this question to Kirsten Whetstone of the Park City planning department and she

referred us to you. Is this something you could help us with? Our client's due diligence deadline ends on Friday, so we're trying to obtain this information as soon as possible. Please give me a call tomorrow if you're available.

Thanks for your help.
Tayler

J. Tayler Fox | Attorney at Law

Durham Jones & Pinegar, P.C.
111 S. Main Street, Suite 2400 | Salt Lake City, UT 84111
Phone: 801.415.3000 | Fax: 801.415.3500
www.djplaw.com | TFox@djplaw.com



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Please consider the environment before printing this e-mail.

[SALT LAKE CITY](#) | [LEHI](#) | [OGDEN](#) | [ST. GEORGE](#) | [LAS VEGAS](#)

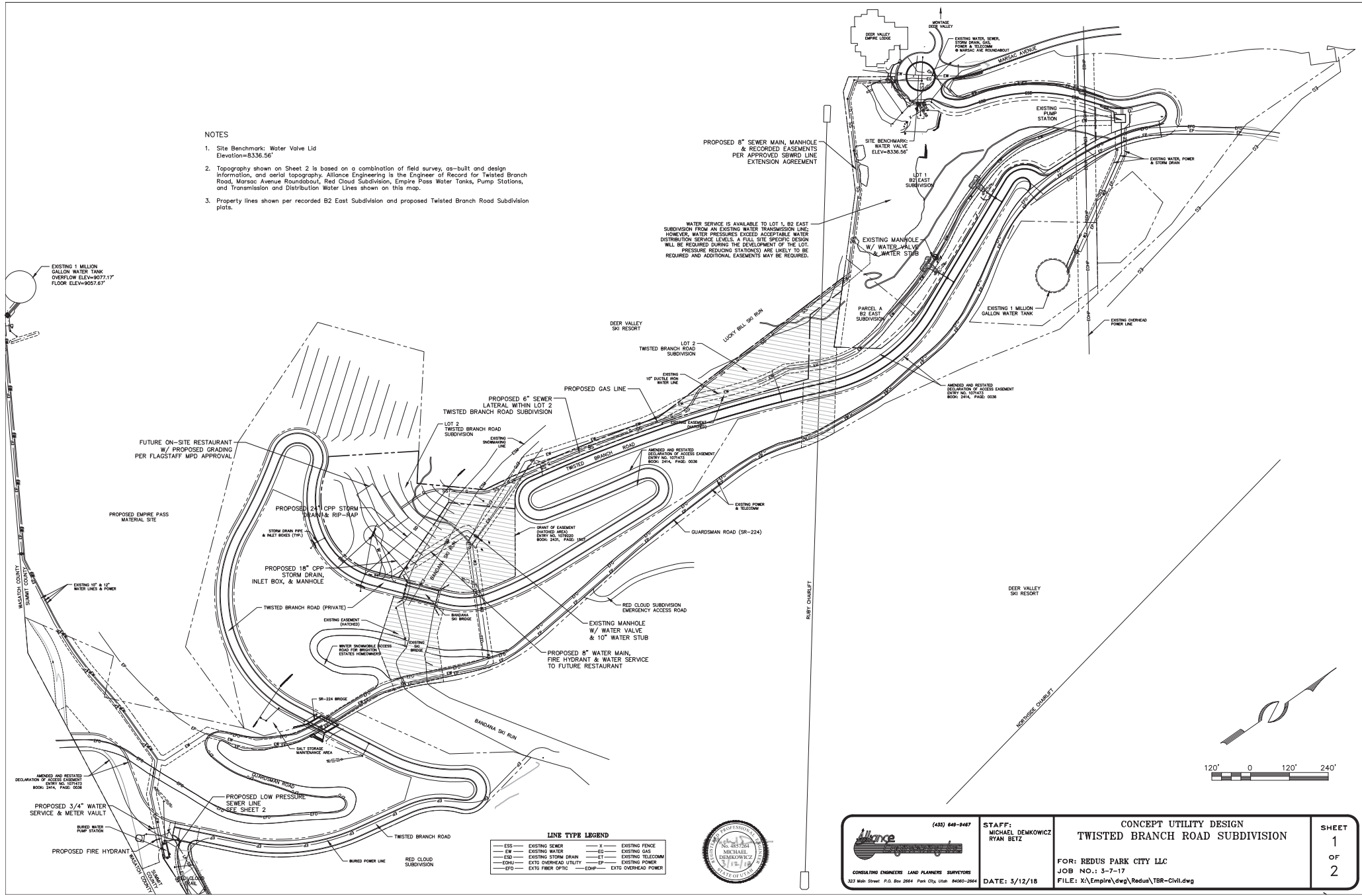
Notice from the [Snyderville Basin Water Reclamation District](#) (SBWRD).

The information contained in this email is not necessarily the official position of the SBWRD. This email, and any accompanying attachments, are confidential and are intended solely for the use of the individual(s) to who(m) it is addressed. If you are not an intended recipient, please notify us immediately by returning this message to the sender and deleting all copies. The SBWRD makes a reasonable effort to prevent the passage of viruses and malware through its email communications. The SBWRD cannot guarantee virus- and malware-free email and accepts no liability for damage sustained. For more information about SBWRD visit our web site at <http://www.sbwrdd.org>.

EXHIBIT I

NOTES

1. Site Benchmark: Water Valve Lid
Elevation=8336.56'
2. Topography shown on Sheet 2 is based on a combination of field survey, as-built and design information, and aerial topography. Alliance Engineering is the Engineer of Record for Twisted Branch Road, Marzac Avenue Roundabout, Red Cloud Subdivision, Empire Pass Water Tanks, Pump Stations, and Transmission and Distribution Water Lines shown on this map.
3. Property lines shown per recorded B2 East Subdivision and proposed Twisted Branch Road Subdivision plats.



EXISTING 1 MILLION GALLON WATER TANK
OVERSLOW ELEV=9077.17'
FLOOR ELEV=9067.67'

PROPOSED 8" SEWER MAIN, MANHOLE & RECORDED EASEMENTS PER APPROVED SBWRD LINE EXTENSION AGREEMENT

WATER SERVICE IS AVAILABLE TO LOT 1, B2 EAST SUBDIVISION FROM AN EXISTING WATER TRANSMISSION LINE. HOWEVER, WATER PRESSURES EXCEED ACCEPTABLE WATER DISTRIBUTION SERVICE LEVELS. A FULL SITE SPECIFIC DESIGN WILL BE REQUIRED DURING THE DEVELOPMENT OF THE LOT. PRESSURE REDUCING STATION(S) ARE LIKELY TO BE REQUIRED AND ADDITIONAL EASEMENTS MAY BE REQUIRED.

FUTURE ON-SITE RESTAURANT W/ PROPOSED GRADING PER FLAGSTAFF MPD APPROVAL

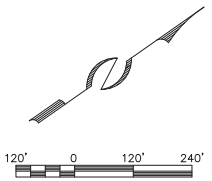
PROPOSED 6" SEWER LATERAL WITHIN LOT 2 TWISTED BRANCH ROAD SUBDIVISION

PROPOSED 24" CPP STORM DRAIN & RIP-RAP

PROPOSED 18" CPP STORM DRAIN, INLET BOX, & MANHOLE

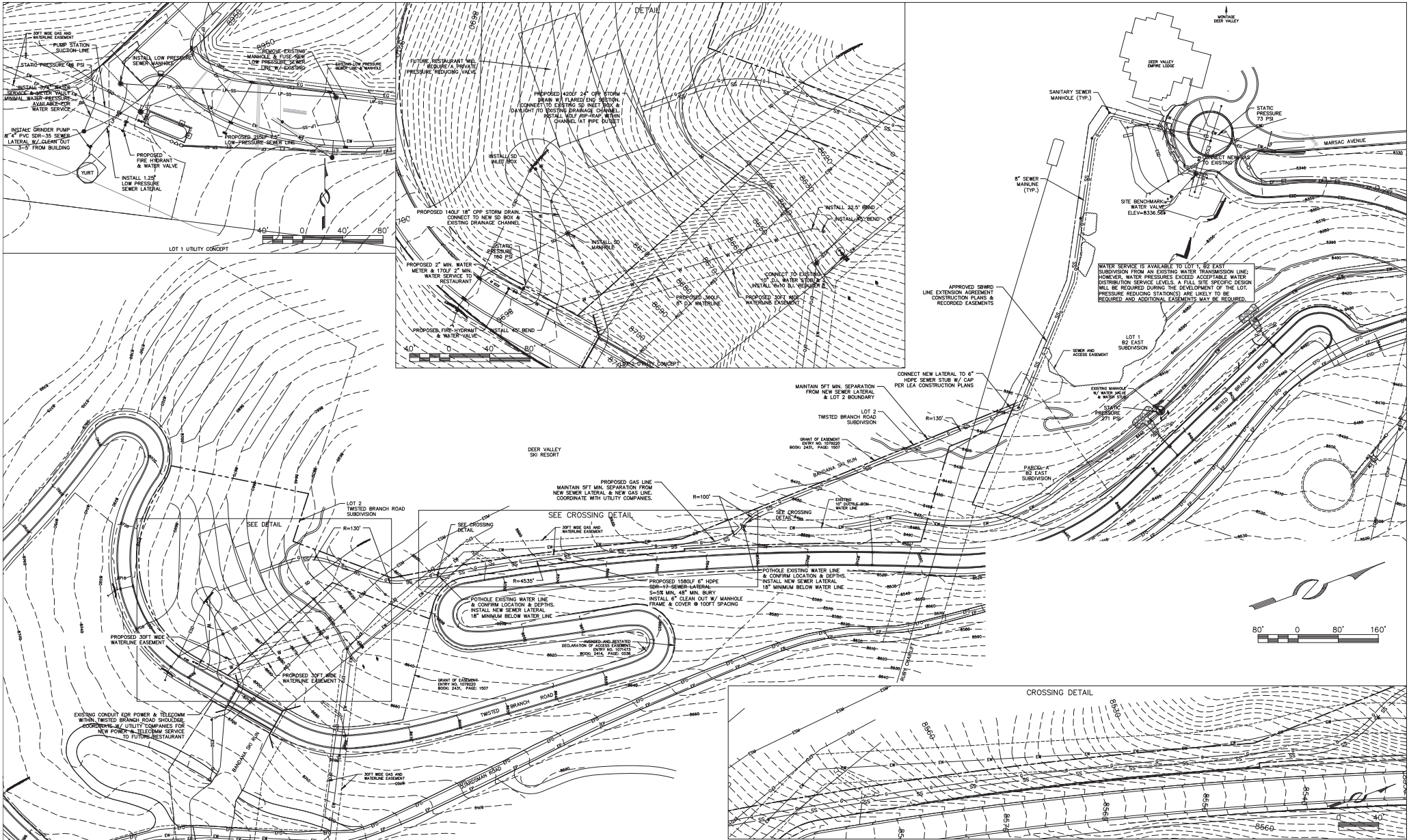
PROPOSED 8" WATER MAIN, FIRE HYDRANT & WATER SERVICE TO FUTURE RESTAURANT

LINE TYPE LEGEND			
ESS	EXISTING SEWER	X	EXISTING FENCE
EW	EXISTING WATER	---	EXISTING GAS
ESD	EXISTING STORM DRAIN	ET	EXISTING TELECOM
EDRW	EXTD OVERHEAD UTILITY	EP	EXISTING POWER
EPD	EXTD FIBER OPTIC	EQP	EXTD OVERHEAD POWER



<p>(435) 648-0487</p> <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</p> <p>323 Main Street, P.O. Box 2654, Park City, Utah 84060-2654</p>	<p>STAFF:</p> <p>MICHAEL DENKOWICZ RYAN BETZ</p>	<p>CONCEPT UTILITY DESIGN</p> <p>TWISTED BRANCH ROAD SUBDIVISION</p>	<p>SHEET</p> <p>1</p> <p>OF</p> <p>2</p>
	<p>DATE: 3/12/18</p>	<p>FOR: REDUS PARK CITY LLC</p> <p>JOB NO.: 3-7-17</p> <p>FILE: X:\Empire\dwg\Redus\TBR-Civil.dwg</p>	





LINE TYPE LEGEND

ESS	EXISTING SEWER	X	EXISTING FENCE
EW	EXISTING WATER	CG	EXISTING GAS
ESD	EXISTING STORM DRAIN	ET	EXISTING TELECOMM
EDRW	EXTD OVERHEAD UTILITY	EP	EXISTING POWER
EF	EXTD FIBER OPTIC	EQP	EXTD OVERHEAD POWER



Alconge (435) 648-2487
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 322 Main Street, P.O. Box 2664, Park City, Utah, 84060-2664

STAFF:
 MICHAEL DEMKOWICZ
 RYAN BETZ

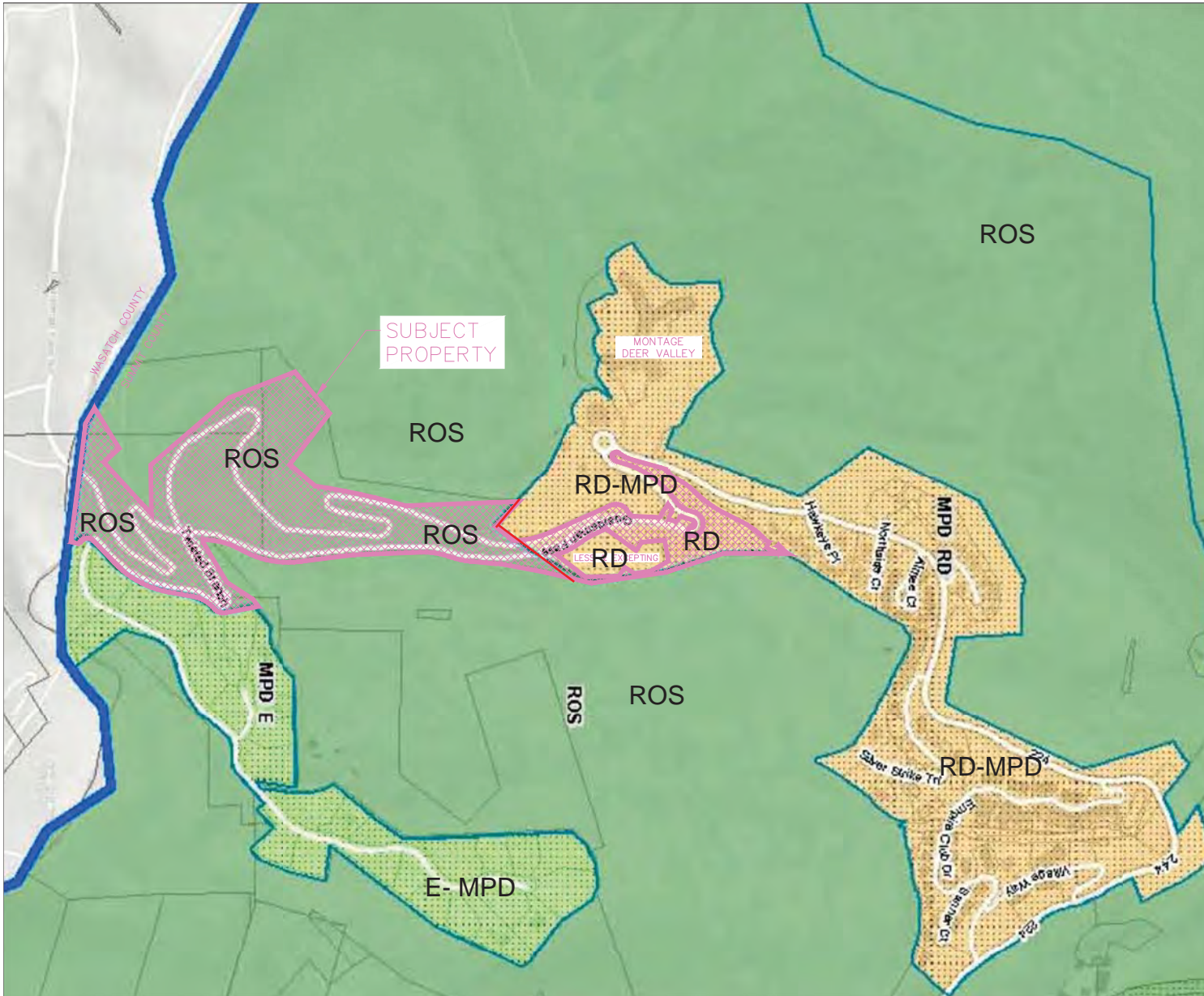
**CONCEPTUAL UTILITY DESIGN
 TWISTED BRANCH ROAD SUBDIVISION**

FOR: REDUS PARK CITY LLC
 JOB NO.: 3-7-17
 FILE: X:\Empire\dwg\Redus\TBR-Civil.dwg

SHEET
 2
 OF
 2

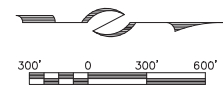
DATE: 3/12/18

EXHIBIT J



Legend

- Park City Limits
- County Boundaries
- Sending Zones
- Receiving Zones
- Sensitive Lands (SLO)
- Frontage Protection Zone (FPZ)
- Entry Corridor Protection (ECP)
- Master Planned Development (MPD)
- Regional Commercial (RCO)
- Community Transition (CT)
- Estate (E)
- General Commercial (GC)
- Historic Commercial Business (HCB)
- Historic Residential (HR-1)
- Historic Residential (HR-2A)
- Historic Residential (HR-2B)
- Historic Recreation Commercial (HRC)
- Historic Residential - Low Density (HRL)
- Historic Res. - Medium Density (HRM)
- Light Industrial (LI)
- Protected Open Space (POS)
- Public Use Transition (PUT)
- Residential (R-1)
- Recreation Commercial (RC)
- Residential Development (RD)
- Residential Dev. - Medium Density (RD-M)
- Residential - Medium Density (RM)
- Recreational Open Space (ROS)
- Single Family (SF)
- Parcels

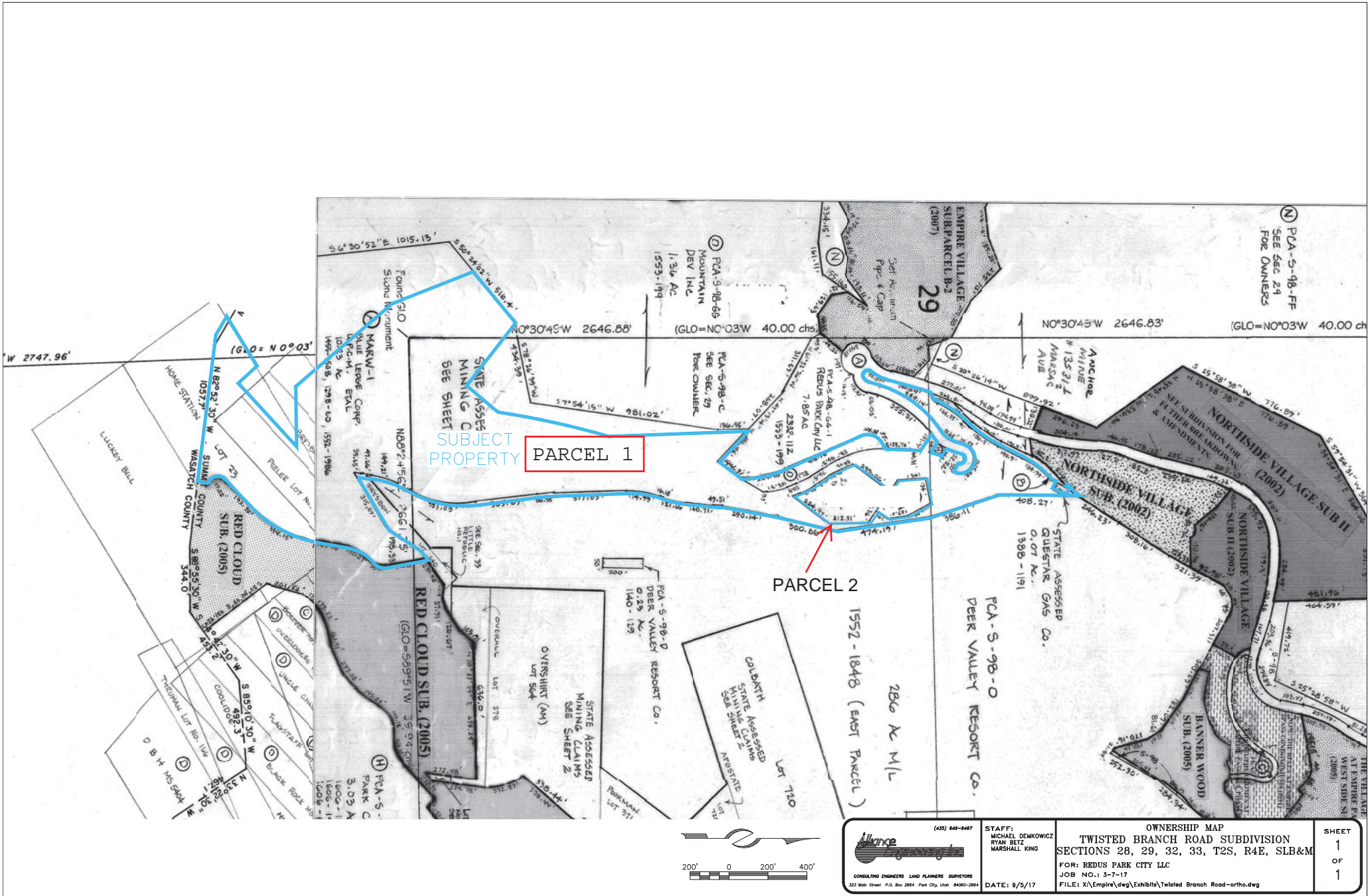


STAFF:
MICHAEL DEMKOWICZ
RYAN BEZ
MARSHALL KING

ZONING EXHIBIT
TWISTED BRANCH ROAD SUBDIVISION
SECTIONS 28, 29, 32, 33, T2S, R4E, SLB&M
FOR: REDUS PARK CITY LLC
JOB NO.: 3-7-17
FILE: X:\Empire\dwg\Exhibits\Twisted Branch Road-zoning exhibit.dwg

DATE: 9/5/17

SHEET
1
OF
1



SUBJECT PROPERTY
PARCEL 1

PARCEL 2

<p>(435) 648-2487</p> <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</p> <p>222 Main Street, P.O. Box 2054, Fort Collins, CO 80501-2054</p>	<p>STAFF:</p> <p>MICHAEL DEMKOWICZ</p> <p>RYAN BITZ</p> <p>MARSHALL KING</p>	<p>OWNERSHIP MAP</p> <p>TWISTED BRANCH ROAD SUBDIVISION</p> <p>SECTIONS 28, 29, 32, 33, T2S, R4E, SLB&M</p> <p>FOR: REDUS PARK CITY LLC</p> <p>JOB NO.: 3-7-17</p> <p>FILE: X:\Empire\dwg\Exhibits\Twisted Branch Road-ortho.dwg</p>	<p>SHEET</p> <p>1</p> <p>OF</p> <p>1</p>
	<p>DATE: 9/5/17</p>		

Twisted Branch - Existing Trails

EXHIBIT M

Legend
— Existing Trails

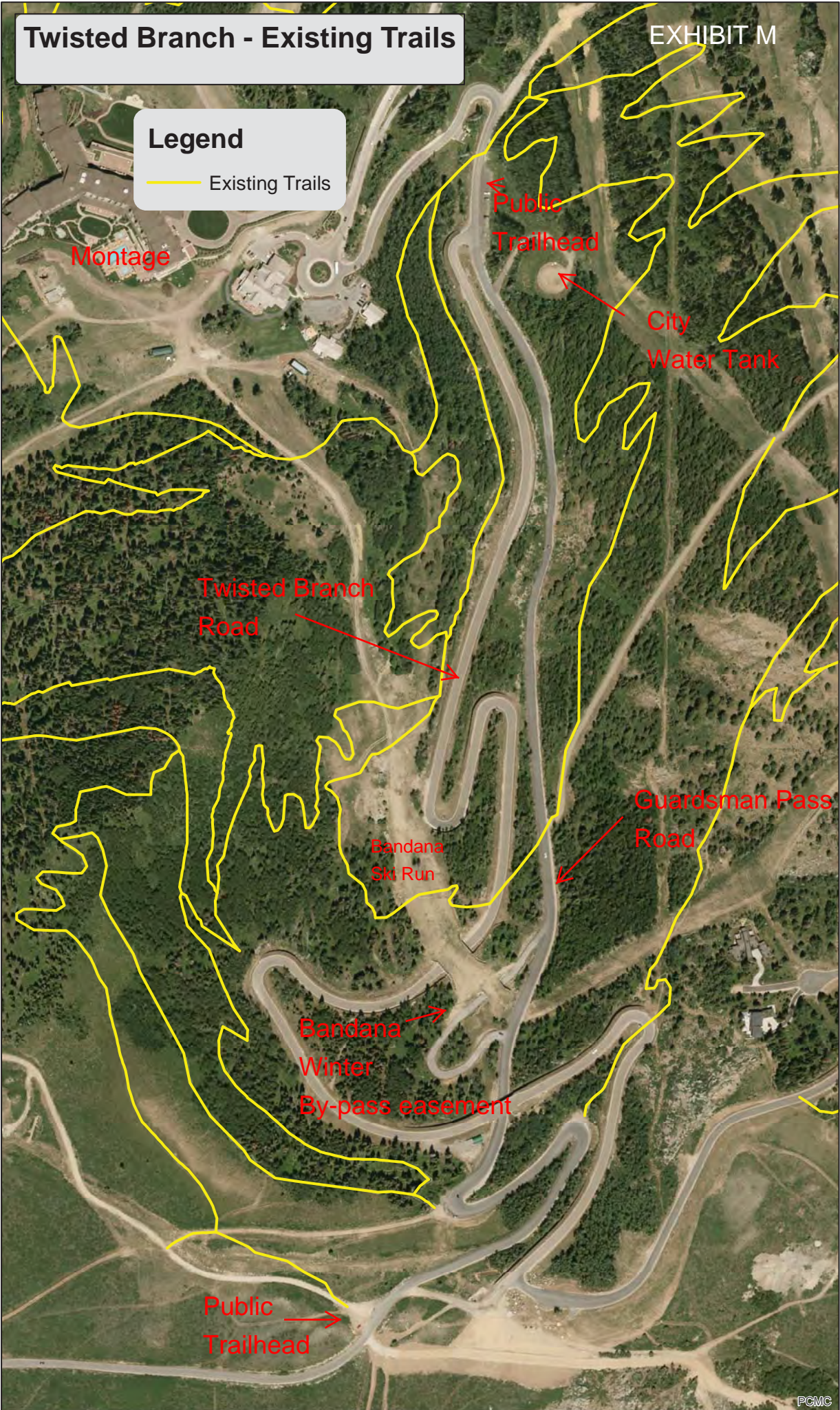
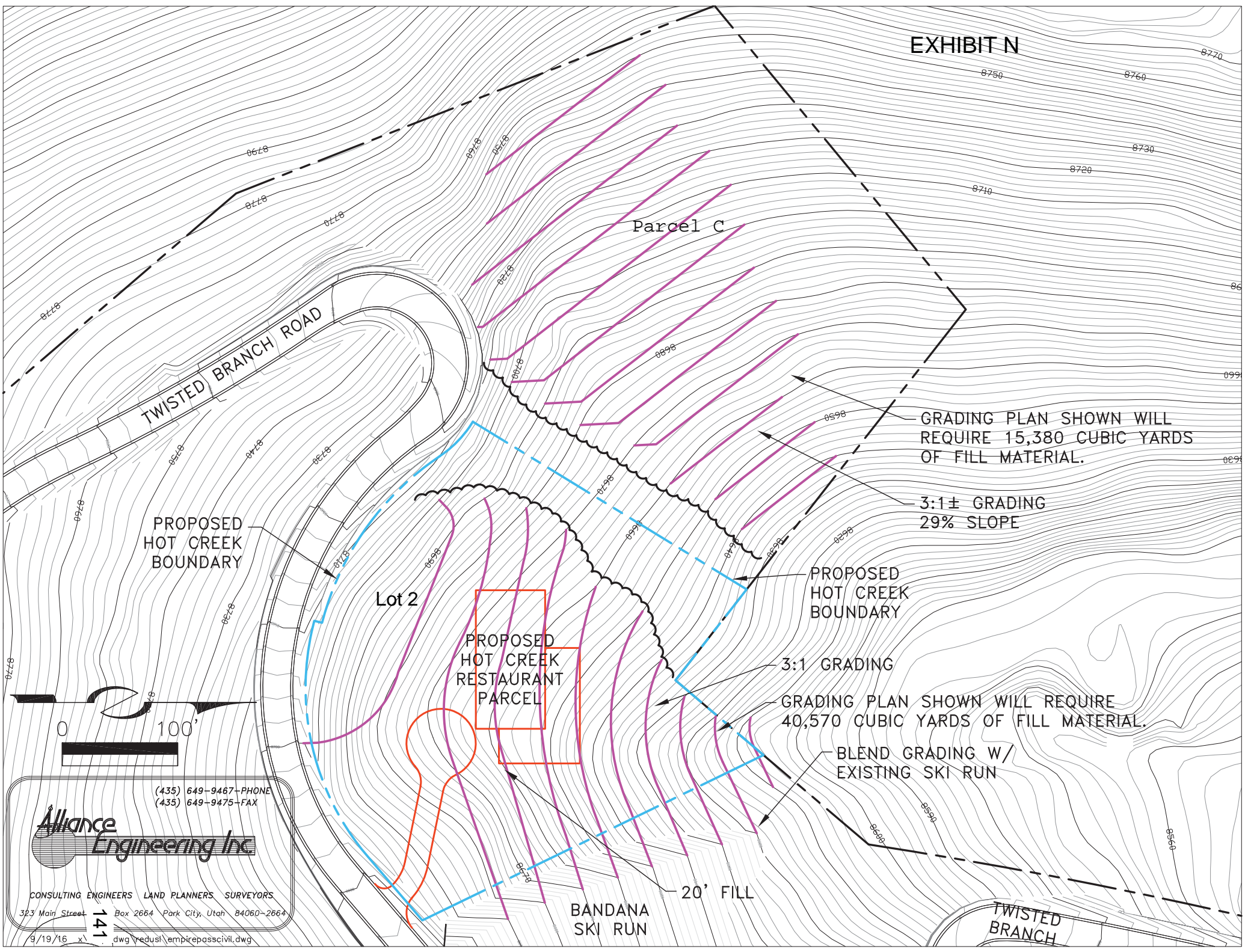


EXHIBIT N



TWISTED BRANCH ROAD

Parcel C

PROPOSED HOT CREEK BOUNDARY

Lot 2

PROPOSED HOT CREEK RESTAURANT PARCEL

PROPOSED HOT CREEK BOUNDARY

GRADING PLAN SHOWN WILL REQUIRE 15,380 CUBIC YARDS OF FILL MATERIAL.

3:1 ± GRADING 29% SLOPE

3:1 GRADING

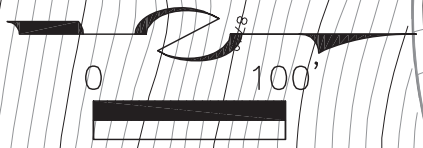
GRADING PLAN SHOWN WILL REQUIRE 40,570 CUBIC YARDS OF FILL MATERIAL.

BLEND GRADING W/ EXISTING SKI RUN

20' FILL

BANDANA SKI RUN

TWISTED BRANCH



(435) 649-9467-PHONE
(435) 649-9475-FAX

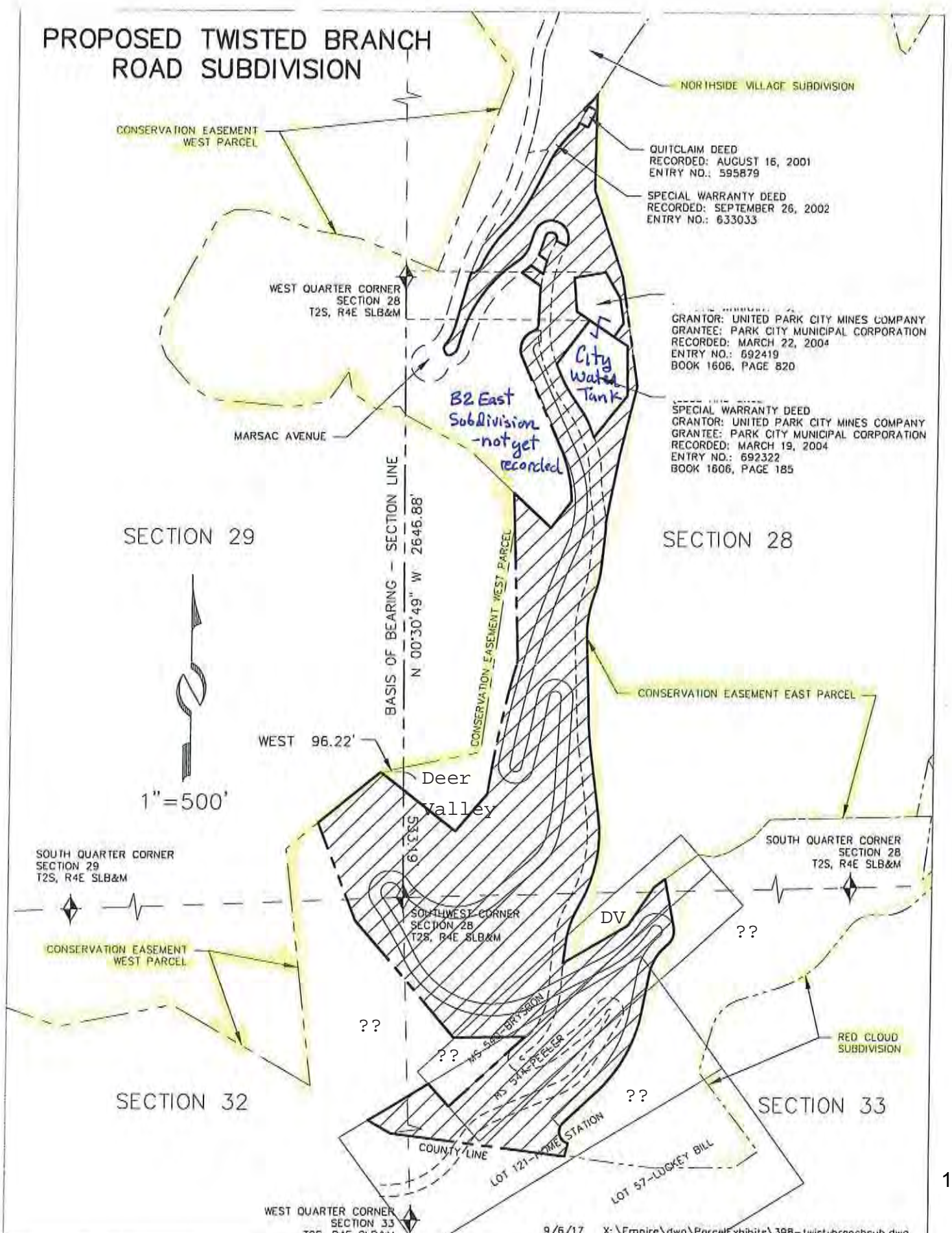
Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street Box 2664 Park City, Utah 84060-2664

9/19/16 x1 141 dwg \redust\empirepasscivil.dwg

PROPOSED TWISTED BRANCH ROAD SUBDIVISION



QUITCLAIM DEED
RECORDED: AUGUST 16, 2001
ENTRY NO.: 595879

SPECIAL WARRANTY DEED
RECORDED: SEPTEMBER 26, 2002
ENTRY NO.: 633033

GRANTOR: UNITED PARK CITY MINES COMPANY
GRANTEE: PARK CITY MUNICIPAL CORPORATION
RECORDED: MARCH 22, 2004
ENTRY NO.: 692419
BOOK 1606, PAGE 820

SPECIAL WARRANTY DEED
GRANTOR: UNITED PARK CITY MINES COMPANY
GRANTEE: PARK CITY MUNICIPAL CORPORATION
RECORDED: MARCH 19, 2004
ENTRY NO.: 692322
BOOK 1606, PAGE 185

SECTION 29

SECTION 28

SECTION 32

SECTION 33

1" = 500'

WEST 96.22'

BASIS OF BEARING - SECTION LINE
N 00°30'49" W 2646.88'

CONSERVATION EASEMENT WEST PARCEL

CONSERVATION EASEMENT EAST PARCEL

Deer Valley

DV

SOUTH QUARTER CORNER
SECTION 29
T2S, R4E SLB&M

SOUTH QUARTER CORNER
SECTION 28
T2S, R4E SLB&M

SOUTHWEST CORNER
SECTION 28
T2S, R4E SLB&M

CONSERVATION EASEMENT
WEST PARCEL

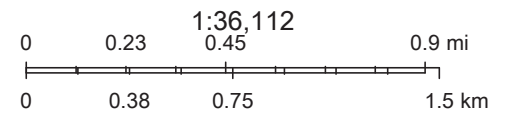
RED CLOUD
SUBDIVISION

WEST QUARTER CORNER
SECTION 33
T2S, R4E SLB&M

Existing Conservation Easements Empire Canyon



May 4, 2018 From Summit Land Web Site



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,

**CONSTRUCTION MITIGATION PLAN
FOR
FLAGSTAFF MOUNTAIN RESORT
PARK CITY, SUMMIT. COUNTY, UTAH
also known as
EMPIRE PASS**

EXHIBIT 15

**Prepared by:
United Park City Mines Company**

**May 2001
(Revised and Approved December 2001)
Revised February 2004
Revised April 2018 - DRAFT**

TABLE OF CONTENTS

I.	Introduction, Goals & Objectives	1
II.	Existing Conditions.....	4
III.	Scope of Infrastructure Construction.....	5
IV.	Construction Impacts and Mitigation Measures	9
V.	Construction Phasing	22
VI.	Construction Mitigation Plan Management.....	23

Exhibits

- Exhibit A — Off-site Road Improvement Plan
- Exhibit B1-B2 — Emergency Access Plan (revised 1/2004)
- Exhibit C — Road Cross Sections (revised 1/2004)
- Exhibit D — Construction Entry/Exit Checkpoint
- Exhibit E — Ontario #3 Mine Building Complex Staging Area
- Exhibit F — Daly West Construction Staging Area (to be revised based on Mine Soils mitigation plan)

I. INTRODUCTION, GOALS OBJECTIVES

This study is one of several reports that have been prepared to support the Flagstaff Mountain Resort's Large Scale Master Plan Development (LSMPD) application. As LSMPDs are programmatic in nature and subject to refinement at subsequent Master Planned Development (MPD) or Conditional Use Permit (CUP) stages, correspondingly, the contents of this report should be viewed as conceptual in nature and subject to change as specific plans are developed. Details developed at the MPD or CUP stage will not require a modification of this plan provided that they comply with the Goals and Objectives of this Plan.

General Description of the Property

Flagstaff Mountain Resort (the "Resort") is an assemblage of mining claims totaling approximately 1,655 acres of land (the "Annexation Area" located at the southwestern corner of Summit County, Utah. The Annexation Area is bordered by Deer Valley Resort to the east and State Highway 224 (Marsac Avenue) to the northeast. The southern boundary coincides with the Summit County/Wasatch County line. The Park City Mountain Resort borders the Annexation Area to the west and northwest. The Resort was annexed into the corporate limits of Park City, Utah on June 24, 1999 (refer to Exhibit "A" attached).

The proposed areas of development will be restricted to a) the "Mountain Village" consisting of three Development Pods ("A", "B-1" and "B-2") limited to: a) maximum of 84 acres and b) the "Northside Neighborhood" (Development Pod "D") limited to a maximum of 63 acres.

The maximum density allowed within the Mountain Village includes 705 Unit Equivalents configured in no more than 470 residential units. The residential units may be multi-family units, hotel room units or PUD units. In addition, the Mountain Village may also contain a maximum of: i) 16 single-family home sites; and, ii) 75,000 sf of resort support commercial uses.

The Northside Neighborhood (aka Red Cloud) may contain a maximum of 38 single-family home sites of which 30 are currently entitled and 8 are subject to further requirements under the Development Agreement.

In addition to the Deer Valley Resort "Empire" Day Lodge near the Daly West waste rock pile, uses for the Resort are intended to include hotel lodging facilities, resort support commercial, multi-family residential units, PUD-style residential units and single-family home sites. Recreational uses will remain similar to the

current uses described above, with the exception of commercial snowmobiling, which will be discontinued.

Construction and Potential Construction Impacts

Development of the Resort will include two (2) basic types of construction, infrastructure which includes roads, utilities, etc. and the actual residential and commercial buildings themselves. This Construction Mitigation Plan primarily addresses the infrastructure development of the Resort, although the guidelines set forth herein will be incorporated into the individual construction mitigation plans that will be required for each of the building development projects.

The proposed infrastructure development includes construction of: i) roadways, with the associated bridges and tunnels; ii) storm water drainage facilities; and, iii) utility systems including sanitary sewer, water storage & pumping, water distribution, natural gas, electric power transmission and telecommunication systems along with trail systems, ski lifts and other Resort improvements.

As stated above, each individual building project will be required to submit a site-specific construction mitigation plan prior to commencement of construction. These individual building construction mitigation plans will supplement and be consistent with this Plan. Section VI, "Construction Mitigation Plan Management" addresses this supplemental process to ensure compliance and implementation of these Plans.

Construction Mitigation Planning Goals and Objectives

The primary goal and objective of this Construction Mitigation Plan is to identify and mitigate the impacts of infrastructure construction associated with the Resort, adhering to the standard Park City Municipal Corporation ("Park City") required construction impact mitigation measures along with additional site-specific mitigation measures required by the Development Agreement.

In addition, a complete Storm Water Pollution Prevention Plan ("SWPPP") will be prepared and implemented separately for the Resort in strict accordance with local, State and Federal guidelines. The primary goals of the SWPPP will be: i) to limit the areas of disturbance of the existing vegetation to only those areas required to install the proposed improvements; ii) to retain sediment on site to the extent practicable through the selection, installation and maintenance of storm water control measures in accordance with good engineering practices; and, iii) to prevent construction litter, debris and chemicals from becoming a pollutant source of storm water discharges. The SWPPP will also be designed to protect Park City's water sources and their designated water source protection areas.

For purposes of this Construction Mitigation Plan, and inasmuch as most of the issues and concerns addressed are identical, portions of the SWPPP will be incorporated into the individual sections of the Plan as they apply.

II. EXISTING CONDITIONS

Existing Access

Access to the approximately 1,655-acre Annexation Area is via either Guardsman Pass Road or Daly Avenue. Guardsman Pass Road through the site is a narrow and steep minimally maintained road with a surface of either deteriorating asphalt or gravel. Guardsman Pass Road is not maintained or plowed in the winter and is closed to vehicles after the first significant snowfall of the season at a gate located approximately one-quarter mile south of the Guardsman Connection. Daly Avenue provides gated access to the mouth of Empire Canyon below Development Pod A.

Existing Uses

The Annexation Area has historically been a popular recreational site used by area residents and visitors alike. Winter uses include both lift-served resort skiing as well as backcountry skiing, snowshoeing and snowmobiling. Summer uses include mountain biking, hiking and equestrian uses.

Within the Annexation Area portion of Deer Valley Resort, there are six existing ski lifts and approximately 36 ski runs, many of which have been cut through forest stands, graded, and revegetated. Four additional lifts are currently planned for the Annexation Area. One of these will serve the ski in/ski out needs of Development Pod A, one will access existing terrain between the Red Cloud and Northside Lifts (Ski Pod D) and the other two will access new intermediate and advanced Ski terrain in Empire Canyon (future Ski Pods X and Z).

A snowmobile concession, located just east of the Guardsman Connection at the horse stable has been discontinued.

Numerous trails currently exist within the Annexation Area, which include improved roadways, jeep trails, single-track trails, and undeveloped game trails. Many of the undeveloped trails are used on a limited basis by local hikers and equestrians. Other trails receive more frequent use and are recognized as serving a broader spectrum of the public. The "Trails Master Plan for Flagstaff Mountain Resort" provides a detailed description of the existing trail system.

Mining Operations

Although active mining operations ceased in 1982, more than a century of intensive mining activities within the Annexation Area have left a number of mining-related features ranging from bits of debris and subtle landscape alterations to massive mine waste rock overburden sites and standing structures. As mentioned above, the Historic Preservation Plan provides specific information regarding the current status of mining related structures and features within the Annexation Area.

Existing Utilities

Utilities as outlined in the Utility Master Plan have been installed in Marsac Avenue. Water, Electrical and telephone are connected to the service providers. The second sewer outfall down Marsac Avenue is partially complete and will be finished in the summer of 2004.

Existing Emergency Services

Existing and proposed Emergency Services are detailed in the Emergency Response Plan for the project.

III. SCOPE OF INFRASTRUCTURE CONSTRUCTION WORK

Improvements to Marsac Avenue and Mine Road section of State Route 224

As required by the Development Agreement, the Resort will make certain improvements to Marsac Avenue beginning at the Deer Valley Drive "Roundabout," continuing south on Marsac Avenue and the Mine Road to the Guardsman Connection. Included as part of these improvements will be the construction of a runaway truck ramp which was completed in 2001. The balance of the improvements to this section of road include rebuilding the travel surface, adding curb and gutter, and the addition of a short uphill passing lane which is schedule to be completed by the end of 2004.

Realigned Guardsman Pass Road

Guardsman Pass Road from the Guardsman Connection through Development Pods A and B-1 to Development Pod B-2 has been realigned and accepted by the State.

Private Road

A private road, constructed to the same cross-section described above for the re-aligned portion of Guardsman Pass Road, will be built to serve Development Pod D and the proposed Bonanza Mountain Resort located in Wasatch County on a year-round basis (refer to Exhibit “G” attached). Access to this private road will be limited to the residents of Flagstaff Mountain Resort and Bonanza Mountain Resort along with their respective visitors, guests, employees and service personnel (refer to the Private Road Access Limitation Procedures for Flagstaff Mountain Resort). A private street may be dedicated to the City with City Council approval. An emergency secondary access road will be built from Pod D to Pod A.

Development Pod Infrastructure

Roads within the Development Pods will be constructed to cross-sections similar to those described for the re-aligned Guardsman Pass Road (refer to Exhibit “B” attached). These roads will include all of the required utilities, which, for the most part, will be installed within the road platform.. Parking will not be allowed on either side of these roads.

Bridges and tunnels will be constructed to provide grade separation of vehicles and recreational users (hikers, bikers & skiers). These structures will be designed to incorporate so-called “dry crossings” to provide access during construction as well as emergency vehicular access around these structures in the event of a structural failure.

Utilities

Water:

The Flagstaff Mountain Resort Conceptual Water Master Plan provides for the storage and distribution of water for both domestic and fire fighting uses. Water will be provided to the Resort by the Park City Municipal Corporation in accordance with i) an *AGREEMENT FOR A JOINT WELL DEVELOPMENT PROGRAM, dated January 14, 2000* and ii) a *MEMORANDUM OF UNDERSTANDING BETWEEN PARK CITY MUNICIPAL CORPORATION AND UNITED PARK CITY MINES COMPANY CLARIFYING AND IMPLEMENTING THE WATER SERVICE AND WATER SOURCE DEVELOPMENT PROVISIONS OF THE DEVELOPMENT AGREEMENT dated June 24, 1999, dated January 14, 2000, and iii) numerous other water agreements-between the parties, and iv) any future agreements.*

Water will be delivered to the 1,000,000 gallon storage tank (Water Tank #1) that UPK constructed on the east side of Guardsman Road, just above the Empire Day Lodge. The primary source of water for Tank #1 is planned to be the Spiro Water Treatment Plant via the 13th Street Pump Station and the Woodside Tank. After necessary upgrades to the existing system are completed, water will be pumped from the Woodside Tank up Empire Canyon to the Pod B-2 Tank via a 10” ductile iron water line.

The secondary source that presently supplies Tank #1 is the existing Bald Eagle Tank at the Deer Valley Resort. Water gravity flows to Tank #1 from the Bald Eagle Tank through the water line that feeds the Empire Day Lodge at Pod B-2 via a 10" ductile iron water line that runs along the Banner Ski Trail and across the Northside Ski Runs. Tank #1 is located at an operating elevation of approximately 8,450 feet above sea level and provides approximately 540,000 gallons of fire storage for Pods A, B-1 and B-2. This storage capacity has been calculated to provide the necessary 3,000 gallons per minute for the three-hour duration in accordance with the requirements of the Park City Building Department.

Tank #1 will provide water via a pump station and a 10" ductile iron water line to a second tank (Tank #2) of approximately 500,000 gallons to be located along the ridgeline in the area above red Cloud. Tank #2 will be located at an operating elevation of approximately 9,150 feet above sea level and will provide approximately 300,000 gallons of fire storage for red Cloud and for UPK's property in the Bonanza Flats area of Wasatch County. This storage capacity has been calculated to provide 2,500 gallons per minute for the two-hour duration. The fire flow assumptions for this tank have been reduced since the buildings served will be much smaller than those programmed for Pods A, B-1 and B-2. Water will be distributed from these tanks via a series of water mains, with fire hydrants installed along the roads and throughout the development Pods as required by Park City and the District. In addition to the required fire hydrants, fire department connections and standpipe systems, fire hose storage cabinets and their appurtenances will be provided in strategic locations throughout Empire Pass to ensure appropriate resources are available in the event of a fire.

Sewer:

Flagstaff Mountain Resort will enter into the necessary Line Extension Agreements with the Snyderville Basin Water Reclamation District in order to secure adequate sanitary sewer service for the Resort.

Flagstaff Mountain Resort will construct a wastewater collection system throughout the Resort area.

Beginning at Development Pod D at the top of Flagstaff Mountain, wastewater will be collected and transported downhill via two separate sewers. The first will follow the alignment of the proposed private road that connects Development Pods D and B-2 and will collect wastewater from those single-family lots located on the west side of Flagstaff Mountain. This sewer will then collect wastewater from Development Pods B-2 and B-1 and convey it to the sewer line constructed in Empire Canyon during 2001. This is the sewer line that extends from the Empire Day Lodge to upper Daly Avenue.

The second sewer will collect wastewater from the balance of the single-family lots within Development Pod D and convey it along the Northside ski runs to Development Pod A.

A system of sewers within Development Pod A will collect the wastewater conveyed from Development Pod D, along with the wastewater generated in Development Pod A and convey it to Prospect Ridge.

From Prospect Ridge, a sewer will convey the wastewater down to one of two connections to the existing sanitary sewer system.

One is the existing sewer that was extended up Marsac Avenue by the City to a point just above the new Deer Valley Drive “roundabout” in Ontario Canyon. This line has the capacity to accept all of the wastewater generated by the Resort and will be the primary receiver of the Resorts wastewater.

The other outfall is the connection that will be made to the existing sewer at the top of Daly Avenue in Empire Canyon. The capacity of this line is restricted due to existing conditions within Main Street, so this line can only accommodate a portion of the overall requirements of the Resort.

Electric Power:

The source of electric power for the Resort will be the existing Judge Tunnel switch and the recently realigned Olmsted line. Power will be distributed from this point throughout the Resort via an underground distribution system located within either the proposed street rights-of-way or utility easements.

Telecommunications:

Allwest Communications will provide fiber optic lines for Internet, cable and phone.

Natural Gas:

Questar Natural Gas Company has extended a transmission line to a regulator station in the pod B1 area. Distribution line have been installed in the realign Marsac Ave

For additional information relating to the proposed construction associated with the development of Flagstaff Mountain Resort, please refer to the following Resort master plan documents:

- The Construction and Development Phasing Plan
- The Utilities Master Plan
- The Drainage Master Plan
- The Private Road Access Limitation Procedures
- The Emergency Response Plan

IV. CONSTRUCTION IMPACTS AND MITIGATION MEASURES

Construction Phasing

Detailed anticipated timeline of construction activities are described in the “Construction and Development Phasing Plan for Flagstaff Mountain Resort”. A Construction Mitigation Plan is required at the time of Conditional Use Permit application.

Traffic Impacts

The primary impacts to traffic on the roadways adjacent to the Annexation Area relate to construction personnel commutes and deliveries of construction materials and supplies.

As stated above, the primary access to the Annexation Area will be via Marsac Avenue and the Mine Road. The vast majority of construction personnel and material handling traffic to and from the Annexation Area will travel along this route. To a much lesser extent, there will be some minimal construction related traffic along Main Street and Daly Avenue associated with the limited construction activity located in the lower portions of Empire Canyon.

Roadways potentially impacted by construction traffic will include the following:

- SR 224 from Kimball Junction to Deer Valley Drive
- SR 248 from Quinn’s Junction at Highway 40 to SR 224 (Park Avenue)
- Bonanza Drive
- Park Avenue to Deer Valley Drive
- Deer Valley Drive to Marsac Avenue
- Marsac Avenue from the roundabout to Hillside Avenue
- The Mine Road from Hillside Avenue to the Guardsman Connection
- Daly Avenue and Main Street

Potential construction traffic impacts include:

- Increased traffic associated with construction personnel arriving and leaving the Annexation Area
- Deliveries of construction materials, primarily loaded trucks moving slowly uphill
- Temporary traffic restrictions associated with the required improvement of Marsac Avenue and the Mine Road

A variety of traffic related mitigation methods will be implemented to minimize the above referenced traffic impacts.

Since the majority of the construction activities will take place during the late spring, summer and early fall construction season, and during long periods of daylight, the majority of the construction personnel will be arriving and departing the Annexation Area at traditionally non-peak time periods. This will help to mitigate traffic congestion during the normal morning and afternoon peak travel times. Although there is no formal system proposed, construction personnel will be strongly encouraged to car pool to and from the Annexation Area to reduce traffic impacts.

The Resort will develop and implement a detailed program to mitigate traffic impacts related to the delivery of materials and supplies to the Resort and the haul-off of excess and waste materials from the Annexation Area.

This program will include, but not be limited to, the following components:

Delivery Schedules

In general deliveries will be restricted to follow the schedule setout in this section which is designed to minimize conflicts with tourist and holiday traffic. Deliveries that cannot accommodate this schedule will be the subject of a specific delivery plan that will be submitted and approved by the Building Department.

Deliveries to the site are of varying types and uses. General construction material will originate from SLC and will be at predictable times and frequency. These deliveries will be scheduled to not coincide with peak winter tourist traffic patterns and will avoid holidays. In the winter peak ski season (Christmas through Presidents Day) these deliveries will be scheduled to arrive during week days after 9:30 AM and before 3:30 PM and will be direct to the construction site. Saturday deliveries are possible but will be the exception and will be further restricted to after 10:00 AM and before 3:00 PM. Sunday and holiday deliveries will be prohibited. In the balance of the year the delivery schedule will also avoid holidays and Sunday, but will generally be permitted over the normal construction hours. Summer traffic conflicts can occur on non holiday times when festivals are scheduled outside of weekends and holidays. The Master Owners Association will verify with the City the festival schedule to the project identifying areas of concern. The developer will coordinate with the City to minimize conflicts with these dates and times.

Just-in-time deliveries consist of materials fabricated off site such as structural steel, pre-cast concrete and trusses. These materials are shipped by common

carrier and are offloaded from the truck and placed directly on the building during normal working hours. While their arrival in town is random and not schedulable like routine deliveries from SLC, they are few in number and will have limited impact.

Concrete deliveries are the most demanding from a schedule point of view. Small pours can be scheduled to respect the off peak delivery schedule set out for routine deliveries. However large pours will occur year-around and may need to be scheduled for the full day. These deliveries schedules will be submitted to the Building Department for approval as previously noted.

Directions and Travel Routes

Compliance with the Traffic Mitigation Plan will require monitoring to insure that delivery trucks are routed down Royal Street. Consequently a Checkpoint station will be established that will monitor for compliance with this requirement. Deliveries and traffic routes will be monitored and recorded by the Master Homeowners Association (MHA) who has the ability to levy fines on contractors and owners who fail to comply with the approved project plans. See MHA mitigation plan for details of requirements and coordination of CMPs throughout the project.

A Delivery Route Map providing suppliers with directions to the Resort from 1-80 and US 40 including detailed information related to travel conditions and construction detours along the route(s) through Summit County and Park City. This map will be updated on a frequent basis to ensure deliveries do not get lost and cause undue impacts on other parts of Park City. The Maps will require that downhill truck traffic use Royal Street.

- Deliveries will be required to be scheduled in advance to ensure that: i) they arrive during non-peak Park City travel, periods; ii) equipment is available to quickly off-load the shipment; and, iii) a storage area is available. With the approval of Park City, deliveries may be scheduled outside of normal working hours to minimize traffic impacts.
- Deliveries will be timed to coincide with the installation of the materials to ensure that the Resort's storage areas do not become overcrowded.
- Deliveries will be prohibited during area special events including, but not limited to, the Fourth of July celebration, the Arts Festival and the Miner's Day celebration.
- Appropriate directional signal will be installed to clearly direct deliveries to their appropriate destination.

With regard to the improvements associated with the reconstruction of Marsac Avenue and the Mine Road, the Resort will work with Park City to develop an approved construction phasing and implementation plan. This plan will include various elements including, but not limited to, a phasing plan and schedule, a detour plan, a construction signage plan, and a public information program all similar to the one implemented on the construction of the sewer in lower Marsac Avenue.

Hours of Operation

Although for the most part construction associated with the Resort is isolated and a significant distance from existing neighboring residential areas, since the construction is taking place uphill from and in confined canyons adjacent to these residential areas that may transmit sound over a great distance, hours of construction is a concern.

In accordance with the Park City Construction Mitigation Guidelines, construction operations will be limited to the hours of 7:00 AM to 9:00 PM Monday through Saturday and 9:00 AM — 6:00 PM on Sunday. These restrictions will be strictly enforced whenever noise and disruption from construction operations may create a public concern. In more remote areas of the Annexation Area that will not affect neighboring residential areas, extended hours of operation may be requested, subject to the approval of the Park City Community Development Department.

Construction Personnel Vehicle Parking

Due to the considerable size of the Resort, the high number of anticipated construction personnel, the need to keep Marsac Ave open to the public, the restrictive nature of the terrain and the vegetation which must be protected, construction personnel vehicle parking is a concern.

The Resort will designate, construct, maintain and manage specific construction personnel vehicle-parking areas located throughout the Annexation Area. Parking is prohibited on Marsac Ave. The Ontario Mine site is the primary area for this work. Land uses for the Ontario Bench may be subject to a Conditional Use Permit. This site is of an appropriate size and is well situated to accommodate the large numbers of construction personnel that will be working in the lower portions of the Resort in and around Development Pod A. The site is already improved with storm drainage related facilities and asphalt paving. The removal of the mill buildings has increased the area available for staging at this location.

There will be a number of smaller “site specific” construction vehicle parking areas established throughout the Annexation Area. These sites will be located only in areas slated for future construction to ensure that no new vegetation is disturbed. These sites will again be graded and treated to control storm water runoff, mud and dust.

Construction. Staging and Material Storage Areas

Similar to the above referenced construction personnel vehicle parking, due to the size of the Resort, the need to keep Guardsman Pass Road open to the public, the potential for changing weather conditions, the restrictive nature of the terrain and the vegetation which must be protected, construction staging and material storage is a significant concern.

The Resort will again designate, construct, maintain and manage specific construction staging and storage areas located throughout the Annexation Area. The same two sites referenced above will play significant roles to mitigating these impacts.

The existing Ontario No. 3 Mine Building Complex will act as the primary staging and material storage site for the Resort. The existing buildings located on this site will provide opportunities to house construction field offices, The exterior portions of the site are of an appropriate size and are well situated to accommodate the long-term storage of large quantities of construction materials required by the Resort.

Excavated materials generated from the project will be processed and reused or disposed of within the annexation area. Materials will be processed by sorting the material into structural fill and top soil. The bulk of this processing will occur pursuant to a City approved Construction Mitigation Plan which reduces the overall number of haul trips necessary to transport the excavation waste material to its final approved location and minimizes impacts on existing neighborhoods and future residents within the project area. Final locations for waste material storage shall be designated in area which eliminate or substantially reduce haul trips down Marsac Ave below Pod A. Processed materials which are suitable for reuse as engineered fill, aggregate, or landscaping materials will be returned to the site as needed. This reuse will reduce offsite truck trips.

Structural fill and top soil that are surplus to the project will be subject to grading permit approval by the City. AU fill and fill sites will be subject to appropriate geotechnical engineering and testing and be the subject of a grading permit as

required by the IBC. Placement of this material will be covered under separate permit and is the responsibility of United Park City Mines Co (UPK).

The Daly West waste rock pile will act as the primary storage area of on-site generated materials such as trees and vegetation. This site will also be designated as a secondary construction staging area and material storage site since it is well situated to service the mid-portions of the Resort in and around Development Pods B-1 and B-2. However, all work in and around the Daly West must be coordinated with the Mine Soil and Physical Hazards Mitigation Plan. Until the mitigation of Mine Soils is complete on this site, the area available for construction staging will be limited.

In an effort to re-use all suitable materials generated during the construction of the Resort, it is anticipated that several recycling operations will take place at the Daly West staging area. The first will be a wood chipping operation to process organic materials such as trees, slash, ground vegetation and scrap lumber into mulch. This material will be available for use in a variety of ways including mud & dust control, ground stabilization and revegetation & landscaping ground cover.

There will be a number of smaller “site specific” construction storage areas established throughout the Annexation Area. These sites will be located in areas slated for future construction to ensure that no new vegetation is disturbed.

In addition to having appropriate areas to stage construction activities and store construction materials, it is very important to manage, these areas effectively. This management will begin at the entry to the Annexation Area.

As was stated earlier, a Resort entry “check-point” will be established in the area across from the existing stable facility at the Guardsman Connection. Resort personnel will monitor, direct and control all deliveries made to, and transported within, the Annexation Area. Materials requiring long-term storage will be directed to the Ontario #3 Mine Building Complex, while materials needed in the near-term will be directed to either the Daly West area or directly to the site of the construction.

Appropriate good housekeeping practices are also vitally important in the efficient and orderly storage of construction related materials. The Resort will exercise good housekeeping practices in compliance with all applicable Federal, State and local laws, regulations and ordinances to prevent exposure of stored materials to storm water.

The Resort will take special care in the handling and storage of potentially hazardous materials. Examples of hazardous materials include:

- Pesticides, insecticides and herbicides
- Petroleum products including oils, fuels, diesel oil, lubricating oils and grease
- Nutrients including soil additives and fertilizers
- Construction chemicals including paints, acids for cleaning masonry surfaces, cleaning solvents, asphalt products, concrete curing compounds

The storage and use of these materials will conform to the manufacturer's recommendations and good housekeeping practices including:

- Providing locked, weather resistant storage areas
- Lining storage areas with plastic sheeting to contain any leaks
- Storing containers in a cool, dry location
- Keeping container lids tightly closed
- Monitoring all containers and storage facilities on a regular basis
- Maintaining an inventory of all products stored on-site

Any excess materials will be disposed of in compliance with all Federal, State and local laws, regulations and ordinances.

The Resort will construct security fences with gates around its stockpile and staging areas as required and will employ security personnel and services as necessary to protect these areas during off-hours.

Temporary Utilities

The Resort has installed the basic utility infrastructure for sewer, power, natural gas, electricity and phone in Marsac Avenue. Construction utilities will extend from these services.

Health & Safety Plan

In accordance with Federal OSHA standards as well as requirements of State and City ordinances, the Resort will develop and implement an approved Health and Safety Plan that will govern all construction activities associated with the Resort.

Waste & Trash Management and Recycling of Materials

As is the case with all construction projects, large quantities of waste, trash and construction by-products will be generated by the Resort. These materials must be stored, handled and disposed of properly so as not to cause adverse impacts to the surrounding area and the environment.

The Resort will develop and implement a trash management and recycling program to maintain clean construction sites, maximize material recycling, minimize disposal truck traffic impacts and minimize impacts to the local landfills. This program will control the storage and disposal of waste & trash and re-utilize recyclable materials, both organic and manufactured.

Trash collection stations will be established at all primary and secondary staging areas. The Resort will provide a sufficient number of dumpsters, designed specifically for the purpose of the storage of solid waste, and schedule timely haulage services to legal landfill disposal areas to ensure that the dumpsters do not become overfull. Haulage of partial loads will be prohibited in order to minimize truck trips. As was stated in the traffic impacts section, specific haul routes will be coordinated to minimize traffic impacts.

Recycling containers will be located near the dumpsters to facilitate separation of reusable and recyclable materials from the trash. Non-organic recyclable materials will be re-utilized on site as much as possible. The Resort will arrange for the removal of all recyclable materials that cannot be reused on-site. As was stated earlier, organic materials, such as scrap lumber, trees, slash and ground vegetation, are planned to be chipped on-site into mulch for use on-site.

Sanitary Waste Disposal

As is the case with any construction project with large numbers of construction personnel, sanitary waste disposal facilities are critical.

The Resort will provide adequate portable toilets for use by the construction personnel. These temporary toilets will be provided and maintained by a licensed provider who will dispose, of all waste in compliance with all applicable State and local laws, regulations and ordinances.

Sanitary facilities will be located a sufficient distance from any storm drainage systems to prevent contamination in the event of a spill. Any spill will be cleaned up immediately.

Grading and Excavation Impacts

Impacts from grading and excavation generally fall into to three categories. The first is the generation of fugitive dust and/or mud. The second relates to traffic impacts of hauling excess materials off-site. Finally, the third relates to erosion of exposed surfaces and storm water management.

Fugitive Dust and/or Mud:

Disturbance of the natural vegetation layer and earthwork/excavation activities results in the exposure of the natural soil to the elements. During dry periods, wind, trucks and equipment traveling across these disturbed areas create fugitive dust. This fugitive dust has the potential to negatively affect air quality. During wet periods, the dust turns into mud and, if left unchecked, can impact existing watercourses and can be tracked off-site onto public roadways.

To the extent possible, disturbed areas will be kept to a minimum. Earthwork activities will be scheduled so that the area to be disturbed and left unprotected from erosion will be as small as possible and exposed for the shortest time feasible.

Areas targeted for grading and excavation operations will be delineated by the use of silt fencing on the downhill side of slopes and limits of disturbance fencing in other locations. This fencing will generally be located within five feet of the limits of cuts and fill operations. These delineated limits of disturbance will be strictly enforced to minimize the areas of disturbance.

Temporary stabilization procedures including the establishment of temporary and/or permanent vegetation, mulching, geotextile fabrics, etc. will take place as required to prevent soil erosion. These measures will be installed as soon as practical after construction activities have been temporarily or permanently ceased.

Cut and fill slopes, utility corridors and other areas of disturbance will be covered with topsoil and revegetated as soon as practical to prevent erosion. Mulch and gravel generated from the previously referenced on-site recycling program will be used to control dust and stabilized wet areas.

Fugitive dust will be controlled with appropriate application of water as a palliative. One or more water trucks will be employed throughout the workday to water down haul roads and disturbed areas.

Most of the work associated with the Resort will occur on-site and out of existing public rights-of-way. However truck traffic traveling to and from the Resort has the potential of tracking dust onto public roadways.

Each project will establish a truck wash program. For most sites vehicle wash down areas will be at the entrance to all job sites off of Marsac Avenue. Single family projects will establish portable wash facilities as part of their individual plans. This wash down area will consist of temporary asphalt paving or clean, well-graded gravel with a water hose station and a catch basin to receive the wash water. All construction vehicles leaving the job sites will be inspected by

Resort personnel, hosed down as required and have their loads covered or wetted if applicable.

Street Cleaning:

The truck wash at the entrance to the job site will eliminate most sediment transport from the job site to the City's storm water conveyance; however, the potential exists for incidental or accidental transport to Marsac Avenue. Consequently, the drop inlets downhill of the project will be equipped with silt traps of filter fabric or hay bales. These silt traps will be inspected on a weekly basis and prior to any forecast for precipitation and cleaned as needed. Streets will be swept as need depending on the effectiveness of the truck wash program. Streets will also be inspected and cleaned as needed prior to any forecasted precipitation.

Traffic Impacts:

The majority of all materials generated from on-site grading, excavation and other earthwork operations will be retained within the Annexation Area. This material will be used for such things as topsoil cover material, landscape berms and/or structural fills. This policy will reduce traffic impacts on City roads.

Storm Water Management:

The project construction is covered under a SWPPP issued by the State that is held in the name of the master developer, United Park City Mines Co. (UPK). This plan corresponds with the requirements of that permit. UPK will be responsible along with the MHA for enforcing that permit within the project.

The primary goals of the SWPPP are: i) to limit the areas of disturbance of existing vegetation to only those areas required to install the proposed improvements; ii) to retain sediment on site to the extent practical through the selection, installation and maintenance of control measures in accordance with good engineering practices; and iii) to prevent construction litter, debris and chemicals from becoming a pollutant source for storm water discharges.

In general, the Resort will institute the following good housekeeping practices:

- Protecting existing vegetation to remain from disturbance •
Minimizing slope lengths and steepness
- Preventing pollutant contact with precipitation and runoff
- Keeping pollutants off exposed surfaces
- Keeping materials out of storm drainage systems
- Reducing storm runoff velocities

- Minimizing generation of waste materials and dispose of all waste materials properly
- Storing all materials properly, including adequate covering
- Preventing leaks and spills, cleaning up any spills immediately
- Preventing concrete and cement mortars from entering storm drainages
- Applying fertilizers, pesticides and herbicides in accordance with the manufacturer's instructions
- Minimizing tracking of sediment off-site

All proposed staging and materials storage areas will incorporate storm run-off controls. Storm water collection, transmission and disposal facilities will be constructed to route storm water runoff around these areas. The storm water flows from these facilities will be discharged, where possible, through areas of natural vegetation so that filtering can occur. In areas where natural vegetation is not available, siltation basins will be constructed. Upon completion of the Resort, or when a staging area is no longer being used, these storm water run-off control facilities will be removed, re-graded and re-vegetated.

The Resort will install a variety of storm water run-off prevention measures whenever natural vegetation is disturbed including, but not limited to, straw bales, silt fences, silt basins, rock check dams, etc. to prevent silt and other construction related materials from entering the storm drain systems and/or water courses.

UPK and MHA personnel will routinely inspect the above-described erosion and sediment control facilities on a regular basis. These facilities will be maintained, repaired and supplemented as required to ensure effective Operating conditions. Sediment will be cleared from the control facilities when the depth of the accumulated sediment reaches a maximum of 1/3 of the height of the structure.

Upon completion of construction, all temporary facilities will be removed from the site and revegetated after the disturbed areas have stabilized.

Noise Prevention

As stated earlier, although, for the most part, construction associated with the Resort is isolated and a significant distance from existing neighboring residential areas, since the construction is taking place uphill from and in confined canyons adjacent to residential areas, noise impacts could be a concern. Obviously, work associated with the reconstruction of Marsac Avenue and the Mine Road could generate noise that may impact residential areas along this alignment.

All construction operations will be conducted in compliance with Park City's hours of operations and noise restriction guidelines and ordinances.'

In the event that any essential operation generates noise that consistently exceeds the 65-decibel limit set by Park City, Project representatives will meet with City Engineering Department and Building Department officials to determine the best method for mitigating the impact.

Engineering and Building Department officials will be notified of any proposed strong percussive noises, such as blasting activities, three days prior to the event taking place. Blasting contractors will be required to obtain necessary, permits prior to blasting.

Temporary Lighting

Since for the most part, construction associated with the Resort is isolated and will take place a significant distance from existing neighboring residential areas, impacts from lights associated with after-dark construction related activities or staging and storage areas is not anticipated to be a significant concern.

It is not anticipated that normal construction activities will occur after dark. It is, however, possible that certain special operations, such as utility tie-ins that can only be performed during "off hours," may necessitate work being completed after dark. The Resort will take great care to provide adequate lighting for the safety of the construction personnel while attempting to 'ensure that said lighting does not impact neighboring residents. An approved temporary lighting plan will be developed and submitted to the City for their approval at the City's discretion prior to commencement of any construction operations requiring exterior, temporary lighting.

Resort Identification and Notification Information

In accordance with Park City Construction Mitigation guidelines, Resort identification signs will be constructed and posted at the entries to the Annexation Area. These signs will include, at a minimum, the following Resort information:

- Name, address and telephone number of the developer
- Name, address and telephone number of person responsible for the Resort
- Name and telephone number of the party or parties to contact in case of an emergency

In addition to the general Resort identification signs described above, and as stated previously, the Resort will develop construction signage plans as required to adequately inform the public of hazards related to construction activities, detours, etc. These signage plans will address construction activities associated with both roadways and trails.

Public Notification and Communication:

In light of the fact that the Annexation Area consists of approximately 1,650 acres used by a large segment of the population for recreational activities, keeping the public informed of the schedule and progress of the construction will be very important.

Meetings with neighboring property owners in particular and the public in general will be encouraged to keep everyone apprised of the current conditions.

The Resort will continually assess all operations that may adversely impact or inconvenience residents and/or businesses in the area of the Resort or motorists, hikers, bikers and/or equestrians traveling throughout the Annexation Area so that proper notification and communication of impacts can be made in advance. These impacts may include road closures and detours, trail closures and detours, and night operations, etc. This notification process will be maintained throughout the entire construction process. All said notifications will be coordinated with representatives of Park City and communicated to the public via the local newspaper, radio stations and mass mailings.

Although every effort will be made to minimize the disruption of the existing trail system, some trails will be temporarily closed or detoured, re-routed or permanently eliminated due to infrastructure construction. Detours and/or new permanent trails will be completed in a timely manner to minimize the impact of Resort construction activities on the trail users.

Other Issues

Since dogs on active construction sites can be both a distraction and a hazard to construction personnel as well as a threat to the well being of the animal itself, dogs will be forbidden on construction sites at anytime in accordance with Park City ordinances.

V. CONSTRUCTION PHASING

- Phasing of the Resort will consist of an orderly and systematic construction and development plan, as approved by the Planning Commission in December of 2001. This plan extends access and utility services to the Annexation Area in a timely fashion to facilitate the sale of a wide range of real estate product without undue impacts to Park City, its residents or the environment.

VI. CONSTRUCTION MITIGATION PLAN MANAGEMENT

FMP, the development entity overseeing the construction and development of the Resort, will have the overall responsibility for the implementation and enforcement of the requirements of this Construction Mitigation Plan.

Prior to commencement of any third party development project, and in accordance with the requirements of Park City's Master Planned Development approval process, the third party developer of said project will be required to submit a detailed, site-specific construction mitigation plan to Park City Planning and Building Departments for their review and approval. A copy of these plans will also be submitted to the Resort's Master Homeowners Association for their review and approval.

The Resort's Developer and/or Master Homeowners Association will have overall responsibility to Park City Municipal Corporation to ensure the implementation and enforcement of the requirements of these individual construction mitigation plans as part of the approved Resort Covenants, Conditions and Restrictions (CC&R's) and Design Guidelines.

VII. ADDENDUM – APRIL 2018

With development of the Mountain Village approximately 75% complete, this addendum addresses mitigation measures specific to the remaining, primarily residential, development.

Construction Access

With major road improvements complete, construction workers, trucks delivering construction materials and trucks removing construction waste shall use Marsac Avenue (the Mine Road), not Royal Street, consistent with current PCMC policy. The Empire Pass Master Owners Association (“EPMOA”) shall work directly with contractors to mitigate on site traffic impacts related to the delivery of materials and supplies to construction sites.

Contractor Parking

EPMOA tightly regulates parking of construction personnel vehicles within the Annexation Area. Parking is prohibited on Marsac Ave. Parking on construction sites within the Resort is limited and strictly monitored by the Empire Pass Master Owners Association (“EPMOA”). During non-winter months, EPMOA permits limited on street parking on private roads. During winter months, contractors are generally required to park within construction sites to keep roads clear for snow removal and emergency vehicle access. Contractors with insufficient parking on site are required to shuttle workers from remote parking sites such as Richardson Flats, Deer Valley’s Royal Street Connector lot, and the Mine Bench.

Construction Staging

Individual contractors coordinate with EPMOA regarding specific construction staging and storage areas. Contractors are generally required to stage materials on site. Based on land owner approval, off-site staging of materials on vacant development sites or at the Ontario Mine Bench or Royal Street Connector lot are acceptable alternatives.

Excavated Materials

Excavated materials generated from individual projects will be processed and reused or disposed of within the Annexation Area to the extent reasonably

feasible. Materials will be processed by sorting the material into structural fill and top soil. Final locations for placement of excavated material shall be designated in areas which eliminate or substantially reduce haul trips down Marsac Ave below Pod A.

Structural fill and top soil that are surplus to individual construction projects will hauled to approved tipping sites for placement subject to grading permit approval by the City. All fill and fill sites will be subject to appropriate geotechnical engineering and testing.

Construction waste and materials not suitable for placement at tipping sites may be hauled off site for disposal at local landfill.

Subject to grading permit approval, designated tipping sites include:

- Proposed Twisted Branch Road Lot 2 ("Hot Creek")
- Proposed Twisted Branch Road Parcel C
- VEPN Lot 1 (Marsac Horseshoe)
- Period No. 1 Mining Claim – MS 6567
- Period No. 5 Mining Claim – MS 6567
- O.K. Mining Claim – MS 5929
- L.E. Mining Claim - MS 5930
- Deer Valley Ski Runs

Additional tipping sites within the Annexation Area may be considered and approved by PCMC Planning Department.

Twisted Branch Road Parcel C may be used for seasonal storage of excavated material when weather conditions preclude placement at other tipping sites.

Waste & Trash Management and Recycling of Materials

As is the case with all construction projects, waste, trash and construction by-products will be generated by individual construction projects. These materials must be stored, handled and disposed of properly so as not to cause adverse impacts to the surrounding area and the environment. Construction Mitigation Plans for individual projects will address trash management. EPMOA will monitor contractor compliance with trash management on individual sites and surrounding properties

Planning Commission Staff Report



Subject: Park City Heights Phasing Plan
Project #: PL-17- 03552
Author: Kirsten Whetstone, MS, AICP
Date: June 13, 2018
Type of Item: Administrative

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and consider approving an amended Subdivision Phasing Plan for the Park City Heights Subdivision.

Topic

Applicant: Ivory Development LLC
Applicant representative: Brad Mackay
Location: 3900 Calamity Lane (Located south of Richardson Flat Road and west of US Highway 40)
Zoning: Community Transition (CT), subject to the Park City Heights Master Planned Development
Adjacent Land Uses: Single family homes and lots of Park City Heights Phase 1, Open Space, and future Park City Heights phases.

Disclosure: The City retains a security interest as the holder of a Trust Deed in conjunction with a prior transaction regarding the property. However, the City is not an applicant and does not have any current ownership in the property.

Background

May 27, 2010 - The property was annexed into Park City with the Park City Heights Annexation and zoned CT-MPD (Community Transition- Park City Heights MPD).

May 11, 2011 - Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units for a total of 239 units on 239 acres.

June 22, 2011 - Planning Commission approved a preliminary subdivision plat for the Park City Heights MPD.

November 6, 2013 - Planning Commission approved an amended MPD and an amended overall preliminary subdivision plat for the entire Park City Heights Development to address relocation of lots, streets, and parcels due to mine soils mitigation and a Voluntary Clean-up plan approved by the State.

February 26, 2014 - Amended Development Agreement for the Park City Heights MPD

was ratified by the Planning Commission to include terms, requirements, and restrictions of the development, per the November 6, 2013 amended MPD, and includes all conditions of approval of the amended MPD.

February 27, 2014 - City Council approved the amended Park City Heights Subdivision Phase 1 plat.

March 28, 2018 – Planning Commission conducted a public hearing and forwarded a positive recommendation on the Park City Heights Phase 2 subdivision plat. The Planning Commission reviewed the amended phasing plan but did not make a separate motion or vote to approve it.

April 30, 2018 – City Council conducted a public hearing and approved the Park City Heights Phase 2 subdivision plat with a condition of approval that prior to recordation of the plat, the Park City Housing Authority would review and amend the Housing Mitigation plan to reflect the amended subdivision phasing plan.

Analysis

Phasing plan

The applicant requests revisions to the overall phasing plan (Exhibit A). Phasing approved with the preliminary plat (Exhibit B) for Phase 2 included 46 lots south of Phase 1 consisting of a mix of Cottage Homes and Homestead Homes. The approved Phase 2 plat includes construction of the extension of Calamity Lane (off Existing Ledger Way) and two short cul-de-sacs and incorporates a portion of Phase 3 as well as Phases 5 and 6. The applicants intend to construct a water tank this summer as required by the Development Agreement ([Exhibit C- link](#)) with access from Calamity. Proposed Phase 2 is a logical extension of Phase 1.

Current and proposed phasing of Market Rate and Affordable/Attainable Units

Phase	Market rate lots (160)		Affordable deed restricted Townhouses (28)		Affordable detached (deed restricted) Park Homes (35)		Attainable (deed restricted) Cottages (16)		Total affordable current/ proposed	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
1	36	36 (platted)	28	28	35	35	5	5	68	68
2	43	39	0	0	0	0	3	0	3	0
3	32	2	0	0	0	0	2	0	2	0
4	23	44	0	0	0	0	6	3	6	3
5	15	39	0	0	0	0	0	8	0	8
6	11	n/a	0	n/a	0	n/a	0	n/a	0	n/a
Total	160	160	28	28	35	35	16	16	79	79

No changes are proposed to Phase 1 of the subdivision that includes 68 affordable/attainable units (28 townhouses, 35 park homes and 5 cottage homes) and 35 market rate units. These lots are already platted and building permits have been issued for approximately 54 units, 35 of which are deed restricted.

Proposed Phase 2 of the subdivision includes 39 market rate homestead units and no deed restricted units (current Phase 2 includes 43 market rate and 3 deed restricted). The reason there are no affordable/attainable units in proposed Phase 2 is because all of these lots are Homestead lots, which are all designated as market rate lots.

Proposed Phase 3 includes 2 market rate homestead units (current Phase 3 includes 32 market rate and 2 deed restricted.)

Proposed Phase 4 includes 44 market rate units and 3 deed restricted cottage homes (current Phase 4 includes 23 market rate units and 6 deed restricted cottage homes).

Proposed Phase 5 includes 39 market rate units and 8 deed restricted cottage homes (current Phase 5 includes 15 market rate and no deed restricted units).

No proposed Phase 6 (current Phase 6 includes 11 market rate units).

The overall numbers remain the same for both market rate (160 units) and deed restricted (79 units).

Affordable Housing

An affordable housing mitigation plan was approved by the Park City Housing Authority (Exhibit D) on July 17, 2014 and amended on December 15, 2017, to include a pricing per unit table. The housing mitigation plan requires Ivory Homes to return to the Housing Authority by December of each year with a status report to include: the number of units built, sales prices, projections for the following year, balance of obligation, and any requested adjustments to the plan.

The housing plan allows for adjustments to the phasing and sub-phasing as plats are filed, and the MPD includes a condition that prior to issuance of building permits for the last 10% of the market rate units (16 market rate units), 100% of the affordable/attainable units shall be complete and have certificates of occupancy issued. This MPD condition is the only one which addresses the timing of completion of the deed restricted units.

As a condition of the Park City Heights MPD a total of 79 deed restricted affordable/attainable units are required ([Exhibit C- Development Agreement link](#)). The Agreement states that all 28 Townhouse units and all 35 Park homes (all deed restricted affordable/attainable) are located in Phase 1, along with 5 Cottage homes (attainable) and “affordable units for subsequent phases will be identified with the final subdivision plats for those phases”.

With 68 affordable units in Phase 1 the applicant indicates that they have sufficient number of platted affordable lots to continue to deliver affordable units for several years.

The following table identifies the certificates of occupancy (CO) and permits issued for

the different types of houses by year:

Year of permit	Townhomes affordable	Park Homes affordable	Cottage-affordable	Cottage-market	Homestead-all market
2016	4 (COs)	6 (COs)	0	1 (CO in 2017)	0
2017	4 (COs)	6 (COs anticipated in 2018)	0	7 (COs in 2017/2018)	0
2018	8 permits issued in June- COs anticipated in December.	6 permits issued in June- COs anticipated 2018 or early 2019.	1 permit issued in June- CO anticipated 2018.	10 permits issued- COs anticipated 2018.	1 permit issued- CO anticipated 2018
2019	4 - planned	6 - planned	1- planned	Not known	Not known
Totals with CO to date	8	6	0	8	0

Department Review

The Park City Heights Phase 2 subdivision application and request to amend the overall phasing plan was taken to an interdepartmental review. No concerns were raised concerning the amended phasing plan.

Notice

On May 9th and June 7th, 2018, legal notice was published in the Park Record and on the Utah Public Notice website and posted according to requirements of LMC.

Alternatives

- The Planning Commission may approve the amended phasing plan as conditioned or amended.
- The Planning Commission may deny the amended phasing plan and direct staff to make Findings for this decision.
- The Planning Commission may continue this item to a date certain.

Significant Impacts

There are no significant negative fiscal or environmental impacts that result from approval of the amended phasing plan.

Recommendation

Staff recommends the Planning Commission conduct a public hearing and consider approving the Park City Heights Subdivision amended phasing plan.

Findings of Fact

1. The property is located south of Richardson Flat Road, south and east of SR 248 and west of US Highway 40.

2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned CT-MPD (Community Transition subject to the Park City Heights MPD).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat and overall phasing plan as being consistent with the Park City Heights MPD.
5. On November 17, 2011, the City Council approved the original Park City Heights Phase 1 final subdivision plat consisting of 68 total lots.
6. On November 6, 2013, the Planning Commission approved an amended Park City Heights MPD and preliminary plat to address relocation of lots and streets due to voluntary cleanup of mine soils.
7. On February 27, 2014, the City Council approved a revised Park City Heights Phase 1 final subdivision plat that was subsequently recorded at Summit County on November 4, 2014.
8. On May 2, 2017, the City Planning Department received an application for a final subdivision plat for 16 single family lots as Park City Heights Phase 2.
9. On January 19, 2018, the City Planning Department received a revised submittal requesting 39 single family lots and extending Calamity Lane to the end of the cul-de-sac in order to facilitate construction of a required water tank in 2018. The submittal also included a request to amend the overall phasing plan for the subdivision.
10. On February 2, 2018, the revised submittal for 39 lots was considered complete.
11. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, the Amended Park City Heights Master Planned Development Agreement and the Amended Park City Heights Design Guidelines.
12. Phase 1 consists of 36 market rate lots and 68 affordable/attainable lots.
13. Phase 2 of the original phasing plan consists of 43 market rate and 3 affordable/attainable.
14. Proposed phase 2 consists of 39 Homestead lots which are all market rate. Phase 2 includes platting of the 105.91 acre open space parcel.
15. The MPD states that “affordable units for subsequent phases will be identified with the final subdivision plats for those phases”.
16. The affordable housing mitigation plan indicates that the subdivision may be platted in phases and that each primary phase may include sub-phases as market conditions dictate and the phases may be adjusted and requires that all affordable/attainable units be complete prior to issuance of building permits for the final 10% of market rate units (16 units). This MPD condition is the only one which addresses the timing of completion of deed restricted units.
17. The housing mitigation plan is reviewed by the Park City Housing Authority annually in December.
18. Certificates of occupancy have been issued for 14 of the 35 affordable units constructed or under construction to date and 8 of the 18 market rate units.

19. The amended phasing plan does not change requirements of the housing mitigation plan or the annual delivery of affordable units.
20. On March 28, 2018 the Planning Commission approved the Park City Heights Phase 2 subdivision plat in accordance with the proposed amended phasing plan; however a separate motion to approve the amended phasing plan was not made.

Conditions of Approval:

1. Ledger Way shall not be used for construction access to Phase 2 or any future phases.
2. A common construction recycling and excavation materials storage area within the development shall be identified for each phase as part of the streets and utilities plan approval.
3. The Park City Heights Housing Mitigation Plan shall be amended to reflect the amended phasing plan.
4. Prior to recordation of the Phase 2 subdivision plat, the revised Phasing Plan shall be recorded at Summit County as an addendum to the Amended Park City Heights Development Agreement.

Exhibits

- Exhibit A – Proposed revised overall phasing plan
Exhibit B – Approved amended Park City Heights Preliminary plat (and phasing)
Exhibit C – [Park City Heights MPD Amended Development Agreement- link](#)
Exhibit D – Housing Mitigation Plan



February 22, 2018

Park City Senior Planner
Kirsten Whetstone
Park City Planning Department
Park City, UT 84060

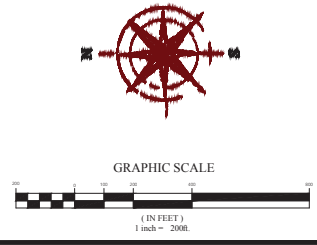
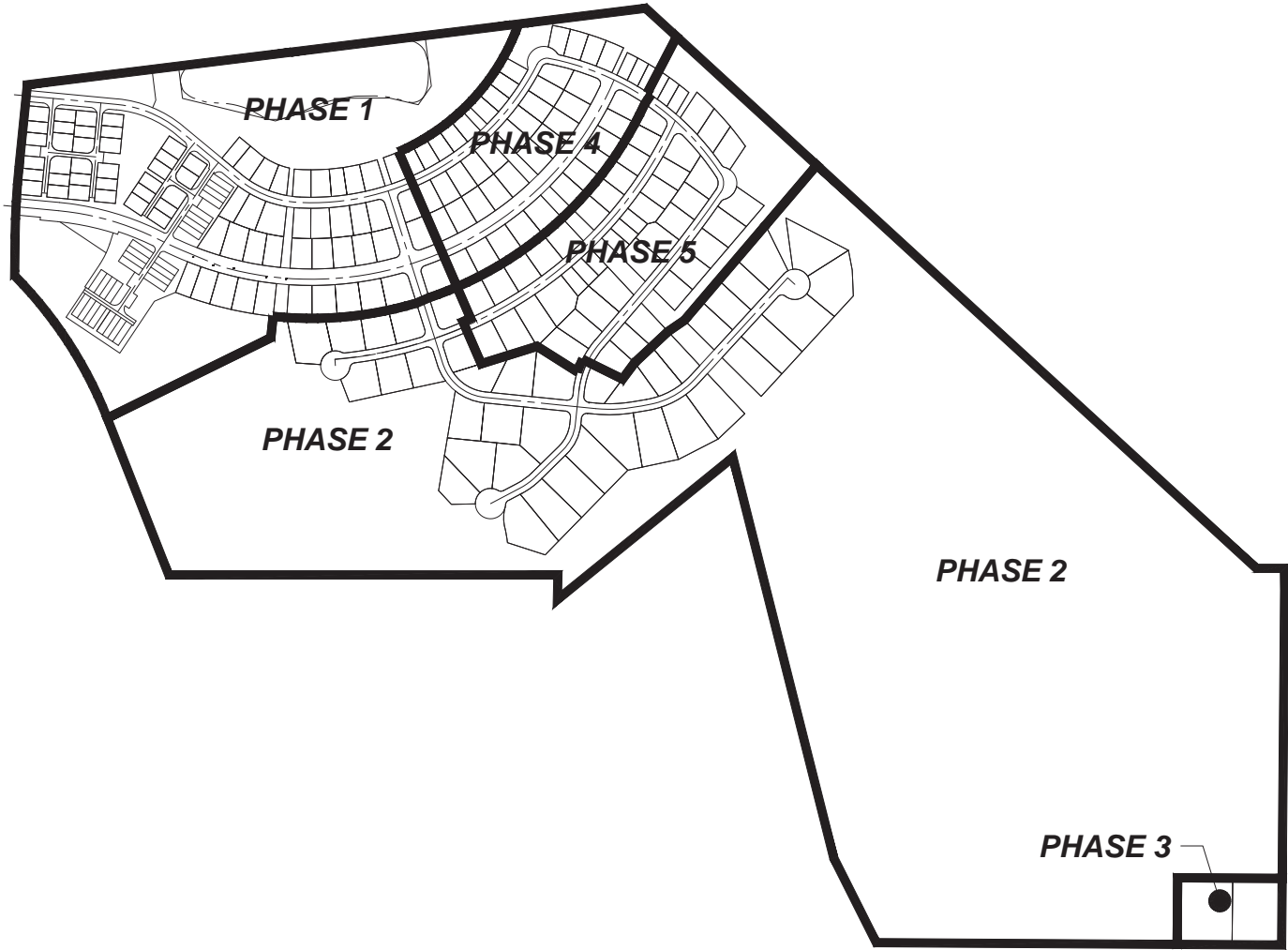
RE: Park City Heights Revised Phasing Plan

Dear Kirsten:

This letter is in response to your email requesting information regarding the proposed change to the approved phasing plan for Park City Heights Subdivision. At the time the current phasing plan was approved, the location of the final water tank was not finalized and as such the location of the water line that would be feeding the water tank was also not able to be determined. Over the past four years we have been working with Roger McClain from the water department to finalize the location of the tank along with the supply lines to the water tank. Per the amended water agreement with Park City dated October 31, 2014, the water tank will need to be constructed concurrent with the next phase of development. The need to amend the phasing plan stems from the need to build the infrastructure to the water tank. The water tank supply lines are planned to run in Calamity lane. The sanitary sewer, storm drain lines, culinary water, and power will also need to be run in the road at the same time as the supply line to the tank to avoid future utility conflicts. The road will need to be built to access the tank. Therefore with all the infrastructure in place needed to build the tank, it makes sense to build the proposed phase 2 as the next phase of development. Phase 3 is proposed to be the 2 lots that will access off Hidden Oaks subdivision. Originally these 2 lots were included in the phase 6 lots. However due to a property acquisition from Summit County in order to facilitate the platting of these lots it makes sense to keep the 2 lots as a separate plat. The timing of phase 3 may not come sequentially due to the acquisition of property from Summit County. Phase 4 is proposed to be more of the cottage lots adjacent to the detention area and is currently planned to be constructed in 2019-2020. Phase 5 will be the last phase and will have to be built following the construction of phase 4 to connect to sanitary sewer. The timing of phase 5 will depend on the market.

Sincerely,

Brad Mackay, PE
Ivory Development LLC



Park City Heights
Park City
Phasing Exhibit

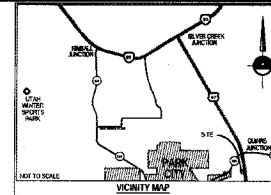
REVISION BLOCK		
#	DATE	DESCRIPTION

Phasing Exhibit	
Scale: 1"=200'	Drawn: TM
Date: 02/23/18	Rev: 16-348
Sheet:	1 OF 1

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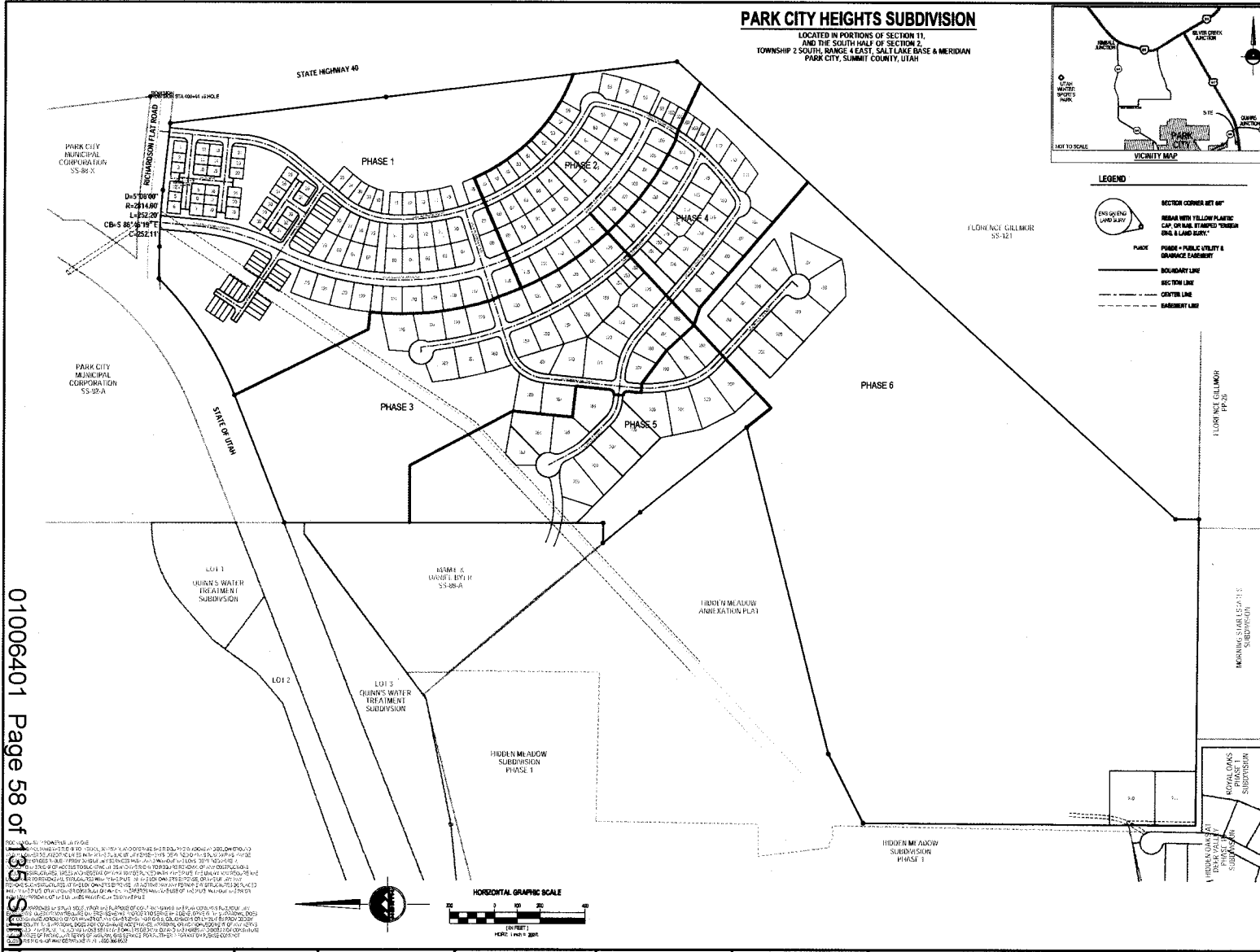
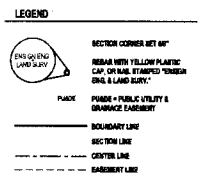
PARK CITY HEIGHTS SUBDIVISION

LOCATED IN PORTIONS OF SECTION 11, AND THE SOUTH HALF OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE
I, the undersigned, being duly licensed under the laws of the State of Utah, have personally and carefully examined the plat of the above described subdivision and find that the same has been lawfully prepared and that the same is in accordance with the laws of the State of Utah and the rules and regulations of the State Surveyors Board.

BOUNDARY DESCRIPTION
A portion of land bounded on the South half of Section 11 and portions of Section 11 Township 2 South, Range 4 East, Salt Lake Base and Meridian, and on the East by the boundary line of the subdivision shown on the plat of the above described subdivision, and on the West by the boundary line of the subdivision shown on the plat of the above described subdivision, and on the North by the boundary line of the subdivision shown on the plat of the above described subdivision, and on the South by the boundary line of the subdivision shown on the plat of the above described subdivision.



OWNER'S DEDICATION
I, the undersigned, do hereby dedicate to the public all parcels of land shown on this plat as dedicated to the public, and I do hereby dedicate to the public all parcels of land shown on this plat as dedicated to the public.

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT
STATE OF UTAH, County of Salt Lake, I, the undersigned, do hereby acknowledge that I am a member of the above named Limited Liability Company and that I have read and understand the terms of the articles of incorporation and the bylaws of the company.

PARK CITY HEIGHTS SUBDIVISION
I, the undersigned, do hereby certify that the above described subdivision is in accordance with the laws of the State of Utah and the rules and regulations of the State Surveyors Board.

APPROVAL AS FORM
I, the undersigned, do hereby certify that the above described subdivision is in accordance with the laws of the State of Utah and the rules and regulations of the State Surveyors Board.

CERTIFICATE OF ATTEST
I, the undersigned, do hereby certify that the above described subdivision is in accordance with the laws of the State of Utah and the rules and regulations of the State Surveyors Board.

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE OF THE PARK CITY COUNCIL, THIS DAY OF _____, A.D. 19__.

PARK CITY HEIGHTS SUBDIVISION
LOCATED IN PORTIONS OF SECTION 11, AND THE SOUTH HALF OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

01006401 Page 58 of 55 Summit County

Table with project details including Salt Lake City, Lattion, Project Name, Developer (Boyer Park City Junction, LC), Planning Commission, Engineer's Certificate, Approval as Form, Certificate of Attest, and Council Approval and Acceptance.

Table for recording the subdivision, including recording information for Summit County Recorder.



COMMUNITY DEVELOPMENT

January 31, 2017

Christopher P. Gamvroulas
Ivory Development
978 Woodoak Lane
Salt Lake City, UT 84117

NOTICE OF HOUSING AUTHORITY APPROVAL

Description: Updated/Amended Affordable Housing Mitigation Plan
Project Title: Park City Heights Master Planned Development
Date of Action: December 15, 2016

Summary of Housing Authority Action

On December 15, 2016 Park City Housing Authority approved an amended Housing Mitigation Plan for the phased completion and sale of 79 deed restricted units in fulfillment of the affordable housing obligation at Park City Heights Master Planned Development. Completed units will include 28 Park Town Homes (7 four-plex buildings), 35 Park Homes and 16 larger Cottage Homes.

The First Amendment to the original Housing Mitigation Plan ("Plan") is attached as Exhibit B. The Plan was approved with the following conditions of approval:

Conditions of Approval:

1. Ivory Homes will return to the Housing Authority by December of each year with a status report that includes: number of units built, sale prices, balance remaining, projections for the next year including number of units in each type and pricing for the next year, and any requested adjustments to the Housing Mitigation Plan.
2. Any changes to the unit pricing, bedroom count or completion schedule included in the Amended Housing Mitigation Plan in Exhibit B will require approval by the Housing Authority.

Attached are Exhibits as follows:

Exhibit A = Original Housing Mitigation Plan approved on July 17, 2014

Exhibit B = Amended Housing Mitigation Plan approved on December 15, 2016.
Exhibit C = First Amendment to the Deed Restriction recorded on January 19,
2017 applicable to the sale of 14 houses.

If you have any questions about this Housing Mitigation Plan letter of approval, please contact me. I can be reached at 435-615-5152 or via email at rhoda.stauffer@parkcity.org.

Sincerely,



Rhoda J. Stauffer
Affordable Housing Program Manager

July 1, 2014

Park City Housing Authority
PO Box 1480
Park City, UT 84060

EXHIBIT A

Park City Heights - Housing Mitigation Plan

Project: Park City Heights Master Planned Development

Developer: Ivory Homes

General:

On May 11, 2011 the Master Planned Development (MPD) for Park City Heights was approved for a mixed residential development consisting of 160 market rate units and 79 affordable/attainable units on 239 acres. An amendment to the MPD was approved on November 6, 2013, this addressed relocation and configuration of lots and streets. As part of the approval the Developer is required to satisfy an affordable/attainable housing requirement with forty-four (44) units approved under the 17-99 Housing Resolution and thirty-five (35) units approved under the 20-07 Housing Resolution.

The units will be large enough to capture all of the square footage necessary under the AUE obligations. All affordable/attainable units are to be for sale units. None of the units are intended to be rented by the Developer or future owners. Restrictions and priorities may include qualification options, sales price limits/range, rental restrictions and affordability terms.

Phasing Schedule:

The Project may be platted and in phases in accordance with the approved phasing plan. The following schedule is provided to indicate the required AUE's to be built in each phase. However, each primary phase may include sub-phases as market conditions dictate and the phases may be adjusted.

Phase 1 – 103 Units

- 68 Affordable/Attainable
- 35 Market Rate Units

Phase 2 – 47 Units

- 5 Affordable/Attainable
- 42 Market Rate Units

Phase 3 – 34 Units

- 2 Affordable/Attainable
- 32 Market Rate Units

Phase 4 – 29 Units

- 4 Affordable/Attainable
- 25 Market Rate Units

Phase 5 – 15 Units

- 15 Market Rate Units

Phase 6 – 11 Units

- 11 Market Rate Units

All Phases 79 Affordable/Attainable Units (or equivalent AUE's)
 160 Market Rate Units

Total: 239 Units

Construction Timing:

The general layout and concept plan for Park City Heights dictates that the infrastructure is built from the lowest point of the slope (north) or entrance of the project to the highest point on the mountain (south). Because construction dictates this development pattern and the majority of affordable units are lower on the hill, the affordable units will be constructed at a different rate than market rate units. All of the affordable/attainable units will receive a certificate of occupancy prior to issuance of building permits for the last ten (10) percent of the market rate units. Project and housing requirements dictate that the affordable/attainable units are built in conjunction with the market rate units. The developer is front loading as many affordable/attainable units as possible to ensure that the requirements are satisfied. All of the affordable/attainable units are in the first 4 Phases.

Phase 1 construction will begin in early fall of 2014 for a total of sixty-eight (68) affordable/attainable units. The first Certificates of Occupancy are anticipated to be completed in late 2014/early 2015. The first affordable/attainable unit will be ready for occupancy prior to the first market rate unit. The majority of the affordable/attainable units are clustered at the entrance to the Subdivision and the Developer will ensure that the units are built with high quality building materials and well maintained. Projected absorption rate is 8-12 units per year as dictated by the market.

Phase 1 – Year 1 Projection = 10 Total Units

TYPE OF UNIT	NUMBER OF UNITS	NUMBER OF BEDROOMS	SQUARE FEET PER UNIT
Park Home – Single Family	6	3	1,600 – 2,100
Park Home – Townhome	4	2-3	1,000 – 1,400

Product Pricing:

The intent is to offer a wide range of both product type and product pricing. Pricing in the first building of the Attached Park Home Townhomes product in Phase 1 will begin in the \$240,000 range and go upwards of \$400,000 for the Single Family Detached Park Homes, depending on unit type, bedroom counts, square footage, and construction finishes. Developer will work with Park City Municipal Corp to determine final sales pricing as well as product type and size. It is anticipated that attached units will be priced lower and single family detached units will be closer to the maximum price range, thus having a greater range of diversity.

Marketing Plan:

Developer agrees to give priority to those full-time employees who work within the area of the Park City School District boundaries, particularly essential workers. This area includes but is not limited to Intermountain Healthcare Park City Medical Campus, USSA Headquarters and Training Annexation.

Developer will hold information seminars with these target groups to discuss the qualifications for purchasing deed restricted affordable/attainable housing units. Developer will also provide Credit Repair Services for all of those in need of such services.

Methodology of Affordability:

Affordability Defined

Affordability is defined such that the total amount of the mortgage, basic utilities, taxes, insurance and HOA payments may not account for more than 30% of household income. The median wage of the core Park City workforce is determined annually by the City Council.

Affordable Unit Equivalent

There are two resolutions that govern the affordable/attainable units in Park City Heights. Resolution 17-99 dictates that a two-bedroom unit with 800 square feet of Net Livable Space is considered one Affordable Unit Equivalent; and Resolution 20-07, dictates that a two-bedroom unit with 900 square feet of Net Livable Space is considered one Affordable Unit Equivalent.

Average of Affordability

The intent is to maintain an average rate of affordability. Flexibility must be given in the Housing Mitigation Plan in an attempt to maximize a level of affordability. There may be some single-family units that fall outside of the affordable range, alternatively, providing attached units could keep the average rate of affordability lower delivering a lower average price.

Compliance Standards

It is anticipated that there will be a mix of unit types and standards as outlined below:

- All affordable units will be built to a minimum LEED Certified OR NAHB Green level and appliances & light bulbs shall be Energy Star qualified products.
- Size differentials of the exterior appearance of the cottage home affordable units will be compatible with cottage home market rate units and will use similar exterior materials and guidelines.
- Standard construction practices will be the same for the affordable/attainable and market units and incorporate the same general construction materials in the following areas: insulation, windows, heating systems, and other components related to energy efficiency including landscaping.
- All affordable/attainable units will be constructed in accordance and consistent with the MPD approved Park City Heights Neighborhood Design Guide.
- All affordable/attainable units will be constructed on Park City Heights property (MPD site). This includes the transfer of the IHC units from the Park City Medical Center site to Park City Heights.

Product type/Unit descriptions

Product type in all phases will be determined based on market conditions, lot size, topography, number of stories, adjacent homes, and other factors. Flexibility will be required and a necessity in order to provide the right product at the right price to maintain affordability. Units will be configured in two, three and four bedroom layouts. A minimum of seven (7) – two bedroom units will be provided in the Attached Park Home Townhomes.

Average Median Income/Workforce Housing Wage (Guideline)

Housing Resolution 17-99 uses an Average Median Income (AMI) in Summit County and Housing Resolution 20-07 uses the Workforce Housing Wage (WHW) in Park City. The first ten (10) units will be split with four (4) of the units under HR 17-99 and six (6) under HR 20-07.

December 15, 2016

Park City Housing Authority
PO Box 1480
Park City, UT 84060

Park City Heights – Amended Housing Mitigation Plan

Project: Park City Heights Master Planned Development

Developer: Ivory Homes

General:

On May 11, 2011 the Master Planned Development (MPD) for Park City Heights was approved for a mixed residential development consisting of 160 market rate units and 79 affordable/attainable units on 239 acres. An amendment to the MPD was approved on November 6, 2013, this addressed relocation and configuration of lots and streets. As part of the approval the Developer is required to satisfy an affordable/attainable housing requirement with forty-four (44) units approved under the 17-99 Housing Resolution and thirty-five (35) units approved under the 20-07 Housing Resolution.

The units will be large enough to capture all of the square footage necessary under the AUE obligations. All affordable/attainable units are to be for sale units. None of the units are intended to be rented by the Developer or future owners. Restrictions and priorities may include qualification options, sales price limits/range, rental restrictions and affordability terms.

Phasing Schedule:

The Project may be platted in phases in accordance with the approved phasing plan. The following schedule is provided to indicate the required AUE's to be built in each phase. However, each primary phase may include sub-phases as market conditions dictate and the phases may be adjusted.

Phase 1 – 103 Units

- 68 Affordable/Attainable
- 35 Market Rate Units

Phase 2 – 47 Units

- 5 Affordable/Attainable
- 42 Market Rate Units

Phase 3 – 34 Units

- 2 Affordable/Attainable
- 32 Market Rate Units

Phase 4 – 29 Units

- 4 Affordable/Attainable
- 25 Market Rate Units

Phase 5 – 15 Units

- 15 Market Rate Units

Phase 6 – 11 Units

- 11 Market Rate Units

All Phases 79 Affordable/Attainable Units (or equivalent AUE's)

160 Market Rate Units

Total: 239 Units

Construction Timing:

The general layout and concept plan for Park City Heights dictates that the infrastructure is built from the lowest point of the slope (north) or entrance of the project to the highest point on the mountain (south). Because construction dictates this development pattern and the majority of affordable/attainable units are lower on the hill, the affordable/attainable units will be completed at a different rate than market rate units. All of the affordable/attainable units will receive a certificate of occupancy prior to issuance of building permits for the last ten (10) percent of the market rate units. Project and housing requirements dictate that the affordable/attainable units are built in conjunction with the market rate units. The developer is front loading as many affordable/attainable units as possible to ensure that the requirements are satisfied. All of the affordable/attainable units are in the first 4 Phases.

Phase 1 construction began in 2016 for a total of sixty-eight (68) affordable/attainable units. The first Certificates of Occupancy were issued completed in the fall of 2016. The first affordable/attainable unit will be ready for occupancy prior to the first market rate unit. The majority of the affordable/attainable units are clustered at the entrance to the Subdivision and the Developer will ensure that the units are built with high quality building materials and well maintained. Projected absorption rate is 8-12 units per year as dictated by the market.

Phase 1 – Year 1 Projection = 10 Total Units

TYPE OF UNIT	NUMBER OF UNITS	NUMBER OF BEDROOMS	SQUARE FEET PER UNIT
Park Home – Single Family	6	3	1,600 – 2,000
Park Home – Townhome	4	2-3	1,000-1,400

Product Pricing:

The intent is to offer a wide range of both product type and product pricing. Pricing in the first building of the Attached Park Home townhomes product in Phase 1 will begin in the \$240,000 range and go upwards of \$400,000 for the Single Family Detached Park Homes, depending on unit type, bedroom counts, square footage, and construction finishes. Developer will work with Park City Municipal Corporation to determine final sales pricing as well as product type and size. It is anticipated that attached units will be priced lower and single family detached units will be closer to the maximum price range, thus having a greater range of diversity. Pricing for the first ten (10) units is now set as shown in the attached spreadsheet (Exhibit B) for the Park Home Townhomes units T25, T26, T27, T28 and Park Homes Single Family Detached Units 1,2,3,10,11, and 12. Any changes to the unit pricing, bedroom county or completion schedule included in Exhibit B will require approval by the Housing Authority.

Marketing Plan:

Developer agrees to give priority to those full-time employees who work within the area of the Park City School District boundaries, particularly essential workers. This area includes but is not limited to Intermountain Healthcare Park City Medical Campus, USSA Headquarters and Training Annexation.

Developer will hold information seminars with these target groups to discuss the qualifications for purchasing deed restricted affordable/attainable housing units. Developer will also provide Credit Repair Services for all of those in need of such services.

Methodology of Affordability:

Affordability Defined

Affordability is defined such that the total amount of the mortgage, basic utilities, taxes, insurance and HOA payments may not account for more than 30% of household income. The median wage of the core Park City workforce is determined annually by the City Council.

Affordable Unit Equivalent

There are two resolutions that govern the affordable/attainable units in Park City Heights. Resolution 17-99 dictates that a two-bedroom unit with 800 square feet of Net Livable Space is considered one Affordable Unit Equivalent; and Resolution 20-07, dictates that a two-bedroom unit with 900 square feet of Net Livable Space is considered one Affordable Unit Equivalent.

Average of Affordability

The intent is to maintain an average rate of affordability. Flexibility must be given in the Housing Mitigation Plan in an attempt to maximize a level of affordability. There may be some single-family units that fall outside of the affordable range, alternatively, providing attached units could keep the average rate of affordability lower delivering a lower average price.

Compliance Standards

It is anticipated that there will be a mix of unit types and standards as outlined below:

- All affordable units will be built to a minimum LEED Certified OR NAHB Green level and appliances (Refrigerator and dishwasher) and light bulbs shall be Energy Star qualified products.
- Size differentials of the exterior appearance of the cottage home affordable units will be compatible with cottage home market rate units and will use similar exterior materials and guidelines.
- Standard construction practices will be the same for the affordable/attainable and market units and incorporate the same general construction materials in the following areas: insulation, windows, heating systems, and other components related to energy efficiency including landscaping.
- All affordable/attainable units will be constructed in accordance and consistent with the MPD approved Park City Heights Neighborhood Design Guide.
- All affordable/attainable units will be constructed on Park City Heights property (MPD site). This includes the transfer of the IHC units from the Park City Medical Center site to Park City Heights.

Product type/Unit descriptions

Product type in all phases will be determined based on market conditions, lot size, topography, number of stories, adjacent homes, and other factors. Flexibility will be required and a necessity in order to provide the right product at

the right price to maintain affordability. Units will be configured in two, three and four bedroom layouts. A minimum of seven (7) – two bedroom units will be provided in the Attached Park Home Townhomes.

Average Median Income/Workforce Housing Wage (Guideline)

Housing Resolution 17-99 uses an Average Median Income (AMI) in Summit County and Housing Resolution 20-07 uses the Workforce Housing Wage (WHW) in Park City.

**Exhibit B
Park City Heights Proposed Pricing by Unit Type**

Town Homes	October 24, 2016 Proposed Pricing from Ivory Homes	# of Bed-rooms	Housing Resolution Pricing Limit	Negotiated Pricing
T25	319,900	3	409,501	319,900
T26	249,900	2	365,759	249,900
T27	297,900	3	409,501	297,900
T28	329,900	3	409,501	329,900
T9	326,298	3	409,501	349,900
T10	254,898	2	365,759	299,900
T11	303,858	3	409,501	329,900
T12	336,498	3	409,501	359,900
T21	332,823	3	409,501	349,900
T22	259,995	2	365,759	299,900
T23	309,935	3	409,501	329,900
T24	343,227	3	409,501	359,900
T13	339,479	3	409,501	349,900
T14	265,194	2	365,759	299,900
T15	316,133	3	409,501	329,900
T16	350,091	3	409,501	359,900
T17	346,268	3	409,501	349,900
T18	270,497	2	365,759	299,900
T19	322,455	3	409,501	329,900
T20	357,092	3	409,501	359,900
T5	353,193	3	409,501	349,900
T6	275,906	2	365,759	299,900
T7	328,904	3	409,501	329,900
T8	364,233	3	409,501	359,900
T1	360,256	3	409,501	349,900
T2	281,424	2	365,759	299,900
T3	335,482	3	409,501	329,900
T4	371,517	3	409,501	359,900
sub-total	8,903,256		11,159,834	9,235,200

Bedroom Count Summary	
2 bedrooms	7
3 bedrooms	46
4 bedrooms	26

Numbers of Affordable Units Per Year				
	TH	PH	Cottages	total
2016	4	6	0	10
2017	4	6	0	10
2018	4	6	1	11
2019	4	6	3	13
2020	4	6	3	13
2021	4	5	3	12
2022	4	0	3	7
2023	0	0	3	3
total	28	35	16	79

(1,924,634) amount below max allowed pricing

Park Homes	October 24, 2016 Proposed Pricing from Ivory Homes	# of Bed-rooms	Limit	Proposed Scenario
1	\$408,900	3	\$375,179	\$375,179
2	\$374,900	3	\$375,179	\$375,179
3	\$408,900	3	\$375,179	\$375,179
10	\$408,900	3	\$375,179	\$375,179
11	\$374,900	3	\$375,179	\$375,179
12	\$408,900	3	\$375,179	\$375,179
4	\$477,900	4	\$445,463	\$465,900
5	\$384,272	3	\$375,179	\$438,500
6	\$419,272	3	\$375,179	\$438,500
7	\$477,900	4	\$445,463	\$465,900
8	\$384,272	3	\$375,179	\$438,500
9	\$419,122	3	\$375,179	\$438,500
13	\$489,878	4	\$445,463	\$465,900
14	\$393,878	3	\$375,179	\$438,500
15	\$429,600	3	\$375,179	\$438,500
22	\$489,878	4	\$445,463	\$465,900
23	\$393,878	3	\$375,179	\$438,500
24	\$429,600	3	\$375,179	\$438,500
16	\$502,095	4	\$445,463	\$465,900
17	\$403,772	3	\$375,179	\$438,500
18	\$440,340	3	\$375,179	\$438,500
19	\$502,095	4	\$445,463	\$465,900
20	\$440,300	3	\$375,179	\$438,500
21	\$440,300	3	\$375,179	\$438,500
28	\$514,648	4	\$445,463	\$465,900
29	\$451,348	3	\$375,179	\$438,500
30	\$451,348	3	\$375,179	\$438,500
31	\$514,648	4	\$445,463	\$465,900
32	\$451,348	3	\$375,179	\$438,500
33	\$451,348	3	\$375,179	\$438,500
25	\$527,515	4	\$445,463	\$465,900
26	\$462,631	3	\$375,179	\$438,500
27	\$462,631	3	\$375,179	\$438,500
34	\$527,515	4	\$445,463	\$465,900
35	\$462,631	3	\$375,179	\$438,500
	\$15,581,363		\$13,834,105	15,241,574

\$1,407,469 amount above max allowed pricing

Cottages	October 24, 2016 Proposed Pricing from Ivory Homes	# of Bed-rooms	Limit	Proposed Scenario
1	499,900	4	506,008	506,008
2	514,897	4	506,008	506,008
3	514,897	4	506,008	506,008
4	514,897	4	506,008	506,008
5	530,343	4	506,008	506,008
6	530,343	4	506,008	506,008
7	530,343	4	506,008	506,008
8	546,253	4	506,008	506,008
9	546,253	4	506,008	506,008
10	546,253	4	506,008	506,008
11	562,640	4	506,008	506,008
12	562,640	4	506,008	506,008
13	562,640	4	506,008	506,008
14	579,519	4	506,008	506,008
15	579,519	4	506,008	506,008
16	579,519	4	506,008	506,008
	8,700,856		8,096,128	8,096,128

Total Revenue Initial Ivory Pricing Revenue	\$ 33,185,475
Total Revenue Resolution Limits	\$ 33,090,067
Total Negotiated Pricing Revenue	\$ 32,572,902

\$ (517,165) amount negotiated pricing is below max allowed pricing

WHEN RECORDED, RETURN TO:

Park City Municipal Corporation
Attention: City Recorder
P.O. Box 1480
Park City, UT 84060

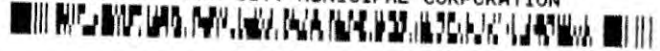
ENTRY NO. 01062065

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Amendment PAGE 1/5

MARY ANN TRUSSELL SUMMIT COUNTY RECORDER

FEE 0.00 BY PARK CITY MUNICIPAL CORPORATION



**AMENDMENT NO. 1 TO THE
DEED RESTRICTIONS PROTECTING THE
AFFORDABILITY AND SUSTAINABILITY OF
AFFORDABLE HOMES AT
PARK CITY HEIGHTS**

This Amendment No. 1 to Deed Restrictions Protecting the Affordability and Sustainability of Affordable Homes at Park City Heights (the "Amendment") is made and entered into as of the 19th day of January ____, 2017 (the "Effective Date"), by and between Ivory Homes, a Utah Corporation ("Owner"), and Park City Municipal Corporation, a municipal corporation of the State of Utah ("City").

RECITALS

A. Owner and the City are parties to that certain Deed Restrictions Protecting the Affordability and sustainability of Affordable Homes at Park City Heights (the "Agreement") dated as of January 29, 2015, which Agreement was recorded in the Office of the Recorder of Summit County, Utah on February 2, 2015 as Entry No. 01012050 in Book 2277, beginning at Page 1536. The Agreement pertains to seventy nine (79) affordable housing residential units located at Park City Heights, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Units").

B. Pursuant to Section 3 of the Agreement, the initial pricing is now established for fourteen (14) Units described as "Park Town Homes T25, T26, T27, T28, T9, T10, T11, and T12" which are governed by Housing Resolution 17-99 and "Park Homes (single family) 1, 2, 3, 10, 11 and 12" which are governed by Housing Resolution 20-07.

C. Owner, the City and the Park City Housing Authority determined after at a public hearing before the Park City Housing Authority on December 15, 2016 that effective as of December 16, 2016 the Housing Mitigation Plan approved by the Park City Housing Authority on July 17, 2014 should be amended ("Amended Plan") in order to establish initial pricing of the Unit. That Amended Plan established the initial sale prices for the above identified units. Consequently, Owner and the City desire to amend the Agreement as hereinafter set forth.

AMENDMENT TO THE AGREEMENT

NOW THEREFORE, in consideration of the foregoing Recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and the City hereby agree as follows:

1. **INITIAL SALES PRICE.** The initial sales price for each Owner Occupied Unit listed below shall be as follows:

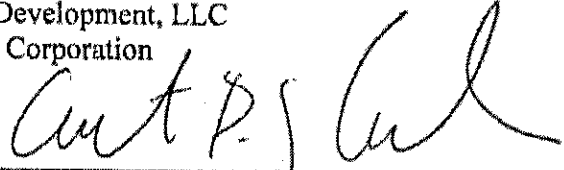
UNIT NUMBER	INITIAL SALES PRICE	UNIT NUMBER	INITIAL SALES PRICE
Park Town Homes		Park Homes – Single Family	
T25	\$319,900	1	\$375,179
T26	\$249,900	2	\$375,179
T27	\$297,900	3	\$375,179
T28	\$329,900	10	\$375,179
T9	\$329,900	11	\$375,179
T10	\$359,900	12	\$375,179
T11	\$349,900		
T12	\$299,900		

2. **CAPITALIZED TERMS.** Any capitalized terms not defined in this Amendment shall have the same meaning as set forth in the Agreement.
3. **NO OTHER CHANGES.** Except as specifically provided in this Amendment, all of the terms, conditions, agreements and provisions set forth in the Agreement remain unaffected, and they are hereby reaffirmed, ratified and approved in their entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the Effective Date.

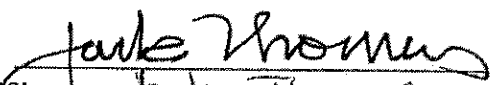
OWNER:

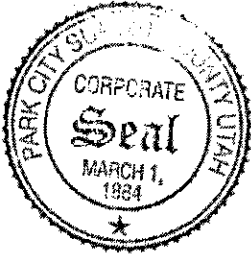
Ivory Development, LLC
a Utah Corporation

By: 
Christopher P. Gamvroulas
Title: President


CITY:

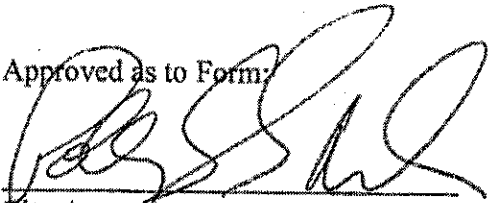
PARK CITY MUNICIPAL CORPORATION,
a municipal corporation of the State of Utah

By: 
Name: Jack Thomas
Title: Mayor

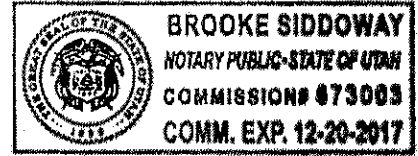


Attest:


City Recorder

Approved as to Form:

City Attorney

ACKNOWLEDGMENTS



STATE OF UT)
)
) : ss.
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged before me this 18th day of January, 20 17, by Christopher P. Gamvroulas, in his capacity as the President of Ivory Development, L.L.C., a Utah limited liability company.

Brooke Siddoway
NOTARY PUBLIC

My Commission Expires: 12-20-17

Residing at: S.L. County

STATE OF UTAH)
)
) : ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 19 day of January 2017 by Jack Thomas, in such person's capacity as the Mayor of Park City Municipal Corporation.

Michelle Kellogg
NOTARY PUBLIC

My Commission Expires:

Residing at:

5-19-2019

Park City Municipal



EXHIBIT A

Legal Description of the Units

The Park City Heights deed restricted units will total to 79 affordable units and will be built in four phases. This Amendment #1 to the DEED RESTRICTIONS PROTECTING THE AFFORDABILITY AND SUSTAINABILITY OF AFFORDABLE HOMES AT PARK CITY HEIGHTS pertains to Park Town Homes T25, T26, T27, T28, T9, T10, T11, T12 and Park Homes (single family) 1, 2, 3, 10, 11 and 12

This Amendment pertains to Parcel Numbers PCH-1-T25, PCH-1-T26, PCH-1-T27, PCH-1-T28, PCH-1-T9, PCH-1-T10, PCH-1-T11, PCH-1-T12, PCH-1-1, PCH-1-2, PCH-1-3, PCH-1-10, PCH-1-11, PCH-1-12.

Planning Commission Staff Report

Subject: Daly Delight Plat Amendment
Author: Hannah M. Tyler, Planner
Project Number: PL-18-03838
Date: June 13, 2018
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly 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.

Description

Applicant: 1055 Norfolk, LLC Series 180 Daly and 1055 Norfolk, LLC series 182 Daly – Represented by Marshall King, Alliance Engineering
Location: 180 and 182 Daly Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Single-Family and Multi-Family
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The property consists of the southerly 48 feet of Lot 26 and Lot 27, Block 74, Park City Survey, and is currently taxed under two tax parcel numbers. Adjacent to and a part of the above mentioned property is one-half of vacated Anchor Avenue. Existing Ridge Avenue occupies a portion of the west side (rear) of the property. This application proposes to remove the existing lot line between Lots 26 and 27 and the block line on the easterly side of vacated Anchor Avenue. A new lot line will create two (2) lots. Lot A will consist of the “Significant” single-family dwelling and Lot B will be a vacant lot (the existing detached garage will be demolished – see Condition of Approval #6).

At the southernmost corner of the property, there is an eight square foot (8 SF) portion of the property that occupies the existing asphalt of Daly Avenue. This 8 SF portion of the property will be dedicated to Park City Municipal Corporation as Right-of-Way.

Existing Ridge Avenue occupies a portion of the west side of the property with a remnant of the property encompassing the steep grade west of Ridge Avenue. The total area of Ridge Avenue and the steep grade west of Ridge Avenue is 1,887 SF. Both Ridge Avenue and the steep grade to the west of it will be dedicated to Park City Municipal Corporation as Right-of-Way, as part of Ridge Avenue.

Background

The Plat Amendment application was deemed complete on April 16, 2018. The Single-Family Dwelling located at 180 Daly Avenue is listed as Significant on the Historic Sites Inventory (HSI). The garage located on 182 Daly Avenue is non-historic.

Staff has included a complete list of previous applications for both 180 and 182 Daly Avenue in Table 1 below.

Table 1: Past Applications and/or Permits for 180 and 182 Daly Avenue

180 Daly Avenue			
Year	Application/Permit Type	Description	Action Taken
1990	Building Permit	Re-Roof	Approved
1990	Building Permit	Replace siding, trim, and windows to match existing.	Approved
2017	Shared Parking Conditional Use Permit	Create a single-car garage attached to the Single-Family Dwelling and located on both 180 and 182 Daly Avenue.	Withdrawn
2017	Steep Slope Conditional Use Permit	Construction of an addition on a slope greater than 30%.	Under review.
2017	Historic District Design Review	Restore the “Significant” single-family dwelling and construct an addition.	Under review.
182 Daly Avenue			
Year	Application/Permit Type	Description	Action Taken
1992	Historic District Review	Construction of the non-historic garage.	Approved
1992	Building Permit	Construction of the non-historic garage.	Approved
2017	Historic District Design Review	Construct a new Duplex Dwelling on a vacant lot.	Under review.
2017	Conditional Use Permit	Duplex Dwelling	Under review.
2017	Steep Slope Conditional Use Permit	Construction of a new Duplex Dwelling on a slope greater than 30%.	Under review.

The applicant has stated the proposed intent for future uses/developments on each lot. The applicant has submitted Historic District Design Review Applications for each lot’s proposal; however, staff has been informed that new plans for each proposal will be submitted. As a result, plans for the proposed uses/structures have not been reviewed by staff for complete compliance with the LMC or Design Guidelines for Historic Districts or Historic Sites.

Table 2: Applicant’s proposed future development uses for each lot:

Lot A (180 Daly Avenue)
Renovate the existing historic Single-Family Dwelling and construct an addition.

Lot B (182 Daly Avenue)

Construct a Duplex Dwelling.

Purpose

The purpose of the Historic Residential-1 (HR-1) District is to:

- (A) Preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) Define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The applicant intends to create a two (2) lot subdivision two platted lots and vacated Anchor Avenue. In addition, a portion of the property will be dedicated to Park City Municipal Corporation as Daly Avenue Right-of-Way. Another portion of the property will be dedicated to Park City Municipal Corporation as Ridge Avenue Right-of-Way.

The applicant has stated the proposed intent for future uses/developments on each lot. The applicant has submitted Historic District Design Review Applications for each lot's proposal (see Table 2); however, staff has been informed that new plans for each proposal will be submitted. As a result, plans for the proposed uses/structures have not been reviewed by staff for complete compliance with the LMC or Design Guidelines for Historic Districts or Historic Sites.

Table 3: applicable Land Management Code (LMC) development parameters and compliance in the HR-1 District:

Lot A (180 Daly Avenue)	
Standard:	Minimum Requirement:
Lot Size – square feet (SF)	1,750 SF minimum for a single-family dwelling; proposed lot size is 3,986 SF, complies.
Lot Width – feet (ft.)	25 ft. minimum; proposed lot width is 44.24 feet, complies
Front Yard Setbacks – feet (ft.)	12 ft. minimum and a total of 25 ft.
Rear Yard Setbacks – feet (ft.)	12 ft. minimum and a total of 25 ft.
Side Yard Setbacks – feet (ft.)	5 ft. minimum and a total of 10 ft. minimum
Building Height – feet (ft.)	Maximum Building Height is 27 ft.

Maximum Building Footprint – square feet (sq. ft.)	1,593 sq. ft.
Lot B (182 Daly Avenue)	
Standard:	Minimum Requirement:
Lot Size – square feet (SF)	3,750 SF minimum for duplex dwelling; proposed lot size is 5,329 SF, complies.
Lot Width – feet (ft.)	25 ft. minimum; proposed lot width is 58.78, complies
Front Yard Setbacks – feet (ft.)	12 ft. minimum and a total of 25 ft.
Rear Yard Setbacks – feet (ft.)	12 ft. minimum and a total of 25 ft.
Side Yard Setbacks – feet (ft.)	5 ft. minimum and a total of 14 ft. minimum
Building Height – feet (ft.)	Maximum Building Height is 27 ft.
Maximum Building Footprint – square feet (sq. ft.)	1,975 sq. ft.

The City Engineer will also require the applicant to grant ten foot (10') snow storage easements along Daly Avenue and Ridge Avenue as indicated by Condition of Approval #4.

Good Cause

Staff finds good cause for this Plat Amendment as interior lot lines and the block line on the easterly side of Anchor Avenue will be removed for both 180 and 182 Daly Avenue creating two (2) legal lots of record. In addition, ten foot (10') snow storage easements along Daly Avenue and Ridge Avenue will be granted to the City. Also, portions of the property will be dedicated to Park City Municipal Corporation for Daly Avenue and Ridge Avenue Right-of-Ways.

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.

Department Review

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

Notice

On May 30th, 2018 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on May 26th, 2018 according to requirements of the Land Management Code.

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 Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue to a future date.

Significant Impacts

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

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation are that the Site would remain as is.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly 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.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Survey(s)

Exhibit C – Aerial Photographs with 500' Radius

Exhibit D – Site Photographs

Ordinance No. 18-XX

AN ORDINANCE APPROVING THE DALY DELIGHT PLAT AMENDMENT LOCATED AT 180 DALY AVENUE AND 182 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the properties located at 180 Daly Avenue and 182 Daly Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 30, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 26, 2018 proper legal notice was sent to all affected property owners and published in the Park Record and on the Utah Public Notice Website; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 13, 2018, forwarded a _____ recommendation to the City Council; and,

WHEREAS, June 28, 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 the Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue.

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

SECTION 1. APPROVAL. The Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue, 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 properties are located at 180 Daly Avenue and 182 Daly Avenue are in the Historic Residential-1 Density (HR-1) District.
2. The proposed site location consists of 180 Daly Avenue (“Significant” Single-Family Dwelling) and 182 Daly Avenue (Garage Structure). The Garage on 182 Daly Avenue will be demolished (See Condition of Approval #7).
3. The property currently consists of the southerly 48 feet of Lot 26 and Lot 27, Block 74, Park City Survey, and is currently taxed under two tax parcel numbers.
4. Adjacent to and a part of the property is one-half of vacated Anchor Avenue.
5. Existing Ridge Avenue occupies a portion of the west side (rear) of the property.

6. In 1990 two (2) Building Permits were issued for 180 Daly Avenue. One (1) Building Permit was for a re-roof and one (1) Building Permit was for new siding.
7. In 1992 a Historic District Review and Building Permit were issued for the construction of the existing garage structure at 182 Daly Avenue.
8. This applicant proposes to remove the existing lot line between Lots 26 and 27 and the block line on the easterly side of vacated Anchor Avenue. A new lot line will create two (2) lots.
9. Lot A will consist of the “Significant” single-family dwelling and Lot B will be a vacant lot (the existing detached garage will be demolished – see Condition of Approval #6).
10. At the southernmost corner of the property, there is an eight square foot (8 SF) portion of the property that occupies the existing asphalt of Daly Avenue. This 8 SF portion of the property will be dedicated to Park City Municipal Corporation as Right-of-Way.
11. Existing Ridge Avenue occupies as portion of the west side of the property with a remnant of the property encompassing the steep grade west of Ridge Avenue. The total area of Ridge Avenue and the steep grade west of Ridge Avenue is 1,887 SF. Both Ridge Avenue and the steep grade to the west of it will be dedicated to Park City Municipal Corporation as Right-of-Way.
12. The proposed Plat Amendment application was application was deemed complete on April 16, 2018.
13. The Single-Family Dwelling located at 180 Daly Avenue is listed as Significant on the Historic Sites Inventory (HSI). Renovate the existing historic Single-Family Dwelling and construct an addition.
14. A Single-Family Dwelling is an Allowed Use in the HR-1 Zoning District.
15. The garage located on 182 Daly Avenue is non-historic. The applicant is proposing to demolish the existing non-historic garage (see Condition of Approval #6) and construct a Duplex Dwelling on the vacant lot.
16. A Duplex Dwelling Use is a Conditional Use in the HR-1 Zoning District. A Conditional Use Permit for a Duplex Dwelling Use at 182 Daly Avenue was deemed complete on December 12, 2017. The application is for the construction of a new Duplex Dwelling on a vacant lot. The CUP is on hold, pending submittal of updated plans that comply with the LMC and Design Guidelines.
17. The minimum lot width in the HR-1 District is 25 feet; the lot width of Lot A is 44.24 feet and the lot width of Lot B will be 58.78 feet.
18. For lots over 100 feet in depth, the required Front and Rear Yard Setback is a minimum of 12 feet and a total of 25 feet. This applies to both Lot A and Lot B.
19. The required Side Yard Setback for Lot A is 5 feet for a total of 10 feet.
20. The required Side Yard Setback for Lot B is 5 feet for a total of 14 feet.
21. The maximum Building Footprint for Lot A is 1539 SF.
22. The maximum Building Footprint for Lot B is 1975 SF.
23. A Steep Slope Conditional Use Permit application for 182 Daly Avenue was deemed complete on December 11, 2017. The application is for the construction of a Duplex Dwelling on a slope greater than 30%.
24. A Historic District Design Review Application for 182 Daly Avenue was deemed complete on December 11, 2017. The application is for the construction of a

- Duplex Dwelling on a vacant lot.
25. A Historic District Design Review Application for 180 Daly Avenue was deemed complete on December 12, 2017. The application is for the restoration of the “Significant” single-family dwelling and construct an addition. This application is on hold pending submittal of updated plans.
 26. A Steep Slope Conditional Use Permit for 180 Daly Avenue was deemed complete on December 12, 2017. The application is for the construction of an addition on a slope greater than 30%.
 27. A Shared Parking Structure Conditional Use Permit for 180 and 182 Daly Avenue was deemed complete on December 12, 2017. The application was a proposal to create a single-car garage attached to the Single-Family Dwelling and located on both 180 and 182 Daly Avenue. The application was withdrawn by the applicant on May 15, 2018.
 28. Staff finds good cause for this Plat Amendment as interior lot lines and the block line on the easterly side of Anchor Avenue will be removed for both 108 and 182 Daly Avenue creating two (2) legal lots of record. In addition, ten foot (10’) snow storage easements along Daly Avenue and Ridge Avenue will be granted to the City. Also, portions of the property will be dedicated to Park City Municipal Corporation for Daly Avenue and Ridge Avenue Right-of-Ways.
 29. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards.
 30. On May 30, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code. On May 26, 2018 proper legal notice was sent to all affected property owners and published in the Park Record and on the Utah Public Notice Website.
 31. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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 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 year’s time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The applicant shall show and label all easements with Snyderville Basin Water Reclamation District (SBWRD) on the plat amendment.
4. A ten feet (10') wide public snow storage easement will be required along the Daly Avenue and Ridge Avenue frontage of the property.
5. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.
6. The detached garage located on Lot B shall be demolished prior to plat recordation.

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

PASSED AND ADOPTED this 28th day of June, 2018.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

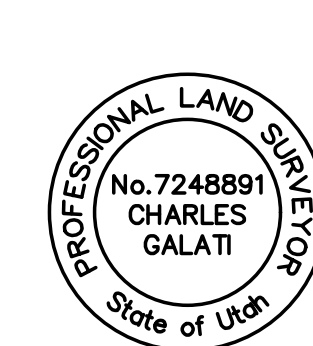
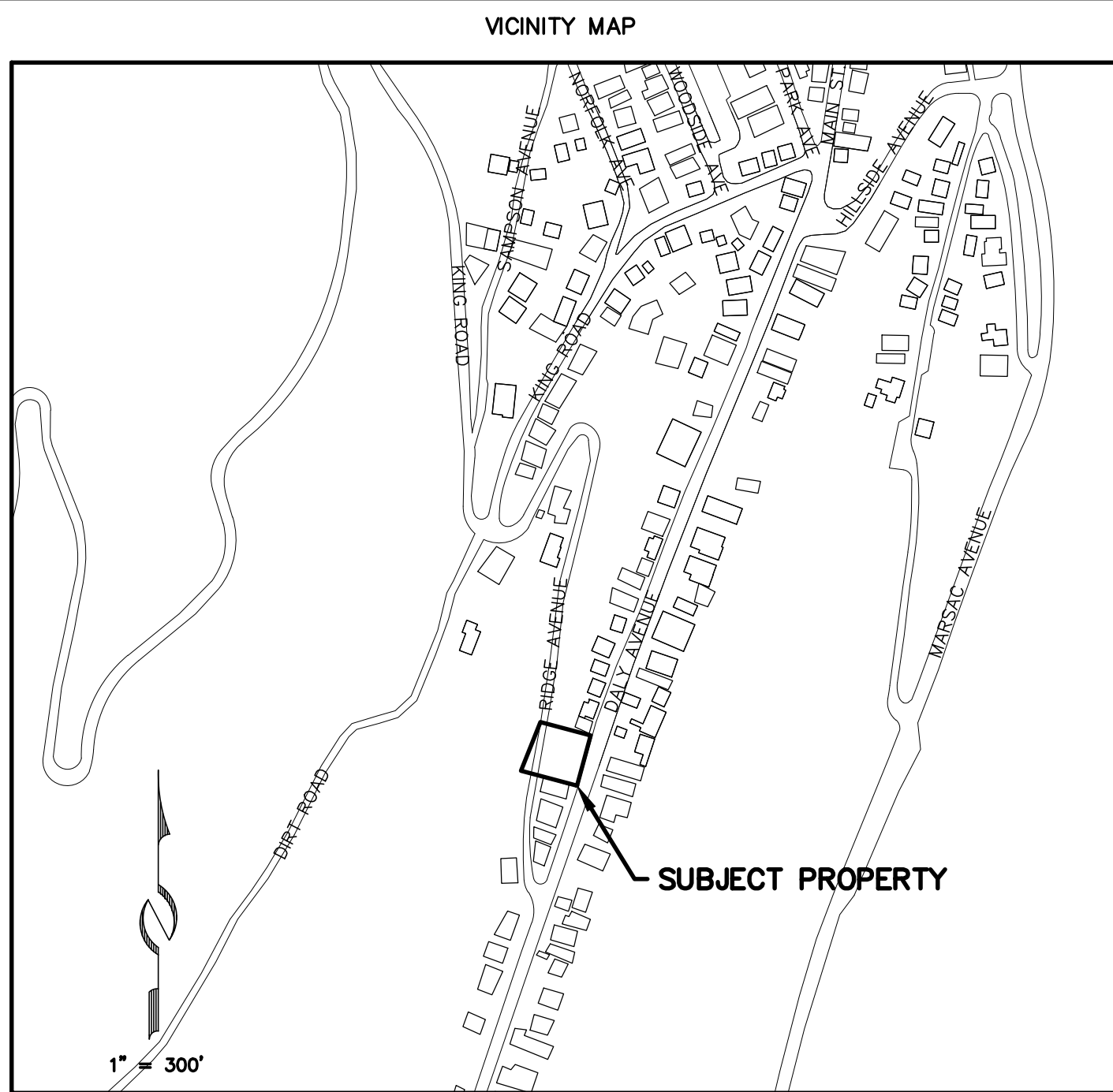
ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a professional land surveyor and that I hold License No. 7248891 as prescribed by the laws of the State of Utah, I further certify that by authority of the owner, I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots, together to be known as DALY DELIGHT PLAT AMENDMENT with easements, hereafter and that the same has been surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

PARCEL 1:
Being part of First Millsite Reservation and known as South 48 feet of Lot 26 and North 4 feet of Lot 27 of Block 74 of Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.
Also the Easterly half of vacated Anchor Avenue adjacent to said lot.

PARCEL 2:
All of Lot 27, except the Northerly 4 feet of Lot 27, Block 74, Millsite Reservation, Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.
Also the Easterly half of vacated Anchor Avenue adjacent to said lot

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 1055 NORFOLK, LLC SERIES 180 DALY, a Utah limited liability company, as to Parcel 1, to be known hereafter as DALY DELIGHT PLAT AMENDMENT, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat Amendment.

In witness whereof, the undersigned set his hand this _____ day of _____, 2018.

1055 NORFOLK, LLC SERIES 180 DALY, a Utah limited liability company

By: Carabiner Capital, LLC
Its Manager

Van Greenfield, Manager

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2018, Van Greenfield personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of Carabiner Capital, LLC, Manager of 1055 NORFOLK, LLC SERIES 180 DALY, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the DALY DELIGHT PLAT AMENDMENT.

Notary Public _____
Printed Name _____
Residing in: _____
My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company, the undersigned owner of Parcel 2 of the herein described tract of land, to be known hereafter as DALY DELIGHT PLAT AMENDMENT, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat Amendment.

In witness whereof, the undersigned set his hand this _____ day of _____, 2018.

1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company

By: Carabiner Capital, LLC
Its Manager

Van Greenfield, Manager

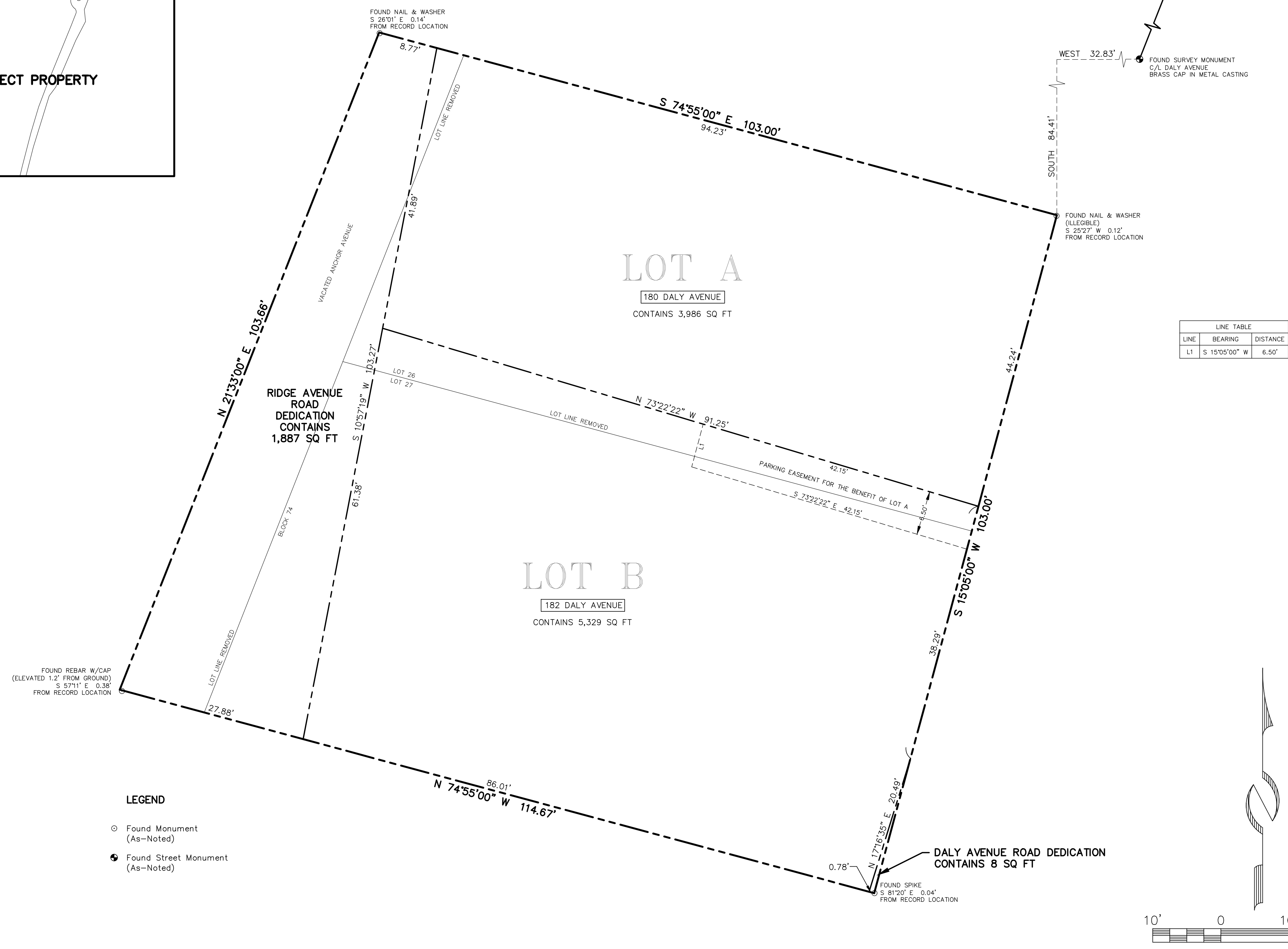
ACKNOWLEDGMENT

State of _____
County of _____

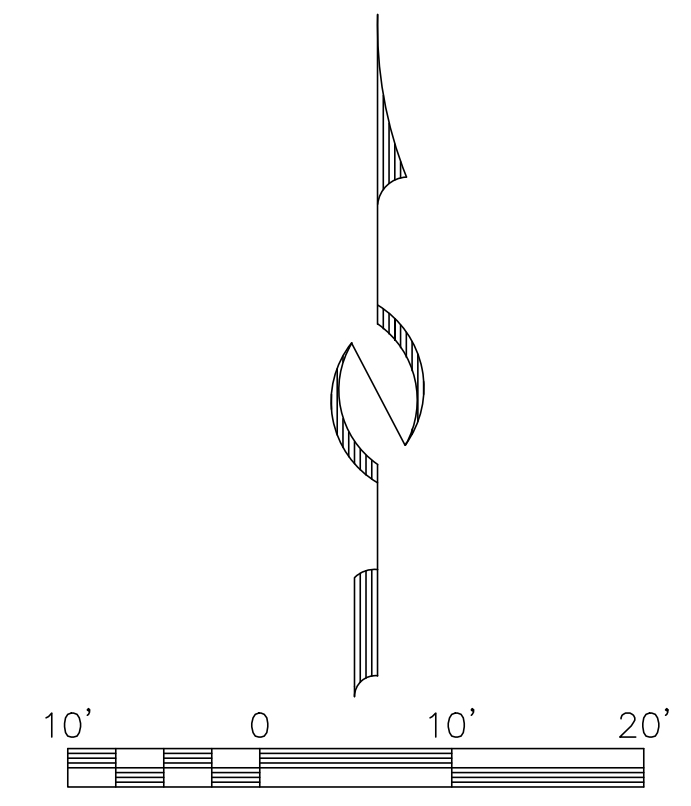
On this _____ day of _____, 2018, Van Greenfield personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of Carabiner Capital, LLC, Manager of 1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the DALY DELIGHT PLAT AMENDMENT.

Notary Public _____
Printed Name _____
Residing in: _____
My commission expires: _____

NOTES
1. This plat amendment is subject to the Conditions of Approval in Ordinance 2018-_____



LEGEND
○ Found Monument (As-Noted)
● Found Street Monument (As-Noted)



AMENDING LOT 27 & PART OF LOT 26 IN BLOCK 74, PARK CITY SURVEY
DALY DELIGHT PLAT AMENDMENT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664 (435) 649-9467	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2018 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
	206						

Exhibit B: Survey

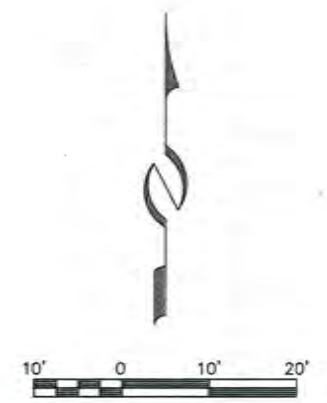
SURVEYOR'S CERTIFICATE



I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4638739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Sanitary sewer manhole lid
Elevation=7229.18'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on December 1, 2015.
4. Property corners were found.
5. Snow coverage at the time of the survey was approximately 6". As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.




 (435) 849-8467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2854, Park City, Utah 84060-2854	STAFF: MARSHALL KING MARTY MORRISON STEVE COMANT JESSE MORENO	EXISTING CONDITIONS & TOPOGRAPHIC MAP 180 DALY AVENUE BLOCK 74, PARK CITY SURVEY	SHEET 1 OF 1
	DATE: 12/10/15	FOR: WASATCH ENGINEERING CONTRACTORS JOB NO.: 11-11-15 FILE: X:\ParkCitySurvey\dwg\arv\topo2015\111115.dwg	

Exhibit C: Aerial Photographs with 500' Radius

012



SUBJECT
PROPERTY



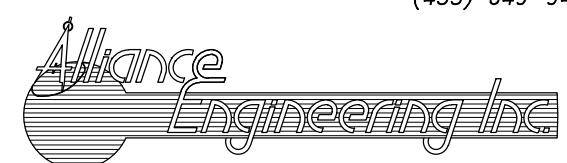
<p>(435) 649-9467</p>  <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p>STAFF: MARSHALL KING ALEC BONHAM</p> <p>DATE: 3/27/18</p>	<p>AERIAL PHOTOGRAPH 180 DALY AVENUE BLOCK 74, PARK CITY SURVEY</p> <p>FOR: WASATCH ENGINEERING CONTRACTORS JOB NO.: 11-11-15 FILE: X:\ParkCitySurvey\dwg\Exhibits\180 daly avenue--ortho.dwg</p>	<p>SHEET 1 OF 1</p>
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Exhibit D: Site Photographs



180 Daly Avenue - looking southwesterly



180 Daly Avenue - looking northwesterly



180 Daly Avenue - looking northeasterly



180 Daly Avenue - looking easterly



180 Daly Avenue - looking southeasterly

Exhibit E: Applicant's Project Intent

PARK CITY SURVEY, BLOCK 74,
LOT 12 PLUS ADDITIONAL LAND
(180 Daly Avenue)
May 18, 2018

PROJECT INTENT

The property at 180 Daly Avenue is currently a single family residence with a detached garage to the south. The property consists of the southerly 48 feet of Lot 26 and Lot 27, Block 74, Park City Survey, and is currently taxed under two tax parcel numbers. Adjacent to and a part of the above mentioned property is one-half of vacated Anchor Avenue. Existing Ridge Avenue occupies a portion of the west side (rear) of the property. This application proposes to remove the existing lot line between Lots 26 and 27 and the block line on the easterly side of vacated Anchor Avenue. A new lot line is proposed to be placed on the property creating a lot for the historic house to the north, which is proposed to be renovated, including an addition. The southerly lot, currently consisting of a detached garage which is intended to be demolished, is proposed to have a duplex constructed.

At the southernmost corner of the property, there is a small 8 square foot portion of the property that occupies the existing asphalt. The owner proposes to dedicate this sliver to Park City Municipal Corporation.

As previously stated, existing Ridge Avenue occupies a portion of the west side of the property and west of Ridge Avenue is a steep hillside. The total area of this Ridge Avenue and steep hillside is 1,887 square feet. It is also proposed that existing Ridge Avenue and the steep hillside west of Ridge Avenue be dedicated to Park City as a part of this plat amendment.