Planning Commission Staff Report



Application:PL-17-03526Subject:Empire ResidencesAuthor:Kirsten Whetstone, AICP, Sr. PlannerDate:January 10, 2018Type of Item:Administrative - Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing, discuss compliance with the Village MPD Volumetrics, and consider approving a Conditional Use Permit for the Empire Residences (Building 3 -Village at Empire Pass Master Planned Development) according to the findings of fact, conclusions of law, and conditions of approval as outlined in this report.

Description	
Applicant:	Empire Residences LLC- Brady Deucher
Location:	7695 Village Way
Zoning:	Residential Development (RD) District as part of the
	Flagstaff Annexation and Master Planned Development
Adjacent Land Uses:	Deer Valley Resort, Empire Club, condominiums, townhouses, vacant development parcels of the Village at Empire Pass Pod A and open space

<u>Summary</u>

On April 12, 2017, the Planning Department received an application for a Conditional Use Permit (CUP) for a 21 unit residential lodge building to be located on Lot 3 of the Village at Empire Pass North Subdivision (Exhibits A-D) utilizing 24.484 unit equivalents (UE). The building is identified as Building 3 within the Village at Empire Pass Master Planned Development (VEP MPD), approved on July 28, 2004 (Exhibit E). An American with Disability Act (ADA) unit and an 880 sf deed restricted employee housing unit (EHU) are also proposed within the lodge building. This application was deemed complete on July 17, 2017, with submission of additional information and revised plans.

Background

Flagstaff Annexation

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 (Agreement) was amended and recorded in March 2007 (Exhibit F- link to Development Agreement).

The 2007 Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, townhouse or PUD units, provided the number of PUD units does not exceed 60. The Mountain Village is also allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A) (Exhibit L- Village Map). The development pods are to be linked by transit. A fourth pod, pod D is allowed 30 single family lots (this area was platted with the Red Cloud Subdivision for 30 single family home sites). Subject property is located within Pod A (Exhibit M- Pod Map). See Exhibit N for density summary of the MPD (note- this is still current density summary as no new condominium plats recording new units/UEs have been recorded).

The Agreement required the applicant to submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the amended Development Agreement form the standards under which the subject subdivision plat, and subsequent Administrative Conditional Use Permit, are reviewed (Exhibit O – Link to Technical Reports).

Village at Empire Pass Master Planned Development

On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass (Pod A), known as the Village Master Planned Development (VEP MPD) (<u>Exhibit E</u>). The VEP MPD was the first step in the development process for Pod A. A separate MPD for Pod B1 was approved in May 2002 and amended in 2004, 2005, 2008 and 2009. Additionally, on March 14, 2007, the Planning Commission approved a Master Planned Development for Pod B2 at Empire Pass (location of the Montage Resort and Empire Canyon Day Lodge).

The purpose of the VEP MPD was to establish unit mix and density for the Mountain Village as well as addressing overall project infrastructure throughout the Annexation Area. The MPD established building volumetric diagrams, including specific height exceptions, density and development location. The MPD requires Conditional Use Permit approval for the lodge buildings and Administrative Conditional Use Permit approval for the townhouse and PUD style units, prior to building permit issuance for construction.

Subdivision Approvals

Village at Empire Pass North Subdivision plat, approved by Council on June 15, 2017, plats metes and bounds parcels within the VEP MPD area for the purpose of creating platted lots of record for Buildings 3 and 4, as well as townhouse units on Lot 1. Recordation of the final mylar plat is pending final review by the City. Plat recordation is a condition of issuance of a building permit for construction of Building 3. The plat identifies a requirement for affordable housing to be constructed within the buildings on Lots 2 and 3 to be completed prior to issuance of a certificate of occupancy for each building.

Submittal

On April 12, 2017, the Planning Department received an application for a Conditional Use Permit (CUP) for a 21 unit residential lodge building to be located on Lot 3 of the Village at Empire Pass North Subdivision (Exhibits A-D). The application was deemed complete on July 17, 2017 with submission of additional information. Final approval by the Empire Pass Design Review Board was provided on October 20, 2017 (Exhibit A2).

Planning Commission discussion

On October 25, 2017, the Planning Commission conducted a public hearing and discussed this item before continuing the item to November 29th. On November 29th the item was continued to December 13th to allow additional time for the applicant to provide additional information regarding building height and volumetric and for staff to complete the analysis and staff report.

At the October 25th meeting Staff requested discussion on the following items:

- 1. Setback reductions for a portion of the length of the balconies on the north elevation.
- 2. Compliance with the building volumetric of the VE MPD, in terms of allowing the mezzanine level for two sixth floor units.

In their discussion, the Commission generally agreed that the balconies should comply with the setbacks, even though the MPD does allow the Commission to approve exceptions within an MPD. The Commission also requested additional information on the volumetric to understand what has been previously approved within this MPD. They were concerned that what was proposed doesn't meet what is permitted under the MPD. The Commission also requested that the affordable housing unit meet the required 880 square feet within the unit itself, and that any storage area be in addition to this minimum.

The applicant redesigned the balconies to meet the 12' side yard setbacks and has redesigned the required affordable employee housing unit (EHU) to be 880 square feet for the affordable unit, not including assigned storage area in the garage level.

To address the volumetric issue the applicant researched previously approved lodge buildings and presented a letter and documentation to staff (Exhibit P) regarding the other buildings. Staff also reviewed previously approvals and found a consistent interpretation of MPD Volumetric and building articulation was applied. The proposed building meets the height requirements and includes vertical and horizontal stepping. The Volumetric allow residential uses within the roof area for architectural interest and articulation. (See Analysis section for further analysis).

Purpose

The purpose of the Residential Development (RD) Zoning District is to:

(A) allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,

- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

Land Management Code (LMC) and VEP MPD Analysis

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

	RD Zoning District and/or VEP MPD
Lot Size	No minimum lot size. Lot 3 is approximately 0.66 acres (28,750 square feet).
Front yard setbacks	Minimum 25 feet to front facing garage, 20 feet to building. Proposed front setback is 20' (garage is on side). <u>Complies</u> .
Rear yard setbacks	Minimum 15 feet rear setbacks. Proposed minimum rear setback is 15'. <u>Complies</u> .
Side yard setbacks Roof eaves are allowed to extend 3' into the side, rear and front setbacks. Shared driveway is permitted across the property line within the platted access easement per plat. Sidewalks that provide circulation within the Village are permitted as shown within platted access easements. Screened mechanical equipment may extend 5' into the side setback area.	Minimum 12 feet side setbacks. North side- proposed minimum setback is 12'. (North side balconies have been re-designed to maintain a 12' setback). South side- proposed minimum setback is 12'. Mechanical equipment has a side yard setback of 5' and is entirely below final grade. <u>Complies</u> .

Per Village MPD Volumetric and Heights (see Exhibit G). See also Exhibits H and P Applicant's volumetric study, letter and documentation of previously approved lodge buildings. Regarding Building Height- A mix of 4 and 5 residential stories is allowed in addition to a parking story and a roof envelop area, which may also have residential units.	Proposed building has 50% of the building at 82', 25% (north) is less than 74', and 20% (south) is at or less than 74'. <u>Complies</u> . The building contains 4 levels of residential units on the northern portion, and 5 and 6 levels of residential units (with a Mezzanine Level in the roof area for three units) in the central and southern portion of the building. There are visually four, five and six stories, in addition to the parking level and the mezzanine levels. This is consistent with previously approved lodge buildings within this MPD as <u>further described in the</u> <u>Analysis section.</u> <u>Complies</u> .
The <u>Flagstaff Transit and Parking</u> <u>Management Plan</u> approved with the MPD <u>requires</u> a 25% reduction in parking from what would be normally required by the	Per LMC, based on unit sizes, forty-two (42) spaces are required for the 21 units, one ADA and one EHU. With the 25% reduction 32 spaces are required. The underground parking structure has 30 spaces (including 2 ADA). There are 3 surface spaces for a total of 33 spaces. <u>Complies</u> .
Empire Pass Design Review Board (DRB) approval and LMC Chapter 15-5	The building as presented was reviewed by the Village at Empire Pass DRB including site and architectural design, materials and colors, articulation, volumetric, height allowances, and setbacks. A final approval letter was provided on October 20 th (See Exhibit A2). <u>Complies</u> .
	21 market rate units (24.484) UE are proposed ranging from 542 sf to 3,596 sf (total of 48,968 sf). Deed restricted unit is 880 sf. ADA unit is 436 sf. Total all residential is 50,284 sf. <u>Complies</u> .
Commercial space	No commercial uses are proposed in this phase.
	Common residential amenity areas are provided on level one, including locker rooms, fitness area, lounge/après ski area, and lobby areas for the use of the residents and guests. Total guest amenity area is approximately 4,500 sf.

Density Summary Density is per Development Agreement and VEP MPD. Up to 21 units (49,000 square feet, utilizing 24.5 UE) were allocated to this Lot by the Developer.	The Mountain Village (Pods A, B1 and B2) was approved with a maximum of 785 UE (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.
Gross building area is approximately 85,757 sf and includes all residential units, circulation and lobby, guest amenities, parking, mechanical, storage, manager office, housekeeping, etc.). All residential- 50,284 sf (58.64% of gross	To date 382 multi-family units (588.742 UE) have been platted and/or built within the Mountain Village, including One Empire. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. One Empire Pass is under construction. There is sufficient remaining density for the proposal (see Exhibit N- Density Summary). Density summary
building area) Circulation/mechanical/vents/housekeepi ng - 18,029 sf (21%) Guest Amenities- 4,500 sf (5.25%) Parking/mech/storage in garage- 12,944 sf (15.1%)	includes One Empire Pass as the condominium plat was recorded. <u>Complies</u> .
Affordable Housing Approximately 540 UE certificates of occupancy have been issued for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D). According to the Annexation and Development Agreement, 15 AUE of affordable housing obligations come due for each 150 UE certificates of occupancy. The next housing obligation trigger point is 600 UE certificates of occupancy, when 60 AUE are required to be complete. As of now 104 AUE affordable units are completed and have certificates of occupancy (89 AUE are off-mountain and 15 AUE are on- mountain)	The plans identifies one 880 sf deed restricted affordable unit, or EHU as they are called in Flagstaff, within the building consisting of 1.1 AUE. <u>Complies</u> .

Analysis of Conditional Use Criteria

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

(1) Size and location of the Site;

Empire Residences consists of a single multi-story building with 21 residential units ranging in area from 542 sf to 3,596 sf, one 880 sf affordable housing unit, and one 436 sf ADA unit. Subject property is Lot 3 of the Village at Empire Pass North subdivision, north of Shooting Star and southeast of One Empire Pass adjacent to the Silver Strike lift and ski run. The lot consists of approximately 0.66 acres (28,750 square feet). Excluding the affordable and ADA units, the total market rate residential floor area is 48,968 sf, utilizing 24.484 unit equivalents (UE). Gross building area is 85,757 sf, of which 50,284 sf is residential (58.64%); 18,029 sf is circulation/lobby (21%); 4,500 sf is guest amenities (5.25%); and 12,944 sf is parking garage, mechanical, storage, manager office, housekeeping, etc. (15.1 %).

The site slopes up from the street and the design proposes a single level underground parking structure with up to four, five and six stories of residential uses. Three upper units have a mezzanine level into the roof area. The garage entrance is on the north side. The garage level is mostly below final grade, except at the northern entrance, which is approximately 6' above the street level. The size and location of the site comply with parameters of the MPD. No unmitigated impacts.

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

This site is accessed from Village Way and Empire Club Drive, private roads that connect to Marsac Avenue, a public Right-of-Way. A traffic management plan was approved as part of the Technical Reports for the Flagstaff Annexation and Development Agreement to reduce overall traffic generated from the development. Parking has been reduced by 25%. A final Construction Mitigation Plan (Exhibit R) is required at the time of Building Permit issuance in compliance with the Flagstaff Development Agreement that reiterates that downhill truck traffic will use Royal Street, unless use of Marsac Avenue is approved and/or required by the City Engineer and Chief Building Official. The Construction Mitigation Plan also addresses where excavated materials will be hauled if they are not used on this site. The Development Agreement requires excavated materials to remain within the Annexation Area. **No unmitigated impacts.**

(3) Utility capacity;

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

(4) Emergency vehicle Access;

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

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

The Transit and Parking Management Plan approved with the MPD and Flagstaff Development requires a 25% reduction in parking from what would be normally required by the LMC. A total of forty-two (42) spaces are required for the 21 units as configured, the EHU and the ADA unit. The 25% reduction rounds to a required 32 spaces. The underground parking structure will have 30 spaces. Additionally, 3 surface spaces are provided for a total of 33 spaces. **No unmitigated impacts.**

(6) Internal vehicular and pedestrian circulation system;

Access to the project is from Village Way, a private street. A drop-off area is located in the front of the building and a bus stop is located nearby on Marsac Avenue. A pedestrian path system is proposed consistent with the Village Master Plan of Trails connecting this building to the Empire Club and shuttle stop. **No unmitigated impacts.**

(7) <u>Fencing, Screening, and landscaping to separate the Use from adjoining Uses;</u> *A final landscape plan is required as a condition precedent to Building Permit. Landscaping and irrigation will be water efficient, utilizing drought tolerant plantings, limited turf area, and drip irrigation. The plan shall indicate mitigation for removal of identified significant trees.* **No unmitigated impacts.**

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

This building is one of ten multi-story lodge buildings planned to be clustered within Pod A and oriented along the Silver Strike lift and ski run. Empire Residences is proposed to have four to six floors of residential units (with a seventh mezzanine level for three of the sixth floor units within the roof area). There is a single level parking structure under the building. The ADA unit and deed restricted employee housing unit (EHU) are located on the first story where the resident's amenity area is located (locker rooms, exercise room, lounge/après ski, and lobby area). Levels 2 -4 each have four units. Levels 5 and 6 each have three units. Market rate units range in area from 542 sf to 3,596 sf. The ADA unit is 439 sf and the EHU is 880 sf (this does not include storage area assigned in the garage).

Gross building area, including units, parking and all common areas within the building is approximately 85,757 sf. A total of twenty-one (21) residential units are proposed with a total of 49,000 sf, not including the 880 sf deed restricted affordable housing unit (includes dedicated storage areas) and the 436 sf ADA unit. The 49,000 sf utilize 24.5 unit equivalents (UE). To the west, there are five existing buildings of a similar size, height, and volumetric (One Empire Pass, Silver Strike, Flagstaff, Arrow Leaf A and Arrow Leaf B).

On the adjacent lot to the south there is one existing building (Shooting Star). Additionally, to the south there is one lodge building still to be constructed (Tower Residences). A future lodge building can be proposed on the adjacent lot to the north (Lot 2 of the Village at Empire Pass North (VEPN)) and townhouses are contemplated on Lot 1 of the VEPN, across Village Way to the east. The mass of the building steps down as the lot slopes to the north. The building is articulated both horizontally and vertically. **No unmitigated impacts.**

(9) Usable Open Space;

Both passive and active Open Space is provided in excess of 88% within the Flagstaff Annexation boundary. The individual lots were not required to provide open space. The proposal includes a useable plaza area in the back adjacent to the ski run/lift area. **No unmitigated impacts.**

(10) Signs and lighting;

Signs and lighting must be in conformance with the Park City codes and the Flagstaff Mountain Resort Design Guidelines. All exterior signs require a separate sign permit approved by the Planning Department. Any sign shown on the plans is for illustration only and does not indicate approval. Street lights must be approved by the City Engineer (LED, 48 watt, 2700 K in a style consistent with Park City street lights) and if installed, will be privately maintained. **No unmitigated impacts.**

(11) <u>Physical design and Compatibility with surrounding Structures in mass, scale, style,</u> <u>design, and architectural detailing;</u>

In the immediate area, there are five existing similarly sized multi-story residential condominium buildings (Silver Strike, Flagstaff (aka Snowberry), Shooting Star, Talisker Tower Club and One Empire Pass), as well as the two story Larkspur town homes and Paintbrush PUD style homes (single-family detached homes). See also #8 above. The master developer reviews the design, volumetric and building heights and coordinates design elements for all phases of the project. All developments are required to have approval by the Flagstaff Architectural Design Review Board. The Design Review Board provided a letter of approval on October 20, 2017 (Exhibit A2).

The following heights are permitted by the MPD volumetric: 25% of the building was permitted to reach 74' above existing grade (north end), 55% of the building to reach 82' above existing grade, and 20% of the building (south end) to reach 74' above existing grade. Staff reviewed the proposed building for compliance with the MPD volumetric and maximum building height allowed and finds that the building complies with the maximum allowable building height. Proposed building has 50% of the building at 82', 25% (north) is less than 74', and 20% (south) is at or less than 74'. Staff finds that the building complies with the required building height volumetrics.

The building contains 4 levels of residential units on the northern portion, and 5 and 6 levels of residential units (with a Mezzanine Level in the roof area for three units) in the central and southern portion of the building. There are visually four, five and six stories, in addition to the parking level and the mezzanine levels.

Staff reviewed approvals for Silver Strike, Flagstaff, and One Empire Pass. In all cases these lodge buildings were approved with areas of 6 residential levels (stories) where the volumetric diagrams show 4 and 5 stories, in addition to the parking garage and roof envelope area. The approvals specifically indicate that residential uses should be incorporated into the roof envelope area and emphasize building articulation and maximum building heights for various portions of the building.

Staff also reviewed the applicant's letter and volumetric study of previously approved lodge buildings in the VE MPD (Exhibit P). According to the MPD approvals (Exhibit E) the intent of the Volumetric is to define the architectural massing of the building and to insure that the massing is broken up by significant faced and roofline shifts. From the

approval "the Volumetric generally depicts the location and heights modeled in the attached visual analysis and approximate locations of the buildings as the plans evolve through the design process".

Based on examination of prior lodge building approvals within the Village as depicted in Exhibit P, staff finds that there has been a consistent interpretation of the MPD Building Height and Volumetrics throughout the Village MPD. The applicant will provide a presentation at the meeting. <u>Staff requests discussion as to whether the Planning Commission concurs that mezzanine areas within the units on the 6th story comply with the MPD Volumetrics.</u>

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

All uses, except the outdoor patio area, are inside the residential building and there are no expected impacts on residents/visitors or Property Off-Site. Mechanical equipment is proposed to be below final grade and screened with landscaping and covered with a grate material. Staff recommends conditions of approval related to screening of exterior mechanical equipment and protrusions. **No unmitigated impacts.**

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

Service and delivery is for residential only as there is no commercial or support commercial component in the building. It is anticipated that laundry/maid service will be needed on a weekly basis throughout the Village. Trash enclosure is located in an accessory structure outside of the garage entry. Three parking spaces in the front provide for loading and unloading. **No unmitigated impacts.**

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

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

(15) <u>Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope</u> retention, and appropriateness of the proposed Structure to the topography of the Site. There are no Environmentally Sensitive Lands within or adjoining the site. The building is located on a sloping lot within the Pod A. The site is currently developed with a temporary sales building. There aspen trees and shrubs on the site that if removed will be mitigated with replacement trees and shrubs per the landscape plan. **No unmitigated impacts.**

(16) <u>General Plan.</u> The application is subject to the restrictions and conditions of the Flagstaff Annexation and Development Agreement. In terms of the General Plan, this property was annexed, zoned, master planned and platted to be consistent with the goals and objectives of the Park City General Plan in providing resort based lodging and

guest amenities in close proximity to Deer Valley Resort, affordable housing, reduction in traffic generation with clustered development in the Village, shuttle service within the development and within Park City, significant open space and trails, as well as attention to mitigation of past and present environmental impacts. **Consistent.**

Department Review

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

<u>Notice</u>

The property was posted and notices were mailed to property owners within 300 feet on October 10, 2017 and December 22, 2017. A legal notice was published in the Park Record on October 7, 2017 and December 23, 2017. No public input has been received at the time of this report.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated with the Flagstaff Agreement and Master Planned Development and conditions of approval.

Recommendation

Staff recommends the Planning Commission hold a public hearing, discuss compliance with the Village MPD Volumetrics, and consider approving a Conditional Use Permit for the Empire Residences (Building 3 -Village at Empire Pass Master Planned Development) according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

- 1. The Empire Residences Conditional Use Permit (CUP) is located at 7695 Village Way in the RD-MPD District, within Pod A of the Village at Empire Pass Master Planned Development.
- 2. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
- 3. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.
- 4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage). The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units. To date approximately 382 multi-family units (588.742 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built (including the One Empire Pass units).

- 5. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Building 5 is under construction as One Empire Pass. Still to be approved: Tower Residences (Building 1), Building 3 (subject property) and Building 4. There is sufficient density remaining within the MPD with approximately 196.268 UE (168 MF units) remaining (see Exhibit N-Density Summary) for the 21 units (24.5 UE).
- 6. Approximately 540 certificates of occupancy have been issued for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D). According to the Annexation and Development Agreement, 15 AUE of affordable housing obligations come due for each 150 UE certificates of occupancy. The next housing obligation trigger point is 600 UE certificates of occupancy, when 60 AUE are required to be complete. As of now 104 AUE are completed and have certificates of occupancy (89 off-mountain and 15.46 on-mountain).
- 7. As part of the Empire Residences CUP 1.1 AUE (880 sf) is required by the subdivision plat for this lot. The affordable unit is a total of 880 sf (not including dedicated storage areas). One AUE is 800 sf for the Flagstaff Development.
- 8. On April 12, 2017, the Planning Department received an application for a Conditional Use Permit for a twenty-one (21) unit residential building to be located on Lot 3 of the recently approved Village at Empire Pass North Subdivision.
- 9. The application was deemed complete on July 17, 2017, following submittal of revised plans.
- 10. Access to the property is from Village Way, a private street.
- 11. The property is also known as Lot 3 of the Village at Empire Pass North Subdivision, approved by Council in 2017.
- 12. Lot 3 consists of 28,750 square feet and is currently developed with a temporary sales building and small parking area, approved with an Administrative Conditional Use Permit.
- 13. The property is subject to subdivision plat notes that require compliance with the Flagstaff Annexation and Development Agreement, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, a 20' snow storage easement along the street frontages, water efficient landscape, and includes other utility and maintenance provisions.
- 14. The proposed Empire Residences CUP consists of a single multi-story building with 21 residential units ranging from 542 sf to 3,596 sf, one 880 sf affordable housing unit and one 436 sf ADA unit.
- 15. Gross building area is 85,757 sf, of which 50,284 sf is all residential (58.64%);
 18,029 sf is circulation/lobby (21%); 4,500 sf is guest amenities (5.25%); and 12,944 sf is parking garage, mechanical, storage, manager office, housekeeping, etc. (15.1%).
- 16. The total floor area of the residential (market rate) units is 48,968 square feet and utilizes 24.484 UE, this does not include the affordable unit or the ADA unit (which will be designated as common area). Guest amenity areas (exercise and recreation areas, locker rooms, lobby and reception area, lounge/après ski, restrooms, etc.) are proposed on the first level. These common residential accessory uses do not require use of UEs.

- 17. No commercial uses are proposed within this building.
- 18. The Transit and Parking Management Plan approved with the VEP MPD requires a 25% reduction in parking from what would normally be required by the LMC. Based on unit sizes, forty-two (42) spaces would be required for the 21 units, affordable unit, and ADA unit. The 25% reduction rounds up to 32 spaces. The underground parking structure will have 30 parking spaces. Three (3) surface spaces are provided for a total of 33 parking spaces.
- 19. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
- 20. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village at Empire Pass Master Plan Development. Specific volumetric diagrams were approved for each Building. For Building 3, 25% of the building (north side) was permitted to reach 74' above existing grade, 55% of the building (central) to reach 82' above existing grade, and 20% of the building (south side) to reach 74' above existing grade.
- 21. The proposed building complies with the MPD height allowances and has 25% (north side) at or below 74', 50% in the central portion at or below 82' and 25% (south side) is at or below 74'.
- 22. The building contains 4 levels of residential units on the northern portion, and 5 and 6 levels of residential units (with a Mezzanine Level in the roof area for three upper units) in the central and southern portion of the building. There are visually four, five and six stories, in addition to the parking level and the mezzanine levels. Building articulation and massing are consistent with previously approved lodge buildings and meet the intent of the VE MPD.
- 23. The building complies with RD District zone setbacks maintaining a 20' front setback, 12' side setbacks and 15' rear setbacks. LMC exception to the side yard setback allows screened mechanical equipment to have a five foot setback as follows: LMC Section 15-2.13-3 (G) (10) Side Yard Exceptions "Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line. Balconies on the north side have been redesigned to comply with the 12' setback requirements.
- 24. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
- 25. Excavated soil will remain within the Flagstaff Annexation area as required by the Annexation Agreement with a location to be identified on the final Construction Mitigation Plan submitted with the building permits.
- 26. The property is part of a common development that exceeds one acre and thus has MS4 requirements to meet.

Conclusions of Law:

- 1. The CUP, as conditioned, is consistent with the Village at Empire Pass Master Planned Development and Flagstaff Mountain Resort Master Planned Development, the Park City Land Management Code, and the General Plan.
- 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.
- 2. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on January 10, 2018.
- All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy. Exterior lighting shall be shielded and down directed.
- 4. All exterior signs require an approved sign permit prior to installation.
- 5. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 10, 2018.
- 6. All exterior mechanical equipment shall be screened and shielded from public streets. Screening with landscaping and fencing/grating materials is allowed. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof to minimize impacts on public view.
- 7. All utility facilities must be located on site, unless specific easements have been provided on the recorded plat. A plan must be provided at the time of the building permit application showing all utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable and the utility boxes can be screened with landscaping and/or fencing.
- 8. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 10, 2018.
- 9. The applicant shall record a condominium plat prior to selling individual units.
- 10. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
- 11. Affordable housing provided with this Conditional Use Permit shall comply with all requirements and stipulations of the Flagstaff Development Agreement and the City's affordable housing resolution in effect at the time of the Development Agreement prior to issuance of a certificate of occupancy for the building. The affordable unit shall be indicated on the final condominium plat prior to recordation of such plat and shall be completed prior to issuance of a certificate of occupancy for the building.
- 12. A deed restriction for the EHU unit, acceptable to the City, shall be recorded prior to plat recordation. The deed restriction shall outline and resolve any issues or concerns that may have come up on other affordable units platted as private. The plat shall note that the EHU is subject to a deed restriction.

- 13. The CCRs shall limit the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.
- 14. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
- 15. All conditions of approval of the Village at Empire Pass MPD shall continue to apply.
- 16. All conditions of approval of the Flagstaff Annexation and Development Agreement shall continue to apply, including the restrictions on solid wood burning fireplaces, removal of excavated materials, construction of pedestrian connections to the transit hub within the Village, and provision of any required ADA and affordable housing units.
- 17. A Final Construction Mitigation Plan (CMP) shall be submitted for approval by the Planning, Building, and Engineering Departments prior to issuance of a building permit. The CMP shall indicate where and how excavated soils will be hauled and/or stored, hours of construction, truck routes, phasing of construction, road closures, and other items required by the Building Department.
- 18. Interior fire sprinklers are required for new construction and shall meet requirements of the Chief Building Official at the time of review of the building permit.
- 19. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
- 20. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
- 21. The deed restricted unit shall be a minimum of 880 sf to meet the plat note requirement of 1.1 AUE for this lot. One AUE is equivalent to 800 sf according to the Development Agreement.
- 22. This development is part of a common development that is greater than one acre. This development shall meet the MS4 storm water requirements. Prior to building permit issuance, the applicant shall verify that capacity exists in the existing detention pond utilized by Pod A and shall demonstrate that sufficient run-off will remain on site to support existing tree stands.
- 23. Development of this property is subject to the conditions of approval, plat notes, easements and restrictions of the Village at Empire Pass North Subdivision plat.
- 24. The Village at Empire Pass North Subdivision plat shall be recorded prior to issuance of any building permits on this property.
- 25. This Conditional Use Permit shall expire on January 10, 2019, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.

<u>Exhibits</u>

- Exhibit A Project Description
- Exhibit A2 Letter of Approval from the Design Review Board (October 20, 2017)
- Exhibit B Site and Landscape Plans and Floor Plans
- Exhibit C Architectural Elevations
- Exhibit D Subdivision plat (Village at Empire Pass North)
- Exhibit E Village at Empire Pass MPD approval July 28, 2004
- Exhibit F Development Agreement (2007)

Exhibit G – Approved MPD Building Volumetric Diagrams

Exhibit H – Volumetric Study

Exhibit I – Existing Conditions survey

Exhibit J – Photos of the site

Exhibit K – Utility Plans

Exhibit L – Village Map

Exhibit M – MPD Pod Map

Exhibit N – Density Summary

Exhibit O – Technical Reports (link)

Exhibit P – Applicant's Letter and attachments re Volumetric Study (November 21, 2017)

Exhibit Q - Minutes of October 25, 2017 PC Meeting

Exhibit R – Construction Mitigation Plan

Empire Residences LLC

Memo

To: Park City Planning From: Brady Deucher, Empire Residences LLC Date: October 1, 2017

Re: Empire Residences CUP application

Empire Residences LLC is seeking a Conditional Use Permit for the development and construction of a residential building on Lot 3 of the Village at Empire Pass North Subdivision. The site is part of the land subject to the Amended and Restated Development Agreement for Flagstaff Mountain recorded in March 2007 which granted the Developer/Owner of the property a Large Scale Master Planned Development. This application seeks to move forward the approvals as required in the development agreement to the level considered a Small Scale Master Plan, for which, we believe a CUP is required.

Empire Residences LLC is proposing to build a 71,000 SF structure consisting of 21 residential for sale properties, (not exceeding 49,000 SF), 1 Accessible Unit as required by town code (1 ADA Unit), 1 Employee Housing Unit (1 EHU Unit), 30 Underground parking spaces and 33 total parking spaces, and various Residential Accessory Uses as defined in the Development Agreement.

The development has an allowable building height of 82 feet. No part of the proposed building exceeds that limit. The underlying MPD contemplated a story count of 4-5 levels, not including the underground parking. The proposed building includes 2 units that form a 6th level, however, this is not inconsistent with the MPD, or our surrounding neighbors. This level also serves to improve the "step down" look that both the MPD and Design Review Board required as the roof steps down both to the north and the south consistently in spite of a significant rise in topography on the south side. The development was able to accomplish this look while meeting the horizontal or vertical building height and percentage requirements. The Empire Pass Design Review Board has specifically approved both the story count and slight setback variations for the development.

Below are answers to specific questions required in the CUP Application:

How will the proposed use "fit-in" with surrounding uses?

The development of a resort style condominium property was specifically contemplated for this site within the previously granted MPD. The proposed building fits the approved massing and square footage allowances per previous approvals.

What type of service will it provide to Park City?

The property is part of the resort residential development of Empire Pass Village.

Is the proposed use consistent with the current zoning district and with the General Plan?

The proposed development is consistent with the Development Agreement recorded in March 2007 for Flagstaff Mountain.

Is the proposed use similar or compatible with the other uses in the same area?

Yes, the proposed property has received approval from the Empire Pass HOA Design Review Board as being compliant with the expected design and use of the property.

Is the proposed use suitable for the proposed site?

Yes, the proposed property fits within the prescribed massing and maximum SF.

Will the proposed use emit noise, glare, dust, pollutants, and odor?

The proposed use is similar in design to the other condominium buildings in Empire Pass Village. There are no extraordinary uses or mechanical systems that one would expect to produce any emissions dissimilar to the other existing properties.

What will be the hours of operation and how many people will be employed?

As a residential property, it is expected to be occupied during all hours of the day. The developer is proposing to have Deer Valley Lodging operate the HOA and thus may employ at least one FTE as a lodge keeper, plus other support employees from existing staff of DV Lodging.

Are there special issues that need to be mitigated?

No.

EMPIRE PASS

October 20, 2017

DESIGN REVIEW BOARD

Harrison Horn Empire Residences 2520 N. University Ave., Ste 50 Provo, UT 84604

RE: Empire Residences, 7695 Village Way Final DRB Approval

Dear Mr. Horn,

Thank you for your recent application regarding Empire Residences to the Empire Pass Design Review Board (the DRB) requesting Final Design Approval of the proposed condominium lodge project. The DRB previously reviewed Conceptual plans on December 20, 2016 and February 22, 2017. The Preliminary Approval was granted by the DRB on March 29, 2017. The DRB reviewed the applicants first Final Submittal on June 6, 2017 and September 5, 2017 and did not make a motion for approval and requested more information. At the September 29, 2017 meeting the DRB reviewed the applicant's Final submittal and granted Final Approval with the following conditions:

- 1. The review was based on plans dated 08.xx.2017 and printed 9.21.17 prepared by BWA Architects and now on file except for:
 - Site Plan Sheet AS100 printed 10.18.17 now on file;
 - Floor Plans Sheet A100 A107 printed 10.18.17 now on file
- 2. The applicant has staked the building corners and centerline of both driveways; the DRB had no issues with the lot staking;
- 3. The applicant has shown on the site plan the designated surface parking spot for the adjacent lot on the north driveway; the parking stall should meet city requirements for stall size and dimensions should be shown on the site plan for location and size.
- 4. The applicant will not move the Silver Strike Chair transformer located in the northwest corner of the lot; approval of location for transformer located in the northeast corner of the lot to be coordinated with Rocky Mountain Power. Location screened behind monument sign is preferred by the DRB.
- 5. The north driveway grade of the first 20 feet is at 4.8% maximum and the improved paved driveway width has been reduced from 20 feet wide to 16 feet wide with 2' driveable "curbs" on each side. Applicant to submit curb profile that satisfies requirement for driveability and drainage management. The DRB required both the driveway on the North and the parking lot/driveway on the East to be heated. Driveway grades and widths/dimensions are shown on civil plans dated 06.29.17.

4188 SR248 PO Box 99 Kamas UT 84036 tel 435.333.3700 fax 435.333.3716

- 6. The front entry driveway has a maximum grade of 12% in the middle section and grades vary for the rest of the driveway; the applicant has verified the driveway grades on the civil plans;
- 7. Plans now show easement for Deer Valley shallow utilities from Village Way to Silver Strike Chair; easement will also be shown on VEPN Plat when recorded
- 8. Unit square footages have been adjusted to remove residential accessory space and the affordable housing unit from overall building allowable square footages;
- 9. The site is required to include 1. 1 Affordable Housing Units ("AHUs ^{II}). Current plans show 1.0 AHUs. Applicant has included a 736 sf affordable unit on Level One along with two Owner Storage Lockers for the Affordable Units on Level 0 with total storage area of 144 sf. Applicant has represented that City will accept the total 880 sf as satisfying the On-Site Affordable Housing requirement.
- 10. Site 3 is now restricted by covenant to 24.5 ERUs. Applicant to ensure the correct number of parking stalls for both market units, affordable unit and ADA unit are shown on the plans to the satisfaction of the City; Applicant to show unit square footages on the plans to the satisfaction of the City;
- 11. The updated plans show a stone pony wall around chiller units located outside the 20' front yard setback at the NE corner of the building; The pony wall shall be limited to 4' in height. The DRB reviewed and approved the chiller units in this location, provided appropriate landscape screening planted in front.
- 12. The mechanical units outside of the South building setback are below grade and screened with a stone pony wall and grate top. This portion of the building structure is still shown outside of the building setbacks and this will need to be reviewed and approved through the City. The DRB accepts the setback reduction from 12' to 4' for the below grade mechanical equipment.
- 13. Applicant has revised the plans to show the generator underground. The mechanical equipment outside of the affordable unit has been relocated to the sides of the building to maintain a clear deck. Revised location of condensers is shown on elevation sheet A201.
- 14. The DRB previously requested the 12 chillers shown adjacent the front entry of the building be removed; The chillers have been removed from the front entry.
- 15. Applicant to ensure materials used for decorative panels on stair towers on the exterior of the building will not be a reflective material; A materials board was reviewed and approved by the DRB. All exterior materials are subject to approval of an onsite mockup of materials to be provided as required for final material, color and detailing approval. Materials on stair towers will not be reflective and are as submitted to DRB in 9/29/2017.
- 16. Building matrix has been corrected to match the building unit counts, including affordable unit and accessible unit.
- 17. The porte cochere roof materials will be wood and metal;
- 18. Applicant to grant an easement to the Empire Pass MOA and show on the plans and plat the sidewalk extending from Shooting Star to VEPN Lot 2. Easement will be shown on VEPN plat when recorded. Applicant responsible for construction of sidewalk connection to sidewalk on Shooting Star property;

19. The applicant will rebuild or repair, at its cost, any construction related damage to the Empire

Pass sidewalk on the Shooting Star property.;

- 20. Applicant shall make reasonable efforts to receive approval from the Shooting Star HOA to construct a sidewalk on a preferred alignment closer to the ski trail;.
- 21. Railing design has been reviewed and meets design requirements.
- 22. Applicant verified height of landscaped stone faced concrete walls will not exceed 4 feet.
- 23. Applicant provided cut and fill calculations on Civil 1 of 4 Site & Grading Plan.
- 24. The applicant will not install any permanent fencing around the site.
- 25. The square footage for this building is 71,785 square feet; 85,789 gross sf including parking level.
- 26. Chimneys cap designs have been reviewed and meet design requirements.
- 27. The applicant plans show proposed height at 82 feet with a maximum of 82 feet for this lot, and other height limits consistent with approved volumetric for site; Approval subject to PCMC confirmation of height compliance with approved volumetric. In order to meet the 82 foot height restriction the application has modified the roof form and has revised the roof stepping. This additional stepping provides greater interest and compliance with the intent of the building massing. See revised roof on A201-A202

a. The DRB approved the building massing as proposed with an accepted roof stepping and variation in roof forms.

b. The DRB approved the building façade stepping and variation in the vertical planes.

- c. The DRB reviewed and approved the height of the building.
- 29. The primary roof pitches of 4:12 are in compliance with the guidelines; lower sloped roof pitches for shed dormers are allowed.

a. The DRB approved the proposed roof pitches.

- 30. Windows are found to follow the design guidelines.
- 31. Window headers and trim proposed on sheet A511 and exterior elevations comply with the intent of the design guidelines.
- 32. Exterior entry door, garage door on A201 and A202 follows the intent of the design guidelines.
- 33. Applicant to submit color and texture sample for concrete drive areas for DRB approval prior to installation;
- 34. All boulder materials must match closely the DRB approved stone for the building;
- 35. Applicants understand that except for cementitious siding approved by DRB no faux or manufactured materials may be used as finished exterior product, this would include glu-lam beams, faux stone, bare concrete, vinyl siding, etc.;
- 36. The DRB reviewed the proposed cedar vertical board siding for exterior wall material; applicant understands all exterior materials are subject to mockup review.
- 37. Applicant has provided exterior lighting plan, including cut sheets for wall packs, wall sconce, and bollard fixtures.

- 38. Applicant has provided complete landscape plan, including counts, planting specs and detailed grading, for DRB review; the DRB will reserve the right to request additional plantings from any DRB approved landscape plan;
- 39. Construction management plan will be submitted and reviewed/approved prior to commencement
- 40. The entry monument specs and pics have been submitted and approved prior and are shown on Detail B2 Sheet AS100.
- 41. applicant understands that the building is subject to City approvals beyond any approval of the DRB;
- 42. Applicant understands the requirement to provide an on-site mock-up of exterior materials, colors and construction techniques for further DRB review and approval prior to installation of the same.
- 43. Applicant to submit an Improvement Location Certificate (ILC) prepared by a licensed surveyor to confirm the height and location of the foundation are consistent with the DRB approval;
- 44. In order to maintain the integrity of the Guidelines and encourage the continuity of a cohesive design aesthetic at Empire Pass, when Final approval is granted the approval will expire one year from the date of DRB approval; if no construction activity has occurred or progressed the applicant will be required to return to the DRB for a renewed approval of Final plans.
- 45. Upon DRB approval of the Working Drawing submittal and prior to start of construction activity, the applicant shall submit a compliance deposit and schedule a pre-construction conference.
- 46. Applicant has amended plans to show detail and design to express the structure at the roof gables, shed roofs and roofs over decks.
- 47. Stone walls have been revised to show a thickened stone base and a detail is provided on A4/ A502.
- 48. Entry porte cochere view meets the intent of the design guidelines.

Again, we thank you for your Final Design submittal and look forward to working with you and your team as the process continues. Feel free to contact our office at 435-333-3700 with any questions regarding the Design Review process.

Respectfully,

Douglas Ogilvy, On behalf of the Empire Pass Design Review Board



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LANDSCAPE PLAN



ROOF PLAN



FLOOR PLANS



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EMPIRE RESIDENCES 7695 MLLAGE WAY, PARK CITY, UT 84060

EVAS BULAR ARCHITECTS 1 801-438-3500 F 801-438-3501

3115 EAST LION LANE, #200 HOLLADAY, UTAH 84121

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REPIT REMOTE CARD KEY ADCES





This plat is subject to the Conditions of Approval in Ordinance 2017-____ The position of the north ¼ corner of Section 28, Township 2 South Range 4 East SLBM, as shown on this survey, is from the dependent —survey of Section 28, 29, 31, 22 & 33 performed by Robinson, Blehn & Blehn Inc. In 2000 (Rec.# S-3819, Summit County Recorder's Office).

Conditional use permit approval will be required prior to construction on each of the development lots shown hereon.

A declaration of condominium and a record condominium map will be required for the purpose of the sale of individual units within the development lots shown hereon.

of the sale of individual units within the development lots shown hereon. The lots described on this plot or subject to the Resisted Development Agreement for Flagstaff Mounton, Bonanza Flat, Richardson Flat, the 20-Acre Quin's which here is a subject of the subject to the Resisted Development Agreement for Flagstaff Mounton, Bonanza Flat, Richardson Flat, the 20-Acre Quin's which for a subject of the subject of the subject to the Acre Quin's which the of Bog Mount of the Summit Courty Resoration, as a moreled, to 13 has been allocated obligation to locate 1.1 Afrondable Unit Equivalents thereon, as each of these capitalized terms a defeed in the Development Agreement. Lot 2 has been allocated the obligation to locate 1.2 Afrondable Unit Equivalents thereon, as each of these capitalized terms ability of the Development Agreement. Lot 2 has been allocated the obligation to locate 1.2 Afrondable Unit Equivalents thereon, as each of these capitalized terms ability of the development and advelopment and the locate to 1 for the theory of the the subject of the Summit of the subject of the Summit of the theory of the subject of the Summit of the subject of the subject of the subject of the summit of the subject of the s

The Empire Pose Mester Omera, Association, Inc. (the Mester Association?) together with the Moster Dedection of Cownents, Constitution, and MesterCohand Graduet Poses, as annexed (Master Dedection?), requires the memberable of each lot or unit owner. Members are subject to the terms of its archites of incorporation, bydraws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reinvestment Tess as provided therein.

Including casesiments and reinvestment fees as provided therein. Owners and potential buyers of any unit or load within the lots 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, demage to property and improvements on a personnal hours and death conset by errorition to property in a season of the season of the season of the season resort construction or improvements of facilities, object or equipment falling from lifts, where runding drainage, heavy snow fails, wind patterns, and other conditions that may affect the properties association but are owned by a private react and access to such lands and facilities is governed by such even or generation time.

The owner of Lot 3 hereby grants a non-exclusive resort and access easement over the approximately west twenty feet (20') of Lot 3, as depicted on this plot as the "Cable UDOT Setback" for the benefit of Lot 4 to allow skill it maintenance access and the right to conduct resort activities, including to locate movable safety fences.

This plat also depicts the following easements, each of which may be amended, relocated or revised, without amendment hereto, in accordance with each such easement's terms:

a.Agreement and Covenant of Cooperation (Ski Access/Storm Drainage), Entry No. 665956, Summit County Recorder's Office which affects Lot 2 and Lot 3 of this plat.

b.Right-Of-Way and Easement Grant (Gas Utility), Entry No. 755686, Summit County Recorder's Office; potentially affects Lot 2 and Lot 3.

c.Grant of Access Easement (Sewer Utility), Entry No. 850350, Summit County Recorder's Office, offects Lot 2.

d.Grant of Easement (Sewer Utility), Entry No. 716688, Summit County Recorder's Office, affects Lot 2.

e.Grant of Easement (Storm Drain Facilities), Entry No. 716459, Summit County Recorder's Office, affects Lot 3.

f. Reciprocal Easement Agreement (Resort and Access) to be recorded in advance of or contemporaneously with this plat in the Summit County Recorder's Office, affects Lot 2, Lot 3 and Lot 4, and describes the use of Easement Area A, Easement Area B, Easement Area C and Easement Area D.

Public safety access and public utility easements are hereby dedicated for all public and private roadways and emergency access roads.

The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.

A ten foot (10') wide snow storage easement is hereby dedicated to the Master Association along the frontage of all lots.

using use noncupy of an inclus. Wostweets envices to the Village at Empire Pass North Subdivision shall be provided by The Snyderville Basin Woter Reclamation District. A Line Extension Agreement with the District may be required for Lats 1 & 2. It shall be the responsibility of the Owner of each to extend the public wastewater system within the Iot being developed according to the requirements of the Line Extension Agreement.

Village Way is a private road to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Village Way is not a public road or right-of-way A UDOT Conditional Access Permit or city permit, depending upon the ownership of Marsac Avenue, will be required prior to construction on Lot 1 and for vehicle access to Lot 2 directly from Marsac Avenue.

Fire sprinklers will be required within all dwellings constructed on the lots.

Ski Easement Note: 5' Ski and Pedestrian Easement in favor of Lot 4 for resort operations and troil maintenance and for purpose of providing property owners, invitees and guests of One Empire Pass Condominum with ski and pedestrian access to and from adjoining skiway

Ski Buffer Note: 10' Skiway Buffer Zone in favor of Lot 4 providing that without prior written consent of owner of Lot 4:

a.no above-ground building or landscaping obstructions may be constructed in the Skiway Buffer Zone.

b.no trees or other above-ground landscaping obstructions may be maintained in the Skiway Buffer Zone. The owner of Lot 2 hereby grants a non-exclusive resort and access easement over the western edge of the property as depicted on this plat as the "5" Wide Ski Casement". This easement is for the benefit of Lot 4 for resort operations and trail maintenance and for the benefit of VEPWS Lot 15 property owners, invitees and guests for purposes of ski and meterition access. the

The owner of Lot 2 hereby grants a non-exclusive essement near the western edge of the property as depicted on this plot as the "10" Skiway Buffer Zone". This essement is for the benefit of Lot 4 providing that without prior writhen consent of owner of Lot 4 no above-ground building, trees or other landscaping obstructions may be constructed or maintained in the Skiway Buffer Zone.

At the time of plat recording, Lot 1 includes lands within the Empire Village MPD in the RD Zone and additional lands within the ROS Zone. Future land uses on Lot 1 shall conform to requirements of applicable zoning regulations for the different particines on the property.



ULTING ENGINEERS LAND PLANNERS SURVEYORS n Street P.O. Box 2664 Park City, Utah 84060-266

