

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
April 23, 2014**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF April 9, 2014

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

500 Deer Valley Drive Broph's Place Condominiums – Condo Record of Survey PL-14-02269
Public Hearing – Continuation to May 14, 2014

1851 Little Kate Road Dority Springs Subdivision– Plat Amendment PL-12-01733
Public Hearing – Continuation to May 14, 2014

129 Main Street – Steep Slope Conditional Use Permit PL-14-02251
Public hearing – Continuation to May 14th, 2014

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

820 Park Avenue Subdivision PL-14-02271 61
Public hearing and possible recommendation to City Council on May 15th, 2014
*Planner
Grah*

2300 Deer Valley Drive – Modification and extension of a Conditional Use Permit for the Snow Park phase of the Deer Crest Hotel CUP PL-14-02267 97
Public hearing and possible action
*Planner
Whetstone*

WORK SESSION – *Discussion items only, no action taken*

1310 Lowell Avenue, Park City Mountain Resort – Amendment to Master Planned Development and Conditional Use Permit PL-13-02135 & 119
PL-14-02136
Discussion item Planner Astorga

ADJOURN

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

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.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 9, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Worel, Preston Campbell, Stewart Gross, John Phillips, Adam Strachan, Clay Stuard

EX OFFICIO:

Planning Director; Planning Manager, Kayla Sintz; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Ryan Wassum, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

March 26, 2014

Chair Worel referred to page 4 of the Staff report, page 2 of the minutes, following Public Input. She noted that the word **the** was added twice at the end of the second line and one should be removed.

Chair Worel referred to the last paragraph on page 4 of the Staff report, page 2 of the minutes, line 12 of the last paragraph, and corrected Mr. Wilson to correctly read, **Ms. Wilson**.

MOTION: Commissioner Gross moved to APPROVE the minutes of March 26 as amended. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Manager Sintz wanted to know how many Commissioners would be attending the joint City Council/Planning Commission meeting for the Bonanza Park and Form Based Code. The noon session would be a refresher course on the Form Based Code and everyone was invited to attend. The proposed start time for the actual meeting was 6:00 p.m.

Commissioner Strachan understood that Treasure Hill would be coming back to the Planning Commission and he asked if there was a proposed time frame. Planning Manager Sintz assumed that within the next two months the applicant would have an open house to re-introduce the project. The Planning Commission would first see the project in work session format and start from the beginning. The Staff will keep the Planning Commission updated on timing. Commissioner Strachan remarked that the Staff previously provided the Commissioners a disc with the complete history, all of the documents of the original MPD and all the Staff reports and the meeting minutes. He still had his disc and offered to loan it to the Staff to copy for the new Commissioners.

Commissioner Gross noted that the Kimball Arts Center has discussed an appeal. He asked if that would be coming up this month. Assistant City Attorney McLean explained that what the Kimball Arts Center was applying for falls within the Historic District under an allowed use. However, any allowed use requires an interpretation of the LMC by Staff; and any appeal of the Staff decision goes to the Planning Commission as the appeal authority. Since the Planning Commission could be in the position to act as a judge in a quasi-judicial hearing, they should not accept any emails or engage in any other ex-parte communication regarding the matter.

Commissioner Strachan asked if the Planning Commission would be the final appellate authority or if it would go on to City Council. Ms. McLean stated that the Planning Commission would be the final authority. Any appeal of the Planning Commission decision would go to the District Court. Commissioner Strachan asked if they could tell people who approach them to talk to their City Council member. Ms. McLean assumed that the public could talk to the City Council regarding their concerns; however, she understood that the public had the opportunity to be heard during the Historic District Design Review on March 31st. Once a decision is made, the Historic District Design review or issues related to the LMC have the ability to be appealed. In order to follow the system, Ms. McLean preferred that they advise people who approach them to contact the staff.

Commissioner Gross noted that the Planning Commissioner needed to appoint a Planning Commission liaison to replace him on the COSAC committee, as well as a second person to be an alternate. Commissioner Strachan offered to be the alternate. Commissioner Gross offered to provide more detail to any of the Commissioners who might want to consider replacing him as the liaison.

Board Member Campbell disclosed that he would be recusing himself from the 300 Deer Valley Loop matter and Echo Spur Subdivision due to professional relations with both projects.

CONTINUATIONS – Public Hearing and Continuation to date specified.

Round Valley Park City Annexation – Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR4E and Sections 2 and 3, T2SR4E East of US 40 and North of SR248, requested zoning is ROS, Recreation Open Space (1,363 acres) and LI, Limited Industrial (5 acres).

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

MOTION: Commissioner Strachan moved to CONTINUE the Round Valley Park City Annexation to May 14, 2014. Commissioner Stuard seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 520 Park Avenue – Steep Slope Conditional Use Permit (Application #PL-14-02242)

Planner Ryan Wassum reviewed the request for a Steep Slope CUP for a new single family home with a proposed square footage of 4,015 square feet on a vacant 3,704.2 square foot platted lot located at 520 Park Avenue. Since the total floor area exceeds 1,000 square feet and construction is proposed on a slope of 30% or greater, a conditional use permit is required.

Planner Ryan stated that the plans were reviewed under the LMC criteria for a steep slope CUP and the Staff found no unmitigated impacts with this application. A Historic District Design Review pre-application was also reviewed concurrently by Staff and the design was found to comply with the Guidelines.

The Staff recommended that the Planning Commission review the application for a Steep Slope CUP at 520 Park Avenue and conduct a public hearing based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Craig Kitterman, the project architect, and Hal Timmons, representing the owner, were available to answer questions.

Chair Worel asked how the shed from an adjoining property that encroaches 45 square feet on the northwest corner was mitigated. Mr. Timmons replied that he has spoken with the neighbor in the back, and there is mutual agreement for an encroachment agreement to allow the encroachment as a condition to recording the plat. Mr. Timmons stated that it was a simple, straightforward agreement and he expected to have it next week.

Commissioner Strachan asked if the 10' stepping requirement applied. Planner Wassum stated that the 10' stepping requirement did apply and it was reflected under the Analysis Section on page 20 of the Staff report. He indicated on the elevation drawings where the stepping would occur. Commissioner Strachan assumed the stepping did not have to occur earlier because the first story was completely below grade. Planner Wassum replied that this was correct.

Chair Worel opened the public hearing.

Hope Melville, a resident at 527 Park Avenue, was concerned with the parking requirements for the structure. The building itself appears to be compatible with the neighbor; however, she counted eight bedrooms in the 4,000 square foot structure. When the owner advertises for nightly rentals they would be able to advertise that the house is suitable for groups of at least 20 people. Ms. Melville thought more than the two parking spaces proposed should be required. She believed the two parking spaces came from the proposal last year to build on two lots. In that proposal two parking spaces were required for each lot. The two lots were combined into one lot to build one larger building and only two parking spaces are required. Ms. Melville thought it would create an undue burden on the neighborhood when the house is fully occupied. In her opinion it was more of a lodge or business than a single family residence. Ms. Melville understood that when the building is licensed for nightly rental, the Building Department gives out the requested number of parking permits to park on the street. She did not think it was right to give parking permits for a building that was designed with inadequate parking. Ms. Melville hoped they would find a way to mitigate an excessive parking situation on the street.

Ruth Meintsma presented images she had prepared to support her comments on the exterior of the structure. She commented on the front yard topography and noted that Finding #17 mentions site grading, Finding 19 mentions streetscape, and Finding #20 mentions natural topography. Ms. Meintsma had concerns with regaining the front topography. The shoulder is currently 5' and because it is outside of the lot line that type of shoulder on a steep slope often gets widened. Due to the amount of excavation

proposed for this project, she was certain that the entire topography between the lot line and the street would be completely obliterated. Ms. Meintsma stated that because of the walkability and livability of the neighbor it is important to regain that topography. She pointed out that the Historic District Design Guidelines say that the original topography should be brought back, and the LMC refers to the fact that the Guidelines need to be followed. Ms. Meintsma stated that widening the shoulder could invite parking and parking is not allowed on that side of the street. She noted that her comments regarding issues within the lot line were submitted during the HDDR. Ms. Meintsma noted that the landscape plan indicates ground cover, but every project she has seen built on a steep slope refills the narrow side yards with gravel. It is never anything that will sustain growth. Ground cover would need an engineered structure. Ms. Meintsma hoped that this project would begin a change that moves in a direction where there will actually be growth in the side yards. She also had questions on how the grade would be replaced. Ms. Meintsma asked if the patios shown would be heated.

Chair Worel closed the public hearing.

Commissioner Campbell supported the design.

Commissioner Stuard thought Ms. Melville had raised a good point about the parking. He had concerns with the general section of the LMC that encourages combining 25' lots, because in the process they essentially lose a garage. Commissioner Stuard suggested that when they update the LMC they should take a closer look at what they were encouraging because it does create more pillows and less parking.

Planning Manager Sintz stated that one of the least friendly pedestrian experiences in the Historic District is to see a series of garage doors. The City discourages double garage doors. Over the years in trying to deal with the lot combination discussion, they actually looked at reducing the parking requirement. Ms. Sintz noted that the City Council would be discussing parking passes in the future and she encouraged Ms. Melville to make her comments to the City Council at that time as well. The Staff would make note of Commissioner Stuard's comment for the LMC rewrite.

Commissioner Stuard pointed out that the structure has a subterranean level, which creates additional bedrooms and a bunk room, and it is not included in the height limitation because it is underground. He believed that would be another way to control the number of pillows being created relative to the number of parking spaces. Commissioner Stuard also thought the floor area ratio should be revisited in the LMC re-write to control the size of structures.

Commissioner Phillips concurred with Commissioner Stuard.

Commissioner Strachan asked if the driveway would need to have a bridge or if they would backfill between the final grade and where the garage comes in. Mr. Kitterman replied that they were planning to backfill.

Mr. Kitterman stated that they were not opposed to returning the front yard to the existing grade. The retaining wall is to allow access to the front door. The intent is to return to existing grade rather than filling along the front of the house.

Planning Manager Sintz stated that the City Engineer would review the grading at the shoulder. He would review the driveway grade as well. Both items would be reviewed at the building permit issuance. Also, a complete landscape is also required for a building permit.

Commissioner Campbell was concerned after hearing that people in nightly rentals could obtain an unlimited number of parking passes. The neighbors should not be negatively impacted because the City has a bad policy in issuing parking passes. Planning Manager Sintz clarified that no one is allowed unlimited parking passes. If the Commissioners were interested, Kent Cashel could attend a future meeting to explain the process. Ms. Sintz stated that the City was currently looking at the impacts of parking in Old Town and they are very sympathetic to the process.

Commissioner Campbell thought the problem should be fixed; however, he did not believe it should be fixed with this application and the project denied because of the parking.

Chair Worel asked if the encroachment agreement needed to be included in the Conditions of Approval. Planner Astorga stated that he was the project planner for the plat and the encroachment agreement was a specific condition of approval of the plat. He did not believe it was necessary to add it again.

Commissioner Phillips referred to the rock wall and requested that the applicant find a way to fade it out and make it look more natural.

MOTION: Commissioner Strachan moved to APPROVE the Steep Slope Conditional Use Permit for 520 Park Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 520 Park Avenue

1. The property is located at 520 Park Avenue.
2. The property is described as a resubdivision of Lot 44 and part of Lot 43, in Block 9 of the Park City Survey. The lot is a 50' by 75' "Old Town" lot and contains 3,704.2 sf of lot area. The allowable building footprint is 1504.3 sf for a lot of this size. The proposed building footprint is 1,503 sf.
3. The site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
4. The property is located in the HR-2, Subzone A, zoning district, and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.
5. Access to the property is from Park Avenue, a public street. The lot is a downhill lot.
6. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.
7. The neighborhood is characterized by primarily historic and non-historic single family and duplex houses. Commercial lots and structures on Main Street back to the rear yard.
8. A Historic District Design Review (HDDR) application was reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The design was found to comply with the Guidelines.
9. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.
10. There is a 45 sf shed encroachment in the northeast corner of the lot from the adjacent property that currently exists.
11. The proposed design is a single family dwelling consisting of 4,015 square feet of living area (including the 288 sf single car garage) with a proposed building footprint of 1,503 sf.
12. The driveway is proposed to be a maximum of 12 feet in width and 20 feet in length

from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9').

13. The proposed structure complies with all setbacks.

14. The proposed structure complies with allowable height limits and height envelopes for the HR-2A zoning as the three (3) story split-level house measures less than 27 feet in height from existing grade, the structure is less than the maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters, and the design includes a 10 foot step back at a height slightly below 23 feet.

15. The proposal, as conditioned, complies with the Historic District Design Guidelines as well as the requirements of 15-5-5 of the LMC.

16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood, in particular the pattern of houses on the downhill side of Park Avenue.

17. The structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the Design Guidelines and is consistent with the pattern established on the downhill side of Park Avenue.

18. No lighting has been proposed at this time. Lighting will be reviewed at the time of the building permit for compliance with the Land Management Code lighting standards.

19. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.

20. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at four feet (4') or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut

and fill that would alter the perceived natural topography.

21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% slope areas.

22. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.

23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.

24. The garage height is 28.25 feet on a downhill lot; garage height may exceed up to 35' on a downhill lot subject to Planning Director approval.

25. The findings in the Analysis section of this report are incorporated herein.

26. The applicant stipulates to the conditions of approval.

Conclusions of Law – 520 Park Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.3-7(B).

2. The CUP, as conditioned, is consistent with the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

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

Conditions of Approval – 520 Park Avenue

1. All Standard Project Conditions shall apply.

2. No Building permit shall be issued until the Plat has been recorded.

3. City approval of a construction mitigation plan is a condition precedent to the

issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the north from damage.

4. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.

5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

6. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.

7. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north.

8. This approval will expire on March 26, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.

10. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.

11. Modified 13-D residential fire sprinklers are required for all new construction on this lot.

12. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.

13. Construction waste should be diverted from the landfill and recycled when possible.

14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

Chair Worel announced a change in the agenda and moved 300 Deer Valley Loop to the next item since they were continued from the last meeting.

2. 300 Deer Valley Loop Road, Roundabout Condominiums – Condominium Plat Amendment (Application PL-13-02147)

Commissioner Campbell recused himself and left the room.

Planner Christy Alexander reported that the Planning Commission reviewed this item on March 12th and after considerable discussion the Commissioners had concerns regarding the nature of development on the slope, as well as the drawings that were presented. Since then the applicant had submitted updated drawings and the Staff report was also updated since the March 12th meeting. The changes were highlighted in the Staff report for this meeting. The applicant also submitted the geo-technical report and additional information regarding the height and retaining walls. Planner Alexander presented the updated plat and the floor plans, as well as the height and setbacks.

Blake Henderson, the applicant, clarified that his request was to remove a lot line on two different lots. It is a center lot line and he owns both sides of the property. The reason for removing the lot line is to put in a fully subterranean underground garage, which would provide many benefits to the community, the City and the developer. Mr. Henderson stated that the drawings were updated to be architecturally clear on what he was trying to do, and to demonstrate the benefits of having an underground garage. Mr. Henderson presented a slide showing the proposed project, as well as what was currently approved under the developmental rights from 2007. He was not changing any of the development ideas or plans for the property. The density is one unit per every 6900 square feet. Currently approved is one unit for every 3700 square feet, which is far less than the density in the existing area. The proposed height is 22 feet,

which is less than the 32' feet allowed on the site. The proposed footprint is under the 3200 square feet that was approved. One larger subterranean garage across both lots boundary lines allows for considerably more parking spaces. For four units there would be 14 underground and completely hidden parking areas for the owners and visitors. In terms of the architecture, being able to put a full story underground allows more setback and green space between Deer Valley Drive and the building. It also allows the structure to sit further up on the hill for more separation. Due to the underground garage the massing was considerably less.

Mr. Henderson stated that another benefit of the underground garage is only one driveway entering on to Deer Valley Drive to accommodate all four units. It is one driveway and one garage door. The driveway is large enough to park a full suburban completely within the property on private land. It is a flat driveway with significant visibility going up and down Deer Valley Drive. Most of the hillside would be retained by the majority of the structure. Therefore, there would be very limited exposed retaining walls along Deer Valley Drive.

Mr. Henderson stated that the current proposal versus what was already approved is a benefit to the community and the City.

Commissioner Stuard asked Mr. Henderson to walk them through the geo-technical report and the recommendations for the grading process, temporary shoring and other related issues. Mr. Henderson was not prepared to comment on the geo-technical report because it is not his area of expertise. It was a licensed geo-tech report and he intended to build to the structural demands. Mr. Henderson trusted the report because it was done by professionals.

Commissioner Stuard stated that he has read a few geo-technical reports over the years and this one read very cautious. The report recognizes that it is a very steep slope and there could potentially be sliding problems, and having to use blasting or chipping techniques which could cause sliding. The report recommends temporary shoring. Commissioner Stuard believed that if Mr. Henderson was more familiar with reading the report he would appreciate the degree of risk involved in the excavation not only to those working on the property but also to the adjacent properties around it. Commissioner Stuard strongly recommended that Mr. Henderson have a geo-tech expert on the site at all times during the excavation and during the foundation work until the retaining wall is completely backfilled and drained appropriately. He believed this was a potentially dangerous situation.

Mr. Henderson understood the concern and agreed that they were making significant cuts. He stated that the property would be temporarily shored as required by the

Building Department. They would also intend to do permanent shoring for the project. The issues have been taken into consideration and they would follow whatever the Building Department requires for safety when excavating and shoring the hillside.

Planning Manager Sintz stated that Mr. Henderson would not be able to obtain a building permit without meeting all the requirements set in place by the International Building Codes

Commissioner Stuard noted that the Building Code requires a landscape bond to restore the site and re-vegetate if the developer fails to do it. In this case, it would be restoring a hillside. Planning Manager Sintz was certain that the Building Department would take that into consideration. Commissioner Stuard asked if Mr. Henderson planned to have a completion bond guarantee between himself and his general contractor. He was concerned that the excavation would occur and for unforeseen reasons the project would stop. If that happened and they encountered a rainy season where the soil gets saturated, the hillside would collapse and create a major problem. Commissioner Stuard thought it was in the best interest of the City and the developer to have some form of completion guarantee, at least until the foundation wall is completed. Ms. Sintz remarked that a completion guarantee is the purview of the Building Department and it was not relevant to the application. She was sure Mr. Henderson would meet all the requirements set forth by the Building Department.

Commissioner Gross had concerns with access and the driveway if a bus is pulled over at the bus stop. He could see problems occurring if people try to get in front of the bus to access their condo. Commissioner Gross thought a better solution would be to access off of Deer Valley Loop Road into Third Street. Planner Alexander stated that the City Engineer reviewed the access numerous times and he believed this was the best route. Deer Valley Loop is a dangerous, substandard road. Coming off of Deer Valley Road was the best compromise. Commissioner Gross thought it was the worst possible location along the entire frontage. He believed any other access would be better than what was currently shown, particularly with the bus situation.

Mr. Henderson explained the problems and safety issues of using Deer Valley Loop. He spent significant time with the City Engineer trying to determine the best access point. Mr. Henderson acknowledged that the access off Deer Valley Drive was not ideal, but it has good visibility and the driveway is flat and large enough to park a car.

Chair Worel opened the public hearing.

ReNae Rezac, City Staff, disclosed that she had received a phone call from Patricia Constable just prior to the meeting, asking about the order of this item on the agenda.

Ms. Constable lives in the area and has previously given public comment on this item. Ms. Rezac informed Ms. Constable that it was the last item on the agenda and she had not yet arrived.

Assistant City Attorney McLean suggested that the Planning Commission leave the public hearing open and delay the vote until later in the meeting to see if Ms. Constable arrives.

Commissioner Strachan supported leaving the public hearing open, but he thought the Commissioners should continue their discussion while the applicant's presentation was still fresh on their minds. They would still have the opportunity to amend their comments based on public input if necessary.

Commissioner Strachan thanked Mr. Henderson for updating the plans and providing the requested information. He also thanked Planner Alexander for highlighting the changes. Commissioner Strachan stated that the plan approved in 2007 was far worse than what was proposed today. If he had been on the Planning Commission in 2007 he probably would have looked at this application differently. Commissioner Strachan was reluctant to restrict a much better plan, but he struggled with the fact that three-quarters of the building was beneath existing grade. He has never seen such dramatic excavation on a site. Commissioner Strachan read from page 5 of the geo-technical report, "We anticipate that cuts of approximately 45 feet will be needed to accommodate the construction of the proposed building." He agreed with Commissioner Stuard that a bond or something else should be required to make sure the permanent shoring is in place first. Commissioner Strachan remarked that if the hillside slides someone would get hurt.

Mr. Henderson stated that the process is to excavate and shore, excavate and shore. Commissioner Strachan clarified that it was the permanent shoring; not temporary shoring. Mr. Henderson answered yes. He explained that they may do temporary shoring while excavating, but the permanent shoring will be placed as they excavate. He pointed out that the shoring must be done prior to the foundation. Commissioner Strachan asked how long it would take to complete the excavating and shoring process. Mr. Henderson estimated two months.

Commissioner Phillips stated that he has done this type of work as a general contractor. The process is to dig down 10 to 12 feet and then shore up the wall and continue doing that until the excavation is completed. It is a good process, it is permanent and the structure will not move. Based on his experience, Commissioner Phillips could not see any problems and he believed it was the safest way to excavate this project. He has never shored anything as large as what was proposed, but he has shored cuts that

deep. He pointed out that the total cut was 45 feet but it is done in increments. It is not one 45 foot cut. Commissioner Phillips believed the geo-tech would make site visits throughout the process because he has the liability.

Aside from the excavation, Commissioner Phillips liked the project and what the developer had done with so many other things. It was a pleasure not to have everything maxed out.

Commissioner Strachan deferred to Commissioner Phillips regarding the shoring based on his knowledge and expertise.

Commissioner Gross referred to Condition #8 and wanted to know which property would be involved in the encroachment agreement. Planner Alexander replied that it would be with the owner of 510 Ontario Avenue. Mr. Henderson explained that the hot tub at 510 Ontario currently sits on his setback.

Chair Worel stated that the Planning Commission would table further discussion on 300 Deer Valley Loop Road until the end of the meeting.

Commissioner Campbell returned to the meeting.

3. 670 Deer Valley Loop Road – Condominium Plat Amendment (Application PL-14-02254)

Planner Kirsten Whetstone handed out larger copies of the proposed plat, with narrative on the back side. She also provided two copies of the existing plat for reference.

Planner Whetstone reviewed the request for the first amended Portico Condominiums record of survey plat combining Units 1 and 2 of the constructed 19 unit condominium project known as the Portico Condominiums. The amended plat documents were the final as-built conditions for constructed Units 1 and 2. She noted that the record is scarce in terms of when the unit was actually combined. However, both the previous owner and the current owner purchased it when it was only one unit.

Planner Whetstone stated that the condominium project was started in 1996 with the parking structure, and the construction of the units began in 1999. The condominium plat was recorded in 2000. A clause in the CC&Rs allowed the original declarant to combine units. It is unclear which owner had made the initial request. Planner Whetstone explained that the current owner has financial issues and his bank will not lend on what appears to be two units in the recorded plat. For that reason the applicant was requesting to combine the two units into one. There would be no exterior changes

and the garage space for the two units would remain for the single unit.

Planner Whetstone reported that the Portico Condominium conditional use permit was approved in 1996 for 19 units. The unit equivalent formula was not used. The zoning is RM and a certain square footage is required for a certain number of units. The resulting 18 units would continue to comply with the conditional use permit.

Planner Whetstone stated that 15 units are constructed over a common parking garage. Unit 1, 2, 3 and 4 were each constructed as detached duplex structures. Planner Whetstone remarked that the Homeowners Association was also an applicant because of the common area between the two units. The HOA members voted and provided consent to this plat amendment. The HOA would have to sign the plat. As conditioned, the amended plat is consistent with the conditions of approval of the condominium plat and the conditional use permit.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council according to the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the draft ordinance.

Jack Johnson, representing the applicant, stated that he had prepared the amended plat. Greg Cropper, legal counsel for the applicant, believed that this was a straightforward application and his presence would be irrelevant.

Commissioner Stuard asked if there was guest parking in the project and whether amending the plat would create any guest parking issues. Mr. Cropper replied that there was guest parking in the project and each unit is allocated a certain number of parking spaces. This combined unit would have double allocation; therefore, nothing would change. Mr. Johnson noted that there would be four parking spaces and the garage for a one unit house.

Commissioner Stuard asked if the condominium plat amendment and/or the CC&Rs address the right of this unit to those parking spaces. Mr. Cropper answered yes. He explained that under the CC&Rs, the combined unit continues to be treated as two separate units for the purposes of voting, parking, and assessments. However, the plat has to show it as one unit because the lenders are not comfortable with one unit on two lots.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Portico Condominium Plat for Units 1 and 2, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Stuard seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 680 Deer Valley Loop Road

1. The property, Units 1 and 2 of the Portico Condominiums plat are located at 670 Deer Valley Loop Road.
2. The property is located within the Residential Medium Density (RM) zoning district.
3. On November 20, 1996, the Planning Commission approved the Portico CUP for 19 townhouse units on the 36,210 sf parcel.
4. On December 9, 1999, the City Council approved the Portico Condominiums Plat. This plat was recorded at Summit County on February 7, 2000.
5. On February 7, 2014, the Planning Department received an application for an amended condominium plat. The application was deemed complete upon receipt of the HOA letter and signature on the application.
6. The purpose of the amended condominium plat is to describe and document the as-built conditions for constructed Units 1 and 2 that were combined as proposed Unit 1.
7. No non-conforming conditions will result from this plat amendment.
8. The amended plat complies with the conditions of approval of the Portico CUP and the Portico Condominium plat and restrictions in the RM Zone.
9. Unit 1 contains a total of 2,315 square feet. Unit 2 contains 2,174 square feet, including the garage, storage area, and living area on three levels. Proposed Unit 1 contains 4,608 square feet, including the garage, storage area, living area, and all of the common walls on three levels.
10. No exterior changes are proposed.
11. The Portico Condominiums are served by common sewer laterals. The Portico Condominium HO is responsible for all sewer laterals.

12. As conditioned, this amended plat is consistent with the conditions of approval of the Portico Condominium plat.

13. Consistent with the amended Portico Condominiums CC&Rs, the HOA, by a required vote of the members, has provided consent to this plat amendment to memorialize the combination of Units 1 and 2.

Conclusions of Law – 670 Deer Valley Loop Road

1. There is good cause for this amended supplemental plat as it memorializes the as-built conditions that combined Units 1 and 2 into a single residential condominium unit.
2. The amended plat is consistent with the park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the amended plat.
4. Approval of the amended supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 670 Deer Valley Drive Loop

1. The City Attorney and City Engineer will review and approve the final form of the supplemental 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 a Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval will be void, unless a complete application requesting an extension is granted by the City Council.
3. All conditions of approval of the Portico Condominium CUP and of the Condominium plat, recorded at Summit County on February 7, 2000, shall continue to apply, and shall be noted on the amended plat.
4. **491 Echo Spur – Steep Slope Conditional Use Permit (Application PL-14-02276)**

Commissioner Campbell disclosed that he has an interest in another property on the

street and that project that was also on the agenda. However, after speaking with City Attorney Mark Harrington, they determined that there was no direct relationship between the two projects and he would not have to recuse himself on this matter. It would not affect his ability to fairly vote on this item.

Planner Francisco Astorga reported that this property was formerly known as 489 Echo Spur. However, the City Engineer, Matt Cassel has identified the address as 491 Echo Spur.

Planner Astorga reviewed the application for a Steep Slope Conditional Use Permit for construction on a steep slope, since a portion of the structure and a large portion of the access falls under the LMC requirements that trigger a review by the Planning Commission. Planner Astorga introduced the owner and applicant, Leeto Tlou, and the project architect, Scott Jaffa.

Planner Astorga was prepared to answer questions regarding the Staff analysis on pages 82 and 83 of the Staff report, as well as the Steep Slope Conditional Use Criteria beginning on page 83.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the steep slope conditional use permit in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report.

Chair Worel opened the public hearing.

Alex Butwinski noted a reference in the Staff report indicating that this had gone to the City Council on the issue of breaking the ridgeline. He stated that it came before the City Council and because the ridgeline was poorly defined in the LMC, they determined that this application should move forward. Mr. Butwinski reminded the Commissioners that ridgeline was still clearly undefined in the LMC and he urged them not to revisit the ridgeline discussion. Mr. Butwinski thought the project was well-designed.

Chair Worel closed the public hearing.

Assistant City Attorney McLean reminded the Commissioners that they should focus their discussion on the application for a steep slope CUP and it should be reviewed against the criteria outlined in the Staff report.

Commissioner Strachan read from page 85 of the Staff report under Dwelling Volume. "The proposed structure is both horizontally and vertically articulated and broken

into compatible massing components. The design includes setback variations and lower building heights for portions of the structure.” He asked Planner Astorga to point out where the specific articulation was on the structure and the setback areas. Planner Astorga reviewed the west elevation. He explained that his intent for including the language in the Staff report was to say that it was not one big box. He identified a series of different planes that were broken up vertically and horizontally.

Mr. Jaffa stated that the project meets or exceeds all the design requirements in the Land Management Code, including the setbacks on the third floor from the inside walls. They were working with different materials. The chimney are used as the vertical stone element. A third chimney on the front of the house will house the mechanical equipment. Mr. Jaffa indicated a single-story transitioning down to a two story on the west elevation. Shed roofs were used to articulate the façade. Down the backside of the third floor there is a step back of more than 10’ off of the elevation. Mr. Jaffa commented on the different elements that provided significant undulation going vertically and horizontal on all sides. Planner Astorga concurred with Mr. Jaffa’s analysis.

Commissioner Stuard thought the element that made the building look tallest was the fireplace that runs from the lowest level above the highest roof on the north elevation. It was all stone and all the same dimension. He appreciated that it was an expensive element to construct; however, since this was on the end of Echo Spur and visible from Deer Valley and the roundabout, he suggested that the building might look less tall by eliminating the full height of the chimney, and instead using a direct vent fireplace for the mid-level master bedroom.

Mr. Jaffa stated that it was strictly an architectural element so they could consider Commissioner Stuard’s suggestion. Commissioner Stuard liked the design but he thought removing the chimney would give the elevation a lower profile visible from Deer Valley.

Commissioner Phillips concurred with Commissioner Stuard about lowering the chimney. He suggested lowering it to the same elevation as the chimney on the backside.

Mr. Jaffa stated that he was willing to consider it as long as it did not result in a long flat wall without any articulation. If the chimney height is lowered he would still be able to do a direct vent, but the intent of the design was to break up the roof massing with vertical elements. Commissioner Stuard believed that lowering the chimney and using direct vent would be a good solution.

Commissioner Gross asked if the retaining wall that was showing was the existing retaining wall. Planner Astorga answered yes.

Commissioner Strachan thought this was the first project caught between the newly passed General Plan and the existing LMC, which does not yet mirror the new General Plan. The problem is that the Planning Commission was required to make a conclusion of law that the project complies with the General Plan. He always looks at the purpose statement of the District, and one of the purpose statements of the HR-1 is to encourage construction of historically compatible structures. Commissioner Strachan noted that the newly approved General Plan addresses that issue, but he was unsure how to apply it to this application. He read from the General Plan because he believed it epitomizes this project. “21st century real estate demands and modern family necessities have threatened the historic urban fabric. To meet these demands, lot combinations have become common practice to accommodate larger residential structures and additions.” Commissioner Strachan pointed out that the Planning Commission approved a lot combination that was overturned by the City Council.

“The resulting incremental changes have caused increased adverse effects on the historic pattern and aesthetic of the Old Town neighborhood. Although there are many influencing factors to compatibility, lot combinations are a major factor that must be reassessed by the Planning Commission to create new regulations to prevent further negative impacts to the fabric of the neighborhoods.” The General Plan further states, “The built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872- 1929).”

Commissioner Strachan noted that former Commissioner Savage consistently said that imposing historic district constraints on people would decrease the property value. He noted that the General Plan also speaks to that issue. With the restrictions placed on historic districts for limiting alterations, compatibility of additions, and prohibiting demolitions, the question often arises of whether or not owning property in a historic district is economically beneficial compared to owning property outside of a historic district. Fearing a loss of property rights, many owners within historic neighborhoods are opposed to being included in a locally or federally designated historic district. The question of value has been studied within many communities of the United States with consistent findings of higher valuations within historic districts.”

Commissioner Strachan remarked that the project complies with the LMC, but from his reading it does not comply with the General Plan.

Assistant City Attorney McLean remarked that the new General Plan was adopted on

March 6th. This application was dated March 7th and; therefore it is subject to the new General Plan. Ms. McLean stated that if a project complies with the LMC but it is in conflict with the General Plan, the more restrictive document controls. In this case it would be the Land Management Code.

Commissioner Strachan agreed, but he could not make the required finding that it complies with the General Plan. Ms. McLean suggested that they amend the conclusion of law to say that it complies with the LMC. Commissioner Strachan noted that the purpose statement says that the project also has to comply with the General Plan. Ms. McLean thought they could wordsmith it to say that it complies with all the requirements of the Land Management Code, which is an embodiment of the General Plan. Commissioner Strachan was not comfortable with that approach. All other Steep Slope CUP approvals have had the Conclusion of Law that it is consistent with the General Plan.

Planner Astorga pointed out that the Planning Commission would encounter this issue with every application until the LMC is updated to match the newly approved General Plan.

Commissioner Strachan stated that he would not approve a Steep Slope CUP that does not comply with the General Plan. He would defer to the other Commissioners on whether or not to take the legal advice and amend the Findings and Conclusions.

Commissioner Stuard thought the issue of the LMC not matching the General Plan needed to be addressed by the City Council. The Planning Commission could potentially vote no on every application between now and when the LMC is amended based on the issue of finding compliance with the General Plan. He asked if there was a process for requesting that the City Council pass an ordinance stating that the Planning Commission is not required to find that applications are in compliance with the General Plan when they could not, even if they comply with the LMC.

Assistant City Attorney McLean understood the difficulty because it was in transition. However, she felt it was possible to make findings based on the LMC, which is the stricter document.

Commissioner Campbell was concerned that they were giving the implication that the LMC is defective. He thought it was absurd to imply that this house was sneaking through a window of opportunity, and that six months from now when the LMC is updated these types of houses would no longer be allowed.

Commissioner Strachan stated that it was a chicken and egg syndrome because the lot

combination triggers the incompatible homes. Commissioner Campbell stated that if the intent is to have fewer people living in the same space, he could not understand Commissioner Strachan's opposition to combining lots. Commissioner Strachan believed it required a much broader discussion outside of this project. The lot was already combined because when the Planning Commission unanimously forwarded a negative recommendation it was overturned by the City Council. The Council passed an ordinance to combine the lots. Assistant City Attorney stated that based on that action, the applicant was already vested with the lot size and the associated footprint.

Commissioner Stuard asked if language could be added to Conclusion of Law #2 stating that the application is consistent with the Park City General Plan that existed at the time the lot combination was approved.

Planner Astorga understood from the comments that it was the plat amendment and not the Steep Slope CUP that was inconsistent with the General Plan. Commissioner Stuard thought Commissioner Strachan was referring to the scale and mass of the structure.

Assistant City Attorney McLean recommended that they revise the language to say that the Steep Slope CUP is consistent with the Park City General Plan that was in place at the time of approval, and add an associated Finding with the specific footprint based upon the lot size. Commissioner Stuard thought the City Legal Department should draft language that would keep the Planning Commission from having to make findings that were not necessarily true.

Commissioner Phillips agreed that the City needed to come up with a short term solution until the LMIC is updated. He suggested a joint work session discussion with the City Council to resolve the problem, because the Planning Commission will encounter the same issue with nearly every application.

Commissioner Strachan thought a better approach was to give it to the City Council and let them decide how the Planning Commission should proceed with future applications. Commissioner Strachan did not want to forward a positive recommendation to the City Council and have them assume that everything was fine. The Council needed to be made aware of the situation and to address the issue.

Assistant City Attorney McLean stated that this application was a Steep Slope CUP and the Planning Commission would make the final decision. She noted that City Council Member Henney was present this evening as the City Council Liaison.

Council Member Henney stated that he had heard their comments and concerns and

he would take the issue to the City Council. He noted that the General Plan was the visioning document and the LMC was the code and ordinance document. As it stands today, he personally felt that the LMC was the guiding document.

Planning Manager Sintz understood that Commissioner Strachan had an issue with Conclusion of Law #3 regarding compatibility with the neighborhood. She pointed out that a requirement in the HR-1 zone is to be compatible in size and scale with the surrounding structures. She stated that if the lot combination created a size for the structure, in working with the Planner the applicant came with up a successful design that is compatible with this portion of the neighborhood.

Commissioner Strachan did not disagree. However, the problem is that the new General Plan is clear that it is tied to the LMC definition of Historic District. During the General Plan re-write they decided to take a more holistic approach to the compatibility analysis and not look only at the houses in the immediately surrounding area. They decided to look at all of the homes in the Historic District of greater Main Street and Old Town and impose that rubric on the compatibility analysis. Commissioner Strachan agreed that the proposed home was compatible with the surrounding structures, but it was not compatible with the structures in Daly Canyon. That was his view of how they address compatibility. Commissioner Strachan acknowledged that his concern was the dwelling volume requirement of the Code. They have never looked holistically at the compatible analysis and at the dwelling volume requirement on the basis of an Old Town lot.

Planning Sintz remarked that another possible outcome would be for the HR-1 zone to be taken out of the Historic District because it is not compatible. Commissioner Campbell asked if the HR-1 could be treated as a transitional neighborhood as opposed to removing it. Ms. Sintz believed that was a philosophical question.

Planner Astorga recalled that when the Planning Commission was entertaining a positive recommendation, they had drafted a condition of approval for a house limitation, but that was eventually dropped because of the ridge discussion. Planner Astorga had included the limitations in the Staff report, because as proposed, the structure meets the limitations that the Planning Commission had considered putting on the plat.

Chair Worel believed there was consensus regarding the inconsistency between the LMC and the General Plan. The challenge was to decide how to move forward this evening. She took a straw poll of the Commissioners regarding revisions to Conclusion of Law #2.

Commissioner Stuard thought that revising the language identifies the conundrum. If they strike it, it would be forgotten. The Commissioners concurred. Commissioner Stuard believed the applicant would prefer the language to remain as written because everyone wants to know that their use is consistent with the General Plan. However, he was unsure how that could be accomplished under the newly adopted General Plan.

Chair Worel clarified that the proposed wording for Conclusion of Law #2 would be, "...is consistent with the General Plan that existed at the time the lots were combined." Assistant City Attorney McLean was comfortable with the language.

MOTION: Commissioner Phillips moved to APPROVE the Steep Slope Conditional Use Permit for 491 Echo Spur, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance, and with the amendment to Conclusion of Law #2. Commissioner Campbell seconded the motion.

VOTE: The motion passed 5-1. Commissioner Strachan voted against the motion.

Findings of Fact – 491 Echo Spur

1. The property is located at 491 Echo Spur.
2. The property is located in the Historic Residential (HR-1) District.
3. The property, Lot A of the Lot 17, 18, and 19 Echo Spur Redevelopment Replat.
4. The lot contains 5,625 square feet.
5. A single family dwelling is an allowed use in the HR-1 District.
6. The proposed structure is 2,701 square feet in terms of gross residential floor area.
7. The proposed upper floor is 640 square feet in size.
8. The proposed garage is 596 square feet in size.
9. The main level is 1,865 square feet.
10. The basement level which does not count as gross residential floor area is 2,017 square feet in size.
11. The maximum building footprint for the lot is 2,050 square feet.

12. The proposed structure building footprint is 2,049 square feet.
13. The minimum front/rear setbacks are ten feet (10').
14. The front/rear yard setbacks are ten feet (10').
15. The minimum side yard setbacks are five feet (5') minimum and eighteen feet (18') total.
16. The side yard setbacks on the north side are fifteen feet (15').
17. The side yard setbacks on the south side are five feet (5').
18. The maximum building height is twenty-seven feet (27') from existing grade.
19. The proposed structure complies with the maximum building height and the other building height parameters outlined in the staff report.
20. The proposed use requires two off street parking spaces.
21. The proposed structure contains a two car garage.
22. The proposed structure and driveway are located in the center of the lot. The structure has an L shaped footprint.
23. The proposed single family dwelling meets all setbacks and has increased setbacks from the minimum towards the north side yard area.
24. The driveway is placed on southeast corner, the only logical place due to the retaining walls for the Echo Spur road.
25. The proposed building coverage (footprint) is 36%.
26. The impermeable lot coverage of the proposal is approximately 41%, which include the driveway, porch/entry, building footprint, and rear deck.
27. The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.

28. The proposed structure cannot be seen from the key vantage points as indicated in the LMC § 15-15-1.283, with the exception of across canyon view.
29. The cross canyon view contains a back drop of the surrounding geography which does not break the skyline. The proposed building is surrounded by undeveloped lots.
30. The project will be accessed by a concrete slab on grade off the end of built Echo Spur. The driveway leads vehicles to the west directly to the two car garage.
31. The proposed driveway is placed over gentler slopes found on site which reduces the grading of the existing topography.
32. Minor retaining is necessary to regain natural grade around the proposed structure to provide for egress on the lower level as well as the rear patio.
33. Limited retaining is being requested around the driveway located in the front yard area.
34. The proposed structure will meet the LMC development standards of retaining walls in setback areas which range from four feet (4') to the maximum height of six feet (6') above final grade.
35. The driveway access was designed to come right off the built road leading towards the two car garage.
36. The main ridge orients with the contours.
37. The size of the lot allows the design to not offend the natural character of the site as seen on the submitted model.
38. All of the Echo Spur lots on the west side of the street are vacant.
39. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
40. The design includes setback variations and lower building heights for portions of the structure.
41. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings and mitigates differences in

scale between proposed Structure and existing Structures in the neighborhood.

42. The height of the main ridges ranges from 20 – 26 feet above existing grade.

43. The proposed building height minimizes the visual mass of the proposed structure.

44. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 491 Echo Spur

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

2. The Steep Slope CUP, as conditioned, is consistent with the Park City General Plan in place at the time the three (3) lot combination was approved by the City Council in October 2013.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

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

Conditions of Approval – 491 Echo Spur

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.

4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.

7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.

8. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.

9. This approval will expire on April 9, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval is requested in writing and is granted by the Planning Director per LMC§ 15-1-10(G).

10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.

4. Echo Spur Subdivision – Lot 21-32, Block 58, Park City Survey - Plat (Application PL-14-02292)

Commissioner Campbell recused himself and left the room.

Planner Astorga had received public comment and it was forwarded to the Planning Commission via email this morning.

Planner Astorga presented slides of the subject property located in the same neighborhood as the previous item. He noted that it is platted as McHenry Avenue. The site consists of 12 Old Town lots of record as shown on the survey. The three lots in the 491 Steep Slope CUP were lots 17, 18 and 19. Lot 20 is owned by Mike Green, and the lots owned by this applicant, Sean Kelleher, are Lots 21 through 32.

Planner Astorga noted that three of the lots did not meet the minimum lot size due to a

2008 land dispute with the owner of a historic home. The dispute was settled and the applicant deeded the land over to the adjacent property owner. Planner Astorga reported that the remaining lots were ready to move forward with a building permit application. However, if construction takes place on a steep slope it would go before the Planning Commission for a Steep Slope CUP. All the lots are within the HR-1 District and development would have to comply with the Historic District Design Guidelines.

Planner Astorga stated that there is a potential for nine lots, or possibly twelve if a partnership should occur between the applicant and the owner of the adjacent lots to gain full control of the three lots. Another option would be to request variances if they decided to build twelve single family dwellings on 12 Old Town lots of record.

Planner Astorga noted that a different type of plat amendment was entertained in 2012 and 2013 for a different concept, which the owner was no longer pursuing at this time. The applicant was requesting to replat the property into a seven lot plat amendment. Planner Astorga stated that Lots 1, 2, 3 and Lots 6 and 7 are exactly 1.5 Old Town lots. Due to the inability to control the land, Lot 4 would be the approximate equivalent of two lots of record.

Planner Astorga reviewed the plat amendment currently being requested by the applicant, Sean Kelleher. The Staff report contained a detailed analysis of surrounding properties in the area.

The Staff recommended that the Planning Commission conduct a public hearing for the Echo Spur subdivision plat amendment and consider forwarding a positive recommendation to the City Council.

Sean Kelleher stated that he spent a lot of time with Planner Astorga looking at different accommodations and different options. On the southern lots without steep slope issues, he had considered building on the 25' x 75' lots. However, it was not a good outcome and it was almost impossible to create off-street parking. The homes were small and not a size that people would want to purchase. Mr. Kelleher that he proposed the combinations presented because they were consistent with the size of the surrounding homes. He reviewed the proposed designs. The homes sizes range from 2700 square feet for the smaller lots to 3500 square feet for the larger lots. It is a give and take with trying to solve the parking and density issues that the neighbors have asked him to address.

Commissioner Strachan asked why Mr. Kelleher decided to scrap the old plan. Mr. Kelleher replied that he was unable to get on the agenda last year in May, June and

July to present their plan. In September he was told that there would not be a quorum. That reason, combined with discussions regarding the nature of the property, including the previous property that was just approved, caused concerns about the timing to move this project forward. Mr. Kelleher stated that this project has been in progress for eight years and it was time to do something that could be agreeable to everyone and move forward.

Commissioner Strachan asked if the plan for a subterranean garage was out, in or undecided. Mr. Kelleher replied that it was out. Commissioner Strachan recalled that it was a great plan but it did not comply with the Code.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Gross remarked that part of the process is working things through with the applicant. He thought this project was similar to things that happened years ago. Commissioner Gross was pointed out that whatever they approve or deny today might not be what they would ultimately get in the end. He felt it was an interim place. He also liked the first proposal with the underground parking; but this was a new process because they wanted to encourage smaller houses on smaller lots. Commissioner Gross was concerned about approving something without knowing what they actually approved until a year later. Most of the applicants have a year to perfect whatever was approved. Commissioner Gross was unsure what the Planning Commission was being asked to do other than to provide Mr. Kelleher with a vehicle to sell his lots. He remarked that the ridgeline was a major concern that appeared to be off the table.

Commissioner Strachan stated that his comments were the same as what he had stated for the previous item. However, there was not a Conclusion of Law for this item stating that it complies with the General Plan.

Commissioner Stuard understood that public improvements were a contentious issue in the past. He wanted to know whether the public improvement had been completed to the final specifications and whether they were accepted for continuous maintenance, or whether remedial work needed to be done.

Planner Astorga replied that the improvements were accepted by the City Council. He was not prepared to comment on the yearly maintenance; however, he believed it would be treated as any other road that was accepted by the City. Mr. Kelleher stated

that a lot of time and money was spent bringing it up to engineering and building standards, and the City Council accepted it last fall. Commissioner Stuard asked if the retaining wall was part of the public improvements. Mr. Kelleher answered yes.

Commissioner Phillips stated that the only history he knew of the project came from what he had read. He had nothing more to add to the discussion at this point.

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

VOTE: The motion was split 2-2. Commissioners Stuard and Phillips voted in favor of the motion. Commissioners Strachan and Gross voted against the motion. Commissioner Campbell was recused.

Chair Worel stated that she also preferred the design with the underground parking. However, she could find no reason to deny this proposal. Chair Worel broke the tie and voted in favor of the motion.

The motion passed.

Findings of Fact - Echo Spur Subdivision

1. The property is located on Echo Spur between platted Fourth Street (Rossi Hill Road) and platted Third Street.
2. The property is in the Historic Residential (HR-1) District.
3. The property entails lots 21 – 32, Block 58 of the Park City Survey.
4. The proposed plat creates a total of seven (7) lots of record from the twelve (12) Old Town lots. Three (3) of the existing twelve (12) lots, do not meet the minimum lot size due to a 2008 property ownership dispute and settlement.
5. The subject property is vacant.
6. Lot 1, 2, 3, 6, and 7 are 2,812.5 square feet.
7. Lot 4 is 3,772 square feet.

8. Lot 5 is 3,858 square feet.
9. The minimum lot area in the HR-1 District is 1,875 square feet for a single-family dwelling.
10. The seven (7) proposed lots meet the minimum lot area for single-family dwellings.
11. The lot width of lot 1, 2, 3, 6, and 7 is thirty-seven and a half feet (37.5').
12. The lot width of lot 4 and 5 is 56.25 feet.
13. The minimum width of a lot is twenty five feet (25').
14. The seven (7) proposed lots meet the minimum lot width.
15. The maximum building footprint of any structure located on a lot is calculated according to the formula for building footprint, illustrated in Table 15-2.2 of the Land Management Code (LMC).
16. The maximum building footprint for Lot 1, 2, 3, 6, and 7 are 1,200.7 square feet.
17. The maximum building footprint for Lot 4 is 1,525.8 SF square feet.
18. The maximum building footprint for Lot 5 is 1,553.0 SF square feet.
19. Front and rear yard setbacks are determined by the depth of each lot.
20. The minimum front and rear yard setbacks are ten feet (10'). The total front/rear yard setback is twenty feet (20').
21. Side yard setbacks are determined according to the width of each lot.
22. The minimum side yard setbacks for Lots 1, 2, 3, 6, and 7 are three feet (3'). The total side yard setbacks are six feet (6').
23. The minimum side yard setbacks for Lots 4 and 5 are five feet (5'). The total side yard setbacks are fourteen feet (14').
24. Single-family dwellings are an allowed use within the district.
25. Duplex dwelling are a conditional use, which are reviewed and approved by the

Planning Commission.

26. The proposed layout of the requested plat amendment allows lot 4 and 5 to have a duplex pending Planning Commission review and approval.

27. At this time the property owner has indicated that they would build seven (7) single-family dwellings.

28. Steep Slope Conditional Use Permit (CUP) is required for any structure in excess of one thousand square feet (1,000 sq. ft.) if said structure and/or access is located upon any existing slope of thirty percent (30%) or greater.

29. The combined building footprint of the existing lot configuration is currently 9,798 square feet.

30. The combined footprint of the proposed lot configuration is 9,082.3 square feet if approved.

31. The reconfiguration of the existing twelve (12) lots into the proposed seven (7) lot configuration will reduce the overall footprint by 715.7 square feet.

32. Staff has analyzed the site and finds that when viewing the site from across canyon (or any of the other ten [10] LMC defined vantage points), at approximately the same elevation, the site is framed by the existing higher topography behind the proposed development and the skyline is not broken.

33. The average lot width on the east side of Ontario Avenue is approximately thirty-six feet (36').

34. The average lot area on the east side of Ontario Avenue (including un-platted lot is combinations) is approximately 2,800.7 square feet, which equates to 1.49 Old Town Lots

35. The lots on the east side of Echo Spur, Gateway Estates Replat Subdivision (Amended), and Silver Pointe Subdivision, also within the HR-1 District, consist of much larger lots.

36. The proposed plat amendment consists of five (5) lots containing 2,812.5 square feet and two bigger (2) lots consisting 3,772 square feet (lot 4) and 3,858 square feet (lot 5).

37. The proposed five (5) lots are 1½ Old Town lot combinations while the other two (2) bigger lots are approximately 2 (2) Old Town Lot combinations.

38. The requested plat amendment is appropriate for this new neighborhood.

39. The east side of Echo Spur, also within the HR-1 District contains significantly larger lots that yield larger structures.

40. The west side of Echo Spur, east Ontario Avenue, contains a pattern of 1½ Old Town lot combination sites.

41. The mix of lot sizes provides appropriate transition between the larger lots and home sizes on the east side of Echo Spur towards the east side of Ontario Avenue.

42. The proposed plat amendment provides a good mix of different lot sizes within Echo Spur.

43. Traffic increases will be minimized from the potential development of the twelve (12) lots as the applicant proposes to decrease the density from twelve (12) lots to seven (7) lots of record for the purpose of constructing single-family dwellings.

44. In terms of the entire street the overall density would drop from the potential of sixteen (16) Old Town lots to nine (9) Lots of record.

45. When the road and utilities were built in 2009, the topography was slightly altered. By comparing a topographic survey on file dated October 2006, the lowest elevation located on this site was 7,156 feet and the highest elevation was 7,208 feet.

46. The current survey submitted with this plat amendment application indicates that the lowest elevation is the same at 7,156 feet while the highest is 7,202 feet.

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

Conclusions of Law – Echo Spur Subdivision

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 – Echo Spur Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A ten foot (10') snow storage easement shall be dedicated to Park City across the lot's frontage.

4. Modified 13-d sprinklers will be required for all new construction.

Commissioner Campbell returned to the meeting.

6. 7101 Silver Lake Drive, North Silver Lake Condominium Plat – Condominium Record of Survey (Application PL-14-02225)

Planner Astorga reported that this application was originally scheduled for February 12. Due to various circumstances it was continued to February 26th and again to April 9th.

Planner Astorga reviewed the application for a condominium record of survey plat, which allows 54 units to be subdivided as they are owned. Currently, the plat that was filed in 2005 has six units and an area defined as convertible space. As conditioned in the ordinance, the applicant would retire that document if the Condominium Record of Survey is approved.

Planner Astorga noted that originally there were 16 units, of which 3 were duplexes and the remaining ten were single family dwellings. Currently, the applicant was requesting to plat 14 units around the periphery of the multi-unit dwellings in the form of one duplex and ten single family dwellings. They were also requesting to move the two remaining units inside the multi-unit dwelling. Planner Astorga had confirmed that adding the two units would not make the building larger in terms of height, footprint or square footage

because two of the other units they were planning to build would be smaller. The Staff analysis found that the project was still in compliance with the Deer Valley Master Plan and the number of units would remain at 54 units.

Planner Astorga stated that the conditions discussed during the February 26th meeting for lockout units have been incorporated into the CC&Rs.

Chair Worel referred to a letter from Lisa Wilson on page 227 of the Staff report, in which Ms. Wilson alleges that a courtesy notice was not sent to adjacent home owners and that the sign was not posted. Planner Astorga replied that Ms. Wilson was incorrect and did not understand the process. When the item was continued to February 26th and then to April 9th, it was always continued to a date certain. Another notice is not mailed unless the item is continued to a date uncertain. Planner Astorga stated that this application met the local and state requirements for noticing when the application was continued. He had personally posted the sign in January.

Rich Lichtenstein, representing the applicant, reported that they had 40 reservations and they were excited to be mobilizing and getting ready to excavate and build out the project this summer.

Chair Worel opened the public hearing.

Bob Dillon, legal counsel with Jones Waldo, stated that he was representing a number of the adjoining neighbors who submitted several letters objecting to both the lockout appeal and this plat approval. Mr. Dillon noted that during the lockout approval reaffirmed a public statement that was made at that time. The objection letters were combined for both hearings so he would not repeat what was said. Mr. Dillon had reviewed the declaration and the plats and the applicant had made the changes requested by the neighbors. They approve the reduction of two units on the perimeter which eliminates two duplex units. Two units were placed inside the stacked building without increasing the size by making two units out of what was formerly shown as one two-story unit. Mr. Dillon had no objection to those changes. He stated that a main objection was the six condo units that had no defined structure. However, the new plat gives the dimensions for every unit in the project and they were pleased to see that. The applicant had submitted detailed plans to the Planning Department showing elevations and how they were calculated against the existing grade. Mr. Dillon stated that the neighbors want out of that argument because they do not have any basis for determining whether or not it is accurate, and prefer to leave that determination to the Planning Staff, as well as whether or not they comply with the conditions of approval of the project.

Chair Worel closed the public hearing.

Commissioner Strachan asked if the percentage of open space would change. Planner Astorga answered no. As measured, the open space exceeds the minimum of 60%.

The Commissioners questioned why the open space did not increase by removing the units from the perimeter. Planner Astorga explained that the original calculation under estimated the open space and did a blanket of all the periphery. At the time they did not know where the driveway would be located. Therefore, the open space was calculated with a bubble in the middle and everything around it, as well as Lot 2D.

Commissioner Gross asked if Lot 2D was the down slope on the north side. Planning Manager Sintz asked for the size of Lot 2D. John Shirley, the project architect, replied that it was 4 acres.

Chair Worel asked for the height of the existing model home. Mr. Shirley stated that it was slightly under the 45' height limit. Chair Worel referred to page 146 of the Staff report which talks about a self-imposed 33' height limit for the individual units. She asked if they intended to build all the units to the 45' height, or whether they would honor their self-imposed restriction. Mr. Shirley stated that the intention was to honor the self-imposed limit. He explained that there was a natural dip in the grade where the ski run was built to come around the project. In order to work with the natural contour, two homes would be built to the 45' height limit. The remaining units would be 33'.

Tom Bennett, Legal Counsel to the developer, stated that from the very beginning, as reflected in the meeting minutes going back to 2008, it was always represented that for the periphery units the self-imposed limit was 33', but that a few units or portions of those units broke the 33' line. Mr. Bennett stated that the Staff report contained a picture of a fog study which showed that several of the peripheral homes are higher. The model unit and the one next to it have always been shown as breaking through the 33' limit because of the contours of the land.

Planner Astorga stated that all of the conditions of approval of the original 2010 conditional use permit shall continue to apply, as well as the conditions of approval for the lockout units.

Commissioner Phillips asked why the applicant chose to do a self-imposed 33' height limit. Mr. Lichtenstein stated that it was part of the ongoing discussions with the neighbors. When they began to design the homes the architects indicated homes that needed to exceed the 33' limit. Commissioner Phillips clarified that the primary reason

was to work with the surrounding homeowners. Mr. Lichtenstein answered yes.

Chair Worel asked if the Commissioners concurred with the Staff findings that there are no detrimental impacts with this modification as the plat will still be in substantial compliance with the 201 CUP. The Commissioners concurred.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for a condominium record of survey on the North Silver Lake Condominium Plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact 7101 - North Silver Lake Drive

1. The site is located at 7101 Silver Lake Drive.
2. The site is located in the Residential Development (RD) District.
3. A subdivision plat, known as the North Silver Lake Subdivision, was recorded in 1993. The subdivision created two (2) lots of record. According to this subdivision, Lot 2 was contemplated for further subdivision and future development.
4. Lot 2 North Silver Lake Subdivision was recorded in 1997. This subdivision further amended Lot 2 into four (4) separate lots. This record of survey plat is development of Lot 2B of the Lot 2 North Silver Lake Subdivision plat.
5. In 2005 the North Silver Lake Lodge Record of Survey Plat was recorded. This Plat subdivided Lot 2B into six (6) condominium units and identified convertible Land.
6. At this time the applicant requests to replace the North Silver Lake Lodge Record of Survey Plat (2005) with the proposed Record of Survey. Upon recordation of this current condominium plat, the North Silver Lake Lodge Record of Survey plat (2005) shall be retired.
7. The proposed Condominium Record of Survey plat identifies private, limited common, common areas, etc., within the project.
8. Under the Deer Valley Resort Master Plan the North Silver Lake Subdivision Lot

2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.

9. In 2010 the Park City Planning Commission approved a Conditional Use Permit (CUP) for the development consisting of fifty four (54) private total units.

10. The proposed Condominium Record of Survey Plat amends Lot 2B of North Silver Lake Subdivision.

11. The boundary lines of each private unit are set forth on the proposed plat. The proposed Condominium Record of Survey plat consists of twelve (12) single-family dwellings, one (1) duplex unit, forty (40) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.

12. The support commercial areas mentioned above and all of the other amenities identified on the plat are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, lockers, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units.

13. The Deer Valley Master Planned Development allocated 14,525 square feet of commercial/support commercial for the Silver Lake Community.

14. The 2010 approved CUP accommodated 5,140 square feet of support commercial space.

15. At this time the updated CUP plans and this Record of Survey indicates a combined area of 4,913 square feet of support commercial.

16. All findings in the analysis section of the staff report are incorporated herein.

17. The 2010 approved CUP include the fifty-four (54) units in the form of sixteen (16) single family dwellings and 38 units within the multi-unit dwellings.

18. Currently the applicant is requesting to plat fourteen (14) single family dwellings and forty (40) units within the same multi-unit dwelling.

19. The size of the multi-unit dwelling footprint is not expanding. The overall density is not increasing as the applicant requests to add the two (2) units from the single

family dwelling/duplex pool.

20. The condominium record of survey plat is in substantial compliance with the 2010 CUP. The size of the multi-unit dwelling is not expanding, and the overall density will remain at fifty-four (54) units.

Conclusions of Law – 1701 North Silver Lake

1. There is good cause for this Condominium Record of Survey.
2. The Condominium Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
3. Neither the public nor any person will be materially injured by the proposed condominium record of survey plat.
4. Approval of the condominium record of survey plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The condominium record of survey plat is consistent with the approved North Silver Lake Conditional Use Permit.

Conditions of Approval – 1701 North Silver Lake

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be added to the plat referencing that the conditions of approval of the Deer Valley MPD and the 2010 North Silver Lake CUP apply to this plat.
4. The applicant shall be responsible of filing the proper documentation with Summit

County to retire the North Silver Lake Lodge Record of Survey Plat recorded in 2005.

5. All conditions of approval of the City Council's July 21, 2011 order shall continue to apply.

6. All conditions of approval of the Planning Commission's February 26, 2014 action modifying the CUP to allow Lockout Units shall continue to apply.

7. 469 Ontario Avenue – Steep Slope CUP

Planner Alexander reviewed the application for a Steep Slope CUP for a new single family home to be located at 469 Ontario Avenue. The home is proposed to be 3,000 square feet, including a single car garage, on a vacant 3,650 square foot lot. Because the total floor area exceeds 1,000 square feet and the slope is greater than 30%, a Steep Slope CUP is required.

The Staff had analyzed the site and found no issues with the steep slope criteria. All the criteria is consistent and there are no unmitigated impacted. Planner Alexander noted that the Staff report indicated that the house was currently under review for an HDDR. However, the applicant submitted new plans this week and she had approved the new window drawings.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope Conditional Use Permit.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

Commissioner Strachan thought this was a straightforward application. He liked the contrast of seeing a simple project versus some of the more difficult projects that come before them.

MOTION: Commissioner Strachan moved to APPROVE the Steep Slope conditional use permit for 469 Ontario Avenue, according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 469 Ontario Avenue

1. The property is located at 469 Ontario Avenue.
2. The property is described as Lot 1 of the Ontario Pack Subdivision. The lot contains 3,650 sf of lot area. The allowable building footprint is 1,486.58 sf for a lot of this size.
3. The site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
4. The property is located in the HR-1 zoning district, and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.
5. Access to the property is from Ontario Avenue, a public street. The lot is a downhill lot.
6. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.
7. The neighborhood is characterized by primarily non-historic single family and duplex houses. There are historic structures on Marsac Avenue, the street to the west of Ontario Avenue.
8. A Historic District Design Review (HDDR) application is being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The design complies with the Guidelines except for the windows which are being revised.
9. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.
10. There are no encroachments onto the Lot and there are no structures or wall on the Lot that encroach onto neighboring Lots.
11. The proposed design is for a single family dwelling consisting of 3,000 square feet (includes the single car garage) with a proposed building footprint of 1,435 sf.

12. The driveway is proposed to be a maximum of 12 feet in width and 18 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9').

13. The proposed structure complies with all setbacks.

14. The proposed structure complies with allowable height limits and height envelopes for the HR-1 zoning as the house measuring less than 27feet in height from existing grade and the design includes a 10 foot step back at 23 feet on the rear elevation.

15. The proposal, as conditioned, complies with the requirements of 15-5-5 of the LMC. It is currently under review for compliance with the Historic District Design Guidelines.

16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. Though modern, the architectural style is a contemporary interpretation and complements the scale of historic buildings in Park City. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood, in particular the pattern of houses on the downhill side of Ontario Avenue.

17. The structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the Design Guidelines and is consistent with the pattern established on the downhill side of Ontario Avenue.

18. No lighting has been proposed at this time. Lighting will be reviewed at the time of the building permit for compliance with the Land Management Code lighting standards.

19. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.

20. There will be no free-standing retaining walls that exceed six feet in height with the

majority of retaining walls proposed at four feet (4') or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% slope areas.

22. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.

23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.

24. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade and the highest portion is 27' from existing grade.

25. The findings in the Analysis section of this report are incorporated herein.

26. The applicant stipulates to the conditions of approval.

Conclusions of Law – 469 Ontario Avenue

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

2. The CUP, as conditioned, is consistent with the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

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

Conditions of Approval – 469 Ontario Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permit.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
6. The plat must be recorded prior to building permit issuance.
7. An HDDR approval must be received prior to building permit issuance.
8. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on April 9, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
11. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
12. Modified 13-D residential fire sprinklers are required for all new construction on this

lot.

13. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited.

14. Construction waste should be diverted from the landfill and recycled when possible.

15. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

**8. 901 Norfolk Avenue Subdivision, 901 and 907 Norfolk Avenue - Plat
(Application PL-13-02180)**

Planner Alexander reported that the applicant was requesting a plat amendment due to the fact that when the property was surveyed they found that the rebar was located one foot off the existing property line. The title reports have shown Lot 1 at 26' wide and Lot 2 as 24' wide for several years. The purpose of the plat amendment is to correct the error to make sure that the property line exists exactly where the markers are located.

Planner Alexander noted that Lot 2 would have been a substandard lot at 24' wide, but a home that was built in 1991 currently sits across Lot 2 and Lot 3. It is the same property owner and they are requesting to remove the lot line between Lots 2 and 3, creating two new lots of record. An existing historic home sits on Lot 1 and encroaches on the 9th Street right-of-way. The applicant is required to enter into an encroachment agreement with the City.

Planner Alexander understood that the applicant intends to come in with an HDDR for additions to both of the existing homes.

Commissioner Strachan asked if the one-foot error created a domino effect all the way down the street. Planner Alexander replied that the one-foot error ends with Lot 2 so it does not keep going.

Commissioner Campbell asked what would happen if the applicant is not able to get an encroachment agreement with the City. Assistant City Attorney McLean replied that the City Engineer, Matt Cassel, determines whether or not there is an encroachment into the right-of-way, and it is fact specific. Requiring an encroachment agreement with the

City is standard and it memorializes the fact that it is an encroachment.

MOTION: Commissioner Stuard moved to forward a POSITIVE recommendation to the City Council for 901 Norfolk Avenue Subdivision, located at 901 and 907 Norfolk Avenue, based upon 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 – 901 Norfolk Avenue Subdivision

1. The property is located at 901 and 907 Norfolk Avenue within the Historic Residential (HR-1) District.
2. On December 17, 2013, the applicant submitted an application for a plat amendment to amend three (3) lots containing a total of 5,625 square feet into two (2) lots of record in order to conform to the found rebar and cap and the existing ownership for 901 Norfolk Avenue and 907 Norfolk Avenue.
3. The proposed Lot 1 will contain 1,950 square feet and Lot 2 will contain 3,675 square feet.
4. The application was deemed complete on January 2, 2014.
5. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single-family dwelling and 3,750 square feet for a duplex.
6. Based on the lot areas, the maximum footprint allowed for Lot 1 is 873.8 square feet and for Lot 2 is 1,494.7 square feet.
7. The properties have frontage on and access from Norfolk Avenue.
8. Lot 1 contains an existing historic single family dwelling and Lot 2 contains an existing non-historic single family dwelling.
9. As conditions, the proposed plat amendment does not create any new non-complying or non-conforming situations.
10. The historic home at 901 Norfolk encroaches into the 9th Street ROW by less than one foot (1') and must obtain an encroachment agreement with the City for that encroachment prior to plat recordation.

11. The plat amendment secures public snow storage easements across the frontage of the lots.

Conclusions of Law – 901 Norfolk Avenue Subdivision

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
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 – 901 Norfolk Avenue Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued unless the applicant has first made application for a Historic District Design Review and a Steep Slope CUP application if applicable.
4. The applicant shall obtain an encroachment agreement from the City prior to recording the plat for the encroachments into the 9th Street ROW.
5. Modified 13-D sprinklers may be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. A 10 foot (10') wide public snow storage easement is required along the frontage of

the lots with Woodside Avenue and shall be shown on the plat.

The Planning Commission resumed their earlier discussion regarding 300 Deer Valley Loop Road.

9. Continued Discussion on 300 Deer Valley Loop Road, Roundabout Condominiums – Plat Amendment (Application PL-13092147)

Commissioner Campbell recused himself and left the room.

Chair Worel announced that the order of the agenda had changed and this item was presented and discussed earlier in the meeting. At that time, the public hearing was left open in the event that the public had judged the time of the public hearing based on the agenda.

Commissioner Strachan noted that the Commissioners would not repeat the comments they had already made during the discussion, and he suggested that the public read the minutes from this meeting when they become available.

Chair Worel called for public comment.

David Constable had concerns with how this project would be staged. It is a tight space and he wanted to know how construction would occur without blocking the sidewalk and the street. Pedestrians had a difficult time last summer during the Deer Valley Drive construction and it was a real problem. He believed that moving the bus stop closer to the Roundabout would exacerbate the problem in terms of traffic coming around the turn. He wanted to know if there were plans to stage the project without getting in the way of the public on a busy sidewalk.

Commissioner Strachan informed Mr. Constable that a condition of approval was added stating, "The construction mitigation plan required at building permit application shall stipulate that all staging of the project must be done entirely on the applicant's property, and that the hours of hauling shall be between 8:00 a.m. and 6:00 p.m. Monday through Friday throughout the duration of the project." Commissioner Strachan believed the 8:00 a.m. to 6:00 p.m. time frame mirrors the current LMC language for when construction activity begins and ends.

Planning Manager Sintz stated that the Planning Commission could consider adding a

condition of approval stating that a neighborhood meeting be held on building permit issuance to make the neighbors aware of the different conditions and how construction mitigation and other safety and welfare issues were addressed.

Patricia Constable noticed from the drawings that the steep slope appeared to be mitigated and there was more assurance that the hillside would not be sliding into the street. Chair Worel replied that she was correct. Commissioner Gross explained that permanent shoring was proposed as part of the excavation. Commissioner Strachan informed Ms. Constable that the Commissioners and the applicant had a lengthy discussion regarding the shoring process.

Assistant City Attorney McLean informed Ms. Constable that if she did not want to wait for the minutes, the recording of the meeting would be available within a day or two and she could contact the Planning Department for a copy. Blake Henderson, the applicant, offered to meet with Ms. Constable after the meeting to explain the shoring process.

Chair Worel closed the public hearing.

Commissioner Stuard noted that Finding of Fact #19 states that a geo-technical report has been reviewed and approved. He wanted to know who approved it since it is not the purview of the Planning Commission to review and approve geo-technical reports. Planning Manager Sintz revised the language to state, "A geo-technical report was provided to the Planning Commission for their review." Commissioner Stuard did not believe the brief review by the Planning Commission constitutes a full and necessary review.

Commissioner Phillips suggested revising the language to say that the geo-technical report was presented to the Planning Commission, but it should not say it was approved. Commissioner Gross thought they could add a condition of approval stating that the geo-technical report needs to be approved.

Mr. Henderson pointed out that it was a stamped certified geo-technical report by a licensed engineer. Commissioner Strachan clarified that the report as submitted needs to be approved by the City.

Chair Worel clarified that the wording in Finding of Fact 19 should read, "A geo-technical report was presented." Commissioner Stuard preferred to say it was submitted because the applicant was not able to read the report and walk them through it. The Commissioners concurred. The Finding was changed to read, "A geo-technical report was submitted."

Commissioner Strachan noted that the sidewalk that runs in front of the project is a dual use path that is used for biking and walking. He hoped that the construction staging would not interfere because it is the only way to get up and down Deer Valley Drive.

Planner Alexander noted that Condition of Approval #12 requires that all construction of the project must be staged on the property. Commissioner Gross asked if they should add a separate condition to required screening and fencing on the south side of the sidewalk. Commissioner Strachan suggested adding separate condition of approval stating, "The sidewalk on Deer Valley Drive shall remain passable at all times." Assistant City Attorney McLean recommended that they add the language to Condition #12, as opposed to making it a separate condition.

Chair Worel asked if the Commissioners wanted to add a condition of approval regarding a neighborhood meeting with the applicant. Mr. Henderson was not opposed to meeting with the neighbors and working through the plans; however, he was unclear on whether the neighbors would have a say in the construction mitigation plan. He was concerned that different opinions from different neighbors would stall the progress.

Commissioner Gross remarked that meeting with the neighbors would be more informational so they would know what to expect. Commissioner Phillips assumed that Mr. Henderson would take into consideration any concerns voiced by the neighbors.

Condition of Approval 15 was added to say, "The applicant shall conduct a neighborhood meeting that shall be held within 30 days of building permit issuance." Commissioner Stuard preferred "...within one week prior to the start of construction", rather than 30 days after the building permit.

Planning Manager Sintz suggested, "...within one week prior to the commencement of construction".

Commissioner Strachan thought they should require the applicant to make reasonable efforts to inform the neighbors. He drafted language to state, "The applicant shall make a reasonable effort to contact all the neighbors within 300 feet."

Commissioner Stuard was interested in adding language stating that the Building Department would look carefully at methods necessary to restore this site in the event that there is a cessation of construction. Planning Manager Sintz offered to schedule a work session where a representative from the Building Department could explain the current process. It would help the Commissioners understand the process for future applications. Assistant City Attorney McLean stated that the Staff would relay Commissioner Stuard's comments to the Building Department. She thought having a

work session with a Building Department representative was a good idea.

Commissioner Strachan reviewed the Findings and Conditions that were revised or added during this discussion.

Finding of Fact #19 – The geo-technical report was submitted.

Condition of Approval #12 – Add a sentence at the end, “The sidewalk on Deer Valley Drive shall remain passable at all times.

Add Condition of Approval #15 – Applicant shall conduct a meeting with surrounding neighborhoods within one week prior to beginning of construction. Applicant shall make reasonable efforts to inform all neighbors within 300’ of the meeting.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Condominium Plat Amendment for 300 Deer Valley Loop Road, according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance and as amended. Commissioner Phillips seconded the motion.

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

Findings of Fact – 300 Deer Valley Loop Road

1. The property is located at 300 Deer Valley Loop Road.
2. The property is located within the Residential (R-1) District.
3. The R-1 zone is a transitional zone in use and scale between the historic district and the Deer Valley Resort.
4. The condominium plat will create one (1) condominium lot of record containing a total of 27,779.15 square feet.
5. There are no existing structures on the property.
6. Access to the property will be from Deer Valley Drive in a single access point on a common driveway for all units to a shared underground parking structure.
7. The minimum lot size in the R-1 zone is 3,750 square feet for a duplex dwelling.

8. A duplex dwelling is an allowed use in the R-1 zone.
9. The total private area of the condominiums consists of 5,230.2 square feet; the Limited Common Area consists of 306 square feet.
10. Unit A consists of 3,769.6 square feet of private area and 2,852.3 square feet of limited common area. Unit B consists of 2,581.2 square feet of private area and 2,013 square feet of limited common area. Unit C consists of 2,581.2 square feet of private area and 2,013 square feet of limited common area. Unit D consists of 3,076.7 square feet of private area and 2,385.8 square feet of limited common area.
11. The entire project including the parking structure contains 9,446.1 square feet of common area, 12,008.7 square feet of private area, and 9,264.1 square feet of limited common area.
12. The footprints total 2,613 square feet for Units A&B combined and 2,286 square feet for Units C&D combined; with a total footprint of the project being 4,899 square feet.
13. The height of the buildings will be 22 feet above existing grade
14. The front yard setback will be 20 feet, the rear yard setback will be 10 feet and the side yard setbacks will be 10 feet each.
15. The shared parking structure contains a total of 14 parking spaces, exceeding the eight (8) parking space requirement.
16. There are existing encroachments on the property from the owner of 510 Ontario Avenue.
17. The existing shared access easement will be removed with the approval of this plat.
18. Minimal construction staging area is available along Deer Valley Loop Road and Deer Valley Drive.
19. The Geo-technical report was submitted.
20. A Construction Mitigation Plan will be required upon submittal of a Building Permit application.
21. On June 14, 2007, the City Council approved the Roundabout Subdivision Plat.

This plat was recorded February 21, 2008.

22. On November 13, 2013, the Planning Department received a complete application for the Roundabout Condominiums plat.

23. Due to the bus pull-out modifications along Deer Valley Drive, the applicant will need to deed a portion of property to the City for ROW improvements and receive another portion of existing ROW improvements back from the City. Exhibit C shows the 875 square feet that will be dedicated to the applicant and 164 square feet that will be dedicated to the City. The applicant previously dedicated 3,152.54 square feet to the City with the 2007 Subdivision for the bus pull-out and Deer Valley Drive and Deer Valley Loop ROW improvements (Exhibit E). In order for this to occur, the applicant will need to petition the City Council to vacate the 875 square feet of ROW.

24. As conditioned, this condominium plat is consistent with the conditions of approval of the Roundabout Subdivision plat as per the findings in the Analysis section.

Conclusions of Law – 300 Deer Valley Loop Road

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

Conditions of Approval – 300 Deer Valley Loop Road

1. The City Attorney and City Engineer will review and approve the final form of the condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval will be void, unless a complete application requesting an

extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The applicant stipulates restricting the development to two (2) condominium buildings with one (1) underground shared parking structure. This shall be noted on the plat.

4. The footprint of each condominium building will not exceed 3,200 square feet, to be noted on the plat.

5. Shared access for the four units will be a single access point for all units on a common driveway into a shared underground parking structure, accessed from Deer Valley Drive, to be noted on the plat.

6. All vehicles exiting the common driveway must pull out of the driveway onto Deer Valley Drive front-facing, to be noted on the plat.

7. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

8. A 10 foot (10') wide public snow storage easement is required along the frontage of the lot with Deer Valley Drive and Deer Valley Loop Road and shall be shown on the plat.

9. A five foot (5') wide public utility easement is required along the rear and side lot lines.

10. The applicant shall submit a financial guarantee, in an amount approved by the City Engineer and in a form approved by the City Attorney, for the public improvements including, but not limited to, the fire hydrant, storm drain box, bus pull-out, improvements to Deer Valley Drive, and lighting, prior to plat recordation.

11. An encroachment agreement between the applicant and the owner of 510 Ontario Avenue that addresses all current encroachments (asphalt driveway, rock retaining wall and hot tub) onto the applicant's property shall be remedied prior to plat recordation.

12. The Construction Mitigation Plan required at Building Permit application shall stipulate that all staging of the project must be done entirely on the applicant's property and that the hours of hauling shall be between 8 am and 6 pm Monday

through Friday throughout the duration of the project. The sidewalk on Deer Valley Drive shall remain passable at all times.

13. There shall be a tie breaker mechanism in the CCR's.

14. Due to the bus pull-out modifications along Deer Valley Drive, the applicant will need to deed a portion of property to the City for ROW improvements and receive another portion of existing ROW improvements back from the City. In order for this to occur, the applicant will need to petition the City Council to vacate the 875 square feet of ROW prior to plat recordation.

15. Applicant shall conduct a meeting with the surrounding neighborhoods within one week prior to beginning of construction. Applicant shall make reasonable efforts to inform all neighbors of the meeting within 300'.

The Park City Planning Commission meeting adjourned at 8:45 p.m.

Approved by Planning Commission: _____



Planning Commission Staff Report

Subject: Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Avenue Subdivision
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-14-02271
Date: April 23, 2014
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Avenue Subdivision plat amendment, located at the same address, 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.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: 820 Park Avenue LLC, represented by Rory Murphy
Location: 820 and 838 Park Avenue
Zoning: Historic Recreation Commercial (HRC) District
Adjacent Land Uses: Residential condominiums, single-family residential, vacation rentals, commercial and retail
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining all of the metes and bounds parcel at 820 Park Avenue as well as approximately 229 square feet of City-owned property on the north and approximately 123.4 square feet of the neighboring property to the south at 838 Park Avenue. There is an existing historic structure on the property at 820 Park Avenue, which has been identified as Significant on the City's Historic Sites Inventory. The applicant wishes to combine these parcels in order to move forward with a Historic District Design Review (HDDR) approval that will permit the new Rio Grande Development at 820 Park Avenue to connect to the Town Lift Plaza to the south through a common wall.

Purpose

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) Encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) 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,
- (F) provide a moderate Density bed base at the Town Lift,
- (G) allow for limited retain and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources,
- (I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Background

Rio Grande

820 Park Avenue, LLC submitted a Historic District Design Review (HDDR) application for the renovation of the historically “Significant” Rio Grande railroad shed as well as a new multi-unit dwelling containing ten (10) condominium units. As part of this application, the applicant requested to move the historic structure to the southeast corner of Park Avenue and 9th Street; however, the Planning Director and Chief Building Official determined that unique conditions did not exist that warranted the relocation of the structure on October 9, 2013. This determination was overturned by the Historic Preservation Board (HPB) on November 13, 2013. The Planning Director has also granted a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty-percent (50%) above zone height, or to forty-eight feet (48’). This architectural feature does not include habitable space. The HDDR application was deemed complete on October 17, 2013, and the application was approved on April 14, 2014.

The Planning Commission also reviewed and approved the applicant’s request for a Conditional Use Permit (CUP) on January 8, 2014 and February 12, 2014. The CUP approval included the following uses:

- Multi-Unit Dwellings (a building containing four (4) or more dwelling units);
- Commercial Retail and Service, Minor;
- Café or Deli
- Outdoor dining;
- Office (intensive);
- Parking Area or Structure with five (5) or more spaces

The ground level storefront spaces and historic Rio Grande Building will contain 4,541 square feet of commercial retail and service, minor; café or deli; or office (intensive) use. The developer has not yet leased these spaces and has not yet determined the

final mix of these uses. A condition of approval was added to the CUP to ensure that all future commercial retail uses of this development must meet the Parking Requirements for Specific Land Use Categories, as outlined by LMC 15-3-6. The development will also include ten (10) condominium units. Master Planned Developments (MPDs) are not required in the Historic Recreation Commercial (HRC) District.

The development of this site and increased commercial retail use in the neighborhood will result in additional traffic and parking demands. The City Engineer has required that the applicant limit vehicular access to the site from 9th Street so as to not increase traffic congestion along Park Avenue and at the 9th Street-Park Avenue intersection. Site triangles are better on 9th Street than Park Avenue, and 9th Avenue is a lesser traveled street. Vehicular ingress and egress to the site's underground parking is located off 9th Street.

The parcel at 820 Park Avenue is currently a metes and bounds parcel. Approximately 229 square feet at the north end of the property is owned by the City. 820 Park Avenue, LLC and Park City Municipal are currently entering into a Real Estate Purchase Contract for the city-owned parcel, SA-398-X, which is located along the 9th street frontage of the project. The proposed conveyance will provide legal access to the project from 9th street. The applicant also intends to purchase approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3 in order to connect the new development at 820 Park Avenue to the Town Lift development directly to the south at 838 Park Avenue.

Town Lift Subdivision, Plat B1-3

As previously noted, the applicant intends to construct a common wall between the Rio Grande and Town Lift Developments. These two (2) sites will be connected through doorways that allow building users to pass from the Rio Grande development through the Town Lift development in order to access the Town Lift Plaza and ski lift. In order for the Rio Grande development to connect to the Town Lift development, 820 Park Avenue, LLC, intends to purchase 123 square feet of the property to the south at 838 Park Avenue. A portion of the new building will occupy the 123 square feet in order to connect the sites.

The original Sweeney Master Planned Development (MPD) was approved in December 1985, and identified this site as the Coalition East Property. The following year, City Council called up and approved a slightly modified MPD for the Sweeney Town Lift. Lot B-3 was identified as the location of the ticket building. A total of 4,000 square feet of commercial space, or 4 commercial unit equivalents were approved through the modified MPD. At the time of the approval, the Sweeneys stressed the importance of retaining open space in order to provide a pedestrian gathering space and ski staging area.

In December 1993, the Planning Commission approved the MPD and preliminary plat for the Sweeney Town Lift Properties. The following year, City Council approved the

Sweeney Town Lift Phase B plat amendment through Ordinance 94-7 (see Exhibits D and E).

Since 1994, there has been a single amendment to the record of survey for the Caledonian Condominium plat in order to identify and remove 1,700 square feet from the condo plat. This parcel became known as Lot B-4 and was reserved for open space, which could include the construction of the skier bridge (Exhibit F). It cannot be developed without an amendment to the MPD.

Analysis

There is an existing historic structure—the Rio Grande freight shed—that is currently located on the southern half of the property at 820 Park Avenue. The applicant intends to develop this site and construct a three (3) story multi-use structure adjacent to the historic structure. The applicant also intends to purchase the City-owned parcel directly to the north of the property that contains approximately 229 square feet as well as approximately 123 square feet of property from 838 Park Avenue, or Lot B-3 of the Town Lift Subdivision, Plat B1-3 in order to connect the existing Town Lift ticket building with the new mixed use development through a common wall. The following table outlines the existing and conditions as well as those following development:

	HRC Zone Designation	Existing Conditions (approximately sf)	Proposed Conditions (including new development)
<i>Lot Size</i>	Not specified	City Owned parcel : 210 SF 820 Park Ave parcels: 12,327 SF Town Lift Subdivision: 123.4 SF	Parcels will be combined under 820 Park Ave LLC ownership: 12,660.06 SF
<i>Setbacks</i>			
Front (West)	10 ft.	25 feet	10 ft.
Rear (East)	10 ft.	37 ft.	10 ft.
Side (North)	5 ft.	37 ft.	5 ft.
Side (South)	5 ft.	31 ft.	0 ft. (Per LMC 15-2.5-3(E)(3), a side yard between connected structures is not required where the structures are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.)
<i>Height above existing grade</i>	32 ft.	26 ft.	26.5 ft. (new rear addition)
<i>Floor Area Ratio</i>	4.0	.05	2.37

(includes residential and non-residential uses)			
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As shown by the table, the applicant intends to purchase approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3 in order to build a common wall of approximately 65 feet along the shared property line. This common wall will enable the applicant to connect his development at the Rio Grande site with the Sweeney Town Lift development to the south. The Sweeney Town Lift MPD, Phase B was approved by the Planning Commission in 1992. At that time, staff completed a comparison of the original 1985 Sweeney MPD and the 1992 application (Exhibit G). For the purpose of this staff report, staff has evaluated the open space requirements based on the total square footage of the total site—Sweeney Town Lift MPD, Phase B—and has found that the loss of 123.4 square feet will not have a significant impact on their open space requirements as the developer has already exceeded his open space requirements for this particular portion of the Sweeney MPD.

	1986 Sweeney MPD	1992 Application	2014 Application
Square feet of total Town Lift Subdivision, Plat B1-3	50,399 SF	50,094	47,157.9 SF (based on 1994 recorded plat and 123.4 deduction)
Open Space of total site	21,794 SF	33,587 SF	33,463.6 SF
Percentage of Open Space	43%	67%	70.9%

There have been some changes to the overall square footage of the site between the 1986 and 2014 applications. Staff finds that the previous planner on the project calculated the total square footage of this city block in 1992 by multiplying the north property line (161.45 ft.) by the east property line (310.74 ft.). There may have been a calculation or measuring error; however, the square footage of each lot on the recorded Town Lift Subdivision, Plat B1-3 is labeled and was used by staff for this analysis.

The proposed plat amendment does not increase any degree of nonconformity with respect to setbacks. The existing Town Lift ticket building's reduced setbacks were approved during the 1993 MPD. The applicant at 820 Park Avenue is purchasing this property in order to construct a shared wall with the existing Sweeney-owned building on Lot B-3. As previously described, Land Management Code Section 15-2.5-3(E)(3) states that a side yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Side Lot Line may not exceed 100 feet. The proposed shared wall is approximately 65 feet in length.

The Planning Commission approved the applicant's Conditional Use Permit (CUP) on February 12, 2014, and the Historic District Design Review (HDDR) is currently under review by the Planning staff for the proposed development at 820 Park Avenue. Going forward, the applicant will require a building permit prior to the start of any construction. A condominium plat is also needed in order for the developer to sell the ten (10) residential condominium units or any of the commercial spaces of this development.

Good Cause

Planning Staff believes there is good cause for the application. Combining the city owned tax parcel SA-398-X, the metes and bounds parcel at 820 Park Avenue, and approximately 123 square feet of the property at 838 Park Avenue will allow the applicant to move forward with plans to redevelop the site. These plans include restoring the historic Rio Grande freight shed and adding a new multi-use development are consistent with the General Plan and purpose statements of the zone, including maintaining and enhancing the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

If left un-platted, the property remains as is. The development facilitated by this plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm on any adjacent property owner because the proposal meets the requirements of the Land Management Code (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. In approving the plat, the City will gain two (2) ten foot (10') snow storage easements along Park Avenue and 9th Street. The applicant cannot move forward with their plans to develop the site until the plat amendment has been recorded. There currently are not any existing encroachments on the site.

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 1-18.

Department Review

This project has gone through an interdepartmental review. Issues raised have been addressed by revisions to the application and/or conditions of approval. No additional issues were raised regarding the subdivision.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Avenue Subdivision and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Avenue Subdivision to a date certain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the City-owned property would not be combined with the existing metes and bounds parcel at 820 Park Avenue. Further, no changes would be made to the Town Lift Subdivision, Plat B1-3 as the 123 square feet of property at 838 Park Avenue would not be attached to the property at 820 Park Avenue. Any additions to or renovations of the historically significant Rio Grande freight shed would not be permitted as designed and approved, and this development could not move forward as approved.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Avenue Subdivision plat amendment, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial Photograph and streetscape photos
- Exhibit D –Town Lift Phase B plat amendment
- Exhibit E – Ordinance 94-7
- Exhibit F – Town Lift Subdivision, Plat B1-3 including Lot B-4
- Exhibit G – Planning Commission staff report December 10, 1992

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

AN ORDINANCE APPROVING THE TOWN LIFT SUBDIVISION, PLAT B1-3, LOT B-3, FIRST AMENDED & 820 PARK AVE SUBDIVISION LOCATED AT 820 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, Park City Municipal Corporation and the owners of the properties located at 820 and 838 Park Avenue have petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 23, 2014 to receive input on the proposed subdivision;

WHEREAS, on April 23, 2014 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on May 15, 2014 the City Council held a public hearing on the proposed plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the proposed Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Ave Subdivision.

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 Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Ave Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 820 Park Avenue within the Historic Recreation Commercial (HRC) Zoning District.
2. The applicant is requesting to combine approximately 229 square feet of City-owned located on the southeast corner of 9th Street and Park Avenue, the metes and bounds parcel at 820 Park Avenue, and approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3.

3. The existing historic Rio Grande Freight Shed is designated as "Significant" on the City's Historic Sites Inventory (HSI).
4. The applicant submitted a Historic District Design Review (HDDR) application on June 19, 2013. The application was deemed complete on October 17, 2013.
5. The Planning Director and Chief Building Official determined that unique conditions did not exist that warranted the relocation of the historic Rio Grande Building on October 9, 2013. The applicant submitted an appeal to this determination on October 18, 2013, and the Historic Preservation Board (HPB) granted the appeal and reversed staff's determination on November 13, 2013.
6. The Planning Director has granted a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty-percent (50%) above zone height, or to forty-eight feet (48'). This architectural feature does not include habitable space.
7. The proposed development will feature a shared party-wall with the Town Lift Condominiums along the south elevation. Land Management Code (LMC) 15-2.5-3(E) states that a side yard between connected structures is not required where the structures are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a building joined at the side lot line may not exceed 100 feet, and the applicant is proposing a common wall of approximately sixty-five feet (65').
8. Indirect access from the Rio Grande development to the Town Lift Plaza will be provided on the fourth floor of the Rio Grande development and through the Town Lift Condominiums.
9. 820 Park Avenue, LLC is currently working with the owners of 838 Main Street in order to purchase approximately 123 square feet of the Town Lift Subdivision, Lot B-3 and secure the necessary agreements to provide access to their development.
10. 820 Park Avenue, LLC and Park City Municipal Corporation are entering into a real estate purchase contract for the city-owned parcel, SA-398-X, located along 9th Street.
11. The applicant submitted a Conditional Use Permit (CUP) on June 19, 2013. The application was deemed complete on November 26, 2013. The Planning Commission approved the CUP for a multi-unit dwelling of ten (10) units; commercial retail and service, minor; outdoor dining; café or deli; office (intensive); and a parking structure of twenty-four (24) spaces on February 12, 2014.
12. The development of this site and increased commercial retail use in the neighborhood will result in additional traffic and parking demands. The City Engineer has required that the applicant limit vehicular access to the site from 9th Street so as to not increase traffic congestion along Park Avenue and at the 9th Street-Park Avenue intersection. Site triangles are better on 9th Street than Park Avenue, and 9th Avenue is a lesser traveled street. Vehicular ingress and egress to the site's underground parking is proposed off 9th Street.
13. On March 3, 2014, the applicant applied for a plat amendment; the application was deemed complete on March 11, 2014.
14. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of developing the site at 820 Park Avenue, which includes

renovating the historic Rio Grande freight shed and constructing a multi-use structure on the site, as approved with the February 12, 2014 CUP.

15. The amended plat will create one new 12,660.06 square foot lot.
16. 838 Park Avenue was included as part of the 1985 Sweeney Master Planned Development (MPD). In December 1993, the Planning Commission approved the MPD and preliminary plat for the Sweeney Town Lift Properties. City Council approved the Sweeney Town Lift Phase B plat amendment through Ordinance 94-7 in December 1993. 838 Park Avenue is included as Lot B-3 of this plat amendment.
17. Staff finds that the loss of approximately 123 square feet of Lot B-3 of the Sweeney Town Lift Subdivision, Plat B1-3 will not affect the property's open space requirement as the amount of open space will continue to exceed 43% as dictated by the 1985 Sweeney MPD.
18. 820 Park Avenue, LLC and Park City Municipal Corporation are entering into a real estate purchase contract for the city-owned parcel, SA-398-X, located along 9th Street.
19. The development is not located within the sensitive lands overlay.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
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.
5. The plat amendment application is consistent with the General Plan and purposes of the zone.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one (1) 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. A 10 foot (10') wide public snow storage easement is required along the street frontages of the lot along Park Avenue and 9th Street. This easement shall be shown on the plat.

6. Vehicular access shall only be from 9th street. No vehicular access shall be from Park Avenue.
7. 820 Park Avenue, LLC shall have purchased the City-owned tax parcel SA-398-X and approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3 prior to recording the plat with Summit County.

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

PASSED AND ADOPTED this ____ day of May, 2014.

PARK CITY MUNICIPAL CORPORATION

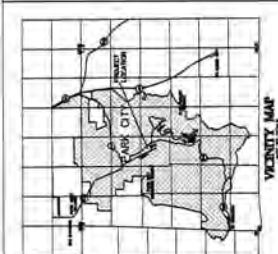
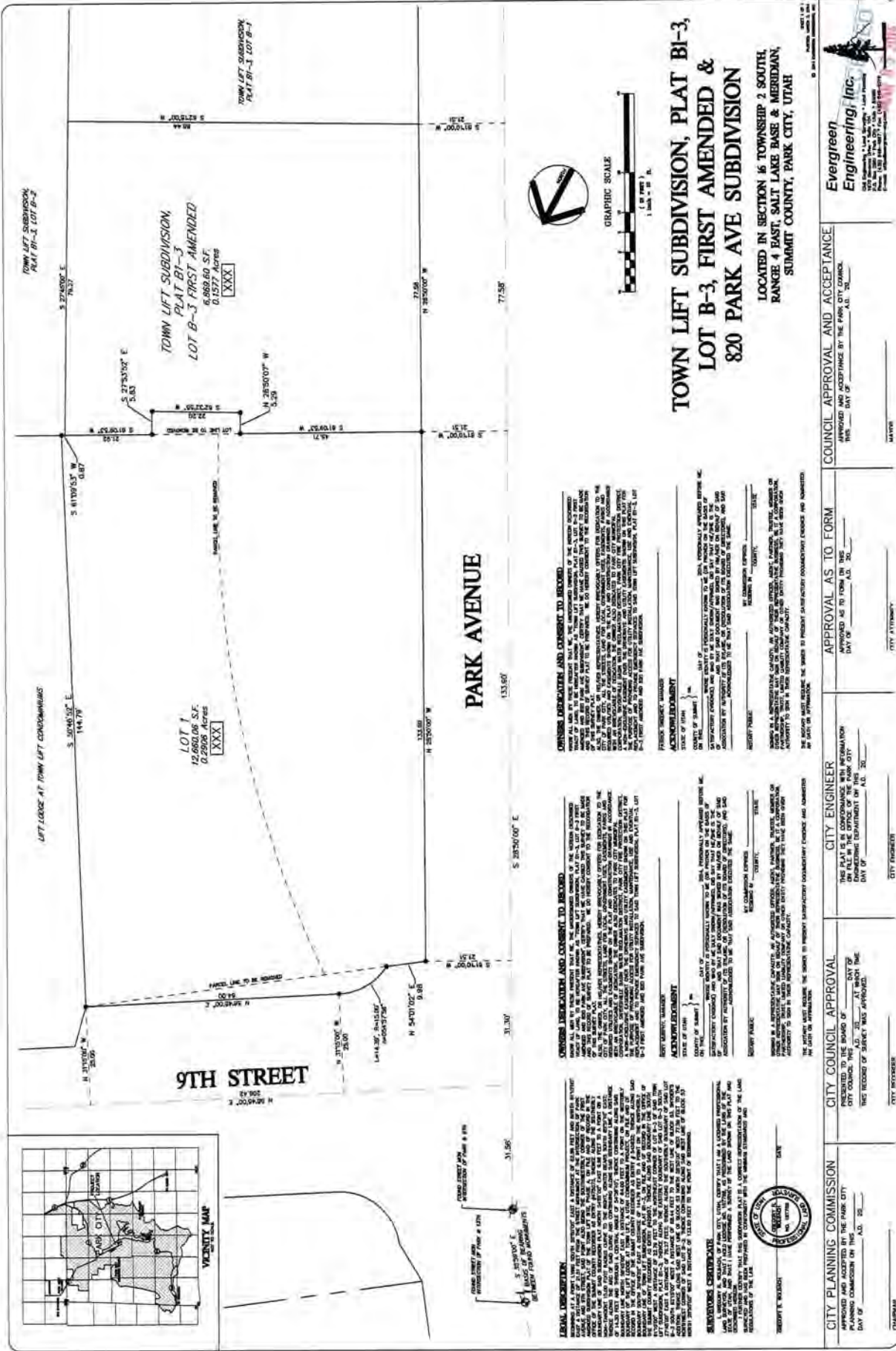
Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



**TOWN LIFT SUBDIVISION, PLAT BI-3,
LOT B-3, FIRST AMENDED &
820 PARK AVE SUBDIVISION**

LOCATED IN SECTION 16 TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE & MERIDIAN,
SUMMIT COUNTY, PARK CITY, UTAH

OWNER'S DECLARATION AND CONSENT TO RECORD

OWNER'S DECLARATION AND CONSENT TO RECORD

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the within described parcel of land, do hereby certify that the information contained herein is true and correct to the best of my knowledge and belief, and that I have not been convicted of a crime involving moral turpitude within the last five years. I hereby consent to the recording of this plat and to the use of the same for all purposes. I understand that the recording of this plat does not constitute a warranty of any kind, and I accept the responsibility for the accuracy of the information contained herein. I have read and understand the contents of this plat and the laws of the State of Utah relating thereto. I have not been convicted of a crime involving moral turpitude within the last five years. I hereby consent to the recording of this plat and to the use of the same for all purposes. I understand that the recording of this plat does not constitute a warranty of any kind, and I accept the responsibility for the accuracy of the information contained herein.

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COUNCIL APPROVAL AND ACCEPTANCE
APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL
THIS _____ DAY OF _____ A.D. 2014

APPROVAL AS TO FORM
APPROVED AS TO FORM BY THE
DAY OF _____ A.D. 2014

CITY ENGINEER APPROVAL
THIS PLAT IS IN CONFORMANCE WITH INFORMATION
ON FILE IN THE OFFICE OF THE CITY ENGINEER
DAY OF _____ A.D. 2014

CITY COUNCIL APPROVAL
PRESENTED TO THE BOARD OF
CITY COUNCIL THIS _____ DAY OF _____ A.D. 2014
NEXT RECORD OF SURVEY WAS APPROVED

CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY
PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 2014



Evergreen Engineering, Inc.
1000 East 1000 North, Suite 100
Park City, Utah 84302
Phone: 435.266.1111
Fax: 435.266.1112
www.evergreeneng.com

BY _____
OWNER'S SIGNATURE
STATE OF UTAH _____
COUNTY OF _____
DATE OF SIGNATURE _____

BY _____
OWNER'S SIGNATURE
STATE OF UTAH _____
COUNTY OF _____
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BY _____
OWNER'S SIGNATURE
STATE OF UTAH _____
COUNTY OF _____
DATE OF SIGNATURE _____

RECEIVED
MAR 03 2014
PARK CITY
PLANNING DEPT.

LAND MANAGEMENT CODE ANALYSIS

LAND ZONE:
MULTI-UNIT DWELLING (CONDITIONAL USE), RESIDENTIAL USE, HOODWOOD COMMERCIAL (COMMERCIAL), CONDITIONAL USE, RESTAURANT AND CAFE, OUTDOOR DINING (CONDITIONAL USE)

REQUIRED SETBACKS:
FRONT YARD: 10'
SIDE YARD: 5'
CORNER YARD: 10'

BLOCK AREA INFO (AREA):
NON-RESIDENTIAL USE: 1


BUILDING HEIGHT:
ZONE HEIGHT: 32'
ROOF ELEVATION: 37'
MAXIMUM ELEVATION: 48'
ELEVATION PER HOUSE: 48'

PLANNING DEPARTMENT EXCEPTION: 20% OF ROOF AREAS

PROJECT AREA SUMMARY:
OPEN SPACE INCLUDING DRIVEWAY: 4,543
5,540
28,258

BUILDING AREA BREAKDOWN:
TOTAL: 28,258
19,756
892
4,556
15,918

TOTAL BUILDING AREA:
28,258



SITE AERIAL IMAGE - PANORAMA KEY

8

7

6

5

4

3

2

1

OLYMPIEGBU Architecture
1942 Park City Drive • Salt Lake City • Utah 84121
801.712.4075 • 801.618.3649 (fax) • info@olympiegbu.com

CONSULTANTS:
EXECUTIVE ENGINEERS
STRUCTURAL ENGINEERS
MECHANICAL ENGINEERS
ELECTRICAL ENGINEERS
LANDSCAPE ARCHITECTS

STAMP
PRELIMINARY
NOT FOR PERMIT OR CONSTRUCTION

SHEET DATA:
DESIGNED BY: MCO
DRAWN BY: STAFF
REVIEWED BY: MCO

PROJECT:
RIO GRANDE DEVELOPMENT
800 PARK AVENUE
PARK CITY, UTAH 84040

REVISIONS:

No.	Date	Description

ISSUE/PHASE:
ISSUE: HCDR APPLICATION
ISSUE DATE: 06.13.2013
PROJECT #: 2013-020

SHEET TITLE:
PANORAMAS
NOT FOR CONSTRUCTION
HDDR-01

SHEET **01** OF **04**

REVISIONS:

ISSUE/PHASE:

SHEET TITLE:

ORDINANCE NO. 94- 7

**AN ORDINANCE APPROVING THE SWEENEY TOWN LIFT
PHASE B FINAL PLAT, A SUBDIVISION
LOCATED NORTH OF 7TH STREET BETWEEN
PARK AVENUE AND MAIN STREET, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Sweeney Town Lift Phase B petitioned the Planning Commission for approval of the Sweeney Town Lift Phase B final plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed plat on February 23, 1994; and

WHEREAS, on February 23, 1994, the Planning Commission approved the Sweeney Town Lift Phase B Plat attached hereto as Exhibit A; and

WHEREAS, it is in the best interest of Park City to approve the final plat,

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

SECTION 1. The Sweeney Town Lift Phase B Subdivision plat is approved as shown on the attached Exhibit A with the following conditions:

1. The Town Lift Design Review Task Force approved the volumetrics on August 2, 1993. Final design approval will be required to be granted by the Town Lift Design Review Task Force prior to building permit issuance. The plans shall be consistent with the preliminary approval and with the approved Guidelines and Volumetrics.
2. A cross-easement agreement has been drafted to meet the requirements for a Master Owners' Association. That agreement shall be approved by the City Attorney. The City has been granted an Easement Deed and Restrictive covenant providing an easement for open space in which Quitting Time agrees to maintain the open space at the town Lift Base to a standard equal to that of the City maintained pocket plazas. Prior to the issuance of the final occupancy permit for the first completed phase, a security shall be posted for one year's open space maintenance.
3. Quitting Time shall be required to maintain the vacant properties until such time they are developed according to the Master Plan. Natural drought resistant grasses will be planted over a minimum of six inches of tested top soil. Rocky Mountain wildflower mix will be planted in selected locations. Litter will be removed in the spring after the snow melt, mid-summer and in the fall. Noxious weeds will be removed as needed by Quitting Time.

4. A comprehensive plan for the Lift Base is included in the Guidelines and Volumetrics and shall include restrooms, a drinking fountain, signage, landscaping and lighting. The restrooms will be located in phase B3 and available to the public during the hours of business operation of the leased space in phases B2 and B3 and during the operation of the Lift and ticket office. These improvements will be constructed at the time the respective phases are developed. A security will be required to be posted prior to building permit issuance for each phase to ensure completion of the improvements.

5. A Streetscape and Landscape plan is included in the Guidelines and Volumetrics. These improvements will be required to be completed prior to the final occupancy permit for each phase. Prior to building permit issuance for each phase, a security will be required to be posted to ensure completion.

6. Prior to plat recordation, a security shall be posted for the completion of the sidewalks and street lights on Main Street and 7th Street. The improvements shall be installed no later than October 15, 1995.

7. Prior to plat recordation, a parks fee of \$3,105 shall be paid.

SECTION 2. This ordinance shall take effect immediately.

DATED this 27th day of March, 1994.



PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch
BRADLEY A. OLCH, MAYOR

ATTEST:

Anita L. Sheldon
ANITA L. SHELDON, CITY RECORDER

APPROVED AS TO FORM:

Jodi F. Hoffman
JODI F. HOFFMAN, CITY ATTORNEY

PARK CITY PLANNING DEPARTMENT
REVISED STAFF REPORT

Background

TO: PLANNING COMMISSION
FROM: PLANNING STAFF
DATE: DECEMBER 10, 1992
RE: SWEENEY TOWN LIFT MPD

I. PROJECT STATISTICS

Project Name: Sweeney Town Lift Properties MPD/
Town Lift Project Part Phase B
Applicant: Quitting Time, LTD
Location: East of Park Ave., West of Extended Main
Street, North of proposed 7th St. near
the Town Lift Base
Proposal: Conditional Use Approval/Small Scale
MPD/Sketch & Preliminary Plat for a
portion of an approved Large Scale MPD
Zoning: HCB-MPD
Adjacent Land Uses: Vacant, Approved Mixed Use MPD, Lift
Base, Historic Residential
Date of Application: August 10, 1992
Project Planner: Nora Seltenrich
Staff Recommendation: Conditional Approval

II. BACKGROUND INFORMATION

On December 18, 1985, the Planning Commission approved the Sweeney Properties Large Scale MPD. The project was called up by the City Council and a slightly modified plan was approved on October 16, 1986. The Sweeney Properties MPD includes a number of properties and individual development parcels. The total number of units approved includes 258 residential units and 19 support commercial units for a total of 277 unit equivalents. The approval has a lengthy list of conditions, most of which apply to the Hillside development parcels which are not addressed as a part of this proposal.

Since the MPD approval, the Developer has granted various easements, processed rezones, gained plat approvals and participated in the concept approval for the Town Lift Project.

Although no construction of new units has taken place on site, considerable construction of ski runs, foot/bike trails, grading, including demolition of the Coalition West garages and removal of three houses has taken place. Accordingly, the MPD is proceeding in general compliance with the Phasing Plan which was approved as a part of the MPD.

The concept approval for the Town Lift project included two of the Sweeney properties, the Coalition East property and the Coalition West property. The concept approval was not detailed enough to serve as the conditional use/small scale MPD review for the Coalition East and West Parcels, so the developer is requesting that review for the Coalition East Parcel.

Any Large Scale Master Plan requires that each portion of the Master Plan be reviewed in more detail as a Small Scale Master Plan under the Conditional Use process. The Large Scale Master Plan identifies the broad parameters such as density ranges, uses, building heights and general site planning. The more specific review gives more detail for what is actually planned to be built. The specific building design for this project will also be subject to review by the Historic District Commission or the Town Lift Design Review Task Force.

III. PROJECT DESCRIPTION

The applicant is requesting conditional use/small scale MPD/preliminary plat review of a portion of an approved Large Scale MPD. This area was referred to as the Coalition East Property in the Large Scale MPD. It was also included in the concept approval for the Town Lift Project. The proposed uses and concept have not changed significantly from the original Sweeney Properties MPD. The following is a unit comparison of the three plans:

Comparison SPMP, Concept Approval and Current Application

	SPMP	Conceptual Approval	Current Application
Maximum Elevation ¹ South Building ²	7050	7050	7052.5
Gross Square Feet South Building ²	62,115	57,500	58,600
Footprint South Building ²	15,529	14,996	14,813
Average Height ³ South Building ²	44	42	44
Gross Square Feet All Buildings	91,731	---	66,373
Footprint ⁴ Total Site	24,605	19,596	16,507
Average Height ³ All Buildings	41	---	39.5
Square Feet Total Site	50,399	50,094	50,094
Open Space Total Site	21,794	30,498	33,587
% Open Space	43	61	67
Unit Equivalents (U.E.)	40	---	40±2

--- Not specified in Conceptual Approval or unable to calculate

¹ Top of pitched roof

² Main Building or Phase B1 Current Application

³ Height is calculated as follows: First floor assumed to be 14 feet, second floor 10 feet, third floor 10 feet, fourth floor 10 feet, etc. No adjustment made for pitched roofs vs. flat roofs. Number of Stories determined by Gross Square Feet divided by Footprint⁴.

⁴ Footprint is defined as the building outlines as view from above; i.e. ski lift terminus, plaza space, and open decks at grade are not considered footprint.

This proposal includes three structures referred to as B-1 Main Building, B-2 Maze Building and B-3 Ticket Building. A copy of the guidelines and volumetrics for the proposed plan which describes the building concepts in more detail has been provided to the Planning Commissioners. Included with the volumetrics are reductions of the 10 technical sheets. Specific building design has not been done at this time, but the guidelines specify the building forms. The specific architecture will require approval by the historic District Commission. These guidelines reflect the buildings as proposed without modifications made in response to Planning Commission input. The volumetric will have to be amended to reflect the revised plans which the applicant is now proposing.

Briefly, the proposal is a mixed use project with retail along extended Main Street and residential units above. Code required parking will be provided in underground structures. No parking will be required to be built under City streets or rights of way. The plan must address and adhere to the Flood Plain Ordinance and the ADA requirements. The plan includes 7th Street.

Building B-1 Main Building is proposed to contain 32.5 unit equivalents; 18 Commercial and 14.5 residential. The building is split into different design elements so that the Main Street Commercial is compatible with the balance of the Town Lift project in form. It is anticipated that this building will function like a hotel with the residential unit equivalents being broken into hotel type rooms.

Building B-2 Maze Building is proposed to be mostly subterranean, providing one level of commercial accessing off of Main Street. It would contain approximately 4,000 sq ft of commercial or 4 commercial unit equivalents.

Building B-3 Ticket Building anticipates one level above the skier maze to act as the ticket office and one level of commercial accessing from Park Avenue. There is a total commercial square footage of approximately 4,000 sq ft or 4 commercial unit equivalents.

Proposed Revision

At your last meeting, Pat Sweeney presented some revised drawings for Building B1 of the Sweeney Town Lift Properties Master Plan. The revisions were in response to input by both staff and the Planning Commission that the building as previously designed at 62 feet was not

supportable. Previous approvals on the property granted height up to 60 feet to the top of a pitched roof (55 feet in height as measured by the Land Management Code). The staff suggested that a building height of 45 feet may be more appropriate given the context of the neighborhood. Some Commissioners had reservations about a 45 foot tall building fronting on Park Ave and felt that 35 feet may be more compatible. It is important to remember that 55 feet of height was approved as a part of the Sweeney Properties Master Plan.

Sweeney Town Lift MPD

Page Four

The applicant took the staff and Planning Commission comments into consideration and presented a revised plan for building B1 which does not exceed 45 feet in height. The pitched roof has been eliminated and the design is now reminiscent of a "grand frontier hotel." The mass contained in the upper floor of the building has been spread out and no significant decrease in square footage is being proposed. The majority of the mass is proposed to be relocated to the facade of the building which faces the Skier Plaza adjacent to the base of the Town Lift. No increase in the footprint is proposed. The applicant feels strongly that the amount of open space being provided is an important component of the proposal and does not wish to reduce the amount of that open space. The open space area does provide a pedestrian gathering area and a ski staging area. In addition, the open space provides a visual break along Park Avenue.

Staff Analysis of Revised Plan

The staff review team met to discuss the revisions. The context of both Park Avenue and the Town Lift project were considered during the discussions. At first there was some reservation about the amount of "mass" of the building and a feeling that perhaps a pitched roof would help decrease that mass. However, the team then discussed what we were trying to accomplish by adding a pitched roof element to the Park Avenue facade and whether the same purpose could be accomplished in another way. After looking at the neighborhood, with the Watts garage and the flat roofed buildings along Main Street, the conclusion was that a flat roofed building in and of itself was not the problem. The Chief Building Official supports the flat roof as it alleviates some serious snow shedding problems since this building is surrounded by public space.

Park Avenue, in the vicinity of this project, is zoned HRC. The expectation is that this area will develop into an enclave of

commercial businesses within existing structures and will have new construction of up to 35 feet in height on vacant parcels. The project just to the south, 693 Main (Fletcher-Kimball), proposes to renovate and replace the existing structures and house either commercial or affordable housing uses. Eventually, there will be new buildings and renovation of existing buildings which will house commercial uses. The hope is that this will become a pedestrian friendly neighborhood commercial area. It is also important that this area provide a friendly pedestrian transition from Park Avenue to the Town Lift itself and then to the balance of the development in the area.

Further analysis of the proposed plan reveals that the current proposal may not promote a pedestrian friendly Park Avenue. The building looks like the back of a building and the skier plaza. The skier plaza itself is very inviting, containing several gathering areas and extensive landscaping. Unfortunately, this area is elevated from Park Avenue. The primary direction of the staff, therefore, is to work on the Park Avenue facade of Building B1 and the transition from Park Ave to the skier plaza. The direction was as follows:

-Provide pedestrian transition from Park Ave to the skier plaza by stepping necessary retaining walls, installing grand stairways and providing landscaping.

-Make the Park Ave facade of Building B1 more pedestrian friendly by stepping the building, and providing more sidewalk space. This may result in a loss of square footage which may be able to be accommodated in Building B3.

-Relook at the entrance to the parking structure at the corner of Park and 7th. If this were relocated, that corner of the building could be more pedestrian friendly and could provide a better transition to the residential scale structures to the south.

-Provide 8 feet of clear width between all buildings and any columns to allow snow removal. An additional 2.5 feet should be provided from the outside of any columns to the curb.

Applicant Response

All of the recommendations of the staff were carefully reviewed by the applicants and some work has been done to provide a better transition between Park Ave and the Skier Plaza. The facade of the building cannot be changed significantly, however, due to the location of the entrance to the parking garage. The applicants have looked extensively at relocating that access and have determined that given the grades and the necessary functions of the building, a relocation is not practical. The facade has been changed slightly to provide more area at the corner of 7th and Park Ave for a slightly wider sidewalk. There is about 15 feet of area between the building and the edge of the curb. It is important to point out that this occurs for only 46 feet of a 315 foot property frontage. The required setback in the HRC zone would be 10 feet.

The Park Avenue/Skier Plaza elevation change is necessary due to the elevation which the floor of the parking garage has to be to meet the requirements of the Flood Plain Ordinance. The plaza level cannot therefore be lowered. The transition between Park Avenue has been redesigned to provide more of a landscaped area and to provide for an area for benches to accommodate bus drop of and pick up. A pedestrian circulation plan has been provided to help understand how pedestrians will move in this area.

The plans have been revised to accommodate the necessary widths of sidewalk as proposed by staff.

Sketch and Preliminary Plat

As a part of this application, sketch and preliminary plat approval are being requested. The plat creates 8 parcels. Some of the parcels represent development parcels, while others are necessary for agreed upon land trades with McIntosh Mill and with other partners. The final plat will have to be approved by the Planning Commission and

City Council. At that time, it will be reviewed for necessary easements for pedestrian circulation.

IV. ISSUES FOR DISCUSSION

Building Height and Mass. The applicant has done an admirable job at responding to the comments of the Planning Commission and Planning Staff. The staff is comfortable with the flat roofed structure at 45 feet, understanding that there is some entitlement to a building which is quite a bit taller. The open space proposed to be provided is significant in this area, and again, in excess of what is required as a part of the Sweeney Properties Master Plan or what would be required of a new project in the HRC Zone. The Main Street, 7th Street and Skier Plaza facades all seem appropriate given the context of the project. The Park Avenue facade is still of concern, however.

The applicants feel strongly that 46 feet in a total frontage of 315 feet will not result in a significant impact to the pedestrian scale of Park Avenue. The staff maintains that the corner of 7th Street and Park Avenue is a critical transition between residential scale and a large commercial project. The staff would support the project if the building were stepped back further (20 feet) from Park Ave to provide more of a pedestrian area; or if the building were redesigned to make the corner of 7th and Park Ave an inviting neighborhood commercial space. In either case, the staff would recommend that the facade along Park Ave be a maximum of 2 stories (3 stories is now proposed) stepping back to the maximum height.

Compliance with the Town Lift Concept Approval Conditions. There are a number of conditions of the Town Lift Concept Plan which apply to this property. There was a recommendation as a part of the Phase I approval for the Town Lift Project to the City Council that the first phase be required to pay a share of the Employee Housing requirement. That was never stipulated as a part of the revision of the 1982 agreement. The employee housing is therefore tied to a later phase of the Town Lift Development. A Open Space Enhancement Plan is required for the area around the Town Lift Base and for the area between Park Avenue and Woodside. The plan is to address public amenities such as restrooms and drinking fountains. In addition, circulation from the base of the ski run and this project should be addressed. A Master Owners Association will be required to be set up to ensure a consistent level of maintenance and to establish who is responsible for maintaining what. All of these things are addressed

as conditions of approval.

There are other conditions related items such as Flood Plain which will be addressed as conditions of this approval.

V. STAFF RECOMMENDATION

The staff recommends approval of the Conditional Use for a Small Scale MPD and sketch and preliminary plat for the Sweeney Town Lift Properties Master Plan based upon the following findings:

1. The Sweeney Properties Master Plan was approved in 1986 by the City Council. The Master Plan has been determined to be valid and following the approved phasing plan. This proposal is consistent with a portion of that Master Plan and is required by that approval to receive a Small Scale Master Plan approval from the Planning Commission. That approval granted 40 unit equivalents and a height of 55 feet as measured by the Park City Land Management Code to the area of this proposal. The current proposal is within or below those parameters. **The Planning Commission further finds that a project which is no more than 35 feet in height would be more compatible with the neighborhood. The Commission would support negotiations to reduce the height below what this approval reflects.**

2. The Town Lift Project received concept approval On September 19, 1991. The area of the current proposal was included in that concept approval and is consistent with the approval. There are a number of conditions of that approval which apply to this project and are covered in the conditions of approval.

3. A portion of Park Avenue in the vicinity of the Town Lift was rezoned to HRC. Commercial uses are permitted in this area and it is anticipated that the area will develop with commercial and residential uses. **In order for the project to be compatible with the Park Avenue neighborhood, a number of conditions of approval have been placed on the approval. These conditions are intended to help maintain a pedestrian scale to the Park Avenue portion of the project.**

4. The proposal meets the criteria set forth for Small Scale Master Plans as outlined in sections 1.13 and 1.14 of the Land Management Code.

5. Adequate information has been submitted to satisfy the requirements of the subdivision regulations for sketch and preliminary plat.

The recommendation for approval is subject to the following conditions:

1. The plans and Design Guidelines and Volumetrics will be revised to reflect the revised building height as proposed by the applicant with the following modifications:

a. The Park Avenue facade of building B1 shall be no more than 2 stories, stepping to the maximum height of 45 feet; and

b. Building B1 will be setback from the Park Avenue curb a minimum of 20 feet to accommodate additional pedestrian circulation area; or

c. Building B1 will be redesigned to relocate the parking garage entrance so that the corner of Park Avenue and 7th street can be redesigned to provide neighborhood commercial uses with a pedestrian scale.

2. The Town Lift Design Review Task Force shall review and approve volumetrics for buildings B1, B2 and B3 prior to final plat approval. Prior to any permit issuance, the Town Lift Design Review Task Force will review and approve final building plans.

3. Prior to plat recordation or any permit issuance, a Master Owners Association will be established which will be responsible for the maintenance of all landscaping within the project, the walkways and plazas. The City staff shall review and approve the documents which establish this Master Association. The developer and the City shall enter into an agreement specifying that the Master Owners Association shall be responsible for maintenance of the landscaping and plaza areas. Said agreement shall indicate the minimum level of maintenance acceptable to the City. This level shall be consistent with the balance of the Town Lift Project. The developer shall provide the City with an acceptable financial guarantee in the amount of one year's maintenance cost as a part of the agreement.

4. An Open Space Enhancement Plan will be required to be approved prior to plat recordation or permit issuance. That plan shall address the improvement of the open area between Woodside Ave and Park Ave. This plan shall also include a comprehensive plan to address the lift base which shall include, but not be limited to, public restrooms, drinking fountains, signage, landscaping and lighting. The plan shall address timing of installation of the improvements.

5. A Streetscape and Landscape Plan shall be submitted and approved by staff prior to plat recordation or building permit issuance. The plan shall be consistent with this approval and with the balance of the Town Lift Project. A Security shall be required to be posted to ensure installation of the improvements.

6. Prior to plat recordation, a security shall be required to be posted to cover the cost of all public improvements.

7. The City Engineer shall review and approve all grading, drainage and utility plans prior to any permit issuance.

8. The parking shall be underground and shall comply with the requirements of the Land Management Code.

9. 7th Street must be constructed prior to or concurrent with building B1.

10. Any Density previously assigned but not used in this portion of the Sweeney MPD or the Town Lift Concept Plan will not be able to be used in later phases.

11. The project is in an identified Flood Plain and will be subject to the Flood Plain Ordinance. If the buildings need to be modified to meet the Ordinance, no additional building height and no parking reduction will be considered. If parking is required to be reduced as a result of compliance with the Flood Plain Ordinance, associated reductions in square footage will also be required.

12. A Construction Staging and Phasing Plan will be required to be submitted and approved by the City Staff prior to plat recordation or any building permit issuance.

13. A parks dedication fee of \$1035 per new parcel created is required to be paid prior to plat recordation.



Planning Commission Staff Report

Subject: Deer Crest Hotel CUP– St. Regis Resort at Deer Crest
Project Number: PL-14-02267
Author: Kirsten Whetstone MS, AICP
Date: April 23, 2014
Type of Item: Amendment to Conditional Use Permit- Administrative

Summary Recommendations

Staff recommends the Planning Commission discuss the application proposing an amendment to the Deer Crest Hotel Conditional Use Permit requesting a one year extension of the time frame for submittal of building plans for the Snow Park North Site, conduct a public hearing, and consider approving the request according to the findings of fact, conclusions of law, and conditions of approval as stated in this staff report.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Project Name: Deer Crest Hotel CUP (Roosevelt Gap and Snow Park parcels of the Deer Crest Master Plan and Settlement Agreement) – aka St. Regis Resort at Deer Crest
Applicant: Deer Crest Janna, LLC
Location: 2300 Deer Valley Drive
Zoning: RD-MPD (subject to the 1995 Deer Crest Settlement Agreement/MPD and the Deer Crest Hotel CUP, as previously amended)
Adjacent Uses: Ski resort and related uses, hotels/condominium units, open space, single-family residences and lots

Proposal

This application is a request for an amendment to Condition #14 of the June 18, 2009, amended Deer Crest Hotel CUP regarding timing of construction at the Snow Park North Site. The applicant requests a one year extension to allow them additional time to complete construction drawings for the Snow Park Sites, per the approved Deer Crest Hotel CUP (aka St. Regis Resort at Deer Valley) (Exhibit A).

Background

The property located at 2300 Deer Valley Drive, known as the Snow Park and Roosevelt Gap parcels of the Deer Crest Development, is subject to the 1995 Deer Crest Settlement Agreement. The Snow Park parcel is located northeast of the Snow Park Lodge at Deer Valley, and is located within Park City in Summit County. The Roosevelt Gap parcel is located on the Wasatch County side of the ridge east of the parking lots at lower Deer Valley. In 1999, Park City annexed the Roosevelt Gap

property as part of the Deer Crest Annexation. On April 15, 2004, a plat amendment combined these parcels into one lot of record with the remaining parcels platted as open space.

On February 28, 2001, a Conditional Use Permit for a hotel development was approved for this property (known as the Rosewood CUP). On July 25, 2001, the Rosewood CUP was amended by the Planning Commission to reduce the footprint, increase the height, and reconfigure the buildings at Roosevelt Gap and in January of 2002; a grading and excavation /shoring permit was issued by the Community Development Department for the Roosevelt Gap parcel.

On March 24, 2004, further amendments were approved to reconfigure the location of the Snow Park and Roosevelt Gap buildings, locate the upper funicular terminal to be attached to the Roosevelt Gap building, reduce the overall building mass by transferring 5.5 UE to Snow Park, decrease the parking at Roosevelt Gap from the 155 approved with the CUP (105 overnight plus 50 day-use spaces) to 146 (maximum of 105 for overnight parking with 41 for day-use) with 98 spaces at Snow Park, and modify the proposed residential ownership program to allow interval/club ownership in the RC zoned portions.

On May 11, 2005, the Planning Commission approved further amendments to the CUP to relocate the Snow Park condominium buildings lower on the slope, revise the access drive at Snow Park, further revise the funicular approach, and allow phasing of the Roosevelt Gap low rise portion of building.

On April 22, 2009, the Planning Commission approved amendments to 1) modify the phasing of development at Snow Park and 2) modify condition of approval #3 of the May 11, 2005, amended CUP to restrict issuance of certificates of occupancy for the Roosevelt Gap units until completion of the parking lot (as opposed to parking structure) at Snow Park. The Commission also approved an additional condition (Condition # 14) allowing surface parking as a temporary parking solution at the Snow Park site and to address a timeframe for completion of the parking structure at Snow Park. The April 22, 2009 approval was appealed by a resident of Deer Crest Estates. The Planning Commission approval was upheld by the City Council on June 18, 2009. The Action letter for the June 18, 2009 approval is the current controlling document (Exhibit B).

Deer Crest Settlement Agreement

The existing CUP allows a total density of 130 residential unit equivalents with 99.5 UE at Roosevelt Gap and 30.5 UE at Snow Park with up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space, on the 12.07 acre development site. The approved CUP was found to be consistent with the 1995 Deer Crest Settlement Agreement, as amended in 2001.

The 1995 Settlement Agreement allowed up to 50 day use parking spaces at Roosevelt Gap. The 2001 amended Settlement Agreement, approved by the City Council on December 17, 1998, allowed the Planning Commission to approve up to 105 overnight use spaces with “guest and resident parking for the Roosevelt Gap and Snow Park Hotel site served by an on site parking facility at the Snow Park Hotel site.” The Planning Commission approved the 105 overnight spaces based on the parking study

and conditions of approval. The current approved CUP allows for a total of 146 parking spaces at Roosevelt Gap (105 spaces for overnight use per the amended Settlement Agreement and allows for 41 day use spaces, with 8 spaces in tandem for valet parking) and 98 parking spaces at Snow Park.

The Settlement Agreement (Section 5.2.2.10) allows the property owner to provide for employee shuttle service from the east perimeter gate to the Roosevelt Gap lodge.

At the time of approval of the May 11, 2005, CUP amendments, the phasing contemplated was for an expansion of the amenity and hotel support areas at Roosevelt Gap, and multiple phases at Snow Park. The first phase at Snow Park was to include approximately 50 spaces in the north parking structure. The remaining spaces were to be constructed at a later date in a south parking structure. The Settlement Agreement does not address phasing of the Roosevelt Gap or Snow Park parcels.

Project Phasing

The approved CUP allows the project to be constructed in phases. Phase I, which is constructed and was issued a certificate of occupancy in 2009, consists of the 99.5 UE Roosevelt Gap hotel/condominiums, restaurant, bar, and spa; the funicular; and the funicular building. The funicular building includes one market rate condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units located at the North Snow Park site. A separate CUP was issued for a temporary sales office with 11 surface parking stalls at the South Snow Park site.

The surface parking at the north Snow Park area was constructed as part of the first phase and completed prior to issuance of certificates of occupancy for any units. The Planning Commission made a finding when approving the North Snow Park surface parking that it was possible that the Snow Park condominium units would not be constructed in the near future and therefore recommended that the parking lot be constructed as a permanent lot, with permanent landscaping, lighting, and final improvements to the associated retaining wall. It was noted that given the value of the property, it is likely that the Snow Park units will eventually be constructed. The lot was constructed to meet all requirements as a permanent parking lot.

A total of 189 parking spaces are required to meet the code requirements for the first phase and 213 parking spaces are provided.

Phase II consists of the 57 space south parking structure at Snow Park and condominium units (approximately 10 UE) constructed above. Phase III consists of the 49 space north parking structure at Snow Park and condominium units (approximately 20.5 UE) constructed above. The total density approved for Snow Park is 30.5 UE, subject to the Deer Crest Settlement Agreement.

Requested Amendments to Condition of Approval #14

Condition of Approval of the current June 18, 2009 approval states the following:

Within 5 years of approval, the applicant will either submit building plans for construction of the parking structure at the Snow Park North Site or

apply for an amendment to the Deer Crest Hotel CUP, to be reviewed by the Planning Commission, that either extends the time frame for an additional year, or allows the parking lot as a permanent parking solution at Snow Park North.

The applicant has applied, with this application, for an amendment to the Deer Crest Hotel CUP (amending condition #14) to extend the time frame for an additional year from June 18, 2014 to June 18, 2015 for submittal of building plans for the Snow Park North Site. The applicant indicates in the request for extension (Exhibit C) that due to adverse economic conditions over the past several years the property owner has postponed further development of the Deer Crest Hotel CUP. Conditions have improved and the property owner is ready to proceed with the second phase of this development. Due to the scope of development an additional year is required before the applicant will be ready to submit building plans for construction.

Staff recommends that Condition #14 of the June 18, 2009 approval be replaced with the following language.

14. The applicant shall submit a complete application and building plans for construction of the parking structure and condominium units at Snow Park North on or prior to June 18, 2015. If plans are not submitted within this timeframe, the June 18, 2009 CUP approval for the Snow Park North Site shall expire and a new Conditional Use Permit application will be required to be reviewed by the Planning Commission prior to submittal of building plans for this Site.

Analysis

Staff has reviewed the proposed amendment to the Deer Crest Hotel CUP against the Conditional Use Permit criteria in Section 15-1-10 of the Land Management Code as outlined below and finds that the proposed change to Condition of Approval #14 is consistent with the Deer Crest Settlement Agreement and the intent of the previously approved and amended Deer Crest CUP, as amended on June 18, 2009.

1. Size and location of the site. There are no changes proposed to the size and location of the site. **No unmitigated impacts.**
2. Traffic considerations. The amendment has no additional anticipated impacts on traffic. A one- year review of the parking and traffic situation, after certificates of occupancy were issued for the first phase of development, was conducted by the applicant and presented to the Planning Commission on January 11, 2012. Actual traffic and parking impacts of the project were evaluated and found to comply with conditions of the CUP. **No unmitigated impacts.**
3. Utility capacity. There are no changes in utilities as a result of this amendment. Snow Park site will be served by JSSD. The applicants have resolved many of the previous outstanding utility issues, as a condition of permit issuance. Storm drainage system has been approved and the parking lot was designed to tie into the storm water system. Electrical service exists at the site. **No unmitigated impacts.**
4. Emergency vehicle access. Access for emergency vehicles is unchanged with this amendment. All required emergency vehicle access issues were addressed with construction of the first phase. **No unmitigated impacts.**

5. Location and amount of off-street parking. No changes are proposed to the overall parking requirements or actual parking provided. A total of 244 parking spaces were required and approved for final build out with 105 overnight spaces and up to 41 day spaces located at Roosevelt Gap with 98 spaces at Snow Park. The maximum of 105 overnight parking spaces at Roosevelt Gap are per the amended Settlement Agreement.

Phase One parking consists of 202 spaces (146 spaces at Roosevelt Gap and 56 spaces on the north surface lot), not including the existing 11 spaces at the south surface lot for the temporary sales center. This parking exceeds parking requirement of 189 spaces for Phase One construction. Of the 146 spaces at Roosevelt Gap, 8 are tandem for valet parking. The north lot is valet only parking with access controlled. Only parking associated with use of the St. Regis Hotel (guests and patrons of the restaurant) is allowed at this location.

Employee parking is provided at the Deer Crest lower village at the Mayflower-interchange with US 40 and employee shuttles to Roosevelt Gap are required as part of the approved Deer Crest CUP and allowed per Section 5.2.2.10 of the Deer Crest Settlement Agreement. Employees also utilize the City bus and disembark at the Deer Valley bus stop. A shuttle service for guests and employees in perpetuity for the development is a condition of the Deer Crest CUP.

Phase Two (South Snow Park site) will include approximately 57 parking spaces in a parking structure and Phase Three (North Snow Park site) will provide approximately 49 spaces in the parking structure for a total of 106 spaces at build out at Snow Park.

During construction of the North Snow Park site when the 61 surface spaces are not available and until the north parking structure is complete, there would be an estimated shortage of a couple of spaces at Snow Park. The applicants indicate that they can accommodate this shortfall by utilizing tandem parking with valet service and within the porte-cochere/drop off area at Snow Park.

Staff recommends a condition of approval that prior to issuance of a building permit for the North Snow Park parking structure and condominiums, parking plans showing the interim-parking layout to address any shortfall in parking shall be submitted for City approval. **No unmitigated impacts, as conditioned.**

6. Internal circulation system. No changes to the internal project circulation system are proposed with this amendment. **No unmitigated impacts.**
7. Fencing, screening and landscaping to separate uses. No changes to the approved and installed fencing, screening, and landscaping are proposed with this amendment. **No unmitigated impacts.**
8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots. No changes to the building mass, bulk, orientation and location on site are proposed with this amendment. **No unmitigated impacts.**
9. Usable open space. No changes to the open space area are proposed. The surface parking lot is consistent with the footprint of the future parking structure.

The MPD requires 60% of the land to be open space. More than 80% of the 96+-acre site (which includes open space lots) remains in either natural or recreational open space, consistent with the approved CUP. Most of this open space consists of land undisturbed by construction and landscaping associated with the proposal. **No unmitigated impacts.**

10. Signs and lighting. No changes are proposed to the signs and lighting with this amendment. **No unmitigated impacts.**
11. Physical design and compatibility with surrounding structures in mass, scale and style. No changes are proposed to the physical design. **No unmitigated impacts.**
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. There are no changes to any mechanical factors that require mitigation due to this amendment. **No unmitigated impacts.**
13. Control of delivery and service vehicles, loading and unloading zones, and screening. There are no changes to loading and unloading zones from what was approved. All loading and unloading areas are within the parking structure at Roosevelt Gap and the funicular building at Snow Park. These areas are screened from view of adjacent properties and public right-of way. **No unmitigated impacts.**
14. Expected ownership and management of the property. There are no proposed changes to ownership with this amendment. Condominiums, private residence club units, and hotel rooms are consistent with the RC zoning of Roosevelt Gap. Whole ownership condominiums and condo hotel suites are consistent with the RD zoning of Snow Park. **No unmitigated impacts.**
15. Sensitive Lands Review. There are no changes to the approved CUP that are contrary to the sensitive lands review as it relates to the Deer Crest Settlement Agreement CUP. **No unmitigated impacts.**

Department Review

The proposed changes were discussed with Planning, Building, Engineering, Legal, Public Works and other City Departments at Development Review.

Public Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Process

Planning Commission action on the CUP is considered the final action, unless the applicant or an affected property owner files an appeal, per LMC Section 15-1-18.

Alternatives

- The Planning Commission may approve the request to amend the conditions of approval regarding timing of construction of the parking structure and condominiums at the Snow Park site as proposed and conditioned; or
- The Planning Commission may deny the request and direct staff to prepare findings supporting this recommendation; or
- The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

Significant Impacts

Approval of this amendment will allow the applicant an additional year to complete construction drawings for the parking structure and condominiums at Snow Park in anticipation of construction beginning the Fall of 2015.

Consequences of not taking the Suggested Recommendation

If the amendment is not approved then the surface parking lot will remain as permanent parking for Phase I until such time as the applicant submits plans for construction at the Snow Park site. If plans are not submitted by June 18, 201~~4~~⁵, as conditioned, then current approvals for Snow Park site will expire and a new conditional use permit application would have to be submitted and approved prior to approval of any building permits for the Snow Park North Site.

Recommendation

Staff recommends the Planning Commission discuss the application proposing an amendment to the Deer Crest Hotel Conditional Use Permit requesting a one year extension of the time frame for submittal of building plans for the Snow Park North Site, conduct a public hearing, and consider approving the request according to the findings of fact, conclusions of law, and conditions of approval as stated in this staff report.

Findings of Fact

1. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also in April 6, 2001, by the City Council. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, and April 22, 2009. The City Council denied an appeal of the April 22nd approval on June 18, 2009.
2. The proposed density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.
3. The proposal is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD.
4. A total of 244 parking spaces are required for the entire CUP, with a maximum of 146 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The December 12, 2000, traffic and parking study by Sear-Brown relies on a guest and employee shuttle system, with a majority of the employee parking provided at Jordanelle Village off of Highway 40. With the shuttle system and parking provided at Jordanelle Village the existing parking, with the surface parking lots at Snow Park, is adequate to meet the demands of the existing uses.
5. A total of 105 overnight parking spaces, and up to 41 day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet

parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.

6. A one- year review of the parking and traffic situation, after certificates of occupancy were issued, was conducted by the applicant and presented to the Planning Commission on January 11, 2012 to evaluate actual traffic and parking impacts of this project. No additional issues were raised and the traffic and parking impacts were found to be mitigated as approved.

7. It is the desire of the developer to build this project in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.

The second phase consists of the south parking structure at Snow Park with condominium units above (approximately 10 UE). The third phase consists of the north parking structure and condominium units above (approximately 20.5 UE). The total density approved for Snow Park is 30.5 UE.

8. During construction of the North Snow Park site when the 56 surfaces spaces are not available and until the north parking structure is complete, there will be a possible shortage of parking spaces at Snow Park. The applicants indicate that they can accommodate any shortfall during construction by tandem parking with valet service in the South Snow Park parking structure and within the porte-cochere/drop off area at Snow Park.

9. Staff has reviewed this application for an amendment to condition of approval 14 as described above and finds the application in compliance with the Conditional Use Permit criteria and consistent with the Deer Crest Settlement Agreement, as amended.

10. The surface parking was constructed to the requirements of a permanent surface parking lot, including paved surface, physical dimensions, landscaping, lighting, storm water, and a final finish treatment was applied to the retaining wall as previously conditioned.

Conclusions of Law

1. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits.

2. There is no change in Use. The approved Use was determined to be compatible with surrounding structures in use, scale, mass, and circulation.

3. The approved Use was found to be consistent with the Park City General Plan per the June 18, 2009 approval. The requested amendment is not contrary to the General Plan.
4. The proposal is consistent with the Deer Crest Annexation and the 1995 Deer Crest Settlement as amended.
5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply.
2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
3. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), shall continue to apply, with the exception of Condition #14 amended with this April 23, 2014 CUP Amendment. Condition #14 is amended as follows:

~~Within 5 years of approval, the applicant will either submit building plans for construction of the parking structure at the Snow Park North Site or apply for an amendment to the Deer Crest Hotel CUP, to be reviewed by the Planning Commission, that either extends the time frame for an additional year, or allows the parking lot as a permanent parking solution at Snow Park North.~~

The applicant shall submit a complete application and building plans for construction of the parking structure and condominium units at Snow Park North on or prior to June 18, 2015. If plans are not submitted within this timeframe, the June 18, 2009 CUP approval for the Snow Park North parcel shall expire and a new Conditional Use Permit application would be required to be reviewed by the Planning Commission prior to submittal of such building plans.

4. Prior to issuance of a building permit for Phases 2 and 3 the applicant shall submit for approval by the Planning Department staff an interim-parking layout addressing any temporary parking space shortages that may occur due to loss of surface parking during construction at Snow Park.

Exhibits

- Exhibit A- Applicant's request for an amendment to the approved CUP
- Exhibit B- Action letter of the June 18, 2009 CUP approval
- Exhibit C – Minutes from June 18, 2009 CUP

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February 26, 2014

By Hand Delivery

Kirsten Whetstone
Senior Planner
Park City Municipal Corporation
Planning Department
445 Marsac Avenue
PO Box 1480
Park City, UT 84060

Re: St. Regis Deer Valley
Request for Extension or Modification of Approval Application

Dear Kirsten:

As you may recall, this firm represents Deer Crest Janna LLC, the applicant for the Request for Extension or Modification of Approval (the "Application") enclosed herewith. In connection with this Application, enclosed please find the following required exhibits:

1. A completed and executed Application form;
2. A written statement describing the project that outlines the overall project intent and scope of work;
3. A check in the amount of \$330.00 made payable to Park City Municipal Corporation for the required review fee;
5. A current Title Report dated February 24, 2014;
7. A list of property owners, names, and addresses within 300 feet of the property showing the required assessor's parcel number for each property listed.
8. The required stamped, addressed #10 business size envelopes for these property owners within 300 feet.

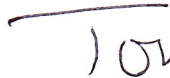
DMWEST #10624440 v1



Kirsten Whetstone
February 26, 2014
Page 2

We trust you will find the enclosed materials in order. Your attention to this Application is greatly appreciated. Should you have any questions, please call me at (801) 531-3060 or send an e-mail message to me at the address above. We look forward to hearing from you at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "TOM", is written over a horizontal line.

Thomas G. Bennett

TGB/eab
Enclosures

DMWEST #10624440 v1

Request for Extension

On April 22, 2009 the Planning Commission approved an amendment to the Conditional Use Permit for the St. Regis Deer Valley Hotel (then known as the Deer Crest Hotel CUP), allowing for the construction of a temporary parking lot at the Snow Park portion of the development. After an appeal, the City Council upheld the decision of the Planning Commission effective as of June 18, 2009. Condition of Approval No. 14 in the amendment to the CUP provided as follows:

14. Within 5 years of approval, the applicant will either submit building plans for construction of the parking structure at the Snow Park North Site or apply for an amendment to the Deer Crest Hotel CUP, to be reviewed by the Planning Commission, that either extends the time frame for an additional year, or allows the parking lot as a permanent parking solution at Snow Park North.

The purpose for this application is to request the one year extension of the deadline for submitting plans for the construction of the parking structure referred to in the above condition. Due to adverse economic conditions generally over the past few years, the property owner postponed the further development of the Snow Park portion of the St. Regis Deer Valley. Conditions have improved, and the property owner is ready to proceed with planning for the further development of the Snow Park portion of the property. Due to the scope of development, an additional year is required before the applicant will be ready to submit building plans for the construction of the next phase of this project. Accordingly, the applicant requests an extension of the deadline to submit such plans from June 18, 2014 to June 18, 2015.





Building • Engineering • Planning

June 26, 2009

Deer Crest Janna, LLC
 PO Box 4151
 Suite 325
 Park City, UT 84060

NOTICE OF CITY COUNCIL ACTION

Project Name: Deer Crest Hotel CUP- amendment
Project Description: Request to 1) amend condition of approval #3 regarding parking at Snow Park and 2) revise phasing at Snow Park
Date of Action: June 18, 2009

Action Taken by City Council: The City Council upheld the Planning Commission approval and **APPROVED** the amendment to a conditional use permit for 2300 Deer Valley Drive, the Deer Crest Hotel CUP, according to the following findings of fact, and conclusions of law.

Appeal A (submitted by Jeri Rice, Deer Crest home owner)

Findings of Fact:

1. The subject property is located at 2300 Deer Valley Drive.
2. On February 28, 2001, the Planning Commission approved the Deer Crest Hotel Conditional Use Permit (formally known as the Rosewood CUP). The CUP was subsequently amended on July 25, 2001; March 24, 2004; and May 11, 2005.
3. On December 2002 a grading and soil nail wall permit was issued for Roosevelt Gap. This work was completed in the fall of 2003. On September 22, 2005, building permits were issued for grading and shoring/retaining wall construction at Snow Park. Footings and foundation permits were issued on June 7, 2006. The shell permit was issued on January 26, 2007 and the full building permit was issued for construction of the hotel in October of 2007. The hotel has been under construction for approximately 6 ½ years.
4. On October 15, 2008, the applicants submitted a request to amend and clarify conditions of the May 11, 2005, CUP approval regarding structured parking at Snow Park (Exhibit A) related to timing of issuance of certificates of occupancy and phasing of construction at Snow Park. The applicants specifically requested an amendment to condition of approval #3 to allow issuance of certificates of occupancy for the Roosevelt Gap units based on completion of a surface parking lot at Snow Park, rather than completion of

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the parking structure. The applicant proposed the following amendments to Condition #3 of the May 11, 2005 amended CUP:

3. No certificates of occupancy for the Deer Crest Hotel (Roosevelt Gap units) shall be issued until the funicular is fully operational and the parking structure lot at the North Snow Park site is complete and approved for occupancy.
5. On April 22, 2009, the Planning Commission conducted a public hearing and approved the specific amendment as described in Finding #4 for the Deer Crest Hotel CUP.
6. On April 30, 2009, two appeals, one by Jeri Rice, homeowner in Deer Crest Estates Subdivision, and a second by Powder Run at Deer Valley Owner Association were received by the Park City Recorder. Both appellants are represented by attorney, Eric P. Lee, who submitted the appeals.
7. Pursuant to Land Management Code (LMC) Section 15-1-18, Appeals and Reconsideration Process- final actions by the Planning Commission on CUPs may be appealed to the City Council. Appeals must be made within ten calendar days of the Final Action (LMC 15-1-18(E)). Both appeals were filed within the ten day required time limit.
8. Staff duly and properly noticed this appeal hearing by placing a legal advertisement in the Park Record, posting required notice, and sending written notice as a courtesy to adjacent and affected property owners.
9. The italicized staff responses above to the Substance of Appeals are hereby incorporated as findings as fact.
10. On June 18, 2009, the City Council conducted a quasi judicial hearing to review the appeal.

Conclusions of Law

1. The Planning Commission was correct in approving an application to amend the Deer Crest Hotel CUP.

Order

1. The appeal from Jeri Rice, filed with the Park City Recorder on April 30, 2009, is denied.

Appeal B (submitted by the Powder Run HOA) – this appeal was withdrawn prior to the meeting.

If you have any questions or if I can be of additional assistance, please do not hesitate to call me at 435-615-5066, or send an e-mail to Kirsten@parkcity.org.

Sincerely,



Kirsten A. Whetstone, MS, AICP
Senior Planner

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 18, 2009**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, June 18, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Brooks Robinson, Planner; Bret Howser, Budget Manager; Polly Samuels McLean, Assistant City Attorney; Planner Kirsten Whetstone; and Thomas Eddington, Planning Director.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Council disclosure - Joe Kernan disclosed that Talisker, Royal Street and The Athens Group are among his recycling customers.

2. Consideration of a Resolution designating Sunshine as a Permitted Use in Park City, Utah – The Mayor read the Resolution into the record, which was requested by Council member Candace Erickson last week. The Resolution was unanimously supported by the City Council.

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

Art-Kids support - Corrine Humphrey, Arts-Kids Board member, stated that she has volunteered and taught for the organization, and relayed the importance of providing affordable art programs for students. She spoke about using cigarette tax revenues to support youth art programs or the City could match citizen donations.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 4, 2009

Liza Simpson made a minor correction. Candace Erickson, "I move approval of the work session notes and minutes of the meeting of June 4, 2009, as corrected". Liza Simpson seconded. Motion unanimously carried.

V NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of three appointments to the Art Advisory Board for terms expiring July 2011 – The Mayor recommended the appointment of Jeanne Davison, Anita Slevin and Melissa Soltesz. Roger Harlan, "I so move". Candace Erickson seconded. Motion unanimously carried.

2. Consideration of two appointments to the Library Board for terms expiring July

2012 – The Mayor recommended the appointment of Bobbie Pyron and Benjamin Nitka. Roger Harlan, “I so move”. Liza Simpson seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving the hotel and residences at Empire Canyon Resort Record of Survey Plat, located at 9100 Marsac Avenue, Park City, Utah - Planner Brooks Robinson explained that staff and the applicant are still working on environmental management elements within Empire Canyon. The Planning Commission forwarded a positive recommendation and asked for further consideration by the City Council of the application of the transfer fee. There are 182 residential units. Discussion ensued on the Wikstrom report which was submitted as part of the annexation where there is no mention of leases and addresses residential units and not the hotel. Liza Simpson expressed her difficulty in accepting the concept of a 999 year lease and Mark Harrington pointed out that the lease represents the first project. The transfer fee is not intended to capture the first owner, but rather subsequent sales. Even though the condominium units are sold on top of the 999 lease, they are still subject to the transfer fee. The lease approach was something not contemplated in the Wikstrom report and Mr. Harrington explained that the purpose of the first capitalization exemption is somewhat irrelevant in the overall analysis.

The Mayor opened the public hearing and with no comments from the audience, closed the hearing and requested a motion. Jim Hier, “I move we approve the hotel and residences at Empire Canyon Resort Record of Survey Plat, as conditioned”. Joe Kernan seconded. Motion unanimously carried.

4. Consideration of an Ordinance amending Title 4, Business Licensing, Municipal Code of Park City, Utah – Bret Howser explained that the amendment was discussed last week during work session where the administrative fee would be categorized into a renewal administrative fee and new business administrative fee. The Council decided to set the recovery rate on new business licenses to 40% of the calculated costs. The Mayor opened the public hearing; there were no comments. Joe Kernan expressed that radio news coverage unfortunately implied that business license fees will increase while the vast majority will realized a decrease. Joe Kernan, “I move approval of the business license fee schedule”. Roger Harlan seconded. Motion unanimously carried.

5. Resolution adopting a final revised budget for fiscal year 2009 and the budget for fiscal year 2010 for Park City Municipal Corporation and its related agencies – The Mayor advised that this is the final public hearing on the budget and invited public comments. There were none, and the hearing was closed. Roger Harlan expressed his appreciation of the work of the Budget Department staff. Candace Erickson, “I move we approve a resolution adopting a final revised budget for fiscal year 2009 and the budget for fiscal year 2010 for Park City Municipal Corporation and its related agencies”. Liza Simpson seconded. Motion unanimously carried.

6. Consideration of an application for a street vendor franchise to sell ice cream by Sergio Ice Cream – Assistant Attorney Polly McLean explained that the City Council has

the ability to grant franchises for street vendors. There is currently one other franchise for ice cream, Dad's Ice Cream, which is running two trucks. The applicant, Sergio Gonzalez, is anticipating running two trucks as well in the afternoons. Criteria for granting a franchise includes considering public necessity, demand of service, pedestrian and vehicular traffic compatibility, competition, and public safety. It was clarified for the benefit of Liza Simpson that Main Street is not included in the allowed areas. Ms. McLean discussed violations and the status of Dad's Ice Cream vending contract. The Mayor invited public input; there was none. Roger Harlan, "I move approval of the application for a street vendor franchise to sell ice cream by Sergio Ice Cream LLC". Liza Simpson seconded. Motion unanimously carried.

7. Consideration of appeals of the April 22, 2009 Planning Commission approval of a Conditional Use Permit amendment application submitted by Deer Crest Janna LLC for the St Regis Resort at Deer Crest - Appellants are Jeri Rice and the Powder Run at Deer Valley Owner Association – Candace Erickson disclosed that her husband works for Stantec who performed some work for the appellant, and stated will recuse herself from participating in the discussion and voting and left the meeting. Joe Kernan and Roger Harlan disclosed conversations with the Mayor about the history of the project and the process.

Planner Kirsten Whetstone stated that the appeal from Powder Run has been withdrawn. The Deer Crest Hotel CUP was originally approved in 2001 and amended in 2005. The controlling document is the May 11, 2005 findings of fact, conclusions of law and conditions of approval. On April 22, 2009, the Planning Commission reviewed an application to amend the Conditional Use Permit to amend Condition of Approval #3 to change the word parking *structure* to parking *lot*. The amendment provides at least seven additional parking spaces on an interim basis at Snow Park. Ms. Whetstone continued to explain that the Planning Commission focused on the CUP criteria outlined in the Land Management Code and needed to find that any impacts for a surface lot as opposed to a parking structure would be mitigated. The proposed parking structure was two levels with units above it in a future phase. The Commission looked at mitigating impacts of the surface lot with landscaping, lighting, finish on the exposed wall, water and oil separator requirements, and identification of snow storage. A public hearing was held and input was considered and the Planning Commission found no unmitigated impacts as the result of the amendment, which was approved on April 22. Ms. Whetstone noted that Condition No. 14 was added with regard to a five year deadline to submit plans for a parking structure and the associated units or request a one year extension.

Thomas Eddington believed that the Planning Commission also felt that within that five year period, it would be likely that the applicant would come back and exercise its development rights on the property for simple economic reasons but Commission members still wanted to establish a time line. Discussion ensued on the potential of the transfer of unit equivalents to another area and Kirsten Whetstone explained that this would require an amendment to the overall CUP which is specific to location of

buildings, height, etc. Mark Harrington emphasized that this type of change would require a full review process and it is anticipated that Deer Crest will still build the units there some time prior to five years.

Ms. Whetstone explained that the appeals were received on April 30 and were reviewed by the planning staff. An analysis is included in the staff report and many issues which were raised are not considered germane to the CUP amendment. She advised that Council is asked to determine whether adverse impacts of the amendment have been mitigated. Staff recommends that Council open a quasi-judicial hearing for consideration of the appeal of the Planning Commission's approval of the amendment to the Deer Crest Hotel CUP, consider any input and consider upholding the Planning Commission's decision based on the findings of fact and conclusions of law outlined in the staff report for Appeal A. The Mayor invited the appellant to speak.

Eric Lee, attorney for appellant Jeri Rice, referred to his comments made weeks ago on this matter during public input at a Council meeting and to his brief. With regard to Ms. Whetstone's comment that the issues raised in the brief are not germane to the amendment to the CUP, he asked if the Planning Commission has to limit its review to the narrow issues that are raised by the specific CUP modification application, or can it or should it take the opportunity to review any issue that is of current concern with regard to the CUP issued in 2001. He stated that this is really the question and if the Planning Commission can ignore issues raised by his client Jeri Rice, including issues that deal with existing CUP criteria, this is wrong as a matter of law and as a matter of policy. Mr. Lee pointed out that the developer has offered nothing in its brief before this body to suggest that the Commission's review should be constrained in the way that it argues. Neither the Land Management Code or state code provide that the Planning Commission can't look at any issues that pertain to the entire conditional use permit criteria as opposed to just the narrow issues of an application. This is a project that has essentially been pending for eight and a half years and there have been many changes to the project and surrounding neighborhood. When Deer Crest Janna asks the Council to ignore everything but the content of the modifications to the CUP, you have to ask why.

Mr. Lee emphasized that the Planning Commission concluded that the project is consistent with the Settlement Agreement, which is Conclusion of Law No. 4. The 1995 Settlement Agreement had an outright prohibition of overnight parking at the hotel site. In 2001, it changed without notice to Wasatch County and the Deer Crest home owners. He acknowledged that the home owners may have not been entitled to notice but out of fairness, if the parking and traffic plans are going to be changed, they should have been notified. They were not. In 2001, the City allowed 105 overnight parking spaces at the hotel but recognized that shifting parking from Snow Park up to the hotel could have some adverse impact on the Deer Crest home owners, in particular traffic impacts. Roger Harlan pointed out that the Deer Crest Home Owners Association was notified of the hearing and probably could have easily notified its own membership. Mr. Lee understood that the HOA did not receive notice and the developer of Deer Crest

controlled the Association then and controls it now. Mark Harrington interjected that mailed notice to individuals is by its very nature under the Code a courtesy notice, not a legal notice because of that very reason. The City complies with the minimal legal notice required under state code in the published and posted manner and do our best on the courtesy mailed notice.

Attorney Eric Lee relayed that the Settlement Agreement was amended in 2001 to allow overnight parking with the condition that it will not increase traffic on Keetley Road which was never *made*. This is an issue to Ms. Rice whose multi-million dollar house sits above Keetley Road and as a consequence of increased traffic; she believes the value of her house will be diminished. Mark Harrington explained that regulating traffic on this road was not contemplated inward to the development but rather coming from US40 and was the result of the Queen Esther Home Owners Association's objections which was the purpose of not accepting the public road. He asked if Mr. Lee has any evidence that the traffic considerations were aimed at internal owners and not adjacent owners. Mr. Lee stated that he doesn't have any evidence but is relying on the Settlement Agreement language stating that no traffic increase may occur on Keetley Road.

Jim Hier asked for clarification between the Settlement Agreement and the CUP modification in 2001. Eric Lee answered that the original CUP was issued in February 2001 and in March 2001, the Settlement Agreement was amended to allow overnight parking, but there is a reference in the 2001 CUP to the fact that overnight parking will be shifted up to the hotel if the Planning Commission approves it. Kirsten Whetstone referred to the March 1, 2001 action letter including the findings of fact, conclusions of law, and conditions of approval. Findings of Fact 11, 12 and 13 address the traffic study, parking, and overnight parking spaces respectively. In 2001, the Planning Commission considered the traffic study, moving density, and a change in configuration of some of the units. It was clarified that the Settlement Agreement preceded the annexation. Mayor Williams asked if his client is concerned with traffic coming from the Wasatch County side. After a lengthy review of a map of the area, Mr. Lee concurred.

He stated the Settlement Agreement requires a demonstration that Keetley will not be impacted adversely with overnight parking at the hotel. The traffic study is dated December 2000 and predates the condition and does not address overnight parking. The conclusion of law reached by the Planning Commission on this matter is that the project is in compliance with the Settlement Agreement, which is wrong. Joe Kernan felt that the Commission did not find a traffic problem. Kirsten Whetstone referred the March 1, 2001 condition of approval which indicates that the second amendment to the Settlement Agreement approved by the City Council in December 1988 to allow overnight parking found that the traffic did not increase on Keetley. Mr. Lee stated that that fact is unknown. He agreed that it is in the record but it doesn't confirm that as a result of overnight parking at the hotel, Keetley Road traffic will not be increased. The Settlement Agreement indicates that it is a threshold condition to allowing overnight parking at the hotel. He requested a study in February proving that traffic has not

increased, but it hasn't been conducted. The hotel operation plan for parking alone demonstrates increased traffic on Keetley as a result of overnight parking.

He emphasized that the City has the right to open the original conditional use approval when there is an amendment. He argued before the Planning Commission that other aspects of the project violate the Settlement Agreement. The developer's traffic circulation plan allows access through the western gate and traffic up from US40 to the hotel site. Compliance with the condition of approval has not been demonstrated. The other issue raised is not being able to obtain the final parking plan and the preliminary plan does not address impacts created by the project. This is not a static process and new impacts will arise.

Mr. Lee stated that Jeri Rice is directly impacted by traffic and the Planning Commission has no basis for assessing traffic impacts when the hotel opens this fall. It was promised a number of times, but never produced by the developer. Deer Crest Janna argues that you can only look at the narrow issues raised by the CUP modification application without any legal or policy justification for its position. By asking the Planning Commission to approve the amendment, Deer Crest Janna opened the doors to trigger the review that makes Ms. Rice's argument relevant. He urged the City Council to determine that the Planning Commission made a mistake in issuing the modified CUP without first insisting with compliance with the CUP criteria, or ask that the Planning Commission's approval be reversed, or direct that the matter be remanded to the Planning Commission for further discussion.

Tom Bennett, legal counsel for Deer Crest Janna, referred to the Mr. Lee's allegation with respect to the idea that a condition was never satisfied for overnight parking at the hotel. It was satisfied in 2001 when the initial CUP was issue which allowed overnight parking for the first time and he read Finding No. 13, *"A total of 105 overnight parking spaces in addition to 50 day spaces are proposed for the Roosevelt Gap site. The amended Settlement Agreement allows the Planning Commission to approve this overnight parking in conjunction with the luxury hotel and upon demonstration that the remainder of the Deer Crest Project has been modified to result in no net increase in traffic. Based on a Sear Brown Traffic and Parking Study, these criteria are satisfied but rely heavily on a guest and employee shuttle system. Without a perpetual shuttle system and perpetual maintenance of a gate system, the condition of no net increase will not be satisfied."*

Mr. Bennett stated that the traffic study said if you park employees and others on the Jordanelle side and if you implement a shuttle system and utilize that, the impact of that shuttle system and bringing people up in groups will mitigate the traffic and therefore there is no net increase. The subject of traffic came up again in 2005 with the modification to reduce the size of the building and another similar finding was made again. He noted that the Settlement Agreement allowed the Planning Commission to approve the overnight parking based on the Sear Brown Traffic and Parking Study where criteria are satisfied. That language was not included in the final action letter

because it did not include the findings of fact and this was one of the findings. Mr. Bennett pointed out that when looking back at the minutes of the meeting, the motion approving the modification to the CUP, clearly stated that the findings of fact are adopted as a part of the action, as outlined in the staff report. He argued that conditions were initially satisfied, revisited again in 2005 and nothing has changed since then to invalidate compliance. With regard to the referenced traffic study requested by the Planning Department in 2006, he explained that it was not a full traffic study but a parking study. He referred to emails exchanged between Planner Whetstone and Twin Peaks Engineering who provided the needed information and all of this information has been made available to Mr. Lee in the past. The requirement for the additional parking information was a requirement for the issuance of the building permit. A building permit was issued in February 2007. The staff, in issuing the building permit, was satisfied that what was asked for with respect to parking had been adequate.

The 2006 information contemplated the surface parking lot at Snow Park and a three-phased construction program, and a building permit was issued. However, the language says parking *structure* and the definition of parking structure is so broad, a lot would probably fit the definition, but to avoid any misunderstanding, and at the suggestion of staff, an application was made to change the word *structure* to *lot*. With regard to Mr. Lee's argument that there is no policy limiting the review to the narrow issues of the CUP, Mr. Bennett emphasized that there is a principle called vested rights. The owners are relying on CUPs that date back to 2001, have been amended four times since then, have received a building permit and have spent several hundred million dollars in building the project. To do what Mr. Lee suggests would leave every developer completely at risk. There has to be certainty with an approval and if developers feel they can't make a change without a wholesale review, no one will want to do business here. He strongly suggested that the City Council put the appeal in its proper perspective and the modification to wording has no impact on the traffic. The Planning Commission in reviewing this matter looked at the specific impacts and adopted conditions to mitigate those impacts and that is the only legal scope of review for the application. He hoped that as Council members review the record, they will come to the conclusion that the matter was thoroughly examined and the issues of the impacts thoroughly mitigated with the conditions.

The Mayor understood that guest and employee shuttle services are in place and people are parking at Snow Park. Tom Bennett concurred and added that the parking lot at Jordanelle was approved by Wasatch County; that action was appealed but the decision was upheld. Joe Kernan agreed with the applicant and felt that to reopen every issue relating to the original CUP doesn't make sense. Jim Hier stated that he sat on the Planning Commission in 2001 when the CUP was approved. The traffic consideration from the Commission's standpoint was absolutely the traffic through Solamere and Queen Esther and up to the hotel. The traffic from the hotel down to US40 was of no consideration to the Planning Commission. That is why the whole Snow Park area was contemplated for parking and the funicular. He emphasized that parking has been allowed there for some time and the focus at review was how traffic

would be mitigated. Mr. Hier believed that when there is an application for an amendment any issue is fair game to the Commission. Mr. Harrington agreed for the most part, but the crux is in the vesting element in terms of what items have already been fulfilled. Jim Hier stated that the reverse position is that the Commission may opt only to review the particular scope of a change and rely on staff input for information on compliance with all of the remaining conditions that were in effect at the time the original CUP was approved. Conditions of approval are monitored by staff before the issuance of a building or occupancy permit. He stated that he supports staff's position on this matter. Whether the parking is a structure or a lot has no impact on the purpose for the parking and the CUP was very simple. Roger Harlan agreed and stated that it was his own personal experience that the checkpoints in the traffic plan are working in Deer Crest. Liza Simpson agreed with Mr. Hier's comments and expressed that she will uphold the Planning Commission's decision. Joe Kernan, "I move that we approve the Planning Commission's approval of the Conditional Use Permit and deny the appeal pursuant to the recommended findings of fact and conclusions of law for Appeal A". Liza Simpson seconded. Motion carried.

Candace Erickson	Abstention
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Aye

VI ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Polly Samuels McLean, Assistant City Attorney; Tom Daley, Deputy City Attorney; Phyllis Robinson, Public Affairs Manager; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property and litigation". Candace Erickson seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Roger Harlan, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Planning Commission Staff Report



Application #: PL-13-02135 & PL-13-02136
Subject: PCMR Base Area MPD / Woodward
Author: Francisco Astorga, Planner
Date: April 23, 2014
Type of Item: Administrative – MPD Amendment & CUP Work Session Discussion

Summary Recommendations

Staff recommends that the Planning Commission continue reviewing the Conditional Use Permit (CUP) for PCMR and provide input/direction to the applicant. Specifically, staff recommends that the Planning Commission review the Woodward Building preliminary plans and provide direction to the applicant and Staff to continue with the MPD Amendment and CUP for substantive review in accordance with applicable LMC regulations.

Description

Applicant: Park City Mountain Resort (PCMR) represented by Jenni Smith & Tom Pettigrew and Michael Barille
Location: 1310 Lowell Avenue
Zoning District: Recreation Commercial (RC) District
Adjacent Land Uses: Ski base area, residential and recreation commercial
Reason for Review: Introduction to the proposed MPD Amendment and CUP for their proposed next phase

Background

In June 1997 the Park City Planning Commission approved the Park City Mountain Resort Large Scale Master Plan. The Development Agreement was recorded with the County in July 1998. The approved Master Plan includes construction of new buildings on all of the current surface parking lots, etc. The Master Plan consisted of Parcels A - E. Parcel A has already been developed, Marriott's Mountainside.

The Planning Commission had introductory work session discussions in November 2013 and January 2014. Both meeting minutes have been attached; see Exhibits B and C, respectively.

Discussion

Exhibit D – Preliminary Woodward Building Plans contains an updated three dimensional (3D) model, building elevations, floor plans, and a massing comparison. Staff requests to use Exhibit D as the basis for the presentation to the Planning Commission. Exhibit D also contains comparison views of current entitlement versus proposed and it explains relative heights and grades. The applicant has spent several months holding neighborhood open houses and meetings with various Home Owner's Associations (HOAs). The applicant requests to go over the updated design as it is a

working document to show progress as well as how they have incorporated neighborhood input in their design while at the same time respecting applicable Land Management Code regulations. Staff recommends to provide input and direction in terms of

- Building mass, bulk, and orientation.
- Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing.

Exhibits

Exhibit A – November 20, 2013 Work Session Planning Commission Minutes

Exhibit B – January 8, 2014 Work Session Planning Commission Minutes

Exhibit C – Woodward Project Description

Exhibit D – Preliminary Woodward Building Plans

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
NOVEMBER 20, 2013**

PRESENT: Nann Worel, Stewart Gross, Jack Thomas, Charlie Wintzer, Brooke Hontz, Thomas Eddington, Kayla Sintz, Polly Samuels-McLean

Due to conflicts, Commissioners Strachan was recused from the work session.

WORK SESSION ITEMS

Park City Mountain Resort – Master Planned Development

Planner Francisco Astorga reported that in 1997 and 1998 the City approved a Master Planned Development at the base of the Park City Mountain Resort. In the last 16 years the plans for development have changed and PCMR filed an application to modify the existing MPD. Planner Astorga stated that in the 1990's the Planning Commission approved a large scale MPD that would subsequently follow up with a conditional use permit for each specific area.

Planner Astorga noted that the applicant was prepared to give a detailed presentation. He recommended that the Planning Commission hear the entire presentation and allow time for dialogue. The purpose of the work session is to have an open discussion with the applicant before moving forward to the next step.

Planner Astorga stated that the intent this evening was to introduce the Woodward Concept and to discuss the possibility of transferring density from one parcel to another, but contained within the subject area. Planner Astorga clarified that they were not talking about transferring density from another part of town. He noted that the MPD had a provision stating that all of the density allocated per the table was to remain on each parcel.

Chair Worel informed the applicant that the Planning Commission would have four different members when this item comes back to the Planning Commission, and those members may have different opinions from what they hear this evening.

Michael Barille, with Plan Works Design, stated that he has been working with Tim Brenwald and Jenni Smith with PCMR for a number of years looking at the future of the Park City Mountain Resort Base Area. He introduced Jenni Smith, the President and General Manager of PCMR and Tim Brenwald with Powdr Corporation.

Mr. Barille stated that PCMR had a vision from 1997 and 1999 working through the MPD process and they were approached by outside developers who wanted to develop under that development agreement. Mr. Barille remarked that there have been issues and challenges involved with all of those concepts, and the Resort wanted to relook at it from the perspective of the locals and find something that fits with the community and better fits the operation of the Resort. Mr. Barille stated that this was the viewpoint when he was asked to get involved with the master planning process. He noted that having worked in the business for 13 years in the Park City area and seven or eight years before he moved to Utah, he was very excited to bring this project forward into the process.

He expected to encounter challenges, but he believed it would be good for the Resort and for the community.

Jenni Smith introduced Tom Pettigrew, Director of Skier Services; Jody Church, the Chief Operating Officer of Woodward Camps, which is a company owned by Powdr Corp. She noted that Ms. Church was with Powdr Corp. for 25 years in Tahoe where they opened a Mountain Center in June 2012. Ms. Church has been the COO of Woodward Camps for nearly a year. She and her family relocated to Park City in January 2013.

Ms. Smith stated that PCMR was excited about this project and they were anxious to start the process. Mr. Barille also introduced Sid Ostergaard, the Land Planner for Plan Works Design.

Mr. Barille explained that the Resort would be bringing forward a conditional use permit for the Woodward Mountain Center they were proposing to build in Park City. He noted that corresponding amendments to the Development Agreement would be necessary to allow the density that was already approved within the master plan to be consolidated on to the site where they intend to build the project. They have been working through the issues with Staff and he looked forward to having that discussion with the Planning Commission. Mr. Barille stated that there would also be follow-up amendments that would relate more to the broader master plan for all of the base area and the developable area in the parking lots, and how the Woodward site plan fits within the broader site plan for the entire base area.

Mr. Barille commented on the goals for this project. They believe it has great potential for the Mountain Resort and for the growth of snow sports in General, as well as helping to elevate Park City and PCMR within the snow sports and sports enthusiasts to understand the new offerings that would be coming forward in the future to this area.

Mr. Barille reviewed a time line. The plan is to complete the permitting process during the winter and be ready to start construction of the Woodward facility in the Spring, with a projected completion date of 2015. Mr. Barille stated that the goal with the Planning Commission was to proceed as efficiently as possible and as quickly as possible. He summarized a list of issues that he believed the Planning Commission would eventually want to have more details. He expected the Staff and the Planning Commission would add to the list. Mr. Barille also expected to address neighborhood concerns. He noted that he and Ms. Smith had started meeting with some of the HOAs and neighboring property owners to introduce this project and listen to their concerns and questions. They would continue to do that over the coming weeks. They also intend to host open houses at the Resort during the holiday period to allow people to review the plans in details and ask questions. Mr. Barille anticipated that issues would be raised during the open houses and they would report back to the Planning Commission on how they intend to address those issues.

Mr. Barille explained the function of Woodward. It is a year-round action sports and training facility with a summer camp component for youth. In addition to sports, there would also be a media and arts component. Mr. Barille presented slides of the Woodward Mountain Center Training Facility in Tahoe and noted that it was similar to the one they intend to build in Park City. He presented a series of slides showing how the Training Facility functions.

Mr. Barille showed a video on Woodward and how they teach the skills of their program.

Mr. Barille presented a rendering of the actual design of the building they were proposing to build at PCMR. He stated that they had worked through a number of internal programming issues to achieve a design that works well for the various components of the building. Mr. Barille remarked that the intent was to draw on the mining history and use a lot of the mountain materials, metal, steel and glass, but in a more contemporary way. He believed that would set the tone for what they wanted for the rest of the base village. It reflects the past without being a replica.

Mr. Barille reviewed the front and back elevations of the building, as well as the proposed forms and materials and design features. Mr. Barille presented a series of slides that were taken directly from PCMR's portion of the presentation at the Joint Session. He counted some of that discussion and noted that there was a long history of partnership between Park City Mountain Resort and Town on a number of issues ranging from parking and events to a connection to the Main Street that was created with the Town Lift and the transit stop in that location, to a combined economic synergy and development. The Resort would like to build on the successes as the re-development of the base area occurs. Mr. Barille believed that both Woodward and the site plan design for the base area helps to strengthen those elements. Mr. Barille outlined the challenges that were identified during the Joint Session.

Mr. Barille reviewed a context slide showing the subject area and the parking lots. Another slide showed the context of the area covered by the MPD and recognizes that it is surrounded by the RDA. That was a reason why at that time, and as they move forward, they continue to talk about partnerships with the City. Mr. Barille presented a summary slide of some of the statistics from the MPD as it currently sits with the current parking counts.

Mr. Barille pointed out that the overall site planning anticipates as much as a 15% reduction in the overall density from what was currently approved. They have talked about the potential that approximately 30,000 to 90,000 square feet of various types of resort support and commercial use might be developed on the site, rather than the 97,400 plus 85,000 that was approved in the agreement. He noted that the number could be increased slightly because some of the facilities within the Woodward project have been combined. It would depend on how, as a group, they decide to count the Resort accessory use.

Mr. Barille stated that as they move forward with redevelopment of the base, the goal is to look at ways to improve the efficiency of transit and improve the use of shuttles and alternate modes of transportation. They were cautious about not overbuilding the parking because that would encourage everyone visiting the resort to rent a car and add to traffic congestion. Mr. Barille looked forward to having that discussion with the Planning Commission at upcoming meetings.

Mr. Barille outlined a number of additional goals they hope to accomplish with the proposed plan. He noted that they had participated in the consultant's review of the traffic patterns at the Resort. Gordon Shaw has done a lot of transit planning for the City and the City hired Mr. Shaw to look at the PCMR property. The Resort team participated in terms of providing background numbers and information, as well as their own thoughts about how it would work the best operationally.

Mr. Barille emphasized that the intent is to give the local residents and children an opportunity that

they do not have now. He stated that they try to dual purpose everything possible within the design of this facility. When they run a summer camp they need dormitories where kids can stay. In trying to find a use for that space the rest of the year, they determined that it would be an ideal opportunity to provide seasonal employee housing on-site.

Mr. Barille presented the most current conceptual site plan and noted that the only change since the Joint Session was that the site identified for a hotel was the site they chose for Woodward. Mr. Barille stated that some of the goals that came out of the Joint Session from a survey of both Planning Commission and City Council, was to have more interactive open spaces; to be more diverse and family-friendly; to have more of a sense of arrival and identity; better signage and direction elements; and to be more inviting. He thought that was consistent with Powdr Corp. and PCMR's goals. They view themselves as the family resort of the three resorts in Town, and they want to continue that perspective as the area redevelops. Mr. Barille reviewed a number of slides showing how they intend to meet that goal with the proposed site plan.

Mr. Barille reviewed the definition of Resort Accessory Use from the Development Agreement and he felt strongly that the Woodward project falls within that category of use. The reason for choosing this site for Woodward was its proximity to the snow and its involvement in the snow sports arena. It also does a lot of what resort accessory use was intended to do. He presented the site plan for the Woodward building itself, well as an existing aerial showing how the Woodward building fits in with the existing properties. He noted that the center rectangular portion would be sunk into the ground to reduce the visibility and visual impacts.

Mr. Barille expected to go into a lot more detail with the Planning Commission regarding the density provisions within the agreement and how the density categories would be allocated to this project. He referred to Parcel C, which is proposed for the Woodward facility, and reviewed the current entitlement in terms of height, density and use categories, and the proposed use at the time of the agreement. He then showed what it would be under the current proposal.

Jenni Smith felt this project would raise the bar on recreation opportunities in Park City for youth and adults. It is primarily for youth and a year-round opportunity. The building would be a four-season facility that would continue to bring people into the community. Ms. Smith believed it would grow their core business. The demographics of the ski industry is changing and the millennial generation is the largest in US history; 95 million born between 1978 and the early 2000. The baby boomers is the next largest group at 78 million. A large number of people are coming into the sport and they are looking for an authentic experience. Ms. Smith stated that Woodward is outstanding with the progression of learning and draw people into the community who may not have come otherwise. She remarked that it was difficult to understand the camp experience unless you actually see it, and it would be a great benefit to the community.

Commissioner Thomas stated that this was not difficult for him to comprehend because he has personally seen the reality of it. He was optimistic about its success at PCMR. Commissioner Thomas commented on a similar facility at Whistler and the strength of their pedestrian core and the amount of business it brings as it disperses throughout the rest of the community.

Commissioner Thomas assumed that there was a pedestrian connection through the building

stepping up to the existing drop off. Mr. Barille stated that pedestrian connection was one of the things they thought about as they went through the conceptual design on that building to make it as intuitive as possible. In terms of architecture, Commissioner Thomas believed this was a legitimate representation of the evolution of its moment in time, and it also has a reflection of the mining era. He like the design but he was unsure whether it would fit within the current Code with regard to façade lengths and other issues.

Planner Astorga stated that those issues would be reviewed as part of the conditional use permit. He noted that the original MPD had 492 unit equivalents. PCMR has said that they do not want to build more and they were looking at possibly building less. However, it would require a transfer of density from one parcel to another. He asked if the Commissioners would support the transfer of density, because that would be the first step to amend the current MPD.

Commissioner Wintzer asked Mr. Barille to identify the areas where they were proposing to move around the density. Mr. Barille stated that in the Resort support category there was approximately 18,000 square feet assigned to Parcel C and they want to build 80 square feet. The question is whether to do that by taking some of the resort support commercial from Parcels D, E and B and moving it there, or whether they would honor some of the definition that says they should not count UEs against that category as long as it supports the Resort function, or whether they would look at using some of the residential density. Mr. Barille believed that it would probably be a combination. Commissioner Wintzer commented on the entry experience. If they shift the density in a way that keeps the mountains visible and creates a feel of entry, they should support it.

Commissioner Thomas thought it would be beneficial if the Planning Commission could see a sequence of images showing what the perspective would be outside of it, coming to it and being in it. Mr. Barille noted that they had already started 3-D sketch up modeling and some U of U studies. He also anticipated physical modeling. Mr. Barille stated that he had created imagery that shows what they believe are well-designed pedestrian streets on the view corridors versus ones that do not work as well.

Commissioner Wintzer remarked that traffic would be the major problem. He wanted to see the pedestrian connections and the traffic circulation patterns, particularly where and how traffic would merge on to Park Avenue and Highway 224. Commissioner Wintzer thought it was time to start working on employee parking and using park and rides.

Chair Worel asked about the number of people the dorm would house. Mr. Barille stated that their charge was between 200 to 250 kids and counselors combined. Ms. Smith pointed out that using the dorms for employee housing would be different than using it as camp dorms. Chair Worel liked the fact that the dorm would be used for employee housing.

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
JANUARY 8, 2014**

PRESENT: Nann Worel, Preston Campbell, Stewart Gross, Steve Joyce, John Phillips, Thomas Eddington, Francisco Astorga, Polly Samuels McLean.

ROLL CALL:

Chair Worel opened the work session and noted that all Commissioners were present except Commissioner Strachan who was excused.

Director Thomas Eddington introduced Preston Campbell, Steve Joyce and John Phillips as the new Planning Commissioners.

WORK SESSION ITEMS

1315 Lowell Avenue, PCMR – Amendment to Master Planned Development and Conditional Use Permit (Application PL-13092135 and PL-13-02136)

Planner Astorga stated that for the benefit of the three new Commissioners the intent this evening was to revisit the Work Session discussion from November 20, 2013 regarding the amendment to the MPD and CUP for Park City Mountain Resort. He apologized to Chair Worel and Commissioner Gross for having to hear the presentation again; however, since the change to the Planning Commission was substantial the Staff thought it was appropriate to reintroduce the current application.

Planner Astorga reported that the current application filed by PCMR was to amend the MPD that was approved in 1997 and the development agreement that was recorded in 1998. The objective this evening was also to introduce the Woodward facility that PCMR was proposing to build on Parcel C.

Michael Barille with Plan Works Design introduced his team; Tim Brenwald with Powdr Corp, and Jenni Smith and Tom Pettigrew with PCMR. Mr. Barille welcomed the new Commissioners.

Mr. Barille laid out what the team hoped to accomplish throughout the next several months of discussion with the Planning Commission. The first was to process a conditional use permit that would allow a facility called Woodward Park City. Secondly, minor changes would be made to the existing Development Agreement to allow processing of the conditional use permit by allowing some of the resort accessories for multiple parcels within the master plan to be consolidated at the location where they propose to build the

Woodward facility. Mr. Barille stated that they would immediately follow that up by laying out the proposed changes to the Master Plan and bring any of the items that would need to be changed in the Development Agreement to the Planning Commission. The last item would be to process a subdivision plat to parcel out the piece for the facility.

Mr. Barille outlined the goals for the process. He believed the application was unique to resort development in Park City and it would bring a new aspect to high altitude training, snow sports training, action sports training and youth activities that are not currently offered in the community. The target was to complete the permits process through the course of the winter and to have the first few permits ready to begin construction on the Woodward facility in the spring. Mr. Barille assumed it would take 12 to 18 months to construct the facility.

Mr. Barille stated that the goal with the Planning Commission was to take as much time as necessary, but to proceed efficiently. He was working with the Staff to lay out a series of topics for each of the upcoming meetings to address the issues required to process the conditional use permit. He noted that some of the topics would be traffic, operational plans, architectural design, site layout, and articulation of the buildings. Other items would be how this project relates to the employee housing requirements within the Development, and how they intend to meet that requirement, as well as density allocation and phasing, the site plan and how the proposal fits within the overall plan. Mr. Barille stated that the team would address neighborhood concerns that are brought forward during neighborhood meetings and open houses.

Mr. Barille provided a brief background of Woodward. It is year-round action sports and training facility. Some of the activities include snowboarding, skiing, gymnastics and cheer and digital media and film. It is an innovative way of teaching sports.

Mr. Barille presented slides of Woodward facilities that have already been constructed in mountain resorts and how they function.

Tom Pettigrew thought it was worthwhile to consider that the facility, particularly in the summer, was driven by the campus. The bulk of the children from 9 to 15 years old are housed in a facility at a time of year when the public school is not in session. The facility is intact and there is a dormitory and cafeteria on site. Training for low level beginner skill sets to higher level skill sets can be accommodated within the facility. Mr. Pettigrew thought it was an exciting opportunity to bring this type of winter/summer activities to the Woodward site. There would be opportunities during the shoulder season for adult and corporate based types of activities. Mr. Pettigrew commented on the opportunities during the winter to utilize the snow surface outside and the Woodward surface inside, and ways

to incorporate the ski and snowboard school programming into Woodward to accelerate the learning process. There would also be programming specific to certain times of the year, such as Christmas, President's week and spring breaks.

Mr. Pettigrew stated that several areas inside the building would be re-purposed. For example, the summer dormitory would be used as employee housing during the winter season. The cafeteria would be re-purposed as a food and beverage facility for the team members.

Jenni Smith, with PCMR, stated that Powdr Corp. purchased the Woodward Camps three years ago. Since then they have incorporated a similar facility in Tahoe. She believed this was a unique opportunity to have a year-round training facility and it raises the bar on year-round recreational opportunities. Ms. Smith stated that part of the planning and programming for the Woodward building would be a downhill and mountain biking program. She remarked that this facility would be key to growing the core business that they operate. She noted that there are 95 million in the Millennium generation. The next largest generation is the baby boomers at 78 million. They see Woodward fitting into that demand as well as fitting into the growth of the industry. These are they young people they want to capture so the ski industry can continue to have a vibrant future.

Ms. Smith pointed out that the summer camps would bring new destination visitors during the summer. The children will be in camp and the parents will be mountain biking, hiking, and spending money on dining, shopping and lodging. It is a real opportunity for all of Park City to capitalize on new visitors in town. She stated that high-profile, elite athletes train in this community and Woodward is another facility that could be used for training.

Mr. Barille presented slides showing the concept architecture for the Woodward building, as well as images to show how they were trying to draw some of that design and the materials. Mr. Barille remarked that they were drawing their inspiration from the mining history by keeping the structures simple, but with a contemporary twist. The proposed materials would include metal siding in varying hues to create architectural interest and sense of movement. A wood material would provide the mountain context. Canopies would help screen the glass and maintain the sustainable aspects of the building. Glass windows down to the pedestrian level would allow interaction by seeing what goes on inside.

Mr. Barille presented a context site plan showing the Resort and the surrounding neighborhood.

Mr. Barille provided a brief background for the development. In 1998 a large scale master

planned development was approved by the City. In November 2001 amendments were made with respect to parking and traffic and how it would be phased. In total, over 1 million square feet of development was approved in a mix of lodging, commercial and resort support uses. Approximately 805,000 square feet remains. Five separate building parcels were called out in the MPD and the building heights reach up to five or six stories across much of the site. At some point in the future Mr. Barille thought it would be important to walk through the existing plan, how the buildings were laid out and articulated, and where the building heights vary. They would be prepared with a model showing the proposed plans so the Commissioners could get a sense for the changes and how pedestrians will interact with the new building plan. They also intend to discuss some of the improvements reflected by the layout they have chosen.

Mr. Barille stated that the new concept proposes to use less density than what was previously entitled. He presented a location map from a joint session with the City Council and the Planning Commission in December of 2011. The context for that conversation was to look at future development and redevelopment in the base area of the Resort, and how that fits in with the context of the resort neighborhood and the general plan, and within the context of the RDA. Mr. Barille remarked that the heart of the Resort is close to the Old Town area and the Town Lift is a strong connection between the Resort and downtown. Planning is currently ongoing for City property to utilize that land and to create better connections through the Resort neighborhood and downtown.

Mr. Barille noted that the area for base area development was shown in orange. The boundary for the RDA was shown in yellow. He reviewed the full site plan that they propose to bring forward as part of the changes to the Master Planned Development agreement. Some of the key elements included use of the upper parking lot for a combined parking structure and transit facility that would replace the current surface parking at the Resort. It would isolate the impacts and allow them to organize the traffic flow to that site. They would also be able to separate transit traffic from drop-offs and day skiers and create a flow more intuitive to first-time guests.

Mr. Barille outlined some of the goals from the joint session for this neighborhood and redevelopment of the Resort. The goals included interactive open spaces, a diverse and family friendly environment that is inviting, a way to clearly identify the sense of arrival at the resort, and to revitalize the Resort activities. Mr. Barille explained how the team tried to accomplish those goals in their site planning. From a pedestrian standpoint, a key element of the plan is to maintain flat walkable corridors at a number of locations, both through the existing base area and through the redevelopment that would occur on the lower parking lots. Mr. Barille showed how the Woodward facility would fit within the broader context of the site and the layout of the facility.

Mr. Barille stated that the definition from the Development Agreement talks about the fact that resort accessory uses are approved uses within the developer's winter and summer operations that would not require the use of unit equivalents. In conversations with Staff it was determined that they may need some unit equivalents from the overall entitlements. The Woodward facility has a blended nature of the activities planned and they would bring back more specifics on that in the future. Mr. Barille believed that most of the uses and programs in the design are consistent with the definition of Resort Accessory Use. He reviewed a list of activities that were anticipated to be Resort Accessory Uses at the time of the Development Agreement. He believed they were very similar to what was currently being proposed.

Mr. Barille noted that since the last work session an open house for the general public was held on December 14th. Another open house was scheduled for January 9 at the Legacy Lodge. They also met with three different property managers and attended two HOA annual meetings to give a presentation and answer questions.

Mr. Barille noted that two websites were developed for the general public. One was woodwardparkcity.com and the second was masterplan.pcmr.com. The first outlined the Woodward programming and showed videos of the facility. The second reviewed the history of the entitlements and the overall site plan.

Mr. Barille stated that they would like to have the Woodward Park City facility completed in 2015 so it could be used during the 2015-16 season. The next project would be parking and the transit facility over the next five years. The remaining buildings in the master plan would be phased over the next 10-15 years.

Planner Astorga stated that he and Director Eddington had the opportunity to visit the site last year. He is the project planner and he encouraged the Commissioners and the public to contact him if they had questions about the process. Planner Astorga noted that a series of work sessions would be scheduled to help expedite the review and approval process. The Staff has started internal discussions with the City Engineer regarding traffic and parking. Planner Astorga remarked that the proposal would not work unless density could be transferred from one place to another. Before they could move forward on Parcel C, which is the proposed Woodward facility, it was important to know how the Planning Commission felt about transferring density. He requested a head nod on that issue. The Staff recommended that they allow the applicant to amend the existing MPD. Specific points would be addressed at each work session in an effort to draft findings to approve the amendment to the MPD and the conditional use permit for Parcel C.

Chair Worel asked about attendance at the December 14th meeting. Ms. Smith replied that approximately 20 to 30 people attended. She expected more people at the meeting on January 9th because they had mailed postcards to all property owners within 200 feet. It was also advertised on the radio and in the Park Radio. Chair Worel thought more people might attend since the holidays were over. Mr. Barille stated that they intentionally scheduled an open house during the holidays to give the second home owners an opportunity to attend. The websites were also set up as a point of information for the second home owners who live out of town.

Commissioner Joyce commented on the loss of 230 parking spaces with the Woodward facility. He assumed that included extra parking for construction. He wanted to know the total parking before the loss of 230 spaces. Mr. Pettigrew stated that there were approximately 1250 surface spots and another 300 spaces in the underground area under the lodge. Commissioner Joyce clarified that they would be looking at the loss of 230 spaces for several years until the parking structure is built. Ms. Smith replied that this was correct. She noted that they would hire consultants to help with parking recommendations. Currently, during the busy holiday season, employees park at the Munchkin and shuttle to the Resort. They also have an agreement with the School District to utilize their parking spaces on weekends and holidays for the next three years as additional parking. Mr. Pettigrew stated that over 100 customers were shuttled during the holiday period utilizing their own van base. He expected the same during the President's weekend and again in March.

Commissioner Joyce stated he had personally seen people park at the Library on busy days and walk to the Resort. He understood the Resort was trying to do the right things through signage and shuttles; however, it does spill out. His concern was whether it would spill out more with the parking reduction and more frequently. He thought it was an issue that needed to be addressed in the parking plan because it definitely impacts the community and other businesses.

Ms. Smith noted that all the Resort employees who live in Salt Lake get a free bus pass so they are able to utilize the Salt Lake City/Park City Transit bus. They also try to incorporate as much public transportation and other forms of transportation to reduce the number of cars. Ms. Smith welcomed suggestions on how to get season pass holders out of their individual cars.

Commissioner Phillips concurred with the comments expressed by Commissioner Joyce; however his concerns went further. He believed the apex of the parking issue would be while the parking structure is under construction because some of the amenities would displace more parking spaces. He thought the parking plan needed to address parking

along those lines as well.

Mr. Barille stated that as the buildings in the master plan are constructed, they would each have underground parking under the footprint of that building. The parking structure is intended to replace all the surface parking that exists today. The parking would be an equal trade once the structure is constructed.

Chair Worel asked how long it would take to construct the parking structure. Mr. Barille believed it would be a two year horizon. It would be built in a couple of pods for easier transitioning. Chair Worel remarked that to Commissioner Phillip's point, parking would be displaced for that two year period. Tim Brenwald with PCMR, explained that the goal would be to build parking as the structures are built.

Commissioner Joyce stated that when the original agreement was done, they went through a surprising amount of detail of breaking out the different parcels and square footage. They also took the extra step of saying that the density on each parcel was set. Having not been around in 1997, it appeared that a lot of thought went into that and that Park City Mountain Resort agreed with it. Commissioner Joyce requested whatever information the Planning Department could provide regarding the thought process in 1997. He would not want to unravel what was done if there was good purpose behind it. Commissioner Joyce also requested that the applicant respond to the information the Staff brings forward.

Planner Astorga offered to provide whatever information was available. He pointed out that the minutes at that time were not prepared in as much detail, and it was difficult to understand the reasoning behind the limitation of not being able to transfer density.

Director Eddington stated that when the Staff researched the history, they found that it was an in-depth Master Planned Development. He believed the intent was to create blocks and pods. Director Eddington noted that there was an evolution to what PCMR is doing that was not anticipated in 1997, and it might be time to open it up and look at new pods. From reading the documents, he believed it was more about sense of space and geography, as well as building massing, shadow studies, etc. Director Eddington thought the City would still have those same requests moving forward.

Mr. Barille offered to respond to the comments and concerns expressed by the Planning Commission at a later meeting. He felt it was important to show the Commissioners why more but smaller footprints could feel as good as bigger consolidated footprints. He mentioned other advantages that accrue with the proposed plan.

Commissioner Campbell asked if Parcels C,B, and E would have underground parking as

well. Mr. Barille replied that this was correct. Commissioner Campbell clarified that Woodward would have underground parking. Mr. Barille stated that they were proposing to park Woodward in the parking structure and to operate primarily with drop-offs. However Parcels B and C and the rest of the buildings in the plan would have underground parking. Commissioner Campbell asked for the number of seasonal workers that could be accommodated in the dormitories. Mr. Barille replied that they were looking at approximately 36 units with two employees per unit during the seasonal employee housing period. It would be more of a bunk, dormitory style for campers and counselors during the summer.

Commissioner Gross asked if there was any type of employee accommodations currently. Ms. Smith answered no. Commissioner Gross referred to Parcel A, the current hotel, and asked if it fits the graph on page 4 as far as accessory use, etc. Planner Astorga stated that based on numeric calculations they were close to maxing out their allotted gross square footage. Commissioner Gross asked about the accessory use to the resort of 35,000 square feet. Planner Astorga could not recall. However, he believed that Parcel A was not included because the Resort built what was supposed to be built per the MPD. Commissioner Gross was concerned that the accessory to the Resort was growing by approximately 350%. Whereas, the original square footage of 159,000 square feet showing as residential was not accessory to the Resort, which he understands is important to the operation and critical to what they are trying to do as a community. He was not opposed, but he questioned how it would all function with everything that would occur in the future. Commissioner Gross could see logistical issues that needed to be addressed. He assumed the 230 spaces that would be lost were under Parcel C as shown. He was told that it was under the building footprint of Woodward as shown. Commissioner Gross stated that realistically, the 230 spaces lost would not leave enough additional parking for construction staging and construction personnel. He thought it was important to make sure they have the surety like they had at Empire Pass that construction personnel would not conflict with the tourist and local population.

Mr. Barille stated that the applicant intends to submit construction mitigation and parking plans that would address those items and concerns.

Commissioner Gross asked if the new street coming in off of Empire would occur with the initial phase. Mr. Barille did not believe it would need to occur with the initial phase. It was in the previous approval and they carried it through because it would eventually create nice visual connections to the mountains. The road would become more important as the rest of the buildings are constructed.

Commissioner Gross asked for the percentage of locals that would be actively involved with

the Woodward campus. Mr. Brenwald stated that it would depend on the season. Summer would be a blend of local and destination campers. During the shoulder and off-seasons, there is typically significant participation from the local community. Day passes and season passes are offered. Commissioner Gross asked about affordability for the locals. Mr. Brenwald recalled that the pass for Tahoe was approximately \$250.

Commissioner Gross felt this proposal was a critical component to the future of Park City, and it ties in with the RDA and transit for the area. He thought it was important to move it through the process as quickly as possible to meet the desired time frame.

The Work Session was adjourned.



Park City Mountain Resort Presents Its Woodward Park City Vision to Park City Planning Commission

Introducing Woodward Park City.

Woodward Park City is Park City Mountain Resort's vision for a vibrant new Park City destination serving a booming action sports market whose influence is being felt across the ski and snowboard industry. It is an action sports mountain training center and camp hosting a spectrum of programs for skateboarding, BMX, cheer, snowboarding, skiing, and digital media. The facility and campus will house trampolines, a skate park, foam pits, ramps, jumps, a pump track, a media lab, lounge, and more. It will be built in the upper portion of Park City Mountain Resort's First Time parking lot, adjacent to Lowell Avenue.

Existing Woodward facilities have thrived to such an extent that some of the world's most accomplished action sports athletes, including Olympians, seek opportunities to train at them. Woodward's core business, however, is family-oriented and remains focused on providing youth experiences to be remembered for a lifetime. Woodward Park City will closely follow that philosophy.

This dynamic project will maintain Park City's reputation as a destination at the forefront of the mountain recreation marketplace, while broadening its appeal in a range of other athletic niches. It's a new year-round economic driver for the community, and will help local businesses generate year-round revenue with sustained operations during the spring and fall shoulder seasons. The ski and snowboard industry has become a focal point for an exciting intersection of creativity, athleticism, progression and digital media – that is exactly what Woodward Park City will be devoted to serving.

Beginning with its opening in 1963 and throughout the 50 years since, Park City Mountain Resort has operated with an eye toward the trends and demands shaping the industry's future. With Woodward Park City, PCMR again addresses what's next in mountain recreation – and further positions the town of Park City as a premier year-round destination for the new generation of mountain enthusiasts.

There's no place like Woodward.

Woodward's first location opened in 1970 in Woodward, Pennsylvania and has since grown to be recognized as a leader in action sports, gymnastic and cheer training centers. Over the last ten years, Woodward has opened an additional camp location in California, two mountain centers located in California and Colorado, and an international location in Beijing, China. Collectively, these five locations have grown

into premier training destinations for action sports athletes, gymnasts and Olympians. At the same time, Woodward holds strong to its core value of providing extraordinary experiences for athletes of all abilities of any age, with a focus on youth participants and progression.

As one of action sports' strongest brands, Woodward's rich history and strong relationships with key market influencers position it as the ideal intersection between athletes, brands, media and events.

Bringing Park City into what's next.

Woodward Park City is devoted full-time to serving the rapidly expanding action sports and youth markets of the ski and snowboard industry. It will market directly to the emerging generation of mountain enthusiasts, the largest generation in American history: Millennials (born between 1978 and 2000, Millennials are 95 million people strong, compared to 78 million baby boomers).

On-mountain tastes and trends are evolving, one lap through a terrain park illustrates the explosion in popularity and progression of action sports in just the last several years. Watch any of this season's ski movies and bear witness to how the rails and jibs of freeskiing and snowboarding have become such popular influences in the wider snow culture. The market's purchasing power – estimated at \$200 billion annually – is undeniable; more than 140 million action sports participants across the globe put it among sport's highest-growing participatory segments.

The next evolution of Park City Mountain Resort's visionary track record.

For half a century, Park City Mountain Resort has demonstrated both an ability to identify where the on-snow recreation industry is headed – whether it comes to infrastructure demands, world-class event hosting or consumer trends – and execute a plan to keep the resort at the forefront of the industry.

In 1978, Nick Badami saw the transformative potential for snowmaking on the mountain. Today, virtually every ski location in North America uses snowguns, and PCMR relies on it to open as early as it does.

In the 1980's and 1990's, in bringing World Cup racing to its slopes with America's Opening, PCMR put itself on the world stage. This vision set the tone for PCMR, and the town of Park City, as Olympic-caliber international destinations.

In the late 90's, PCMR introduced snowboarding to its terrain – a decision not without controversy at the time. Not long after, PCMR again looked forward by opening the first of its terrain parks. Today, with four terrain parks and two halfpipes, PCMR is recognized as one of the most influential and respected resorts in the snow sports industry – by pros, fans and event organizers. That progression continues to distinguish PCMR this season when it hosts the final qualifying event and naming ceremony for the first ever U.S. Olympic Freeskiing Team – a significant event in the town's message that Park City is an important stop on “the road to Sochi.”

With Woodward Park City, PCMR has again identified a definitive evolution in the on-mountain recreation market.

Park City's first 'Shoulder Season' solution.

Local businesses have long sought to fill the revenue valleys of Park City's spring and fall shoulder seasons. Woodward Park City's year-round operation will significantly contribute to filling those slow periods by attracting guests and families 12 months a year.

With operations at the three resorts closed during Park City's "shoulder season" periods, local restaurants, lodging outlets, shops and services are put in difficult positions of filling those revenue valleys. Operating year-round and serving a wide and diverse collection of interests, Woodward Park City will function as a tremendous new economic driver in Park City. This high-profile action sports center will bring families from around the country to shop, dine and stay in town while exploring all Park City has to offer, and works so hard to showcase, on a year-round basis.

While Woodward maintains a focus on youth experiences, its age offerings remain diverse. Outside of camp periods – devoted to serving visitors ages 7-17 years old – Woodward will present opportunities for adult participation, as well: possible offerings include, but are not limited to, corporate bookings and high altitude training events. The building's design also creates the capacity to host skateboarding and BMX contests of regional and national significance, pulling competitors, family and spectators into Park City and bolstering the facility's function as an economic driver.

Benefit for our neighbors.

Woodward Park City will bring a welcome change to the look and feel immediately around Park City Mountain Resort's First Time parking lot – replacing an aging lot left vacant during significant portions of the calendar with the site of a beautiful, state-of-the-art building that realizes an exciting combination of function and design. We are excited to not only provide our neighbors with a fascinating new experience, but present them a re-imagined and updated look to our base area befitting one of America's premier resorts in one of America's great ski towns.

Benefitting the resort and the community.

After years of research, planning and development, Woodward Park City is poised to be the next step in the progression of both Park City Mountain Resort and Park City proper. This incredible new facility will market directly to the next generation of Park City visitors, serve as an extraordinary new venue for local youth to pursue a range of athletic passions, significantly help generate revenue across the community during traditional business valleys and serve as an engaging new showpiece the entire town can be proud of. You can watch a video illustrating the passion behind Woodward at the following link: <http://parkcitymountain.com/woodward>.

We are eager to share our vision with you and one day look back on this project another 50 years from now as one that cemented Park City's place as one of North America's preeminent mountain destinations of the 21st century.

Exhibit D – Preliminary Woodward Building Plans



AERIAL VIEW WITH PCMR MASTER PLAN UNDERLAY



AERIAL VIEW TO SOUTHWEST ABOVE LOWELL AVE.

SKI BEACH AND NEW PUB,
OUTDOOR SEATING

LODGE PARKING ACCESS

RESORT PARKING ACCESS



NEW PEDESTRIAN PATH TO
SKI SLOPES

WOODWARD SERVICE
ENTRANCE AND LOADING

WOODWARD MAIN ENTRANCE
AND PLAZA (PARKING DROP-
OFF NOT SHOWN)

NEW LANDSCAPING

SITE AERIAL



VIEW SOUTHWEST FROM LOWELL AVENUE



VIEW EAST FROM SKI SLOPES



VIEW SOUTH FROM EXISTING SURFACE PARKING ENTRANCE



ELEVATION - NORTH

scale: 1"=30'



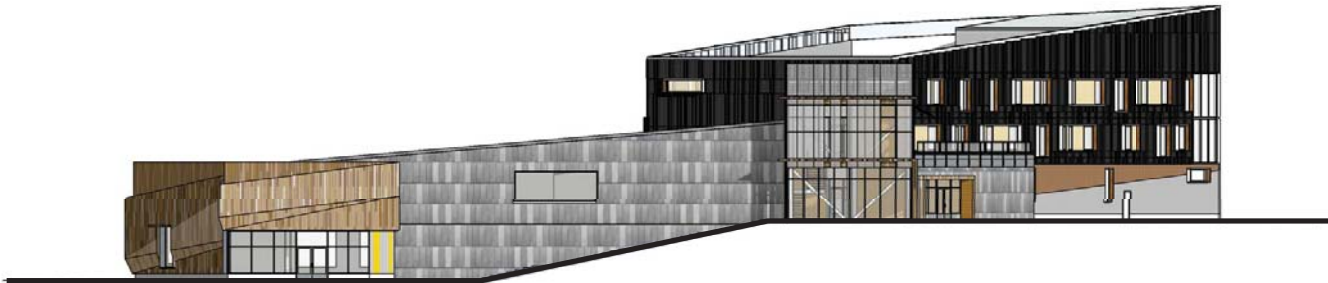
ELEVATION - WEST (FROM LOWELL AVE.)

scale: 1"=30'



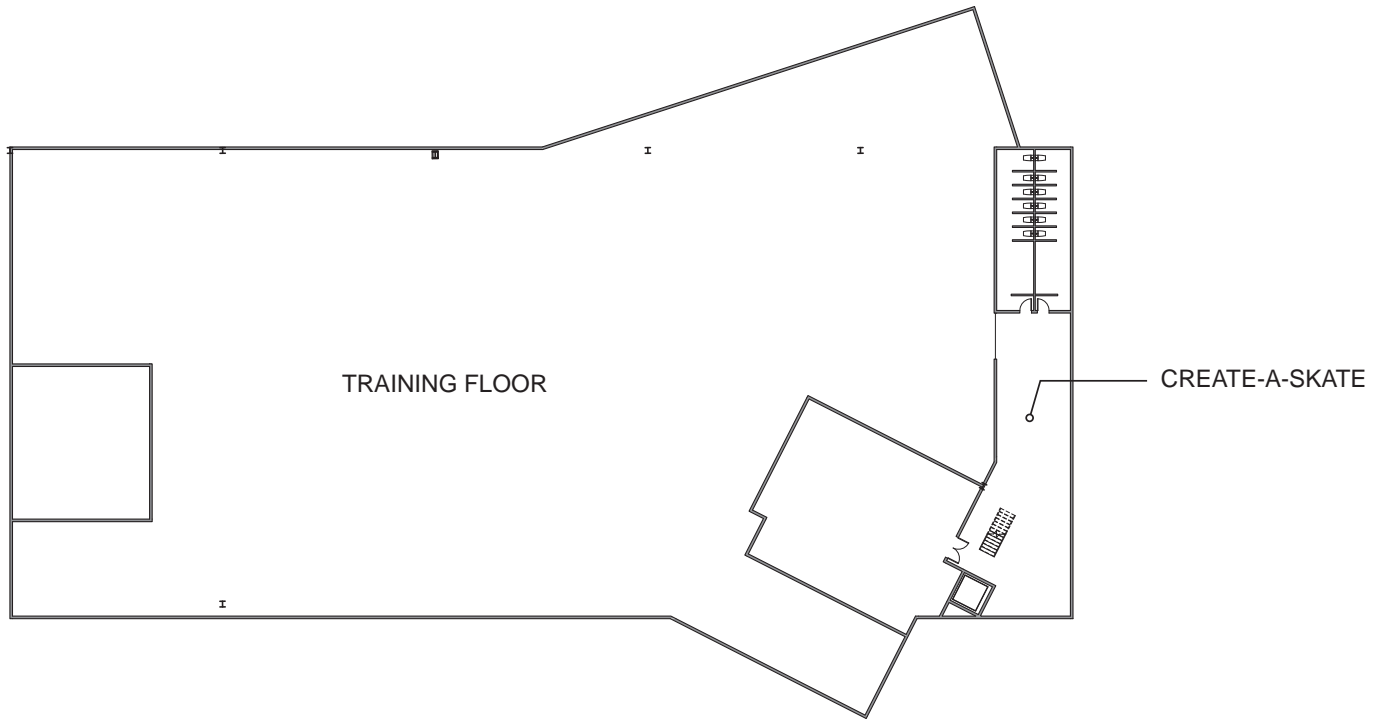
ELEVATION - SOUTH

scale: 1"=30'



ELEVATION - EAST (SLOPE-SIDE)

scale: 1"=30'



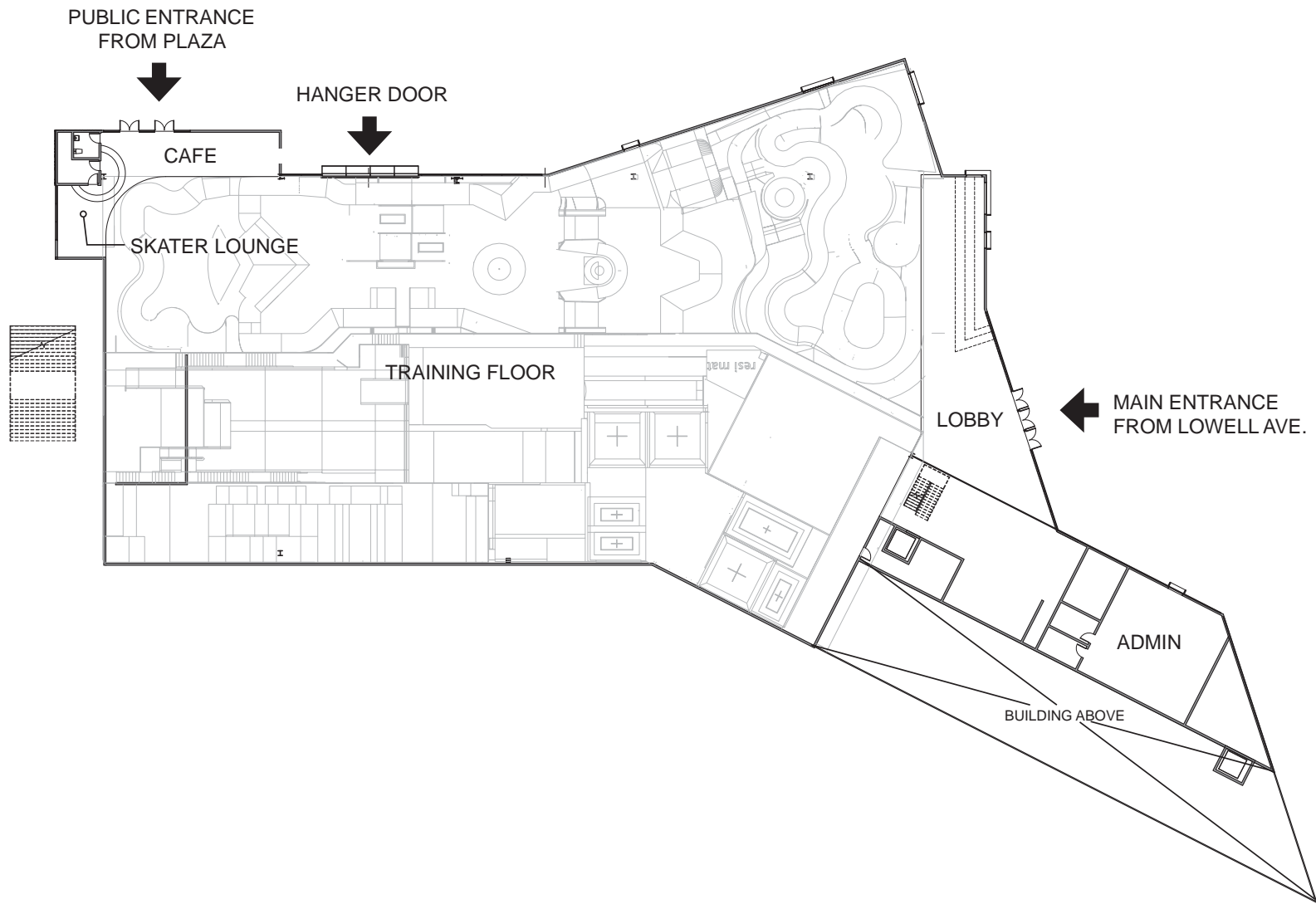
caddis architecture, pc.
 1510 zamia Avenue #103
 boulder, co 80304
 303.443.3629
 www.caddispc.com



PLANNING REVIEW
 03.21.2014

FLOORPLAN - LEVEL 1 (BASEMENT)

WOODWARD PARK CITY
 Park City, UT



FLOORPLAN - LEVEL 2

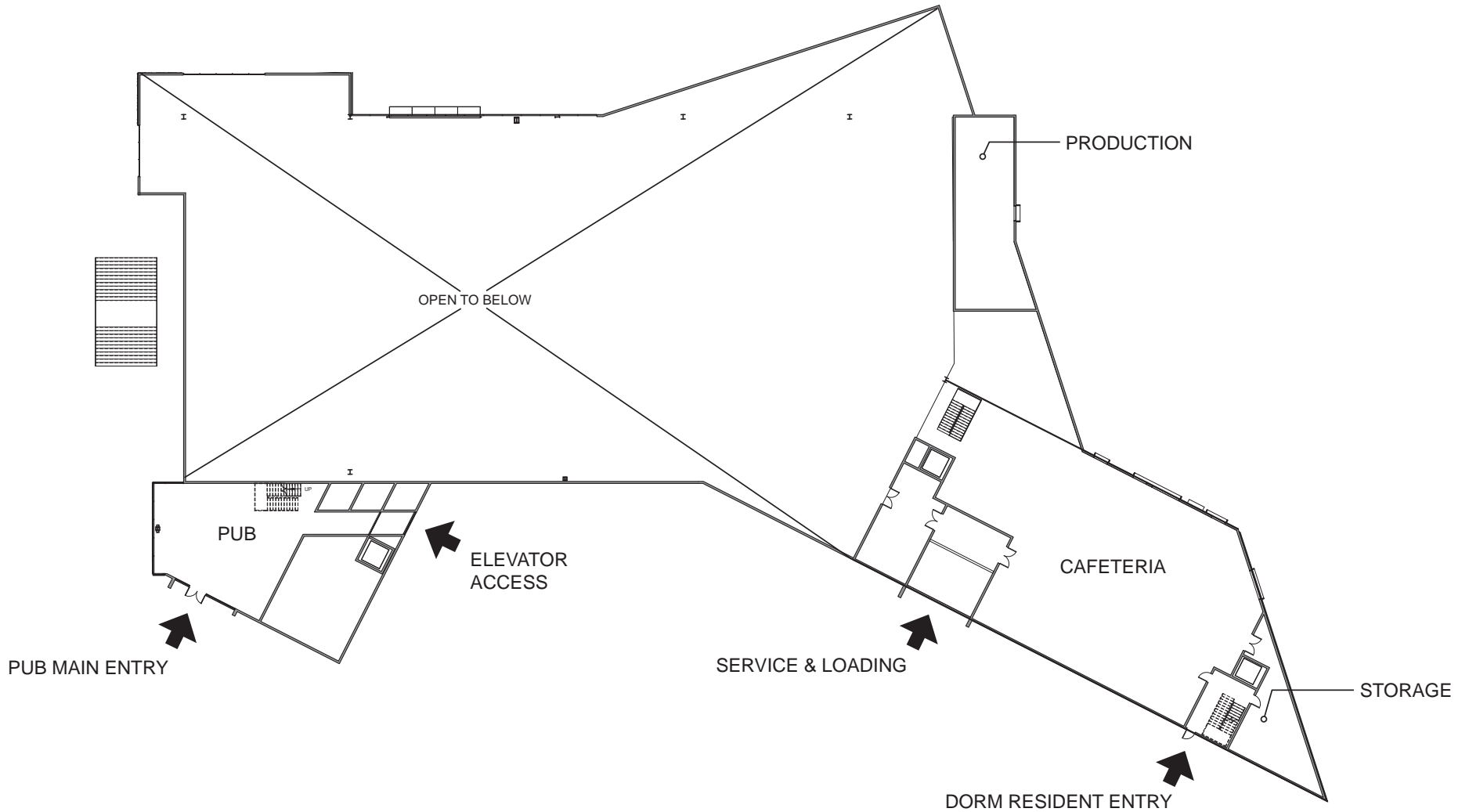
WOODWARD PARK CITY
Park City, UT



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PLANNING REVIEW
03.21.2014



FLOOR PLAN - LEVEL 3

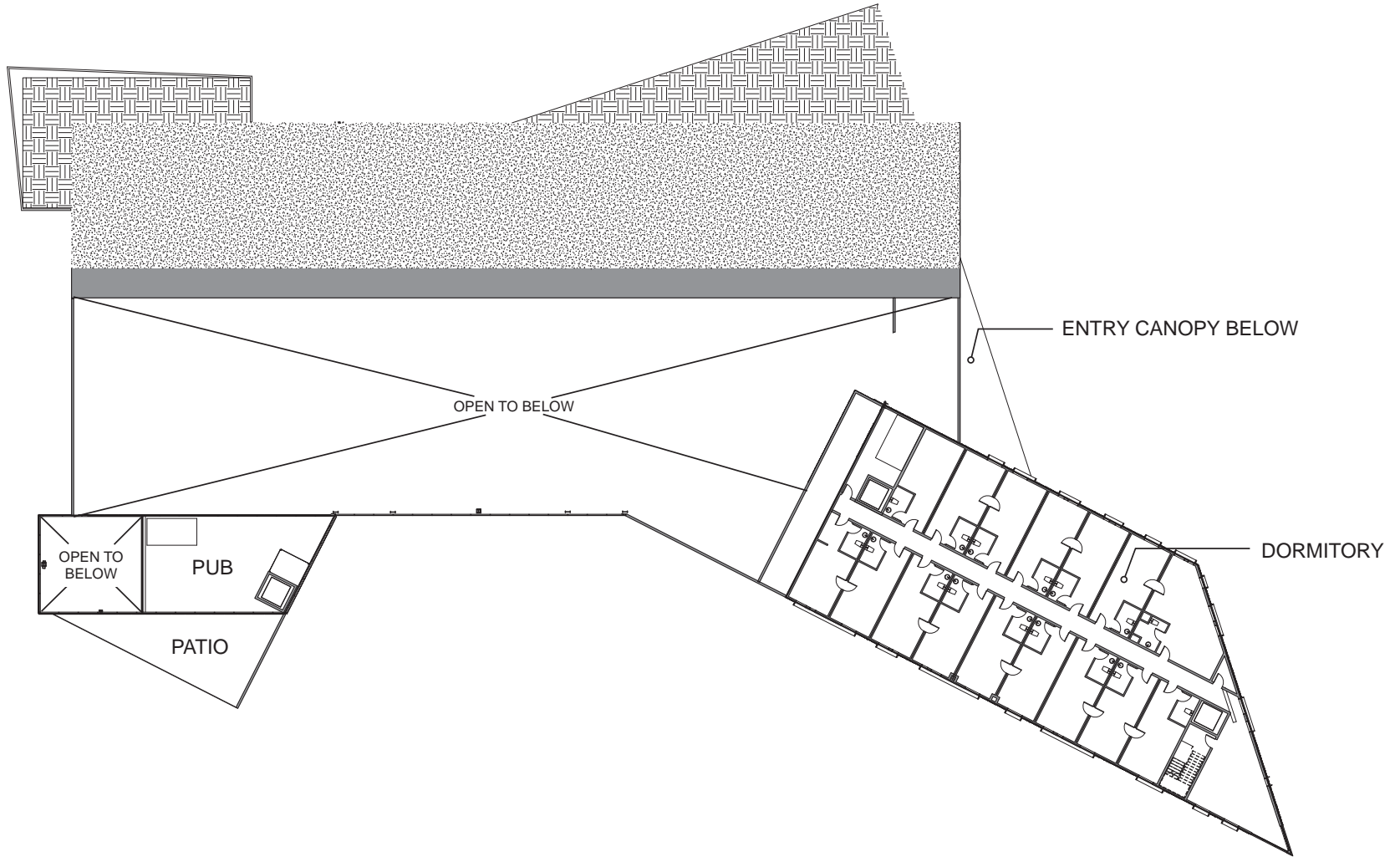


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PlanWorks
 DESIGN

PLANNING REVIEW
 03.21.2014

WOODWARD PARK CITY
 Park City, UT



FLOORPLAN - LEVEL 4

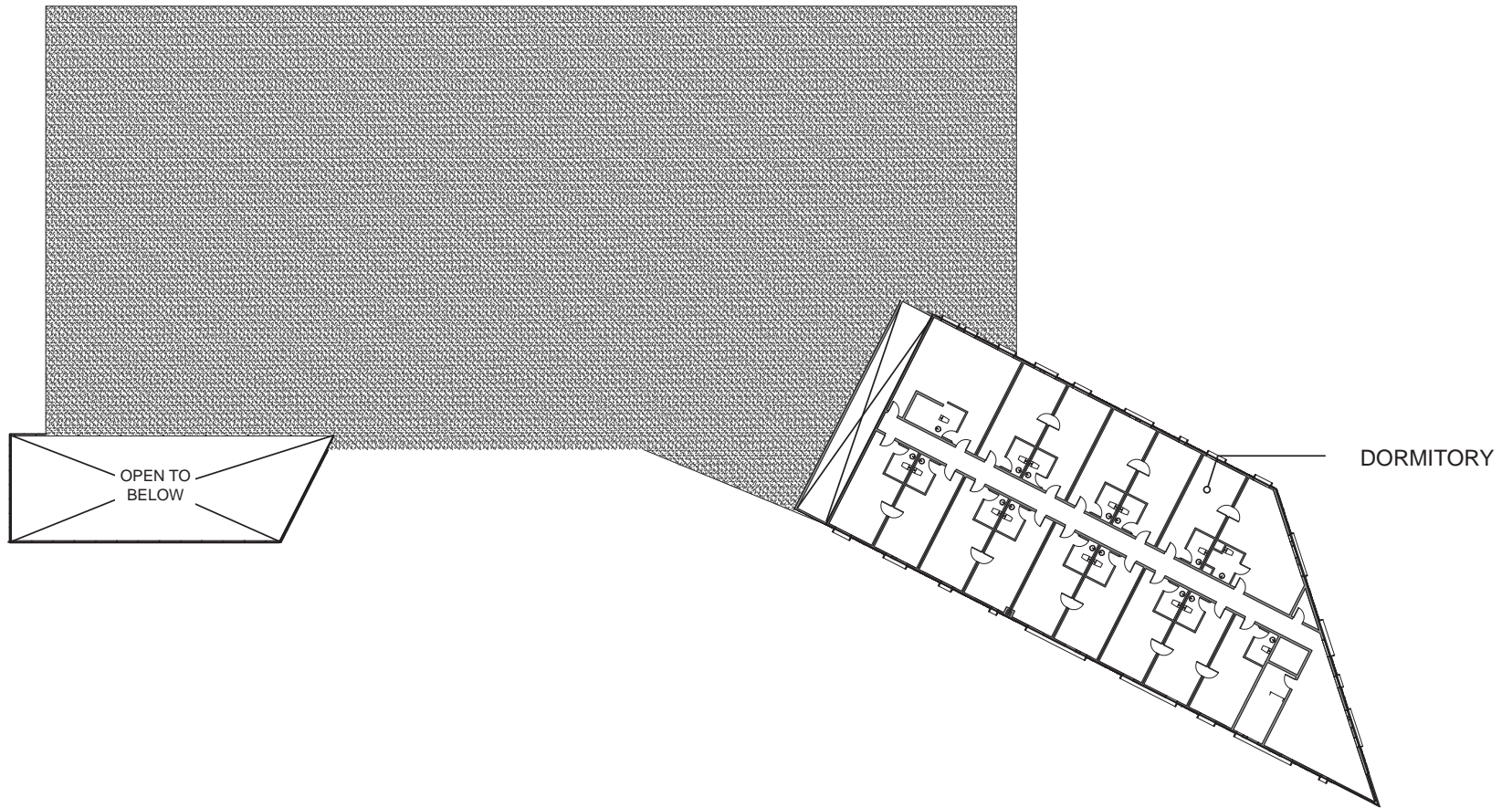
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PlanWorks
DESIGN

PLANNING REVIEW
03.21.2014



FLOORPLAN - LEVEL 5

WOODWARD PARK CITY
Park City, UT



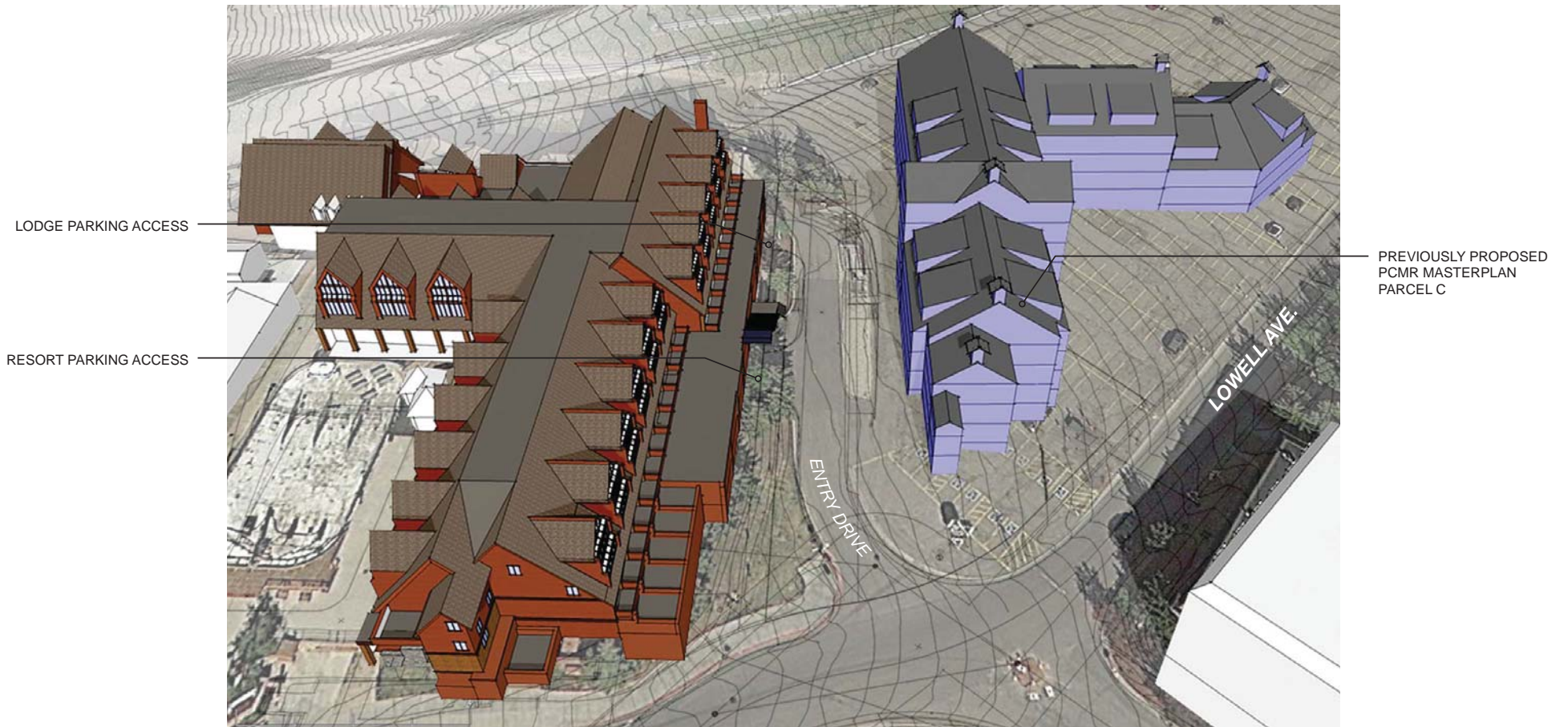
north



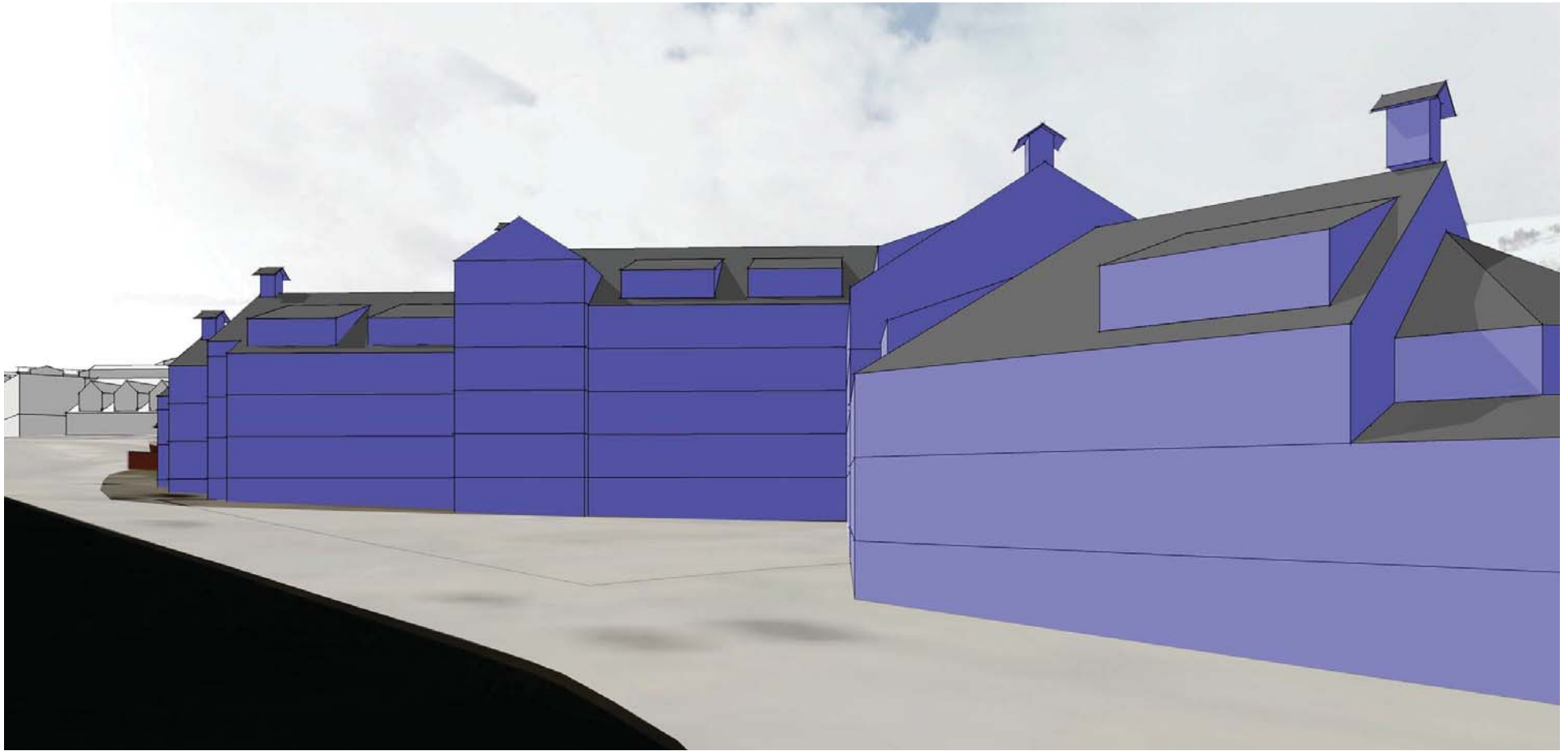
caddis architecture, pc.
1510 zamia Avenue #103
boulder, co 80304
303.443.3629
www.caddispc.com



PLANNING REVIEW
03.21.2014



SITE AERIAL - PREVIOUS PCMR MASTERPLAN PARCEL C



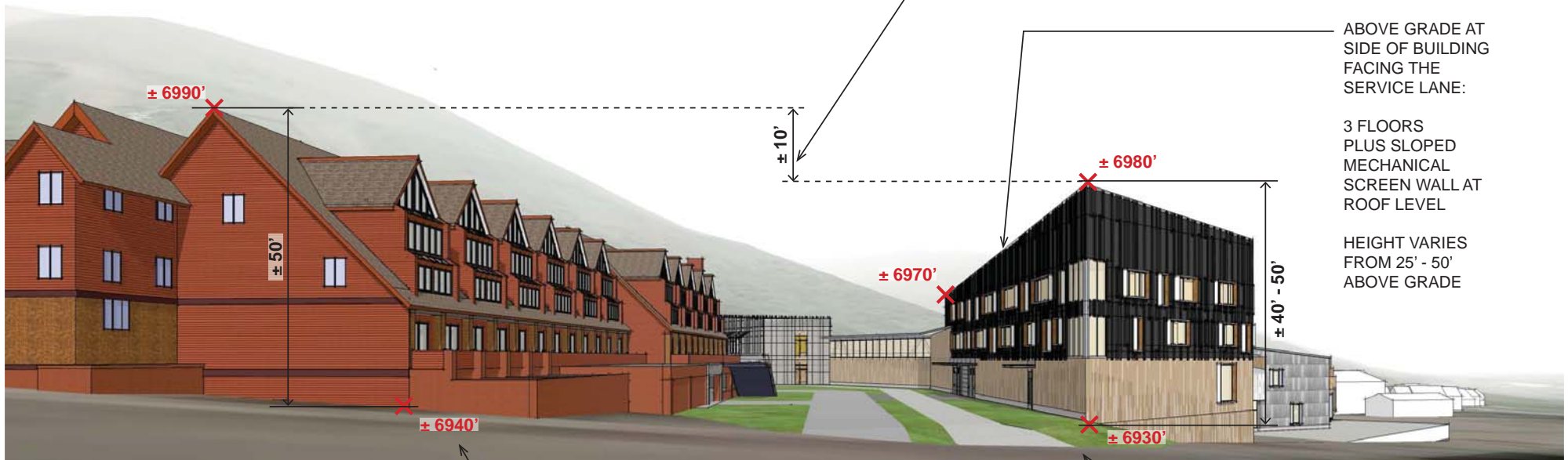
VIEW SOUTHWEST FROM LOWELL AVENUE - PREVIOUS PCMR MASTERPLAN PARCEL C



VIEW EAST FROM SKI SLOPES - PREVIOUS PCMR MASTERPLAN PARCEL C



VIEW SOUTH FROM EXISTING SURFACE PARKING ENTRANCE -
PREVIOUS PCMR MASTERPLAN PARCEL C



HEIGHT COMPARISON:

PROPOSED BUILDING WOULD BE APPROX. 10' SHORTER (AT ITS HIGHEST POINT) THAN EXISTING LODGE

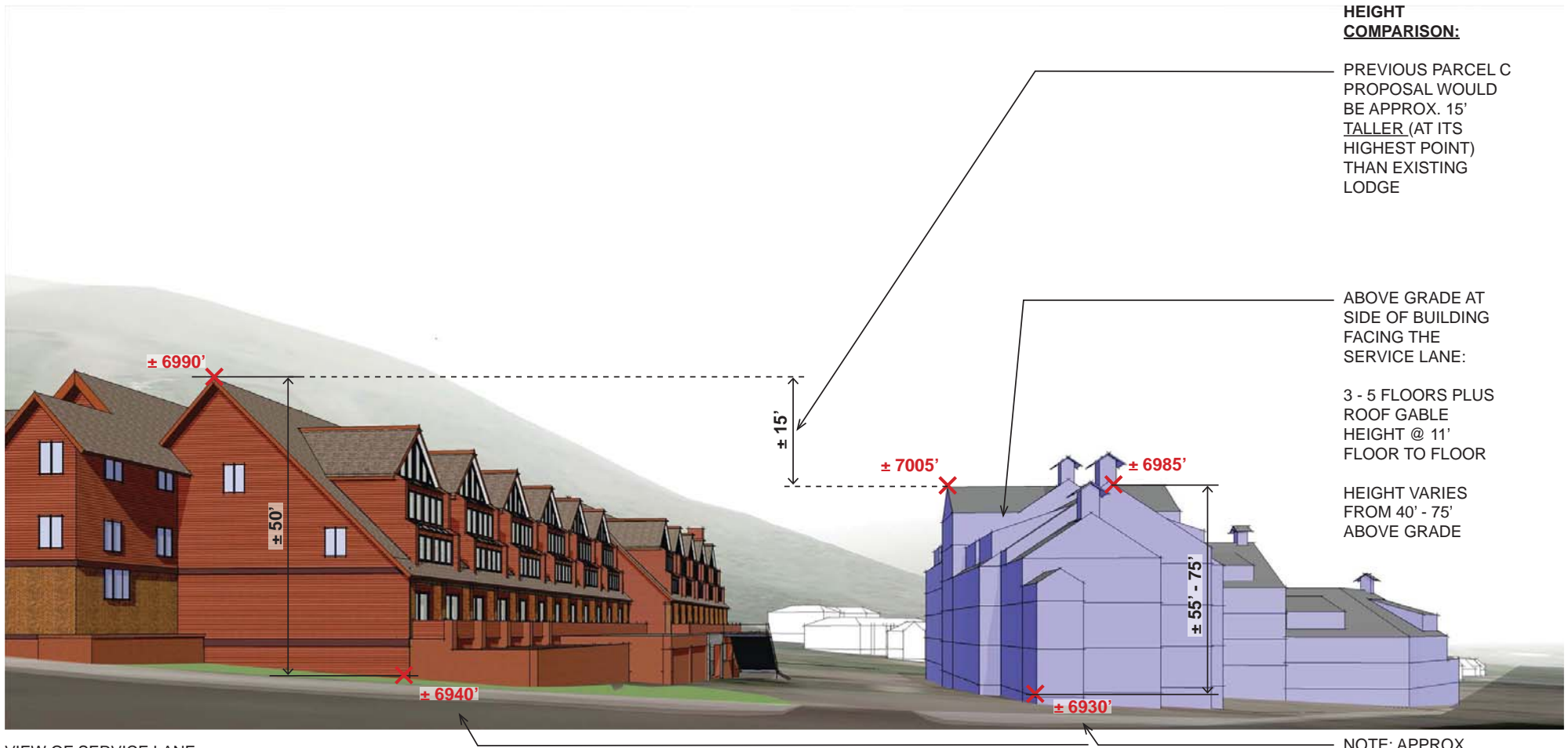
ABOVE GRADE AT SIDE OF BUILDING FACING THE SERVICE LANE:

3 FLOORS PLUS SLOPED MECHANICAL SCREEN WALL AT ROOF LEVEL

HEIGHT VARIES FROM 25' - 50' ABOVE GRADE

VIEW OF SLOPE ACCESS PATH AND SERVICE LANE BETWEEN LODGE AND PROPOSED BUILDING

NOTE: APPROX. 10' DIFFERENCE IN BASE ELEVATION BETWEEN LODGE AND PARCEL C



VIEW OF SERVICE LANE - PREVIOUS PCMR MASTERPLAN PARCEL C