

DRAFT

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 26, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Gross who was excused.

Chair Worel welcomed the new Planning Commissioner, Clay Stuard.

ADOPTION OF MINUTES

February 12, 2014

Commissioner Joyce referred to page 3 of the Minutes, page 4 of the Staff report, the first paragraph of the 1185 Empire Plat amendment and corrected existing non-historic to read **existing non-historic duplex**.

Chair Worel referred to page 17 of the Minutes, page 18 of the Staff report, last paragraph, and corrected City Attorney Matt Cassel to read **City Attorney Matt Cassel**.

Commissioner Joyce referred to page 27 of the Minutes, page 28 of the Staff report, second to the last sentence, and corrected the spelling semi-four to **semaphore**.

Chair Worel referred to page 18 of the Minutes, page 19 of the Staff report, fourth line from the bottom, and corrected convenient store to read **convenience store**.

Commissioner Joyce referred to page 38 of the Minutes, page 40 of the Staff report, fourth paragraph, and corrected back of the lock to read **back of the lot**.

MOTION: Commissioner Joyce moved to APPROVE the minutes of February 12, 2014 as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed. Commissioner Strachan abstained since he was absent from the February 12th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington announced that the final public outreach open house for the General Plan was held the previous evening. Approximately 50 people attended and provided input. The Staff would be presenting the General Plan to the City Council on Thursday and it was scheduled for possible adoption by the City Council the following week.

Director Eddington requested that the Planning Commission appoint a liaison to the Board of Adjustment. The Board typically meets once a quarter. Commissioner Joyce volunteered to be the liaison.

CONTINUATIONS(S) – Public hearing and continue to date specified.

1. 2519 Lucky John Drive – Plat Amendment
(Application PL-13-01980)

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

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 2519 Lucky John Drive to March 12, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. 901 Norfolk Avenue – Plat Amendment (Application PL-13-02180)

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

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 901 Norfolk Avenue plat amendment to March 12, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, public hearing, action.

**1. 1049 Park Avenue Subdivision
(Application PL-13-01893)**

Planner Anya Grahn reviewed the application for a plat amendment for the property located at 1049 Park Avenue. A historic house is located on the property. The lot consists of one Old Town lot and an additional two to three feet of the north half of Lot 12, which is directly to the south. The applicant was requesting to remove an interior lot line in order to move forward with renovation plans for the house.

Planner Grahn noted that the existing house encroaches approximately 48 square feet on to the neighboring property, which is typical on Park Avenue. When the street was resurveyed all the lot lines shifted and the encroachments occurred. A conditional easement with the neighbor allows them to do maintenance.

Planner Grahn stated that the requested plat amendment was standard procedure for removing an interior lot line. Once the interior lot line is removed, the lot would be slightly larger than a standard Old Town lot; but still relatively small compared to other lots in the neighborhood. In addition to the lot line combination allowing the applicant to move forward with his renovation plan, the City would also gain a ten-foot snow storage easement across the front of the property.

The Staff recommended that the Planning Commission conduct a public hearing for the subdivision and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Kevin Horn, the project architect, noted that the Staff report did not mention that the applicant had a signed letter from the neighbor giving consent for the plat amendment to move forward.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation for the plat amendment at 1049 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1049 Park Avenue

1. The property is located at 1049 Park Avenue within the Historic Residential (HR-1) Zoning District.
2. The applicants are requesting to combine the north five (5) feet of Lot 12 and all of Lot 13 of Block 4, Snyder's Addition into one (1) Parcel.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of a rear yard addition to the historic house.
4. The amended plat will create one new 2,250.04 square foot lot.
5. The existing historic 1,171 square foot home is listed as "Landmark" on the Historic Sites Inventory (HSI).
6. Per Land Management Code (LMC) 15-2.2-4 Historic Structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid Complying Structures. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 12 and 13.
7. The existing historic structure encroaches into the property at 1043 Park Avenue. The degree of the encroachment increases from two feet (2') to three feet (3') from east to west. The total square footage of the encroachment is 47.5 square feet. A conditional easement currently exists to address this encroachment.
8. Any proposed additions to the existing historic home require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.

9. The maximum allowed building footprint allowed on the lot is 991.3 square feet. The applicant intends to construct a new rear addition and renovate the existing historic home. Following the renovation, the total footprint of the house will be 1035.75 square feet; however, only 988.25 square feet of this footprint will be located on the 1049 Park Avenue property. The remaining 47.5 square feet of the encroachment is located at 1043 Park Avenue.

10. The amendment of one and one-half (1.5) lots would be smaller than the average size of lot combinations on Park Avenue and is in keeping with the traditional size of development on the 1000 block of Park Avenue.

11. New additions to the rear of the historic home require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

12. On May 29, 2013, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of 1049 Park Avenue, which included constructing a new addition at the rear of the historic structure. The HDDR application was approved on July 18, 2013; however, no building permit can be issued prior to the recording of the plat amendment.

13. The approval of the HDDR application was revised on February 10, 2014.

14. There is an existing root cellar and crawlspace beneath the historic building. The applicant intends to replace this makeshift foundation with a new basement foundation. The Planning Director determined that a new basement foundation did not increase the degree of the existing foundation's nonconformity on February 10, 2014. Rather, the replacement of the existing root cellar and foundation with a new basement foundation is maintenance and necessary to ensure the longevity of the historic structure.

15. On January 14, 2014, the applicant applied for a plat amendment in order to move forward with the approved HDDR. The application was deemed complete on February 11, 2014.

Conclusions of Law – 1049 Park Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and

applicable State law regarding 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 – 1049 Park Avenue

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 expands the footprint of the home, or 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 frontage of the lot along Park Avenue and shall be shown on the plat.

6. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.

**2. 7101 Silver Lake Drive – Conditional Use Permit for Lockout Units
(Application PL-13-02034)**

Planner Francisco Astorga handed out public comment he had received over the weekend. Due to a personal matter he was out of the office and unable to forward the comments to the Planning Commission prior to the meeting.

Planner Astorga reviewed the application for a conditional use permit modification for 7101 North Silver Lake Drive. A few weeks earlier the Planning Commission held a site visit/work session. Several public hearings were held regarding the conditional use permit modification, at which time the original request was for 85 lockout units. However, the applicant has since requested to reduce the number from 85 to 38 lockout units.

Planner Astorga stated that a lockout unit is an allowed use in the RD District. A nightly rental is also an allowed use in the RD District. However, once the two uses are combined, the nightly rental of a lockout unit becomes a conditional use permit.

Planner Astorga provided background history on the lengthy approval process for the original CUP. The project was appealed to the City Council and the Council remanded it back to the Planning Commission. The Planning Commission eventually approved the CUP on April 28th, 2010. The applicant was not able to build within the specified time frame and requested an extension. The extension was appealed to the Planning Commission and the extension was approved. The applicant later came back for a second extension, which was again appealed and approved.

The Staff finds that the two mitigating criteria from LMC Section 15-1-10 relate to parking and traffic. With the current change from 85 units to 38 units, the Staff believes the traffic analysis provided by the applicant was accurate since the number of units has significantly decreased. Planner Astorga noted that the original traffic study indicated that they would have to put signage for traffic coming up the road on the left-hand side. The Staff added as a condition of approval that the applicant would work with the City Engineer to mitigate that aspect.

Planner Astorga stated that parking was another issue that needed to be mitigated. The parking on the lockout unit is simply measured off the overall area of each unit. In 2012 the Planning Commission and the City Council amended the parking Code overall to reduce the number of parking spaces. It was not specifically changed for North Silver Lake. Planner Astorga remarked that based on the square footage of each unit, the parking requirement triggered by the project was still 80 parking spaces, which is what the applicant was proposing.

Planner Astorga explained that the original design of the parking garage was supposed to be a two-floor, two-level parking garage. However, with creative design components the applicant was able to provide 81 parking spaces on one floor; eliminating the floor that was essentially underground. All of the parking spaces comply with Code.

Planner Astorga stated that at the last meeting the Staff was asked to look at the verbatim transcript of the discussion regarding two lockout units. The verbatim transcript was included in the Staff report.

Planner Astorga remarked that a neighborhood group had opposed this project and he understood that the applicant and the neighbors had worked together to reach an agreement. The neighbors had submitted a copy of the specific conditions of approval for the Planning Commission to review regarding the lockout approval. The conditions were drafted by the neighbors and stipulated to by the applicant. Planner Astorga clarified that the specific neighborhood group may not include all members of the public who were in opposition.

Planner Astorga stated that based on the reduced number of lockout units, the Staff recommended that the Planning Commission consider approving the requested use of lockout units.

Rich Lichtenstein introduced himself, Russ Olsen, Steve Brown, David Richmond and John Shirley who were all present on behalf of the applicant. Mr. Lichtenstein reiterated that after several productive meetings with a number of the neighbors they were able to resolve most of their concerns. He believed that many of the neighbors intended to speak this evening and withdraw their objections to the proposed amendment to the CUP.

Mr. Lichtenstein stated that in addition to the reduction of lockout units, there were other mutually agreeable conditions. Mr. Lichtenstein thanked the Staff for their time and effort on all their applications, beginning with the original application. He particularly thanked Planner Astorga for helping them navigate through the process. Mr. Lichtenstein also thanked the Planning Commissioners who attended the site visit.

Russ Olsen, the CEO of Stein Eriksen, stated that Stein Eriksen Lodge has been in Park City/Deer Valley for more than 30 years and he has been involved with the management team for Stein Eriksen Lodge for 28 years. Mr. Olsen noted that he has been involved with the North Silver Lake project for less than two years when Stein Eriksen got involved with Regent Properties. They decided to put the Stein brand on this project because it would compliment what they have at Stein Eriksen Lodge as well as the Chateau across the street from Stein Eriksen Lodge. It was a unique residential project as opposed to a hotel. Stein Eriksen made the decision to become involved with Regent Properties from an operational standpoint.

Mr. Olsen understood that the lockout units have been a source of contention for several months, but they believed that lockouts would be a good use to help sell the units. From previous experience they assumed the buyers would be interested in nightly rentals, and

lockouts would be a natural element to add to the project. Over time they discovered that a number of the buyers did not want or need nightly rentals and for that reason they were able to reduce the number of lockout units originally proposed. Mr. Olsen noted that among many concerns expressed by the neighbors, parking and traffic were the primary concerns. Stein Eriksen Lodge has successfully provided shuttles to reduce the number of cars that come from the airport and the number of cars driving around town. Very few guests and owners bring cars because they have learned that cars are not needed once they arrive. Mr. Olsen stated that the same type of transportation program would be implemented at the Stein Eriksen Residences to reduce the number of vehicles on the road and the number of cars that need to be parked. If people do bring cars, valet parking is used to maximize the parking spaces in the garage.

Mr. Olsen stated that Stein Eriksen would be operating all facilities at the Stein Eriksen Residences, including the dining room, spa and other amenities, the same as they do at Stein Eriksen Lodge. The only difference is that the Residences would not have public space. The intent is only to service the needs of the guests and the owners staying on the property.

Mr. Olsen believed this would be a very successful project, particularly with Stein Eriksen involvement, and they would help insure that the project becomes part of the community without negative impacts.

Commissioner Stuard asked which of the four condominium buildings would contain the lockout units. Mr. Lichtenstein replied that the ones in the center were the only condominiums. The units on the perimeter were homes. Commissioner Stuard understood that there were four distinct buildings in the center. Mr. Lichtenstein stated that the lockouts would be scattered among the four buildings depending on the market and the buyers. Commissioner Stuard wanted to know the existing term of the agreement with Stein Eriksen Lodge. Mr. Olsen stated that it was a ten year agreement at completion of construction with an automatic ten year extension of the agreement. Either party has the option to terminate the agreement after ten years, but it automatically extends if neither party says otherwise.

Chair Worel opened the public hearing.

Isaac Stein, a resident at 6696 Silver Lake Drive, stated that he has had a home in Park City for 35 years and he has seen changes for the better and some for the worst. The over-development of Park City and Deer Valley was high on his list of changes for the worst. Mr. Stein stated that when this project was first proposed in the Val Southwick days it was opposed by most of the neighbors. When they envisioned the 54 unit Lodge they later found out that under the Code a unit is not actually defined and one unit could actually

equal a 6,000 square foot condo. Mr. Stein stated that if he could eliminate this project he would be happy to do so. On the other hand, the project was approved by the Planning Commission and affirmed by the City Council and the neighbors decided to accept the project when it was approved last year and construction was set to begin. When the proposal was submitted for lockouts, the neighbors were faced with a new set of issues. Lockouts may help a project sell faster, but they are not always better for the surrounding community. Mr. Stein stated that in the last several weeks the neighbors have had very constructive conversations with the developer and his representatives, and progress was made in describing the issues of greatest concern to the neighbors, primarily the number of lockout units and operation concerns. Mr. Stein remarked that the developer was very willing to work with the neighbors and he believed they had resolved the issues and addressed their concerns through a set of conditions they could live with.

Mr. Stein stated that five people have been involved in organizing the more formal aspects of hiring counsel over the years to raise their concerns and deal with any legal actions if necessary. They concluded that if the drafted conditions could be approved and included in a binding way, they would withdraw their objections to the project moving forward. Mr. Stein pointed out that other neighbors may still have a different point of view, but he believed he was speaking for many of the neighbors this evening when he said they were prepared to withdraw their objection.

Richard Barros, President of the American Flag HOA, stated that he lives in American Flag. He noted that American Flag is underneath this project and many of the homes would be facing directly up towards the project. Their concern as an HOA was the impact of this large scale development, particularly when they learned about the lockout units. As a result of negotiations and the agreed stipulations, which were provided to the Planning Commission, American Flag no longer opposes the project based on the agreement between the neighbors and the developer.

Nancy Dalaska stated that she lives at Ontario Lodge at 1525 Royal Street. She commended everyone for working with the developer in an effort to reach an agreement everyone could live with. However, she was unsure whether anyone outside of the negotiating group knew what the agreement entailed. Ms. Dalaska requested that the terms of the agreement be made public before the project is approved so everyone has the opportunity to review it.

Chair Worel closed the public hearing.

Commissioner Strachan referred to the back side of the conditions that were handed out, and read number 3, "The applicant may convert two perimeter duplex lots to single family and move two more units in the stacked condominium buildings without increased square

footage. This would permit the project to have 14 perimeter units and 40 stacked condo units." Commissioner Strachan did not believe that was at all related to lockout units or relative to this application.

Mr. Lichtenstein apologized that those conditions were included for this discussion. They applied to the North Silver Lake condominium plat, which was the next agenda item, and he would address those conditions at that time.

Planner Astorga clarified that the plat that would be reviewed as the next agenda item has a total of 16 units. Ten have been platted or have been proposed to be platted vertically. The other six have not. Planner Astorga understood that one of the conditions from the neighborhood was that they wanted to see all of the units planted vertically. The applicant decided to follow up on that request; however, his engineers and architect were not ready to present the design at this meeting. The applicant would ask the Planning Commission to continue that item until the vertical design for all units is completed. Planner Astorga noted that the page Commissioner Strachan read would be included in the future public hearing for the plat.

Mr. Lichtenstein requested the ability to address the three conditions this evening before the Planning Commission continues the item to a future meeting.

Commissioner Strachan asked Planner Astorga to pull up on the screen the stipulated conditions that were handed out regarding the lockouts.

Commissioner Stuard understood that they were moving towards 14 perimeter units and 40 in the center; however, they were talking about 38 lockout units. He asked for clarification on the total number of front door keys in the center portion of the project. Planner Astorga stated that originally the number of units proposed was 54 units. In 2010 the number of units received a classification of single family dwelling/duplex to a multi-unit condominium. The number of units requested by the applicant at the time was 16 single-family dwellings duplexes and 38 condominiums. Planner Astorga understood that the applicant was considering the possibility of filing an application to shift the number to 14 single-family/duplex and 40 condominiums, which would still total 54 units.

Assistant City Attorney McLean believed the total number was 92 keys, based on 38 lockouts plus 54 units. Planner Astorga clarified that a lockout unit does not have a front door. Commissioner Stuard understood that 92 was the total number of unit keys; however, he was only asking about the number of keys for the 40 condominium units in the center, excluding the 14 perimeter units. Mr. Lichtenstein replied that the total number for the center units would be no more than 78 keys. Planner Astorga pointed out that the

number of 38 lockout units was coincidental. One unit may not have a lockout while another unit may have two.

Commissioner Strachan stated that if the neighbors who are impacted by this project agree that the impacts have been mitigated by the developer, he was comfortable with it. His only question related to Condition #6, which says that the Condominium Declaration cannot be modified by any future amendment without the approval of the Planning Commission. He was unsure whether the Planning Commission should get involved in CC&R amendment battles. Commissioner Strachan remarked that if it is a condition of approval, it should be permanent, just as any other condition, and the applicant is bound by it.

Director Eddington clarified that Condition #6 was only saying that the top five conditions would be noted in the CC&Rs and they could not be removed without Planning Commission approval. Commissioner Strachan believed the problem still remained. Assistant City Attorney McLean concurred with Commissioner Strachan. She advised that if there is a proposed change to the CC&Rs, the Planning Commission should not be involved because the City does not regulate CC&Rs. She suggested adding a condition of approval to the CUP stating that any deviation from or amendments to conditions of approval 1 through 5 must come back to the Planning Commission for approval.

Chair Worel asked if Condition #6 was necessary. Planner Astorga recommended keeping the last sentence of Condition #6. Commissioner Strachan suggested revising Condition #6 to read, "The Condominium Declaration for the project shall contain use restrictions described in Items 1 through 5.

Commissioner Strachan requested to have the Findings and Conditions finalized in a draft ordinance that the Planning Commission could approve. He pointed out that incorporating the five new conditions would change the numbering of all the conditions. He assumed from the comments that the Planning Commission intended to approve the CUP; however he preferred to approve the CUP with a finalized draft ordinance rather than making a motion based on the February 12th Staff report as amended by the newly submitted conditions.

Planner Astorga stated that he could draft the action letter with the incorporated conditions while the Planning Commission continued with the agenda items.

Commissioner Phillips commended the applicant and the neighbors for resolving the issues, recognizing that it was a difficult process. He understood that the owners of the Residences would have access to the Lodge; however his concern would be to make sure that over time the shuttles for the Residences are not mistakenly used as a perk for people from the Lodge. He was unsure how that could be enforced.

Mr. Olsen stated that the facilities at the Residences were nowhere near the level of those at Stein Eriksen Lodge. Therefore, there would be no reason for people from the Lodge to want to go to the Residences. He understood the concern that over time things might evolve in that direction, but that was not their intention.

Commissioner Joyce stated that in trying to understand the LMC and the difference between hotels and lockout, one of the differentiations seemed to be whether or not there was a kitchen. It was mentioned that the lockout may have a kitchenette, and he was looking for guidance on how they decide what is a kitchen and what is a kitchenette.

John Shirley, the project architect, stated that each lockout would contain what is called a kitchenette, consisting of a small, under-counter fridge space, a bar sink and a microwave.

Commissioner Joyce asked the Staff how they distinguish between a kitchen and a kitchenette. Planner Astorga replied that once an oven is installed, the kitchenette becomes a kitchen. Without an oven, these units meet the definition of a lockout unit.

Commissioner Stuard followed up on Commissioner Joyce's comments regarding differentiation between types of units. He pointed out that they could end up with 78 potential separate occupancy groups at one time. If they were all single dwelling units they would have two spaces per unit. Commissioner Stuard stated that it was only common sense to know that if 78 occupancy groups are there at one time, it would generate more cars than just 38 or 40 individual units. He thought that issue needed to be addressed. Commissioner Stuard appreciated the efforts Stein Eriksen would make to facilitate parking and transportation, but there was no guarantee that during the maximum period of occupancy there would not be a parking problem at this project.

Planner Astorga stated that the Staff had discussed Commissioner Stuard's concern internally in the Planning Department. The problem is that they have to adhere to the LMC, which indicates that the parking ratio is based off the square footage for multi-unit dwellings. Planner Astorga recognized the problem and informed Commissioner Stuard that those types of issues could be addressed in the re-write of the LMC once the General Plan is adopted.

Mr. Olsen pointed out that the project would have 24-hour valet service at the property, which allows for more cars to be parked than in a public parking garage.

Assistant City Attorney McLean read from the lockout condition of approval #4, "The Condominium Declaration for the project will prohibit construction and structural improvements in the outdoor open space shown on the submitted plat for the project." She

asked if there would not be structures in the open space. Mr. Lichtenstein answered yes. The condition was added to address a concern that was raised about making sure that structures could not be pursued in the open space in the future. Ms. McLean suggested revising the wording to say structures rather than structural improvements.

Planner Astorga had redlined the changes in terms of what needed to be deleted and added. He noted that Finding #7 indicated the reduction from 85 lockout units to 38 lockout units. He also recommended deleting the language in Finding #31 referencing the combination of lockout units since he did not have the actual numbers. He did not believe the language was critical to any possible approval.

Planner Astorga reviewed the redlined conditions of approval. Condition of Approval #4 was replaced by Condition #6. Assistant City Attorney McLean asked Planner Astorga to replace Structural Improvements with the word Structures in Condition #8. Ms. McLean also suggested that the new Conditions 1 through 5 be incorporate first so Condition #10 would make sense. Director Eddington asked Planner Astorga to change the language in Condition #10 to say Conditions 5 through 9 rather than Items 5 through 9.

Commissioner Strachan suggested that the Planning Commission discuss the Round Valley Park City Annexation and give Planner Astorga time to print out the redlines so the Commissioners could clearly see the changes. After six years on this project, he was uncomfortable rushing through the last five conditions without sufficiently reviewing them.

3. **Round Valley Park City Annexation – Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR43 and Sections 2 and 3, T2SR4E east of US40 and north of SR248 requested zoning is ROS, Recreation Open Space (1,363 acres) and LI, Limited Industrial (5 acres.) (Application PL-13-01893)**

Planner Kirsten Whetstone reviewed the request for annexation and zoning for the Round Valley Park City Annexation and Zoning petition, to annex 1,368 acres. The petition is Park City Municipal and the request is for the Recreational Open Space Zoning (ROS). The petition also requests Light Industrial Zoning (LI) for approximately 5 acres. Planner Whetstone presented a color coded area map. The purple showed the annexation lands with deed restrictions. The green represented annexation lands with conservation easements. She indicated that area requested to be zoned LI, which were border parcels off of SR248.

Planner Whetstone explained that annexations require legislative action. The Planning Commission makes a recommendation to the City Council on both the annexation and the zoning. The City Council takes the recommendation into consideration and also conducts their own review before taking final action on the annexation.

Planner Whetstone noted that this was the initial public hearing on the proposed annexation. She stated that after the petition was submitted there was a question on whether a specific parcel would be part of the annexation. After some discussion the owners decided not to come in with the City and that delayed the process. Planner Whetstone remarked that the City Council accepted the petition in 2013 and the Annexation Petition was certified by the City Clerk. Notices were sent to the Affected Entities informing them that Park City was entertaining an annexation petition. The process requires a 30 day protest period and it must be noticed in the newspaper for three consecutive weeks. No protests were filed with Summit County. The public hearings can now move forward beginning with the Planning Commission.

Planner Whetstone stated that the agenda requests that the Planning Commission continue this item to March 12, 2014. However, she recommended that the Commissioners hold a site visit on March 12th and actually continue the item to April 9th, at which time the Staff report will be more detailed and address all the requirements of the annexation policy plan.

Heinrich Deters, the Trails and Open Space Project Manager with the Sustainability Department, stated that he oversees open space and trails maintenance. He also works on the property side as the City representative, which was his reason for attending this evening. He was available to answer questions.

Mr. Deters presented a color-coded map. The orange dotted line was the annexation declaration boundary. The yellow was city-owned property. The green identified the current City limits. He indicated an island piece and a larger area shown in yellow that leads out to the recreation areas. Mr. Deters stated that the proposed annexation area is primarily City-owned open space that did not come in with the Park City Heights or Quinn's Junction annexations.

Mr. Deters commented on some of the items for discussion outlined in the Staff report. He noted that the areas proposed for Light Industrial are parcels that were purchased by the City in 2005 specifically for future Public Works. It was a land acquisition recognizing that something like Park City Heights or the movie studio would occur in the near future. Mr. Deters noted that there has been a lot of discussion about how Public Works was being pushed out of town and the maintenance costs associated with it. He explained that the purpose for the City to utilize that property in an area where there would be a signalized light and Park City Heights across the street was good planning for public services and the level of service the constituents have requested.

Mr. Deters presented a slide showing the conservation easements, which was Exhibit C in the Staff report. He noted that most of the conservation easements in Round Valley were exactly the same. In 2005 several conservation easements were granted to Summit Land Conservancy, and they were basically recreational and open space easements. Mr. Deters presented the purpose statement from one of the easements to show the language. When the easements were granted in 2005 it mirrored the bond language so the voter approved bond and the funds that were used to purchase those parcels mirror one another.

Mr. Deters remarked that the deed restricted parcels came about in different ways; however, most were bonded. He reviewed the different parcels and explained the terms of the deed restriction.

Mr. Deters noted that when the notices were sent, Planner Whetstone received questions from the public asking which ordinances would change if this area were annexed. Mr. Deters stated that since it was mostly Round Valley it was recreational area. He stated that with this annexation the City has an Animal Control Ordinance, Title VII, which was drafted to mirror the County ordinance. Mr. Deters commented on past concerns associated with hunting in the area. The annexation would bring into the City the Discharge Ordinance which would help strengthen hunting enforcement. To address questions about special events, Mr. Deters stated that special event and trail events are already managed by the Special Events Department. The City also has a specific Trail Event Policy already in place. Summit County Health would still oversee events that have food or other items related to the health code. Mr. Deters reiterated that the trails are existing and the City has a service contract with Mountain Trails Foundation to provide trail maintenance and trail construction. They also provide green services for the City. The City provides the land and the groomer and Mountain Trails provides the grooming services.

Mr. Deters commented on a reference to Old Ranch Road in the Staff report. He noted that a trailhead is located on Old Ranch Road and the City has an agreement with Basin Recreation to help with maintenance because their facilities are so close.

Commissioner Joyce recalled previous discussions about possibly using a portion of Round Valley as water storage. He asked Mr. Deters if that was part of this annexation or where it fits in. Mr. Deters identified the area on the map referred to as Round Valley. He noted that the discussion came about as part of a Weber Basin Water group. It is a multi-party regional agreement and the City is a participant. They talked about water storage and that area was identified as a potential location. Mr. Deters remarked that at this point it was only in a study that the City was a participant. He was not prepared to say whether it would actually take place, but if it did, it would go through all the appropriate planning and permitting processes.

Diane Foster, the City Manager, provided clarification on the water issue. She explained that Mr. Deters was not involved in the Western Summit County Water Basin agreement, which was an agreement between Mountain Regional Water, Summit Water, Weber Basin Water Conservancy District, and Park City. Ms. Foster stated that there was a lot of debate during that process that if it ever needed to happen, they would have water storage in a place such as a reservoir, which is significantly different from building storage facilities. The question was who would be the decider. Ms. Foster remarked that at one point it was Weber Basin who makes the decision or a combination of Summit County and Park City. The City Council was very firm in the agreement, that should it ever need to occur in the future it would be a City Council decision, in conjunction with working with the Lands Conservancy. There were questions on whether or not interpretation of the deed restriction would allow a reservoir.

Commissioner Joyce understood that the the storage would be in the annexed land. He asked if annexing would have any effect on how the City would make that decision or how much control they would have. Ms. Foster replied that the City has the power of eminent domain, which is one of the powers available to a City on the issue of reservoirs.

Assistant City Attorney McLean explained that the City owns the land. The only difference is that annexation would not only give the City control as the owner, but also as the regulator. Therefore, it would have to meet the requirements of the LMC and other regulations.

Commissioner Stuard noticed in the Staff report the discussion about whether ROS or POS was the appropriate pre-zoning for this area. He believed that the POS definition fit closer to the reason why the property was acquired. He asked if there were any shortcoming for using POS instead of ROS. Mr. Deters answered no because the two zones were very similar. The restrictive covenants would not allow for most of the things identified in POS or ROS.

Commissioner Stuard stated that he had spoken with Planner Whetstone about the "Gordo" parcels and where they were. He also visited the site to get a better idea. Commissioner Stuard thought it appeared that at least one of the UDOT parcels was bifurcated by the access road straight across from Richardson Flats. The two City parcels are on the left-hand side of the access road and are currently being used for temporary storage of construction materials. He felt it was important to point out for those who were not familiar with the location of those parcels. Commissioner Stuard stated the remaining UDOT parcel appears to be bifurcated by an existing bike/walk path that does not have a lot of usable area. Planner Whetstone agreed. She noted that there is a thin UDOT parcel that runs to the north of the LI parcels. Commissioner Stuard noted that the Staff report

talks about the appropriate pre-zoning being CT rather than LI. In looking at the allowed and conditional uses under the CT Zone, he believed it fit all the potential uses being talked about. Commissioner Stuard pointed out that the LI zoning allowed a much broader range of uses and he questioned whether they would be appropriate in that location.

Commissioner Joyce stated that he came to the same conclusion that the POS zone fit the existing deed restrictions. If there was no downside, he preferred POS because it was consistent with how it was already deeded and protected. Commissioner Joyce had the same concerns with the Light Industrial parcels. He did not believe the allowed uses for the LI zone would be appropriate for such an important entry corridor.

Mr. Deters stated that he works with Public Works and he would like the opportunity to make sure they were comfortable with the POS zoning being proposed by the Commissioners.

Chair Worel stated that she was also uncomfortable with zoning those parcel Light Industrial. She asked if the City needed that space. Mr. Deters replied that snow storage is always an issue and when the water treatment plan went in they found a landowner who allowed the City to store snow at no cost. He explained that the further out of town, the cost of providing those types of services increases. This proposal would provide the opportunity for the City to meet the goal of maintaining the desired level of service without increasing taxes.

Commissioner Joyce understood the intent; however, as much as they were trying to protect the entry corridors, he thought they should start with a more conservative approach. He used the example of UDOT or someone else parking 40 industrial-sized vehicles on the property, which would be very inappropriate for the entry corridor and inconsistent with everything else they were trying to accomplish. Commissioner Joyce understood costs and needs, but he thought the City should live by the same rules as everyone else.

Assistant City Attorney McLean asked Planner Whetstone to point out where the Frontage Protection Zone overlays the parcels. Mr. Deters stated that it was not a factor. Ms. McLean clarified that the LI parcels were not part of the Frontage Protection Zone. She was told that this was correct.

Director Eddington explained that the POS allows for a conditional use for an essential municipal utility. As a conditional use it would have to come back to the Planning Commission without allowing it as a by-right use. Planner Whetstone stated that per the LMC, there is a 250 foot setback requirement within the Entry Corridor Protection Zone. She noted that there were allowances in the CT zone for municipal institutional buildings and uses. The conditional uses have further lot and size requirements that do not exist in

the Light Industrial Zone. She stated that the Staff had the same concerns and they would like input and direction from the Planning Commission. Planner Whetstone offered to provide a comparison matrix for discussion at the next meeting.

Commissioner Joyce stated that as long as the more conservative approach works it should be their default. If they encounter issues or problems by being too conservative, they could specifically address the issues at that time.

Commissioner Strachan clarified that there was no consensus among the Commissioners for CT or LI zoning. He believed the comments only related to POS versus ROS. Commissioner Joyce agreed that there was no consensus, but he personally thought the same concerns applied to the CT versus LI zones. He did not favor having light industrial zoning right up to the street on a magnificent view corridor. Commissioner Strachan concurred. He assumed the decision for POS versus ROS also applied to the Gordo parcels. Commissioner Joyce stated that his comments did not consider the Gordo parcels and he was concerned that they would end up with problems if they applied it to the Gordo parcel.

Director Eddington stated that a conditional use for a municipal facility would have to come before the Planning Commission. Commissioner Strachan pointed out that if it was zoned ROS, municipal facilities 600 square feet or less are allowed, and it would not be required to come before the Planning Commission. Commissioner Strachan did not believe there was any debate over the non-Gordo parcel. They would either stay ROS or POS. He thought the discussion should be focused on the Gordo parcels and how those parcels should be zoned. He personally thought it should be uniform. If the adjacent contiguous and non-contiguous parcels were all zoned ROS or POS, he believed the Gordo parcels should be zoned the same. Commissioner Strachan point out that if the City wants the parcels zoned Light Industrial so it can be used as snow storage, that would not be prohibited in the ROS. Anything over 600 square feet would require Planning Commission review.

Assistant City Attorney McLean suggested that the Staff prepare a chart comparing ROS POS, CT and LI zones for the Planning Commission to use at the next meeting when trying to determine the appropriate zones. She also recommended that the Staff talk with Public Works to inventory their needs and understand their intentions for the parcels. Commissioner Strachan requested that the comparison matrix also show the base density allowed under each zone.

Ms. Foster stated that the City paid a premium for the Gordo parcels and they would not have spent that amount of money if they thought it was going to remain open space. She pointed out that the contemplated use may be a future recycle center. Ms. Foster

suggested that the Commissioners visit the site before deciding on the zoning. She assumed they were not aware of the number of buses Gordo used to store there because it cannot be seen from the road. It is currently used as a staging site for recycling building materials.

Commissioner Campbell remarked that if Light Industrial could be a non-municipal use, he wanted to know if Burt Brothers could go in that location. He was told that it was a possibility. Commissioner Campbell felt that was a good reason to tighten the zoning now to preclude that from occurring in the future. He was willing to look at whatever use the City would like to put in, but he would like to make it more difficult for a non-municipal business, regardless of whether it would be seen from the road.

Commissioner Strachan thought Commissioner Campbell made a great point because as Park City Heights and the movie studio get built out, the demand for commercial and office space would be significant.

Chair Worel opened the public hearing.

Mary Wintzer, 320 McHenry, appreciated the concerns in wanting to keep the zoning tightened up, and she understood Ms. Foster's point. However, in reference to helping the City save money, she believed the more important point was helping the taxpayers save money. Ms. Wintzer thought most of the taxpayers would want the Planning Commission to go in the direction of protecting the entry corridor. Ms. Wintzer stated that if an individual was making this application they would have to follow all the requirements, and she felt the City, as the applicant, should be held to the same restrictions. Ms. Wintzer remarked that another reason for holding the zoning tighter is to give more control and input. She used the salt shed as an example where more control would have produced a better result. The CUP process provides a better chance of avoiding these mistakes. Ms. Wintzer stated that when the extension was made to the City Shop, all of the equipment was parked along the front on the road. She would not want to see the same thing inadvertently occur on the entry corridor. Ms. Wintzer thanked the Planning Commission for thinking ahead.

Chair Worel closed the public hearing.

Commissioner Campbell noted that that skiers, bikers and hikers use that area. If the annexation occurs, He would like to see some type of administrative mechanism put in place to address any problems and ensure that the various groups get along. Commissioner Strachan thought it was a broader issue because the same thing was starting to happen on all of the trails and not just Round Valley.

Assistant City Attorney McLean did not believe that annexation would change the administration unless they change the laws throughout Park City. However, it was a good point that the Staff should take into account.

Mr. Deters stated that it was an etiquette issue and they have tried to address it through trails education. He noted that Commissioner Campbell's point was well taken.

Planner Whetstone remarked that the Staff would organize a site visit to the Gordo parcels on March 12th. The Planning Commission should continue this item to April 9th for continued discussion and public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the Round Valley Annexation to April 9, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Continuation of discussion on 7101 Silver Lake Drive CUP for lockout units

The Planning Commission resumed their discussion and review regarding the changes to the findings of fact and conditions of approval for lockout units.

Planner Astorga presented a draft copy of the stipulated findings of fact, conclusions of law and conditions of approval. Copies were provided to the public in attendance. He noted that the word Structures should be capitalized in Condition #8.

Planner Astorga asked if the Commissioners were comfortable with the revision to Finding of Fact #48, which reads, "The proposed use modification, the requested Lockout Units, does not require additional mitigation related to usable open space which has already been addressed in the originally approved CUP (2010) **and Condition of Approval #8.**" The Commissioners accepted the revision as proposed.

Planner Astorga read Conditions 5 through 10 that were proposed by the neighbors and agreed to by the applicant.

Condition of Approval #5 - The maximum of Lockout rooms permitted in the project is 38, all of which shall be located in the units in the stacked condominium buildings as determined by the applicant. The condominium declaration for the project shall contain a use restriction with this limitation, which use restriction shall not be modified without the written consent of 67% of the owners of the residences located in the following adjacent subdivisions: Evergreen, Bellemont, Belle Harbor, Bellevue and Belleterre.

Condition of Approval #6 – The project is approved as a Multi-Family Dwelling project and not as a Hotel, and the inclusion of 38 lockouts is deemed not to be a change in said Use. All commercial and support units with appurtenant limited common areas shall be restricted to the exclusive use of the owners of units and renters of units (or lockouts) currently in residence at the time of use, and their guests. No advertising of the amenities to the public is permitted. The parking garage for the stacked condominium buildings shall contain 80 spaces, and all parking access for such building during the period in which Deer Valley Resort is open and operating for public skiing each year shall be limited to valet parking at the main porte cochere for the project. At all other times the parking garage may be accessed only by on-site owners of units or renters of a unit or Lockout, and their guests, as well as employees at the project, either by valet service or a mechanized entry system.

Condition of Approval #7 – Group events hosted in the common areas at the Project shall only be permitted if all invited guests are staying at the Project or the host of the event owns a unit at the Project. Such restriction, together with other reasonable restrictions on event hours, use of amplified sound and other precautions typical of those found in CC&Rs for other condominium projects in Deer Valley shall be included in the condominium declaration.

Condition of Approval #8 – The condominium declaration for the project shall prohibit construction of Structures in the outdoor open space shown on the submitted plat for the project.

Condition of Approval #9 – Applicant shall install a dimmer in the project monument sign to allow the brightness to be reduced as appropriate for better compatibility with the neighborhood.

Condition of Approval #10 - The condominium declaration for the project shall contain the use restrictions described in conditions of approval 5-9.

The Planning Commission accepted the conditions as read by Planner Astorga.

Commissioner Campbell referred to condition #9 and asked who would make the decision on the appropriate reduction of brightness for the monument sign. Planner Astorga stated that the applicant has applied for a sign permit and building permit for the monument sign, and it complies with the City ordinance related to monument signs. He noted that the neighbors thought the sign was too bright and the applicant offered to work with the neighbors. Mr. Lichtenstein stated that the current plan is to reduce the lighting up to as much as 40%. They have every intention of making sure the reduction would be satisfactory to the neighbors.

Commissioner Campbell commended the applicant and the neighbors for working together. He believed it helped the Commissioners in their decision. However, he would have preferred to have Condition #9 be more specific.

MOTION: Commissioner Joyce moved to APPROVE the conditional use permit for the lockout units at 7101 Silver Lake Drive based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed 4-1. Commissioner Strachan voted against the motion.

Findings of Fact – 1701 North Silver Lake CUP – Lockouts

1. The subject property is at 7101 North Silver Lake Drive, Lot 2B of the North Silver Lake Subdivision.
2. The property is known as Stein Eriksen Residences, formerly known as North Silver Lake Lodge
3. The proposed development is located within the Deer Valley Master Plan Development.
4. Within the Deer Valley 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.
5. In 2010 the Planning Commission approved a Conditional Use Permit (CUP) consisting of fifty four (54) total units; sixteen (16) detached single family dwellings/duplexes and four (4) condominium buildings containing thirty eight (38) private units.
6. The conditions of approval for the CUP reflect that lockout units were not requested at that time, and would require Planning Commission approval, if requested in the future.
7. At this time the applicant requests the use of thirty eight (38) Lockout Units to be located in the four (4) stacked flats, condominium buildings and that nightly rentals be permitted for the lockout units.
8. The original CUP application was before Planning Commission on five (5) different occasions: August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009. The Planning Commission approved the CUP on July 8, 2009.
9. On July 17, 2009, the neighboring property owners submitted an appeal of the CUP approval. The City Council reviewed the appeal on October 15, 2009 and November 12, 2009. During the November 12, 2009 meeting, the City Council remanded the CUP application to the Planning Commission with specific items to be addressed.
10. The Planning Commission reviewed the remand during two (2) work sessions on

November 11, 2009 and January 13, 2010 and two (2) Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010 to address specific findings of the City Council. The Planning Commission approved the revised CUP with a four to one (4 - 1) vote on April 28, 2010.

11. The April 28, 2010 CUP approval was appealed. The City Council reviewed the appeals on June 24, 2010. All parties stipulated to additional condition of approval #19 that "no lockouts are permitted within this approval". The City Council affirmed and denied in part the Planning Commission's decision to approve the North Silver Lake Lot 2B CUP. The City Council findings were ratified on July 1, 2010.
12. The Land Management Code § 15-1-10(G) allows for two (2) extensions of an approved CUP.
13. On March 17, 2011, the Planning Department received a Request for Extension of the Conditional Use Permit approval. On April 28, 2011, the Planning Director approved the Extension of the Conditional Use Permit for an additional year as conditioned.
14. The Planning Director's approval of the extension was appealed on June 8, 2011. The Planning Commission reviewed the matter de novo and rendered a decision to uphold the Planning Director's decision and grant the extension of the Conditional Use Permit to July 1, 2012.
15. On June 20, 2011, the City Council received a written appeal of the Planning Commission's final action upholding the Planning Director's decision to approve an extension of the development.
16. On July 21, 2011, the appeal was heard by the City Council, who held a quasi-judicial hearing before voting unanimously to uphold the Planning Commission's decision to uphold the Planning Director's issuance of an extension of time for the July 1, 2010 Conditional Use Permit. Because the appeal to uphold the Planning Director's decision was decided on July 21, 2011, the extension of the Conditional Use Permit was extended to July 21, 2012.
17. On October 27, 2011, Staff received an application to extend the CUP for an additional year, and on January 11, 2012, the Planning Commission heard the applicants request for an additional and final one-year extension from July 21, 2012 to July 21, 2013.
18. On February 9, 2012, the City Council received a written appeal of the Planning Commission's final action of January 11, 2012, approving the request for the one-year extension to July 21, 2013.
19. The second appeal of the second extension was originally scheduled for the March 22, 2012 City Council meeting. The appellant was unable to make it to the meeting due to an accident. The City Council voted to continue the item to the April 5, 2012 City Council meeting and directed Staff not to accept any additional materials from the appellant or the applicant.

20. On April 5, 2012 the City Council conducted a public hearing and voted unanimously to deny the appeal and approve the extension of the CUP and upheld with the following conditions of approval:
 - a. All conditions of approval of the City Council's July 21, 2011 order continue to apply.
 - b. This approval will expire July 21, 2013, 12 months from the first extension of the CUP.
 - c. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
21. In March 2013, the applicant received a building permit for the first single family dwelling. This structure will be used as their model home.
22. The LMC defines a dwelling unit as a Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.
23. The LMC defines a Lockout Unit as an Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.
24. The requested use meets the LMC definition of a Lockout Unit, which is an area of a dwelling unit and not a separate dwelling unit.
25. Staff does not consider the proposed use to be a hotel due to the specific provision found in the Hotel definition which indicates that Lockout Units are not Hotels.
26. The site will have accessory facilities in the development: a spa, ski rentals, and a dining area that were shown on the approved 2010 CUP plans. The use of these areas further reiterates that the use is not consistent with one of a hotel. These areas are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, ski rentals, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units.
27. The proposal is in substantial compliance with the reviewed and approved CUP plans as the Lockout Units are designed within the existing floor area of each unit formerly reviewed and approved, located in the stacked flats.
28. No Lockout Units are being requested within the sixteen (16) single family dwellings/duplexes.
29. The number of Lockout Units within each unit range from one to three (1 - 3).
30. The floor plans have had minor alterations. The number of units has not changed and the plans are in substantial compliance with the approved 2010 CUP plans.
31. The Planning Commission must review LMC § 15-1-10(E) when considering

- whether or not the proposed conditional use mitigates impacts.
32. The proposed modification, the requested Lockout Units, does not require additional mitigation related to *size and location of the site* which was not already addressed in the originally approved CUP (2010).
 33. Regarding traffic considerations including *capacity of the existing streets in the area*, Staff received an updated Addendum to Traffic Impact Analysis prepared by Riley Traffic Consultants, LLC, dated November 2013.
 34. The updated 2013 traffic analysis indicates that under the maximum trip scenario with all of the lockouts occupied, all traffic is still projected to function at LOS (level of service) A, which is acceptable for a roadway of this classification.
 35. The Applicant needs to work with the City Engineer to ensure proper site distance per the 2009 Existing Traffic Counts and Traffic Projections which indicates the following under Sight Distance conclusion and Recommendations which indicates that special warning signage is recommended during the construction period. Also mitigation for the limited sight distance could include a warning sign, or clearing of the slope area across the street.
 36. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to utility capacity, including storm water run-off which has already been addressed in the originally approved CUP (2010).
 37. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *emergency vehicle access* which has already been addressed in the originally approved CUP (2010).
 38. Regarding *location and amount of off-street parking*, parking for all fifty four (54) units must be provided within the North Silver Lake development.
 39. According to the Deer Valley MPD off-street parking requirements shall be determined in accordance with the LMC at the time of application for Conditional Use approval.
 40. The North Silver Lake development has a mix of single family dwellings/duplexes and multi-unit dwellings. There is also support commercial space within the project. No parking is required for the support commercial area.
 41. The current LMC requires 1 parking space per dwelling unit if the apartment or condominium is not greater than 1,000 sf floor area.
 42. The current LMC requires 1.5 parking spaces per dwelling unit if the apartment or condominium is greater than 1,000 sf and less than 2,000 sf floor area.
 43. The current LMC requires 2 parking spaces per dwelling unit if the apartment or condominium is 2,000 sf floor area or greater.
 44. The required parking for the multi-unit dwellings is 76 parking spaces without any parking reduction.
 45. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *the internal vehicular and pedestrian circulation system* which has already been addressed in the originally approved CUP

(2010).

46. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *fencing, screening and landscaping to separate the use from adjoining uses* which has already been addressed in the originally approved CUP (2010).
47. The proposed modification, the requested Lockout Units, does not require additional mitigation related to *building mass, bulk, and orientation and the location of buildings on the site, including orientation to buildings on adjoining lots* which has already been addressed in the originally approved CUP (2010).
48. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *usable open space* which has already been addressed in the originally approved CUP (2010) and condition of approval no. 8.
49. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *signs and lighting* which has already been addressed in the originally approved CUP (2010).
50. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing* which has already been addressed in the originally approved CUP (2010).
51. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site* which has already been addressed in the originally approved CUP (2010).
52. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup areas* which has already been addressed in the originally approved CUP (2010).
53. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities* which has already been addressed in the originally approved CUP (2010).
54. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *within and adjoining the site, environmental sensitive lands, physical mine hazards, historic mine waste and Park City Soils Ordinance, steep slopes, and appropriateness of the proposed structure to the existing topography of the site* which has already been addressed in the originally approved CUP (2010).

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or traffic have been mitigated through careful planning.

Conditions of Approval – 7101 North Silver Lake CUP - Lockouts

1. All Standard Project Conditions shall apply.
2. All conditions of approval of the City Council's July 21, 2011 order shall continue to apply.
3. Approval is based on plans reviewed by the City Council on June 24, 2010 and the Planning Commission on December 11, 2013. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
4. The applicant shall work with the City Engineer to ensure proper compliance with the recommendations outlined in this staff report regarding site distance and special warning signage during the construction period.
5. The maximum number of Lockout rooms permitted in the project is 38, all of which shall be located in the units in the stacked condominium buildings as determined by the Applicant. The condominium declaration for the project shall contain a use restriction with this limitation, which use restriction shall not be modified without the written consent of 67% of the owners of residences located in the following adjacent subdivisions: (i) Evergreen; (ii) Bellemont; (iii) Belle Harbor; (iv) Bellevue; and (v) Belleterre.
6. The project is approved as a Multi-Family Dwelling project and not as a Hotel, and the inclusion of 38 Lockouts is deemed not to be a change in said Use. All commercial and support units with appurtenant limited common areas shall be restricted to the exclusive use of the owners of units and renters of units (or Lockouts) currently in residence at the time of use, and their guests. No advertising of the amenities to the public is permitted. The parking garage for the stacked condominium buildings shall contain 80 spaces, and all parking access for such buildings during the period in which Deer Valley Resort is open and operating for public skiing each year shall be limited to valet parking at the main porte cochere for the project. At all other times the parking garage may be accessed only by on-site owners of units or renters of a unit or Lockout, and their guests, as well as employees at the project, either by valet service or a mechanized entry system.
7. Group events hosted in the common areas at the Project shall only be permitted

if all invited guests are staying at the Project or the host of the event owns a unit at the Project. Such restriction, together with other reasonable restrictions on event hours, use of amplified sound and other precautions typical of those found in CC&Rs for other condominium projects in Deer Valley shall be included in the condominium declaration.

8. The condominium declaration for the project shall prohibit construction of Structures in the outdoor open space shown on the submitted plat for the project.
9. Applicant shall install a dimmer in the project monument sign to allow the brightness to be reduced as appropriate for better compatibility with the neighborhood.
10. The condominium declaration for the project shall contain the use restrictions described in conditions of approval 5-9.

**4. 7101 Silver Lake Drive – North Silver Lake Condominium Plat
(Application PL-14-02225)**

The applicant requested that this item be continued this evening. However, because it was noticed for discussion and action the Planning Commission would open the public hearing.

Rich Lichtenstein confirmed that they had requested a continuance and he was talking with Staff about possibly being on the April 9th agenda. He explained that the reason for the continuation was to allow time for additional work with the neighbors on specific conditions.

Mr. Lichtenstein read into the record the proposed conditions, based on discussions with the neighbors. Copies were handed out to the Planning Commissioner earlier in the meeting.

- 1) The square footage of the Commercial units or the Support Units as shown on the plat may not be increased without the approval of the Planning Commission after a determination that such increase in square footage does not change the use to a hotel use, and that all requirements of the Land Management Code, including parking, have been met in connection with any such modification.
- 2) One or more conditions reiterating the requirements of the conditions, which are now 5 through 10 of the Conditions of Approval to be included in the Condominium Declaration.
- 3) The applicant may convert two perimeter duplex lots to single-family and reconfigure two more units in the stacked condominium buildings without increasing the square footage

of the project. This would permit the project to have 14 perimeter units and 40 stacked condo units.

Mr. Lichtenstein stated that the applicant was still working with the neighbors on other items to assure them of the operation of the project.

Chair Worel opened the public hearing.

Wayne Baumgardner stated that he has lived at 6635 Silver Lake Drive for 20 years. He is one of the neighbors who had never been contacted. He believed he was the only one of six neighbors in the development who lives there full-time. Mr. Baumgardner noted that the Planning Commission was handed a stack of papers to read at the beginning of the discussion for the lockout units. He asked if the Planning Commission had seen those documents prior to this evening.

Commissioner Strachan informed Mr. Baumgardner that they were attached to the Staff report that the Commissioners had received several days prior to the meeting. He clarified that the papers handed out this evening were updates to what they already had.

Mr. Baumgardner stated that he had asked the question because he was unsure if the information was correct and a number of legal points were raised that he thought needed to be addressed. If he were sitting on the Planning Commission he would want to know the answers to the legal questions.

Chair Worel closed the public hearing.

Director Eddington suggested that the Planning Commission continue this item to a date certain of April 9th.

Commission Stuard asked if the proposal to change two perimeter duplex dwellings to single-family and add two condominium units would cause an increase in the square footage of the condominium building. He was told that it would not cause an increase.

Assistant City Attorney McLean stated that if the plat amendment is adopted and the footprint is ever changed, it would have to come before the Planning Commission for a plat amendment. Ms. McLean explained that a condominium plat is 3-dimensional and any change within the floor to height area would come back to the Planning Commission.

John Shirley, the project architect, clarified that they would only be moving two perimeter units into the condominium building. Two existing units, which are approximately 4,000

square feet, would be cut in half and placed as two 2,000 foot units in the condominium building. Therefore, the square footage of the condominium building would not change.

Planner Astorga pointed out that moving the units would change the parking requirement and they would have to accommodate parking for the newly created unit. Mr. Shirley agreed that it would increase the parking count.

Assistant City Attorney McLean pointed out that if that occurred, the applicant would have to come back to the Planning Commission for a plat amendment because the configuration would change.

Mr. Lichtenstein stated that the intent is to have all the specifics and the plat finalized so they would not have to come back for a plat amendment. He explained why moving the units would not change the number of units or the square footage.

MOTION: Commissioner Joyce moved to CONTINUE the 7101 Silver Lake Drive Condominium plat to April 9th, 2014. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 7:45 p.m.

Approved by Planning Commission: _____