

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 13, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney

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The Planning Commission held a joint meeting with the Snyderville Basin Planning Commission prior to the Regular Meeting. That discussion can be found in the Work Session Minutes dated January 13, 2016.

REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 6:43 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

December 9, 2015

MOTION: Commissioner Phillips moved to APPROVE the minutes of December 9, 2015 as written. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson appreciated that the Commissioners had taken the time to listen to the Transportation presentation this evening. Questions could be forwarded to him or Alfred Knotts at any time. The Planning Commission will be looking at the Code changes in the second quarter of 2016. The Planning Commission could expect to see

approximately 25 LMC changes addressing the MPD process and other regulatory issues in the first quarter.

Director Erickson reported that the Staff was also updating the employee/affordable housing plan.

The next Planning Commission meeting would be February 10th.

Commissioner Joyce reported that he is the Planning Commissioner rep for COSAC, the Citizens Open Space Advisory Committee. He stated that COSAC is made up of a number of at-large positions, as well as reps from organizations such as the Summit Lands Conservancy, Mountain Trails, Realtors, etc. Commissioner Joyce noted that it was the three year period where COSAC asks all the organizations to decide whether their existing representatives will continue or if they would be replaced with a new representative. The City Council would also be re-evaluating the at-large positions, and it would be posted for public input.

Commissioner Joyce stated that he is currently the Vice-Chair of COSAC and because the Chair left he was currently the acting-chair of COSAC. He was willing to continue as the Planning Commission rep to COSAC, but he was unsure if there was a specific policy or direction to follow.

Assistant City Attorney McLean stated that since it requires a vote, it should be placed on the agenda for the February meeting.

Commissioner Band disclosed that her office is in Silver Lake directly across the street from the proposed Goldener Hirsch on the agenda this evening. It would not affect her ability to discuss this item.

Commissioner Band disclosed that she has a client who is purchasing a Silver Strike Condo that looks directly at the proposed One Empire. The client is aware of it and it would not affect her ability to discuss and vote on the item.

CONTINUATION(S) – (conduct a public hearing and Continue to date specified)

1. 152 Sandridge Road, Plat Amendment – Subdivision to create a legal lot of record from a metes and bounds parcel. (Application PL-15-02952)

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

MOTION: Commissioner Joyce moved to CONTINUE 152 Sandridge Road Plat Amendment to a date uncertain. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. 2900 Deer Valley Drive, the Lodges at Deer Valley Phase 1, First Amended, Records of Survey Amendment – Proposal to change the 62 parking spaces from convertible space to common ownership. (Application PL-15-02943)

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

MOTION: Commissioner Joyce moved to CONTINUE 2900 Deer Valley Drive, the Lodges at Deer Valley Phase I to February 10, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1251 Kearns Boulevard – The Yard Townhomes Master Planned Development Pre-application determination consisting of 21 residential townhomes, 2 residential flats for determination of compliance with General Plan and Zoning.
(Application PL-15-02911)

Planner Francisco Astorga noted that page 48 outlined the process for a pre-application for an MPD. If the Planning Commission finds compliance with the General Plan, the applicant would submit a full MPD application, as well as a conditional use permit for multi-unit buildings and a plat amendment. Planner Astorga explained that the Yard itself, the event space and the two restaurants are part of the same lot.

Planner Astorga remarked that a pre-MPD application is required based on the number of units proposed. The purpose of this meeting was to give the applicant the opportunity to present the preliminary concept to the Planning Commission and for the public to comment on the preliminary concept during the public hearing. Planner Astorga stated that the applicant has the ability to respond to comments from the Commissioners and the public.

Planner Astorga requested the opportunity to review the discussion points outlined in the Staff report after the applicant completes their presentation and before public input.

Craig Elliot, the project architect, noted that the project location was shown in purple. He reviewed a site plan to orient the Commissioners to the site and the surrounding streets,

businesses and residential developments. Mr. Elliott pointed out that the project was in the heart of the Bonanza Park District. To the south were storage units and garage spaces. There were mixed use developments and light industrial uses closer to Iron Horse. The proposed project is in the GC zone. Behind the property is the substation and the Recycle Center. Mr. Elliott stated that access to the project would be along Homestake. They believe the project location is a great opportunity to extend the residential component into this area. It reduces some of the impacts by expanding commercial into the zone, as well as mixed-type residential units and townhouses. Mr. Elliott stated that townhouses were the missing component that was brought up in earlier discussions about housing in Park City. The applicant looked at how that could be accomplished in this location.

Mr. Elliott provided a brief overview of the site. He pointed out how they had opened up the green space to the neighboring residential areas to create a common green area. That space would be used to buffer and expand the green space with the Claim Jumper Condos and the Homestake Apartments. Mr. Elliott indicated a proposed service road that goes behind the project to access parking and garages. It also buffers the project from the light industrial storage units and garages on the side, and the substation on the east side.

Mr. Elliott stated that one requirement was to do a site-suitability analysis. They apply the existing zoning to determine the maximum development potential of a piece of property. He noted that he has been using this same methodology since 2002 to determine the maximum density. Mr. Elliott stated that in the GC zone density is defined by setbacks and height. He explained that MPDs have minimum requirements for setback, stepping and transition and building volume. He noted that the open space requirement for an MPD project is 30% open space.

Mr. Elliott presented the development being proposed which included five buildings. They were looking at adding height to the zone and putting it up against the substation. He noted that the initial Bonanza Park Area discussion always talked about putting height in the middle of the zoning area. The applicant believed that height has the least impact in this area and it allows them to open up the green space to the street and to the neighboring residential spaces. Mr. Elliott stated that it allows 49.59% open space on this development. The development proposed was approximately 70,764 square feet. He pointed out that there were not FARs in this zone. However, he had done a calculation to see what it was and the result was .8. Mr. Elliott thought it was important to understand the relative size of the project and the development density.

Mr. Elliott showed the first floor plan and how it would be configured. One bedroom units were in the front on the lower level. He noted that the configuration was more like a traditional townhouse configuration seen in different cities. He indicated that there were 15 potential one-bedroom lockouts in the project. Six of those would be designated as

affordable; and there were considering the possibility of making all 15 affordable, depending on how the overall project develops. Mr. Elliott presented the floor plans moving up, and he identified the two flats in the project. He explained the configuration of the units, the common space, the service alley, the garage area and the one-bedroom units with the townhouses that sit above.

Mr. Craig provided images showing the back corner parcel which enters off the alley way and provides a backyard component to the townhouse.

Mr. Craig showed a video to better describe how the configuration of the development would look and function.

Planner Astorga stated that as part of the pre-Application for the Master Planned Development, the Staff looks for specific compliance with both the General Zoning of the District as well as the General Plan. He noted that the applicant would be requesting a height exception; however the Staff did not believe it would be appropriate to discuss the height exception at this time. The height exception should be addressed when the full MPD is reviewed. For that reason, he had not drafted Findings regarding the height exception. Under the process, the applicant has to meet specific criteria and the Planning Commission would make the decision on whether or not to grant the height exception.

On another issue Planner Astorga stated that once an MPD is submitted for a site that is more than one acres, the setbacks are automatically increased to 25 feet around the perimeter. He explained that the applicant has the burden of providing the specific criteria as specified in the MPD section of the LMC, and the Planning Commission has the ability to reduce that setback from 25 to the setbacks for the General Commercial District. Planner Astorga remarked that the Staff did not believe this should be addressed at the pre-Application stage; but the applicant would eventually be making that request.

Mr. Elliott indicated the two areas where they were asking for a reduction in the setback to go to the underlying GC zone setbacks. All other pieces of the project meets the criteria for the setbacks of the zone and the MPD.

Chair Strachan asked if the height exception would be in those same two areas. Mr. Elliott answered no. The height exception would only occur for Building C. Chair Strachan asked for the reason behind the height exception for Building C. Mr. Elliott stated that in a normal development pattern that area might be filled in to create a courtyard space. He remarked that the height exception allows almost 50% open space, it opens up a nicer relationship to the residential across Homestake, and because it is adjacent to the substation, it would have virtually no impact to any neighboring properties.

Commissioner Band asked for the purpose of the extra height in Building C. Mr. Elliott replied that it would accommodate two residential units on the top.

Planner Astorga clarified that based on the application form, the Planning Department does not ask for enough information at the pre-Application stage. Therefore, he was not able to comment on the height exception area. When that information is provided in the full application he would review it and make findings.

Planner Astorga requested that the Planning Commission focus on the General Plan Compliance regarding the Bonanza Park Area Plan. He had indicated in the Staff report that the Planning Department never adopted the BoPa Plan, and that was still the case. Planner Astorga explained that the 2012 Bonanza Park Plan was supposed to go into the road dedication and provide specific information regarding the entire Bonanza Park Area, of which this subject parcel was a key feature and identified to be a park and some type of transit hub. Planner Astorga stated that the Planning Department was no longer working on that plan. Therefore, it would have been unfair to require the applicant to comply with those regulations.

Planner Astorga pointed out that the Bonanza Park Plan had specific scenarios on a base area plan and also included an incentive plan that included this areas to be dedicated as a park and other things. He explained that he was providing that information because the General Plan that was adopted significantly mentions the future plan that was supposed to follow for Bonanza Park. Section 3.3 of the neighborhood plan within the adopted General Plan talks about this area was specifically to be a model for sustainable redevelopment. He had copied the General Plan word for word and included it in the Staff report, beginning on page 54.

Planner Astorga read from Section 3.3 Bonanza Park – Sustainable Redevelopment. “The Bonanza Park and Snow Park Avenue will be a model for green, sustainable redevelopment in balance with nature”. He pointed out that without the Bonanza Park Area Plan, they were left only with that language. The entire next section that talked about for LEED-ND criteria and such was tied to the Bonanza Park Area Plan. Planner Astorga thought the sentence they were left with was vague and he asked the Planning Commission for specific clarification on that goal.

Planner Astorga read from page 55 of the Staff report, Section 3.4 Bonanza Park - Connected via new roadways, sidewalks, trails and a park system. Again, those goals were tied specifically to the future BoPa Plan. Planner Astorga referred to 3.5 Bonanza Park - Explore as a central hub for public transportation. He stated that the General Plan did not identify it, however, there were graphics in the Bonanza Park Area Plan that identified the triangle piece as the central hub. He requested direction from the Planning

Commission on that as well. Planner Astorga pointed out that there was a “left-over” affect and the Planning Department/City was caught in the middle on how to follow up on the remaining parts of the Adopted General Plan, since it was tied to a future plan that was no longer being reviewed. Planner Astorga asked the Commissioners to focus their discussion on those issues. He had prepared Exhibits from the Adopted General Plan that specifically mention the Bonanza Park Area Plan. He also had a copy of the draft BoPa which had a 1, 2, 3 scenario. Number one was to do nothing and follow the LMC. Number two was the Base Plan and the third was the Incentive Plan. Planner Astorga clarified that he did not have the regulation to move forward with those specific concepts.

Mr. Elliott requested the opportunity to respond after public comment. Mark Fischer, representing the applicant, stated that they tried to create a project based on what they learned the Form Based Code process that was not controversial, including in-town work force housing. He had asked Mr. Elliott to look at the Yarrow MPD that was approved by the previous Planning Commission that had three, four and five story elements. That proposal was on Park Avenue, whereas this project is buried in the center district where height was contemplated in the Form Based Code discussion. Mr. Fischer stated that if this project is not acceptable he was unsure what else would be. They had worked hard to give the community what it wanted.

Chair Strachan opened the public hearing.

Lee Whiting, President of the Claimjumper Condominium Association, which was across the street from the proposed development, congratulated the Elliot Work Group and Mr. Fischer and his associates for pulling together what looks to be an integrated part of the community. Mr. Whiting stated that the Claimjumper development has been in the community for 40 years, and some of their concerns have been alleviated by this project. One fear was the presence of height that would create a canyon effect and shadows that would encroach onto Claimjumper property. Having open space across the street makes a big difference to the residents across the street who face this property. Mr. Whiting noted that the Claimjumper Condominium Association has previously gone on record to say that they desire some outcomes for themselves and for their neighbors at the Homestake Condos to have attainable housing and other things that the City has not provided for whatever reasons, such as sidewalks, safe crossings, good intersections, a parking plan and other amenities that people enjoy throughout the community but do not exist where they live. Ms. Whiting suggested that the taxpayers of Park City consider this as a significant improvement to the overall community, and evaluate whether some of the things they seek for the safety and well-being of their children and residents could happen. They have waited a long time for these things and to have it occur in conjunction with this project would make a significant improvement. Mr. Whiting commented on what he has heard with respect to a connection to the east side of Bonanza Park by an extension of

Munchkin. He liked that approach and believed it would mitigate the effect of having a through-way. Mr. Whiting thought the plan presented this evening appeared to have a plan for storing snow. Claimjumper currently pushes snow from their driveways across the road and on to the embankment. He asked about refuse and asked if there would be a central dumpster location or whether there would be individual trash receptacles. Mr. Whiting believed that Homestake Road should be widened and add at least one lane of parking for cars under a managed plan that includes permits and enforcement.

Planner Astorga noted that Clay Stuard was in line to speak next. He noted that Mr. Stuard had sent two emails to the Planning Commission prior to this meeting.

Clay Stuard thought the proposed use, intensity of use and the general project design was very good. He believed it was a common sense, straightforward approach to a site that has number of constraints. Mr. Stuard stated that his comments related less to the project design and more to other issues that were raised during the Form Based Code discussions. One was the extension of Munchkin Road. He remarked that connectivity cuts two ways; and while it improves mobility between the east and the west half portions of Bonanza Park, it could potentially create more vehicle traffic on Homestake. Mr. Stuard stated that even though the General Plan is inadequate for this particular part of town, it does contemplate connectivity in this neighborhood. The General Plan indicates that new development and re-development plans are the appropriate times and opportunities to achieve connectivity. He believed this was the time to have a thorough discussion on whether or not Munchkin goes through and the pros and cons. At the very least he thought the right-of-way should be considered. Regardless of whether the connection is constructed in conjunction with this project, making the right-of-way available for future construction would be a wise thing to do. Mr. Stuard addressed the site suitability study. In his opinion the calculation method used is not done properly. In addition to square footage and unit equivalents, other requirements in the Building Code needs to be satisfied for light and air, ingress/egress, circulation, trash enclosures, guest parking, etc. Mr. Stuard read the definition in the Code, "The site suitability analysis will be a comprehensive analysis of the property used in making a determination of appropriate density considering such factors as sensitive lands, existing and proposed utilities and transportation systems, and other community objectives stated in the General Plan." Mr. Stuard stated that projecting a three-story cube on the net side area is not a comprehensive site analysis. He encouraged the Planning Commission to revisit that definition and make whatever changes are necessary in the near future. However, he believed they could rely upon it at the present time and include other community objectives in the comprehensive analysis. One would be transportation, and that would be the connection of Munchkin. Mr. Stuard agreed with Planner Astorga that the challenge is having a General Plan that references two things that will never occur. For that reason, he believed the General Plan needed to be amended with corresponding changes to the LMC. He encouraged the Planning Director,

the Community Development Director and the Planning Commission to immediately begin working on a new area plan for Bonanza Park that at least addresses the basic fundamental needs for that area, including transportation and project design guidelines.

Chair Strachan closed the public hearing.

Chair Strachan called for the Commissioners comments regarding the General Plan analysis on the pre-MPD application, as well as the discussion points outlined by Planner Astorga.

Commissioner Thimm stated that the idea of energy conservation and model for green sustainable development is talked about in the General Plan. He noted that the Staff report talks about limiting the square footage of envelope as the basic conservation methods. He asked if anything beyond that was contemplated.

Mr. Elliott stated that they have the opportunity to do that. The envelope discussion has to do with the townhomes efficiency. The center units have very minimal exterior exposure. The end units have only three side. In terms of looking at the types of heating and cooling demands on the building, the townhomes are extremely efficient. Mr. Elliott remarked that in the affordable housing project at 1440 they used a sip panel, which is an insulated panel for construction of the exterior walls. He stated that they have looked at the opportunity for solar panels on the project in addition to a number of different things. That would be a more in-depth discussion as they move forward in the process.

Commissioner Thimm asked if they had given any thought towards any sort of certification or a recognized benchmark being considered. He noted that LEED-ND was mentioned earlier. He understood that National Green Building Standards were more friendly for multi-family residential.

Mr. Elliott replied that the National Green Buildings Standards were used for both the Snow Creek affordable housing project and for the project at 1440 Empire. They did not have additional certification; but those were the standards they used to prepare the documents. Mr. Elliott assumed they would be moving forward at least at that level for this project. They would also look at a LEED Certification if it became necessary, but he did not believe it would produce a better product.

Commissioner Thimm asked Planner Astorga if there were standards of energy conservation or certifications that could be implemented by the Planning Commission. Planner Astorga answered no, and that was the challenge. He referred to the bottom of page 50 of the Staff report which talks about decrease per capita carbon output, decrease vehicle miles traveled, etc. He had taken that information from Objective 5A, Natural

Setting as currently written in the General Plan. Planner Astorga clarified that there were no specific standards, which is why he was seeking input from the Planning Commission and the application to see how they could meet that specific objective.

Mr. Elliott stated that the site location allows walkability to a drug store, a grocery store, three restaurants, and to the bus stop at the end of Homestake. It is a great location for housing, and affordable housing in particular.

Director Erickson stated that the Planning Commission could forward a recommendation for action on the pre-MPD with conditions that the final MPD come back with specifics on how to meet "x or y" criteria, as opposed to trying to negotiate it at this level. He pointed out that the applicant had not completed their analysis and the Staff had serious concerns that still needed to be resolved at the MPD stage. Given the state of the General Plan, Mr. Erickson remarked that there were other documents in force, one being the Transportation Master Plan from 2011 that needed to be reviewed for compliance. He remarked that Planner Astorga had requested input this evening on the questions regarding site suitability, height and connectivity. Director Erickson stated that connectivity was the most important issue related to the 2011 Transportation Master Plan.

Commissioner Thimm asked if anything was considered in terms of east/west connectivity through the site. Mr. Elliott replied that the applicant does not control the connection points. There is a substation on the east side of the project and adjacent properties lock in the site. There is no way to identify a location to connect across that area. They have some control on the west end and the plan shows sidewalks extending through the property. The access points are restricted to the property they maintain.

Commissioner Thimm asked if the open space proposed would be accessible to the public. Mr. Elliott stated that it is private property but there are no restrictions. Commissioner Thimm if the line with a series x's shown on the plan was a fence. Mr. Elliott replied that it was the setback line.

Commissioner Campbell stated that when the bigger plan for Bonanza Park did not materialize he had asked if it could be developed organically in pieces. He thought this project was a great starting point. It complies with the General Plan and he assumed the Staff and the applicant would make that it complies with the LMC. Commissioner Campbell stated that if they could get this started, other pieces would start to come.

Commissioner Joyce stated that currently the site is used for commercial parking, and it has parking signs for the Boneyard and the Event Space. He wanted to know what would happen to the parking and the signs once the site is developed. Planner Astorga explained that in 2011 he was assigned to work on the conditional use permits in 2010 as an indoor

entertainment facility for the Event Space. The Conditional Use Permit approved by the Planning Commission was for a commercial parking lot since they had approximately 250 parking spaces. When the applicant comes back for the MPD and the CUP, they will have to make sure that all of the uses currently on the site can have the appropriate parking ratios as identified in the LMC for the restaurants and the Event Space.

Commissioner Joyce asked if the applicant definitely intended to do the sidewalks along the Homestake side that was shown in the video. Mr. Elliott answered yes. Commissioner Joyce noted that there was nothing continuing down to Homestake along the backside of the Boneyard and the Wine Dive. He asked if they had given any consideration to extending that walkway to keep people out of the road. Mr. Fischer stated that he has already spoken with Heinrich Deters at length about extending the walkway from the back entrance up to Kearns.

Commissioner Joyce stated that he was a proponent of fixing the connectivity in that neighborhood because currently it is a disaster. In his opinion, addressing the Munchkin Road extension either through right-of-way or through a plan with the City was critical with this proposal. He believed they could get most of the way there with the City-owned property for the Recycling Center. However, if the applicant builds right to the corner of the property and close to the Recycling Center it would present a challenge for completing the connectivity. Commissioner Joyce stated that he would be following this closely to make sure they do not cut off one of the most important opportunities they have to fix some of the traffic issues. Mr. Elliott remarked that the proposed plan would not restrict the opportunity to make that connection. If that were to happen they could change the configuration on the north access point to connect into Munchkin. Commissioner Joyce stated that when they reach the MPD process he would like the City to say that given the plan and the right-of-way, Munchkin could be extended to Homestake. Director Erickson remarked that the Transportation Director would be making a recommendation to the Planning Manager to that affect.

Commissioner Joyce commented on energy efficiency. He noted that energy efficiency is one of the City's top three priorities and that is backed up by the General Plan. Commissioner Joyce remarked that the statement, "condos don't have many exterior walls" was not consistent with the General Plan in terms of addressing energy efficiency. He was not prepared tonight to make a recommendation on a specific LEEDS Certification or green building certification, but they needed to see something more in line with the City Council's priority. Mr. Elliott offered to come back with an answer at the next meeting.

Commissioner Joyce wanted to see a better plan for bikes, walkability and bus transportation to keep people out of the streets. He also wanted to hear the nightly rentals issue discussed in more detail. The General Plan talks about limiting nightly rentals to

keep the Bonanza Park area focused on locals. He thought affordable housing could play into that goal.

Commissioner Joyce was uncomfortable with the height exception. He noted that the Bonanza Park Plan was so contentious because they had talked about four and five story height possibilities. As a trade-off to earn four or five stories there needed to be either significant improvements to affordable housing or significant improvements to open space. Commissioner Joyce stated that even with that trade-off, many citizens were upset about the height and it played a key role in the downfall of Form Based Code. In his opinion, the applicant needs to bring more to the table when they talk about the height exception because the reason has to be more than just being next to the power station. He thought the City has been clear about height exceptions requiring serious trade-offs.

Commissioner Joyce commented on the exception to the 25' setbacks with the townhouses. He understood what the applicant was trying to do, and he had less concern on the power station side. However, it also backs up to the property near the Windy Ridge Bakery and that caused him concern. He was interested in having that discussion if they get into the details of the MPD. Mr. Elliott explained that they were asking for the underlying Code setback, but not any variance beyond that. Commissioner Joyce understood that the underlying Code setback was 25' on anything greater than an acre. Planner Astorga stated that it was the MPD; however, through the MPD application they could further reduce it to the standard setback. Commissioner Joyce remarked that the Code is 25' unless they grant an exception. It would not be a concern if it was only the substation; but because there are other properties in close proximity he will be looking at it closely.

Commissioner Band liked the design and thought it was exactly what they have been talking about. However, the problem is that General Plan and the LMC do not go hand in hand. She noted that the General Plan identifies this as a live/work area, which she personally prefers. The LMC has nightly rentals as an allowed use and residential as a conditional use. She thought it was an interesting juxtaposition to look at, but it makes development decisions difficult. Commissioner Band noted that Craig Elliott and Mark Fischer have come before the Planning Commission many times and they worked with the City to try and figure out the Form Based Code. They have now submitted a great application, and while it probably needs to be fine tuned, she did not want to handicap the applicant because the General Plan needs to be re-written. Ms. Band noted that the General Plan for most of this zone no longer applies. Form Based Code is gone. All they can do is look at the intent of the General Plan and the LMC. Apart from a few details, she believed they had a good application and were going in the right direction.

Commissioner Band liked the lockout apartments. She would like nightly rental to be restricted, and she would like to see the City to consider partnering on a project like this for deed restricted housing to make it a live/work area.

Commissioner Band commented on the height exception. If they were going to allow extra height she believed this was a good location. Commissioner Band liked the open space plan, the garage in back, and the porches opening up to the front. If they can get the give and take they want, she would be comfortable granting the height.

Commissioner Phillips echoed Commissioner Band's comments. In general he thought this was a great application. He could see how some of the Form Based Code discussions may have played into the plan with the parking in back. He especially liked the additional open green space. Commissioner Phillips stated that the City has allowed additional height in the past and he thought it was something the applicant could achieve with a little work.

Director Erickson asked Commissioner Phillips for his thoughts on the connectivity question. Commissioner Phillips stated that he had mixed feelings. It is a great opportunity and he was anxious to hear what the applicant thought about dedicating a right-of-way for future possibility. He noted that someone previously commented on a short-cut for taxicabs and he was concerned that this would become another short-cut that would bring traffic through a neighborhood. He thought that needed be considered because he believes this project completes the whole neighborhood. Commissioner Phillips personally wanted to see this project occur and to have the City invest money on the street to make it a complete neighborhood. Park City is losing its neighborhoods and this is an area they can upgrade as a City. In terms of connectivity, bringing in more cars to get from one side to the other may not be the best thing for the neighborhood but it might be better for the overall area. He would have to look at it closely before forming an opinion.

Chair Strachan agreed with his fellow Commissioners. He clarified that this was a pre-MPD and the applicant was asking for a finding of initial compliance with the General Plan. He personally believed it complied. Chair Strachan stated that the General Plan was not finished with respect to Bonanza Park, but this was not the time nor was it fair to the applicant to finish the General Plan while their application was pending.

On the height issues, Chair Strachan believed the applicant could convince at least some of the Commissioners that the affordable housing aspect warrants a height exception. He personally was amenable to hearing that argument at the MPD stage.

Chair Strachan noted that the applicant had not ruled out Munchkin Road as a potential connection and as long as it remained on the table he thought it was better to have that discussion with the MPD. Chair Strachan stated that because this was a General Commercial Zone he was unsure whether a neighborhood feel was the objective. It is not historically a residential zone. He believed connectivity was important from the standpoint of moving people around to the businesses and well as the residential units.

Chair Strachan stated that the more he thinks about nightly rentals the more he dislikes them. He thought it was important not to have nightly rentals in this development because aside from the Homestake and Claimjumper units, this would be one of the first, major residential developments in Bonanza Park in a long time. It is important to have people living there on a daily basis; otherwise the result would be a commercial zone with dark residential units, and the live/work aspect of the controlling General Plan would be lost.

Commissioner Band stated that since this was in the GC zone, which requires a conditional use for residential. Since Bonanza Park was included in the zone, she asked if they could look at changing residential to an allowed use at some point. Director Erickson replied that residential use is an allowed use in the General Commercial Zone. However, he thought it was better to rezone towards more residential units and leave the GC zone as it exists. He stated that when they come forward with the MPD they would address the CUP as a parallel action. Director Erickson remarked that the Staff has significant concerns about neighborhood compatibility with the amount of exposed glass on these units and they would be looking very carefully at the impacts it might create. The Staff had also paid attention to the excellent comments the Commissioners and the public had made regarding the traffic and circulation plan, the extension of the sidewalks and other issues.

MOTION: Commissioner Joyce moved to find preliminary compliance with the purpose of the General Commercial District and General Plan of the Master Planned Development pre-Application for 23 residential units to be located at 1251 Kearns Boulevard, the Yard townhomes, based on the Findings of Fact and Conclusions of Law found in the Staff Report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1251 Kearns Boulevard

1. The site is located at 1251 Kearns Boulevard.
2. The site is located within the General Commercial (GC) District.
3. The proposal is currently known as The Yard Townhomes.

4. The applicant requests review of a Master Planned Development (MPD) Pre-Application for twenty-one (21) residential townhomes, two (2) residential flats, and a small amenities space.
5. Sixteen (16) of the townhomes are proposed to have the ability to have a one-bedroom flat as a lockout or independent residential unit on the lower level.
6. A lockout unit is an allowed use within the GC District.
7. The submitted project description indicates that some of the one-bedroom units will be identified as affordable housing.
8. The townhomes are approximately 2,300 gross square feet in area with a garage of approximately 530 square feet.
9. The one-bedroom flats add approximately 620 gross square feet, each.
10. Access to the property is from Homestake Road, an existing public street.
11. The subject site is currently being used as commercial parking area.
12. The MPD Pre-Application is submitted for Planning Commission review prior to submittal of the full MPD Application.
13. Multi-Unit Buildings are a Conditional Use within the GC District.
14. The required Conditional Use Permit (CUP) has not been submitted to the City for review.
15. Staff recommends adding a condition of approval that a CUP application for Multi-Unit Dwellings is submitted concurrently or prior to the full MPD application.
16. There is no minimum lot size in the GC District.
17. The current lot is 4.60 acres (200,376 square feet).
18. The applicant only included the south portion of the lot to be included in the MPD Pre-Application.
19. The proposed MPD area is 2.03 acres (88,317 square feet).

20. In order to process an MPD on a portion of the lot, the site shall be subdivided as the north portion of the site is not included in this MPD Pre-Application.

21. The applicant requests a twenty foot (20') front yard setback and a ten foot (10') side and rear yard setbacks.

22. The proposal complies with the GC District minimum setbacks.

23. Once the full MPD application is submitted and deemed complete, the Planning Commission would have to make the findings for such setback reduction if adopted criteria is met.

24. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

25. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle.

26. The Building Height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis and determination.

27. At full MPD Application the Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made.

28. Once the full-MPD application is submitted, the Planning Department will be able to provide a thorough review of the height as specified on the LMC MPD section.

29. The Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

30. The submitted Landscape Plan does not show any significant vegetation to be removed during development activity.

31. At full MPD Application the City will expect the Applicant to address all of the MPD requirements outlined in LMC §15-6-5.

32. Within the 2014 General Plan, Bonanza Park is included as part of the Bonanza

Park & Prospector Neighborhood.

33. In January 2012, the City prepared the second draft of the Bonanza Park Area Plan.

34. The Bonanza Park Area Plan was not adopted by the City.

35. Volume I of the General Plan contains goals for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character.

36. The proposal complies with the Small Town goals as proposed (in the form of a MPD Pre-Application) and/or as conditioned.

37. The proposal complies with the Natural Setting goals as proposed (in the form of a MPD Pre-Application) and/or as conditioned.

38. The proposal complies with the Sense of Community goals as proposed (in the form of a MPD Pre-Application), and/or as conditioned.

39. The proposal complies with the Historic Character goals as proposed (in the form of a MPD Pre-Application) and/or as conditioned.

40. Volume II of the General Plan contains information that supports the goals outlined in Volume I.

41. The overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable housing units (GP BOPA § 3.1).

42. The site does not contain any existing housing units; however, as indicated on this preliminary application affordable housing is attempted. The proposed residential multi-unit buildings comply with the said concentration within the redevelopment area (GP BOPA § 3.1)

43. Staff recommends that the applicant in their future full MPD Application keep in mind placemaking and authenticity by emphasizing human scale, infusion of design elements representative of residents' diverse roots, contemporary design, etc. (GP BOPA § 3.2)

44. The entire neighborhood is to become a model for green sustainable redevelopment according to the General Plan (GP BOPA § 3.3).

45. The subject area is not located along the two (2) entry corridors (GP BOPA § 3.6).

46. The future MPD/CUP application would have to show a more defined character than the current dominant architectural styles within the District (GP BOPA § 3.7).

Conclusions of Law – 1251 Kearns Boulevard

1. The preliminary MPD-Pre Application plans for the 23 residential units to be located at 1251 Kearns Boulevard within the General Commercial (GC) Zone, comply with the Park City General Plan and are consistent with the purpose statements of the General Commercial (GC) District zoning.

2. **7520 – 7570 Royal Street East – Conditional Use Permit and Plat Amendment for 28 residential units on Lots F, G and H of the Silver Lake Subdivision plat as part of the Silver Lake Community of the Deer Valley Master Planned Development. (Application PL-15-02966 and PL-15-02977)**

Chair Strachan announced that this item was being continued this evening and the public would have another opportunity to comment at a future meeting.

Planner Whetstone stated that this was an introductory work session item that was noticed for public hearing. This is a large project and letters were sent to the neighbors to inform the neighbors of what was being proposed. Planner Whetstone reported that she had received one email and provided information to another person prior to this meeting.

Planner Whetstone reported that the proposal, known as the Goldener Hirsch Hotel and Residences, consists of 1) amendments to the existing Goldener Hirsch Hotel located at Upper Deer Valley in Silver Lake; and 2) construction of 38 residential condominium units within a single multi-story building proposed that sits over two levels of parking. The proposal is on Lots F, G and H of the Silver Lake Village Subdivision, which is part of the Deer Valley MPD that was approved in 1977. This is the last undeveloped parcel in Upper Deer Valley. There is one last development parcel at Lower Deer Valley. Planner Whetstone noted that this proposal was infill development. She reviewed the MPD that was included on page 125 of the Staff. In the Deer Valley Master there is a choice of either building 34 units of any size or 34 unit equivalents. In this case the applicant chose to build 34 unit equivalents at a total of 68,000 square feet.

Planner Whetstone explained that the proposed building has 68,843 square feet of residential construction because they were proposing to move 843 square feet of the existing units at the Goldener Hirsch. Those units would be demolished due to the proposed connection between this project and Goldener Hirsch.

Planner Whetstone noted that 3,200 square feet of meeting was also proposed, which is consistent with 5% of the residential area. Lot D is allowed 6 unit equivalents or 12,000. Lot D will decrease by the amount being transferred.

The Staff had reviewed this proposal against the LMC, as well as the Deer Valley Master Planned Development and there were a number of issues they would like the Planning Commission to discuss. The Staff was asking for input on the proposed site plan and the request to decrease the side setbacks and the existing setbacks along the back. A separate application is to combine F, G and H into one developable parcel. The Staff also requested input on the general architectural character, the transfer of density from Parcel D, parking and a height exception.

Planner Whetstone pointed out that the lots are undeveloped but they were currently being used as surface parking with approximately 45 parking spaces. The developer was proposing 109 parking spaces, which is an excess of 40 spaces required for this development.

The Staff requested that the Planning Commission conduct a public hearing, discuss these items and provide input and direction to the Staff and the applicant, and continue the item.

Chris Conabee reported that the applicant held a series of public open houses and part of their presentation would include the information obtained from the open houses and things they still need to work on based on that information.

Mr. Conabee with Utah Development and Construction introduced Paul Schlachter with Olsen Kundig and John Shirley with THINK Architecture. He stated that he had worked with Planner Whetstone in 2006 on Silver Star when he was a principle and co-developer on that project. The project turned out well because they were active in the community and worked to solve the problems upfront before coming to the Planning Commissions with the solutions. He wanted the Planning Commission to know that they were still the same people and they would work towards that end. Their goal is to make the best product for themselves and for the community. He was proud of the work that was done on Silver Star and he hoped to accomplish the same for this site.

Mr. Conabee also introduced the owners, Spencer Fox Eccles, Hope Eccles, Spencer Peterson Eccles, and Patty Wells, their realtor. He noted that Oakland Construction was part of their team and worked with them at Silver Star.

Mr. Conabee reported that the first open house was held on November 18th, but it was not heavily attended. Their general practice is to notify everyone in the project to make sure they reach out to all the HOAs, so letters were sent to people outside of the 300 foot radius. Mr. Conabee stated during the open house some of the concerns expressed related to public parking. Some were worried that they would lose their day parking. It was an issue that needed to be balanced. They have parking for proposed units and existing businesses, and they have a resort operator in Deer Valley. Mr. Conabee stated that one of the things they did productively at Silver Star was to find that balance. In the off-season they have parking for locals and in the busy season it is full parking. Mr. Conabee noted that the people had questions regarding the need to have a grocery store and some sundries. He noted that commercial was not in the plan, but they hoped to expand a plaza area that could field the function of a social gathering area. There was concern expressed for Sterling Court and trash, particularly in the spring. He assumed that would go away regardless of who built on that parcel. Mr. Conabee clarified that the beautification of Sterling Court was an issue for some of the neighbors.

Mr. Conabee stated that there was some concern about building height. He noted that the original projection presented in October had six stories with a flat roof that was not compliant with the Deer Valley MPD. They went back to the drawing board and eliminated a floor and added a pitched roof.

Chair Strachan asked if the five stories included two stories of parking. Mr. Conabee answered no. The two parking stories are subterranean.

Mr. Conabee stated that a problem in Silver Lake is that a lot of traffic flows into Marsac during a certain period of time. He talked about ways to “slow the flow” and he believed they had found a way to do that in this plan with their plaza concept.

Mr. Conabee stated that a second open house was held December 2nd and the turnout was a little better. Signage was a concern. There was support for an increase in bed count. There was also support for retaining the existing Hirsch, which is a critical design issue. He remarked that the Hirsch is an icon and it is unique. It is a difficult concept that would not exist without the ownership of the current hotel. Mr. Conabee noted that the team discussed what to do with that site and decided that the Hirsch is iconic enough that if they did good work on the design and marry the two facilities together they could enhance each other. Mr. Conabee commented on access concerns for Mont Cervin. He stated that Mike Farrell who represents the HOA wanted to make sure that if a bridge is approved that there

is an ability to get future vehicles and trucks back there. The team agreed that it was a good idea and they would be doing a study to show whether they could get a crane under there, roofing materials, trucks, etc.

Mr. Conabee noted that they had also given presentations to representatives for the Chateau, the Stein Eriksen Lodge, Mont Cervin, the Black Bear Lodge, the Inn at Silver Lake and Deer Valley Resort.

Mr. Conabee reviewed the amendment to the plat. One of the issues related to setbacks. The lease complicated setback issue was the front. The MPD allows a 20' setback with garage. The current plat has a 25' setback. This applicant shares concerns with Deer Valley regarding sidewalks and snow storage. He stated that the building currently complies with 25' and they were not opposed to pushing it back to 25'. Mr. Conabee pointed to a 12' setback on the west side by the Stein Eriksen Lodge, which is consistent with the previous plat. The setback to the south next to Mont Cervin is currently 7' and they were committed to increasing it to 15'. Mr. Conabee explained that the constraint is in the width. They were asking the Planning Commission to consider the setback along Sterling Court. They would like to line up the second story of this project with the neighboring façade of the Mont Cervin property. To accomplish that they were asking the Planning Commission for a ten foot setback on the second story for the unit layout. He reiterated that they would maintain the 15' setback on the first floor.

Paul Schlachter with Olsen Kundig outlined the plaza concept and the massing concept for the project. He believed this was a unique property in Deer Valley and the last of its kind. Mr. Schlachter stated that when the original programming document was done there was massive building that was maxed out to the corners, but it did not feel right on the site. The concept he would be presenting was the result of studies and the thought process of several people in terms of building shape. Throughout the process they kept coming up with smaller buildings collected into a whole. It turned out to be the end result because it keeps with the scale of everything else within the village core. Even though the building is larger it is broken into smaller masses to keep the village feel. Breaking the building into three smaller pieces also allowed a better connection to the plaza that connects to the bottom of the hill. Mr. Schlachter explained how they envisioned the plaza to create a unique core to that neighborhood that does not currently exist. He presented three scenarios that were done to help them achieve the best plaza concept. Mr. Schlachter reviewed the concept they decided on. They still maintained a bridge connection between the old Hirsch and the new addition. It is a thinner bridge that has the clearance required for fire truck access.

Mr. Conabee stated that the goal of creating the plaza was to increase the activity for the existing retail space to slow down the transition off the mountain and work towards

staggering the traffic flow. The intent was to create a transitional space between the new and the old, and to establish a gathering space during the ski season and the off-season.

Mr. Schlachter reviewed the proposed design layout and amenities. Mr. Conabee pointed out that the original concept showed the pull-in off of Royal Street. However, from the standpoint of traffic and congestion they decided to move it in between the two existing buildings and to utilize space in the middle of the project for cars to pull off and to create a lobby experience. It would not only help with the beautification of Sterling Court, but it would act as a centering point for both buildings and the project. It also speaks to their commitment to signage.

Mr. Schlachter did not believe the renderings did the project justice. Over the last 50 years his firm has had great experience in doing residential architecture, and they would bring that breadth of knowledge to this in terms of scale and proportions. Materials are also very important to his firm. He provided an example of the materials and elements they would use to provide a warm, cozy atmosphere. The form and shape would be simple to avoid detracting from the overall architectural spaces. They were proposing floor to ceiling windows in the units to maximize the views of Deer Valley. Mr. Schlachter remarked that the renderings were showing a board form concrete base, which is something his firm likes to do on their projects.

John Shirley with THINK architecture presented a fly-through of the proposal starting from the west and heading towards the existing Goldener Hirsch, then coming down Sterling Court towards the proposed porte cochere location. It continued from the end of the ski day across the plaza. Mr. Shirley stated that in addition to the bridge, the plaza in front of the existing Goldener Hirsch would be expanded to create activity space in front of the restaurant. He showed the entry coming into the entry lobby and up the staircase to the connecting bridge for direct access to the plaza.

Mr. Conabee stated that the Chateau and the Stein Eriksen Lodge were not shown. He explained that they had 3-D modeling done of all the buildings when they were originally looking at doing a giant plaza and the cap on Sterling Court. They were currently in the process of illustrating those two buildings in both model form and 3-D form for the next Planning Commission meeting.

Chair Strachan asked Director Erickson for direction on how to address the issues and questions since they were continuing this item for both the CUP and a Plat Amendment. Director Erickson stated that in context with the Deer Valley MPD questions regarding height and consistency with the master plan need to be discussed. Public parking is a broad question for the Planning Commission. The parking area is not part of the Deer

Valley Master Plan parking. The parking just occurred and it is managed by Deer Valley. He did not believe there were any restrictions on the parking.

The architect had prepared a 3-D model. The Commissioners left the dias to view the model. In response to a question about the 64' ceiling height in terms of a fog study, Mr. Conabee replied that it would be approximately at the roof line. He pointed out that everything sits below the maximum ceiling height established by the Silver Lake Property Owners Association.

Chair Strachan asked if the 3D model could be left in the Planning Department for people to view.

Chair Strachan opened the public hearing.

Steve Issowitz stated that he works for Deer Valley Resort and he also sits on the Board for the Silver Lake Village Plaza Association and Royal Plaza Condominiums. Mr. Issowitz stated that he is always sad to see surface parking go away, but he thanked the Eccles family for all the years they have let the community use the site for both snow storage and for Deer Valley to use it for resort parking and trailhead parking. He believed most of the issues have been mentioned, particularly the height limits in the area which are important to all the neighboring properties. In speaking with Mr. Conabee he understood that architecture finessing still needed to occur since this was still preliminary. Mr. Issowitz stated that Deer Valley supported the project as a resort. The MPD was put together in the late 1970s and he believed this would finish up the Silver Lake area and encourage people to stay longer, which would solve the traffic problems. Mr. Issowitz hoped everything would come to fruition and come together.

Chair Strachan closed the public hearing.

Commissioner Phillips commented on the additional parking being requested. He asked if it would maintain the same use as the current surface lot, and whether it would be accessible to everyone or become private or special parking. Mr. Conabee stated that the goal is to create a multiple use parking area. In the winter and high season or if there is a function in the conference facility they would need the parking, but he believed that would be rare. The majority of the time in the summer and off season months it will be open to the public. Mr. Conabee stated that they were working on getting the highest number of stalls so they do not negatively affect what is coming down Marsac, and at the same time making sure there were spaces for viable business and viable traffic flow. Mr. Conabee explained that outside of a special event, they were requesting the same thing they did at Silver Star. Each unit will have a dedicated reserved stall and a non-dedicated stall that would be available for the owner's guests or open to the general public in the summer

season. In addition to those 78 stalls, they supported the resort's desire to create additional spaces for public parking, which is why they were proposing 108 stalls.

Commissioner Phillips had mixed feelings. Traffic is a growing problem and he recently witnessed traffic backing up past Hillside on Marsac, which was causing him concern. However, he also understood the need for having parking up there. Mr. Conabee stated that if they could get those stalls contained in two levels and make it a public area it would demonstrate the commitment of the applicant and the owners to encourage traffic to stay there. If someone is parked underground at the new Goldener Hirsch Inn and they walk across the plaza, they are more likely to stop and buy something or sit next to a fire pit or engage someone in conversation. When they talk about slowing the traffic, the hope is that the path through the plaza to the garage will have that effect.

Commissioner Phillips was still trying to understand the height. Mr. Conabee remarked that Deer Valley allows 59 feet with an exception to go to the middle median of the roof. On a pitched roof they were well below their requirement because the pitch roof sits well below this. The maximum roof line is 8186'. The problem is that the height line off of grade bisects the upper floor where there is a changing room and exercise equipment. The question was Code interpretation. It is a flat roof and he would say the median of the roof was where it sits. However the pool deck is a unique feature and the question is how to get people up there and to keep people from being visible if they change next to the pool. Mr. Conabee noted that the two other pitched roofs cover it so it cannot be seen from either side. He felt it was fortunate that the Stein Eriksen Lodge has spa services on that back wall, and they are draped off and unused. Mr. Conabee stated that the roof line sits approximately a foot to a foot and a half below the peak of roof on the two buildings on either side that they were proposing to build.

Planner Whetstone clarified that the Planning Commission was being asked for an interpretation rather than an actual height exception. She noted that that MPD states that the height for these parcels is 59'; however, further into the design guidelines it talks about the mid-point of the roof. Planner Whetstone explained that height used to be measured to the mid-point of the roof, but that was changed to say the height is 28' in the RD zone plus 5' for the pitch of the roof. The MPD still has the old language and identifies 59' in height next to those parcels. Below that is a footnote that says the heights are measured from 8122' and no part of the roof can exceed 8186'. Planner Whetstone reiterated that the Staff was asking for interpretation on whether the proposal exceeds the 8186'.

Commissioner Band understood that it was the peak of the roof but that section of roof is flat. She asked if they were asking the Planning Commission to say whether the entire roof meets the requirements. Mr. Conabee explained that the top roof is allowed to go up to 8186', but if it is 10' high and they took the median it would be 5 feet. Because that pool

area has a flat roof it is higher than that, but it is still below the 8186', but the median of a flat roof is the top of the roof. That is where the problem comes in with the interpretation.

Commissioner Phillips thanked Mr. Conabee for clarifying the height issue. With that understanding, in general he would support it. Commissioner Phillips commented on the question of architectural and design, and he had no objections to what was shown. Commissioner Phillips did not object to combining the lots.

Chair Strachan asked if combining the lots was the only amendment to the plat they were being asked to approve. Planner Whetstone replied that it was combining the lots and the change to the second floor setback from 15' to 10'.

Commissioner Joyce asked the applicant to bring up the visual that showed the difference between the first floor and the second floor where they were requesting the change in setback. Mr. Conabee stated that on the southeast corner of the project the second floor steps forward five feet from what is a 15' setback on the ground floor and will encroach into a ten foot setback on the second floor.

Commissioner Band stated that she had reviewed the MPD with Planner Whetstone that morning and it was very complicated. Considering the number of times the MPD has been amended, she did not believe this proposal was out of character with all of the other "shenanigans" that have gone on. Commissioner Band was comfortable with the public parking. She thought eliminating the visual parking might keep people from driving up there, especially if they have to go underground and drive down a road. Extra parking would be a benefit and they definitely want vibrancy. Commissioner Band stated that her office is literally across the street and she would look at this every day. The architecture is important and she thought it looked nice. Commissioner Band noted that in the presentation they had shown single family homes that were more in keeping with what this project will look like. She did not think they looked exactly like everything in Silver Lake but it was a beautiful design and she liked it better than some of the other designs they have seen. Commissioner Band was not opposed to the plat amendment to combine the lots. She liked what they had done with the entrance to try and bring people in, and she especially liked that it would not come off of Royal Street. If everything else was hard and fast in the MPD the height might be a bigger issue, but considering that it is in between pitched roofs and against a hard wall she did not think it was a problem.

Commissioner Joyce stated that the current LMC has requirements for minimum parking and the Commissioners have discussed whether they should start thinking about requirements for maximum parking; especially for a hotel that is on the bus route and next to a ski resort with restaurants and other services. At some level he would prefer minimizing the traffic by minimizing the parking. Therefore, he was not in favor of the extra

parking being proposed. When they start looking at LMC Amendment he would like to know whether the minimum parking requirement is correct and whether they should be finding ways to reduce that.

Director Erickson asked if Commissioner Joyce would like the Staff to specifically look at employee transportation and shuttle service. He noted that the Planning Department has more regulatory authority over those matters and the operations of van/shuttle. Director Erickson stated that parking is soft in the LMC and the items he just mentioned were easier for the Staff and the Planning Commission to address. Commissioner Joyce made that request of Staff. He stated that Stein Eriksen as part of the Stein Eriksen Residences provided good information about the processes they went through to keep people from driving to their place. He would like to see more of that.

Commissioner Joyce commented on the plaza. He liked what they had done from an architectural walking standpoint, but in his opinion it would have zero effect on slowing down the traffic flow. He was not convinced that people would stop just because there was as 20' corridor instead of a three foot walkway. Commissioner Joyce appreciated the goal, but he thought bars, live music and places to sit and gather would be much more effective in getting people to stop. He was not in favor of the plaza area as proposed. Commissioner Joyce did not have an issue with the height. He appreciated the explanation about the Stein Eriksen piece but he would like to see a visual to make sure he understands it. His concern was from across the street and if it is actually lower than the pitched roof blocking the Chateau he had no other concerns.

Commissioner Joyce understood that this proposal would clean up Sterling Court, but he thought the bridge would feel like a tunnel and put a visual barrier across a public street. In terms of being consistent with the General Architectural Design, Commissioner Joyce had concerns with the amount of glass on the buildings. The buildings look attractive but they were not consistent with the surrounding buildings. Mr. Conabee informed Commissioner Joyce that the team was having that same discussion internally and he understood his concern.

Commissioner Campbell understood that because they were opening up the MPD, the Planning Commissioner could massage the soft numbers as a trade-off in the MPD. Director Erickson replied that he was correct. The Planning Commission has flexibility in height and setbacks and some flexibility in moving around unit equivalents. Commissioner Campbell stated that he would be willing to give the applicant almost anything they wanted if the applicant was willing to help keep more cars off the street in that direction. He thought the architecture was spectacular. His daughter lives in Seattle and they are years ahead in architecture. He was pleased to see some of that architecture come to Park City.

Commissioner Thimm was comfortable with the transfer of density. It is the same project in proximity and he did not see a change in intensity of use. The building height made sense. He understood the application and it appears to work. Commissioner Thimm had concerns with bringing more traffic into the neighborhood and into the City. He was hesitant about the increase in parking. Commissioner Thimm noted that in the presentation they said that the additional parking would benefit business. He asked if parking was currently set aside for those businesses. He was told that there was parking available in other properties in the surrounding area. None of those are guaranteed and during the winter it is paid parking as opposed to free parking. For evening events that occur at Silver Lake, any loss of parking would be detrimental to the commercial businesses. Commissioner noted that the City has been trying to temper the number of cars and lead towards the use of public transportation. Director Erickson clarified that what was being talked about in the application was a reduction of approximately 100 casual spaces to approximately 40 designed spaces. Those casual spaces tend to be the peak pressure spaces. Director Erickson stated that they were reducing approximately 60 vehicle trips in each direction by reducing it to 40 spaces. The winter peak will continue but once the spaces go underground he assumed the used would be further reduced in the off-season. Commissioner Thimm agreed that having the spaces hidden underground would be an advantage.

Commissioner Thimm was comfortable with the 10' setback given its location on the site. He liked the architectural continuity, and having a contrast rather than being a Deer Valley knock-off was positive. He agreed with previous comments that the amount of glass should be looked at in terms of energy savings. Commissioner Thimm remarked that the broken down scale of the buildings seemed appropriate and worked nicely in terms of the layout of the plan.

Mr. Conabee stated that the team was also looking at solar and when the study comes back they would present it so the Planning Commission would have an idea of where it could or could not go and what it would look like. Director Erickson asked if they would be meeting State Energy requirements on this building. Mr. Conabee answered yes.

Director Erickson stated that after review of the site conditions in Silver Lake, the Staff will be reviewing the roof forms icicle formation and snow shed with the minimum setback. The Staff has concerns on buildings from the 1980s and they will be working with the design team to make sure those are not replicated.

Chair Strachan thought this would have been better as a work session to allow for a more informal conversation and to get a better feel for the project.

Chair Strachan stated that for him personally the big thing is how this project fits in with the other existing buildings in terms of compatibility, the building mass and scale and all the criteria that the MPD requires them to look at. The model was a good step, but he would like to see fog studies to show the height, how it compares to Stein Eriksen, where it will sit in comparison to Mont Cervin, and how it relates to the rest of Silver Lake. Chair Strachan thought it would be helpful to see that in a computer model context. He agreed with the architect that the rendering do not do it justice, and they need to look at them more carefully. Chair Strachan thought it was aggressive architecture for the area. He originally questions the design, but after hearing from the more knowledgeable and experienced Commissioners he was re-thinking that view, and a something new architecturally could be positive. He asked the applicant to bring the Commissioners into the project so they can really get to know.

Chair Strachan thought the fog study would address the height issue. One of the questions in his mind is the compatibility of the bridges and the flying balconies. He needed to be convinced that it was something architecturally that Deer Valley, and Silver Lake Lodge in particular, should have. Chair Strachan agreed that the original Goldener Hirsch is icon and he believed this project had a chance of being iconic as well. He just needed to see it and he looked forward to more computer renderings.

Regarding the parking issue, Chair Strachan understood that Silver Lake Village was never intended to be a base area. It was a mid-mountain area for overnight skiers. He thought the base area for the day skier was the Snow Park Lodge. He believed this project fits with that assessment because the skiers would stay for three or four nights, and hopefully they would not bring cars. However, if they do bring cars they needed to provide the LMC required parking. They also need to make parking for day skiers as easy as possible. Chair Strachan remarked that the opportunity to create further goodwill with Deer Valley and the day skier base in Park City by providing parking accessible to locals and the general public would be in the applicant's best interest. He strongly recommended that the applicant look at Staff parking and he would be interested in hearing their solutions.

Chair Strachan stated that in terms of General Plan compliance, there was no question that this complied. He was interested in seeing more of the details.

Mr. Conabee assured Chair Strachan and the Planning Commission that they were here to solve problems and find solutions. He appreciated their time and their efforts. Mr. Conabee stated that Spencer Eccles requested time to speak this evening.

Mr. Eccles noted that skiing was superb this morning in the bright Deer Valley sunshine. Mr. Eccles stated that it was a privilege for him to appear before the Planning Commission on behalf of the beloved Goldener Hirsch Inn. His family has deep roots in the Deer Valley

area, in Park City, and in the entire State of Utah. He has now lost his great friend Stein Eriksen who he first met when Mr. Eriksen came to the United States in 1953. Mr. Eccles stated that years later he help Mr. Eriksen realize his dream as First Security financed the construction of his named lodge. Later the convention center and the spa. Mr. Eccles reported that years later he, his wife and four children bought the Goldener Hirsch Inn next door to Stein's. It was a family investment in 1991 and they just started their 25th year of operation. Mr. Eccles thought it was obvious that they were committed to the Silver Lake area and they were excited to work with everyone to put the exclamation point on what is already the finest ski area in the country. He stated that this expansion is part of their great vision of Park City and Deer Valley and they look towards working with everyone once again on something great for the entire Park City community. Mr. Eccles thanked the Planning Commission for allowing them time to give their presentation and for giving him time to tell them about the background and the love and affection that has gone into the Goldener Hirsch Inn.

Planner Whetstone requested that the Planning Commission continue this time to February 24th instead of February 10th as listed on the agenda.

MOTION: Commissioner Joyce moved to CONTINUE the Goldener Hirsch Hotel and Residence CUP and Plat Amendment to February 24th, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. **900 Round Valley Drive- Request to amend the Intermountain Health Care Master Planned Development to allow the Peace House facility to be constructed on Lot 8 of the IHC/USSA Subdivision plat, as partial fulfillment of required affordable housing, and other administrative changes.**
(Application PL-15-02999)
4. **Public hearing and possible action 700 Round Valley Drive- Conditional Use Permit for new construction of the Peace House facility to be located on a portion of Lot 8 of the IHC/USSA Subdivision plat for an emergency shelter, transitional housing and support uses.** (Application PL-15-03000).

The Planning Commission discussed these two applications simultaneously.

Chair Strachan noted that Planning Commission had reviewed the applications at previous meetings.

Planner Whetstone reviewed the request to amend the IHC Master Planned Development. During the pre-MPD process the Planning Commissioner reviewed the proposal with the exception of the requested 50,000 square feet of density. That discussion had been continued.

Planner Whetstone stated that there were three amendments to the MPD. One is to allow the Peace House facility to be located on Lot 8. Second is to allow Lot 8 to be subdivided into two lots. She noted that the actual subdivision application has not yet been submitted but it would come before the Planning Commission. The amendment would allow a subdivision to occur. The third amendment relates to the 50,000 square feet of density that was previously continued for discussion at a future meeting.

Planner Whetstone commented on two additional administrative amendments that included corrections on conditions and a development agreement to memorialize the changes to the IHC MPD.

The Staff report detailed the history of the IHC MPD, the criteria for the CT zones, as well as the MPD Chapter in the LMC. The Staff recommended that the Planning Commission conduct a public hearing and consider approving the MPD amendments pursuant to the findings of fact, conclusions of law and conditions of approval as outlined in the Staff report.

Planner Whetstone reported that the application for 700 Round Valley Drive was a CUP for the Peace House to be constructed on Lot 8.

Morgan Bush, representing IHC, had read through the Staff report and concurred that it reflected everything that was discussed through the pre-MPD process and what was submitted in the Amended MPD application. He had nothing further to add.

Doug Clyde, representing the Peace House, remarked that Bob Dillon, legal counsel, had one item to address with the Planning Commission.

Bob Dillon, representing the Peace house, referred to Condition of Approval #11 of the CUP. He noted that the Peace House had executed the lease approximately a year ago as a condition for obtaining funding from the County. Mr. Dillon requested that Condition 11 be rewritten to only say, "Terms of the ground lease shall include a time frame of 40 years or longer." The remaining language would then become a separate condition and modified to read, "Any future changes to the use of the building or property **as other than transition and/or affordable housing** will require a Conditional Use Permit and may, depending upon the use, require an amendment to the IHC MPD Housing Mitigation Plan and the provision of additional affordable." Mr. Dillon remarked that the ground lease requires the

Peace House to operate it as such; otherwise the ground lease terminates. He thought it was important to address the requirement as a separate condition and not as part of the ground lease.

Mr. Clyde pointed out that if the Peace House terminates its operation at any time for any reason, it would not negate IHC's obligation to provide affordable housing. Therefore, the requested change to the condition of approval would not change anything, but it would avoid complicating the lease issue. Planner Whetstone understood that it was a 40 year lease. Mr. Clyde replied that it was a 40 year lease with two five year renewals.

Assistant City Attorney McLean was comfortable with the change to Condition of Approval #11 as proposed by Mr. Dillon.

Chair Strachan opened the public hearing on both the Amendment to the IHC MPD and the CUP for new construction of the Peace House.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to APPROVE the Second Amended Intermountain Health Care Master Planned Development for 900 Round Valley Drive pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to APPROVE the Peace House Conditional Use Permit at 700 Round Valley 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 unanimously.

Findings of Fact – 900 Round Valley Drive

1. On November 10, 2015, the City received a complete application for an MPD Amendment for the Intermountain Healthcare Master Planned Development (IHC MPD).
2. The proposed MPD Amendment includes the following items:
 - Allow the Peace House facility to be located on Lot 8 of the IHC/USSA

subdivision plat to fulfill a portion of the remaining affordable housing obligation for the IHC MPD. A Conditional Use Permit (CUP) is required prior to building permit issuance. A CUP application was submitted for concurrent review with the MPD Amendment application.

- Allow Lot 8 to be subdivided into two lots with the eastern 3.6 acres proposed to be leased to the Peace House as Lot 8 and the western 6.334 acres to become a new Lot 12 retained by the Intermountain Healthcare with no density assigned to it. A plat amendment application is required and has not yet been submitted.
- Add 50 Unit Equivalents (UE) of density as 50,000 square feet of support medical offices/clinics to the overall IHC MPD to be located on Lot 1. (Note- this item was continued for further analysis and discussion with Staff recommendation to bring it back to the Planning Commission later in 2016.)
- Make administrative corrections to conditions #16 and #17 of the October 8, 2014, approval of the First Amended IHC MPD.
- Include a condition of approval requiring recordation of a Development Agreement to cover all items of the original MPD as well as the First and Second Amendments.

3. The IHC MPD was approved by the Planning Commission on May 23, 2007.

4. A First Amended IHC MPD was approved by the Planning Commission on October 8, 2014, transferring assigned medical support density from Lots 6 and 8 to Lot 1, along with other amendments related to Phase 2 of the Medical Center construction.

5. The IHC MPD consists of Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11 of the Second Amended Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision (IHC/USSA Subdivision) approved and recorded at Summit County on November 25, 2008.

6. The property is generally located on Round Valley Drive west of US 40 and east of Round Valley in the Quinn's Junction neighborhood of Park City.

7. The approved IHC MPD includes an Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) located on Lot 1 and Support Medical Office space of 150,000 square feet (150 Unit Equivalents) located on Lots 1, 7, and 10.

8. Lot 2 of the IHC/USSA Subdivision plat is dedicated as open space.

9. Lot 3 is not part of the IHC MPD and is the location of the USSA Headquarters and Training Center MPD.

10. Lot 4 was the original location of 28 affordable, deed restricted townhouse units incorporated into the Park City Heights neighborhood during the Park City Heights MPD approval. Lot 4 currently has no designated density and is an open space lot.

11. Lot 5 was dedicated and transferred to the City for future recreation uses.

12. The density initially designated for Lot 6 was transferred to Lot 1 with the First Amendment to the MPD.

13. Lot 7 contains the 25,000 sf medical support office density and is also known as Physician Holdings or MOB (Medical Office Building).

14. The density initially designated for Lot 8 was transferred to Lot 1 with the First Amendment to the MPD.

15. Lot 9 contains a small Questar gas regulating facility.

16. Lot 10 is the location of the Summit County Health Department and People's Health Clinic utilizing 25,000 sf of support medical office density. Summit County has a ground lease from IHC on this lot.

17. Lot 11 is the one acre lot around Lot 9, owned by IHC and not designated as to use or density.

18. This MPD amendment is being processed concurrent with a Conditional Use Permit application submitted for the Peace House proposed to be located on the eastern portion of Lot 8 with a ground lease to the property from IHC.

19. The Peace House includes approximately 25,964 sf of emergency shelter and transitional housing, 8,622 square feet of shelter and housing support uses related to the Peace House mission, 2,096 square feet of circulation and back of house uses (mechanical, storage, etc.), and 4,096 square feet. The proposed building also includes a 4,096 square foot parking structure for a gross building size of approximately 41,000 square feet.

20. On June 4, 2015 the Park City Housing Authority approved an amended Housing Mitigation Plan outlining the affordable housing strategy for the IHC MPD and approved the Peace House as part of that strategy.

21. The June 4, 2015 Housing Authority approval included a condition of approval that future density increases for the IHC Medical Campus at Park City Medical Center

will be reduced by 10 AUEs or 8,000 square feet to address the issue that a portion of the Peace House facility is provided as satisfaction of an affordable housing obligation for the Tanger Outlet expansion through the Summit County approvals.

22.The June 4, 2015 Housing Authority approval also included a condition that if the Peace House ceases operation of their program on Lot 8 prior to 50 years from the date of signing the amended Housing Mitigation Plan agreement, IHC will owe the City 12.5 AUEs.

23.The Park City Housing Authority is the decision making body responsible for approving any amendments to the IHC MPD Affordable Housing Mitigation Plan and for determining the number of AUEs the Peace House facility will count for. A final Housing Mitigation Plan will be reviewed by the Park City Housing Authority based on uses, residential units, and square footages of the final approved Peace House CUP.

24.The IHC MPD is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007.

25.A plat amendment application is required to be submitted for review by the Planning Commission with final action by the City Council in order to subdivide Lot 8.

26.An Annexation Agreement for this property was recorded on January 23, 2007.

27.The Annexation Agreement is currently the Development Agreement for the MPD and sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the IHC/USSA subdivision plat, such as roads, utilities, and trails.

28.The property is located in the Community Transition (CT) Zone.

29.The maximum Building Height in the CT Zone is 28 feet (33 feet with a pitched roof). The IHC MPD provided height exceptions for the Park City Medical Center on Lot 1. The remaining lots are subject to the CT Zone Height. No changes to MPD approved heights are proposed.

30.The proposed Peace House building on Lot 8 complies with the maximum Building Height of the CT Zone.

31.The setbacks within the CT Zone are twenty five feet (25') in the front, rear, and sides. The proposed Peace House building complies with these setback

requirements.

32. There is no minimum lot size in the CT Zone.

33. The base density in the CT Zone is 1 unit per 20 acres. Maximum density allowed in the CT Zone for non-residential projects is 3 units per acre provided that all Density bonus requirements set forth in LMC Section 15-2.23 A are met and the additional standards are incorporated into the Master Planned Development. This MPD Amendment does not change the allocated density within the IHC MPD.

34. Eighty percent (80%) open space is required for approved density and this MPD Amendment does not change the total open space within the MPD. With construction of the Peace House facility the open space for the entire annexation area will be at approximately 85%.

35. Trails and linkages to trails as shown on the approved IHC MPD comply with the City's Master Trail Plan. No changes to the trails or linkages are proposed with this MPD Amendment.

36. A pre-MPD application for these MPD Amendments was submitted on September 14, 2014 and reviewed by the Planning Commission on April 8th, August 26th, October 28th, and Nov 11th, 2015. The Planning Commission conducted public hearings on these dates and made findings that the proposed MPD Amendments initially comply with the intent of the Park City General Plan and general purposes of the Community Transition (CT) Zoning District.

37. Green Building requirements are part of the Annexation Agreement and continue to apply to the Peace House CUP.

38. Administrative corrections to conditions #16 and #17, of the October 8, 2014 approval of the First Amended IHC MPD, are included as part of these MPD amendments.

39. Condition #16 was left over from the original MPD approval and states that prior to issuance of a building permit for future phases the applicant and Staff shall verify that all items agreed to by the applicant (as listed in Finding of Fact #21 of the original approval), as mitigation for the loss of the use of the planned ball field at the Park City Recreation Complex, have been completed. The applicant and Staff verified that these items have been satisfied and this Condition is not necessary and should not be included in the language of the Development Agreement.

40. Condition #17 states that the applicant shall conduct and present to the Planning Commission a parking study of the Medical Center site as part of the October 8th Amendments. The Commission discussed the timing of the study and determined that the study was not needed with the Second Phase of construction but should be included with any applications for future construction of the Medical Center.

41. A condition of approval requiring recordation of a Development Agreement to cover items of the original MPD as well as the First and Second Amendments is included as part of this amended MPD.

42. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 900 Round Valley Drive

1. The MPD amendment, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD amendment, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD amendment, as conditioned, is consistent with the Park City General Plan.
4. The MPD amendment, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD amendment, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD amendment, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD amendment, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD amendment provides amenities to the community so that there is no net loss of community amenities.
9. The MPD amendment, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD amendment, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The MPD amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD amendment has been noticed and public hearing held in accordance with this Code.

Conditions of Approval – 900 Round Valley Drive

1. All applicable conditions of approval of the IHC/USSA Annexation Agreement shall apply to this MPD amendment.
2. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Second Amended subdivision plat shall apply.
3. Construction of the Peace House facility on Lot 8 shall be subject to an approved Conditional Use Permit, as well as to all applicable conditions of approval of the MPD, as amended, the Annexation Agreement, and the Subdivision plat.
4. A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission within 6 months of final action on the MPD Amendment application.
5. The Development Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD, included the approved amendments.
6. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications, an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.
7. All construction within the IHC MPD is subject to the plat notes and conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat recorded at Summit County on November 25, 2008, as well as conditions of approval of the IHC MPD, as amended, including amendments to Conditions #16 and #17 of the October 8, 2014 MPD Amendment approval, as described in #8 below.
8. Conditions #16 and #17 of the October 8, 2014 approval of the First Amended IHC MPD shall be amended, and reflected in the development agreement, as follows:
 - a) Condition #16 shall be deleted.
 - b) Condition #17 shall be amended to state the following: The applicant shall submit

a parking study as part of an application for the next Medical Center expansion. The study shall include qualified transportation professionals recommendations addressing the potential impact of reduced parking ratios in future phases and a comprehensive program to increase utilization of underutilized parking areas. Along with impacts to street intersections out to and including SR-248.

9. In order to create a separate lot of record for the Peace House, a plat amendment application would be required to be submitted to the City.

Findings of Fact – 700 Round Valley Drive

1. This Conditional Use Permit is for the Peace House facility proposed on a 3.6 acre portion of Lot 8 of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat approved by the City Council and recorded at Summit County on November 25, 2008.

2. Lot 8 includes a total lot area of approximately 9.934 acres. Peace House has recently entered into a 50 year ground lease from IHC on the eastern 3.6 acres of Lot 8.

3. The property is subject to the Amended Intermountain Healthcare Master Planned Development (IHC MPD), originally approved on December 7, 2006 and amended in 2014 to transfer support medical office uses from Lots 6 and 8 to Lot 1.

4. On February 18, 2015, IHC submitted a pre-MPD application for various amendments to the IHC MPD. On June 18, 2015 a revised pre-MPD application was submitted with a specific request for consideration of the Peace House facility to be located on Lot 8 as fulfillment of the affordable housing requirements for the next phase of construction of the IHC Park City Medical Center.

5. The revised pre-MPD application was reviewed by the Planning Commission on August 26, 2015 and the Planning Commission made a finding that the proposed MPD amendments specific to the Peace House on Lot 8 were generally consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.

6. On November 10, 2015, applications for a second amendment to the IHC MPD and this Conditional Use Permit for the Peace House on a portion of Lot 8 were submitted to the Planning Department.

7. The applications were considered complete on November 10, 2015.
8. The property is located in the CT Zoning District.
9. The property is currently undeveloped and consists of native grasses and low vegetation with an area of delineated wetlands located to the north and west of the proposed building.
10. The wetlands delineation was done more than five years ago and will need to be updated, re-delineated and re-submitted to the Corp.
11. The proposed Peace House facility consists of approximately 37,600 square feet of new construction for an emergency shelter for victims of domestic violence; including emergency and transitional housing, support uses (day care, counseling, training, common kitchen and living areas, laundry, storage, and administrative offices), and twelve structured parking spaces. An additional 42 surface parking spaces in two separated lots are proposed. An enclosed landscaped courtyard is proposed for outdoor activities.
12. As a mixed use building the Land Management Code requires in the range of 45-50 parking spaces. A total of 54 spaces are proposed.
13. The building is two stories and at the tallest point is 27'10" above existing grade and complies with the 28' height restrictions of the CT Zoning District. The proposed building complies with required horizontal and vertical articulation.
14. The proposed mass and scale of the building, as well as the architectural design, materials, and colors are consistent with adjacent buildings in the surrounding area.
15. Adjacent to the north is the two story Physician Holdings support medical offices and clinic building and adjacent to the south is the two story Summit County Public Health and People's Health Clinic building.
16. The proposed building is setback more than 25' from all property lines and complies with the minimum 25' setbacks from property lines required by the CT Zoning District. The building and parking area comply with the required 50' setbacks from delineated wetlands located to the north and west of the proposed building.
17. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south.

18. Two driveway entrances are proposed for the facility. The southern driveway is proposed as a shared driveway with Summit County Health. This driveway currently exists and is proposed to become a secured access to the structured and secured surface parking. A northern driveway, separated by approximately 300' from the southern driveway, provides access to the main parking area and building's front entrance. An access easement agreement is required prior to using the shared driveway.

19. There are existing sidewalks along the street frontage as well as interconnecting paved trails throughout the subdivision. The site plan proposes a 6' sidewalk connecting the front entrance to the existing sidewalk on Round Valley Drive.

20. The proposed Conditional Use Permit is consistent with the Second Amended IHC MPD that identifies Lot 8 as an approved location for the Peace House as an emergency shelter with emergency and transitional housing, as well as support uses, to satisfy a portion of the remaining IHC MPD affordable housing obligation.

21. On June 4, 2015, the City's Housing Authority approved the amended IHC MPD Housing Mitigation plan allowing the Peace House facility, including housing and support uses, to satisfy affordable housing mitigation requirements for the IHC MPD.

22. The Peace House facility does not require the use of Unit Equivalents because the Peace House facility satisfies the affordable housing requirements on-site for the MPD per LMC Section 15-6-8.

23. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 700 Round Valley Drive

1. The CUP, as conditioned, is consistent with the IHC Master Planned Development, as amended, and the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use, as conditioned, is 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 – 700 Round Valley Drive

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final landscape plan shall be submitted with the building permit application. The Planning Department shall review and approve the final landscape plan prior to issuance of a building permit. The plan shall include water efficient landscaping and irrigation, snow storage areas, defensible space requirements, and additional berming and landscaping to screen parking and security walls from Round Valley Drive.
3. All exterior lighting, including parking lot lighting, must comply with the City's lighting requirements as outlined in LMC Chapter 5. Final compliance with the City's lighting requirements will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
4. A security lighting plan shall be submitted with the building permit application for Planning Department review and approval.
5. All exterior signs require a sign permit, approved by the Planning and Building Departments, prior to installation.
6. The final building plans (site and landscape plans, building design, articulation, materials, colors, and design details) shall be in substantial compliance with the plans and drawings reviewed by the Planning Commission on January 13, 20
7. Final utility, storm water, and grading plans must be approved by the City Engineer prior to Building Permit issuance.
8. The Park City Housing Authority has the final authority to approve the IHC Housing Mitigation Plan and to determine how the Peace House Facility fulfills affordable housing obligations required by the IHC Annexation and Amended IHC Master Planned Development.
9. The wetlands delineation shall be updated and re-submitted to the Corp for approval prior to issuance of a building permit.
10. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
11. Terms of the ground lease shall include a time frame of 40 years or longer.

12. Any future changes to the use of the building or property as other than transition and/or affordable housing will require a Conditional Use Permit and may, depending upon the use, require an amendment to the IHC MPD Housing Mitigation Plan and the provision of additional affordable

13. The applicant shall demonstrate at the time of Building Permit application that the building plans and construction meets the NAHB Green Standards or a LEED Certificate level. All appliances and products, including light bulbs shall be Energy Star qualifying products.

14. The access easement agreement for the shared driveway with Summit County Health Department shall be recorded at Summit County prior to issuance of a certificate of occupancy for the Peace House.

5. **8910 Empire Club Drive- Conditional Use Permit for construction of Building 5 of the Village at Empire Pass Master Planned Development, consisting of 27 residential units, 1 ADA unit, and 1 deed restricted unit located on Lot 15 Village at Empire Pass West Side Subdivision. (Application PL-15-02983)**
6. **8910 Empire Club Drive- Condominium record of survey plat for 27 residential units within Building 5 of the Village at Empire Pass Master Planned Development. (Application PL-15-03003)**

The Planning Commission discussed the two applications simultaneously.

Planner Whetstone reported that the Planning Commission had reviewed the application at a work session during a previous meeting.

Planner Whetstone reviewed the application for a conditional use that is subject to the Flagstaff Annexation and Master Planned Development; and more specifically subject to the Village at Empire Pass MPD. She had prepared a density chart on page 377 of the Staff report. Planner Whetstone explained that the site was not identified for this amount of density. There is a pool of density which they can pull from, and in this case the applicant purchased an x-number of UEs from Talisker. She pointed out that they had not exceeded that density. Planner Whetstone stated that the benefit of having a condo plat is that every square foot of the condominium plat is identified with the square footage. The Staff had reviewed the condominium plat in detail. They will review it again prior to recordation to make sure remains at or under the density that was purchased.

Planner Whetstone identified three changes. The first is that the total residential floor area, not including the affordable or the ADA units, should be changed from 64,374 square feet to the correct number of 64,965 square feet. The second change was instead of 32.2 unit equivalents, the number should be 32.48 unit equivalents. The third change is the gross square footage of the entire building. She noted that 113,293 should be changed to 113,884. Planner Whetstone clarified that wherever the numbers occur in the Findings of Fact of both Staff reports, it should be changed to reflect the correct number.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Conditional Use Permit for One Empire Pass pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report as amended.

For the Condominium Plat, the Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council pursuant to the Finding of Fact, Conclusions of Law and Conditions of Approval as amended.

Assistant City Attorney McLean asked Planner Whetstone to clarify whether the change in numbers was due to a typo or a change to the plat. Planner Whetstone explained that the new condominium plat was delivered to the Planning Department after the Staff report went out. The square footage of the top floor units had increased, which increased the UEs and the overall square footage of the buildings. Ms. McLean asked if the Planning Commission had been given a copy of the new plat. Planner Whetstone had copies available but it had not been provided to the Commissioners.

Bill Fiveash, representing the applicant, explained that the minor modification to the plat occurred on the 6th level of the building. There was a flat roof section that separated one residence from the stair core. A small flat roof section in another area separated another residence from the stair core. In order to accommodate multiple exits on that level, both residences were extended to connect to the stair core to achieve two exits from the residences on the 6th Floor. Mr. Fiveash stated that it was a small addition of square footage which was still allowed under the 65,537 square foot cap on the allowed plat area that was purchased from Talisker in 2005. He clarified that the change was also a function of Building Code.

Joe Drew with IBI, the project architect stated that upon the original plat work, they were still in the process of going through the Code analysis for the building, which then determined the two exit requirements. Mr. Drew assumed that because they were still under the square footage that it would be acceptable.

Chair Strachan asked Assistant City Attorney McLean about process since the plan they were being asked to approve was not part of the Staff report. He pointed out that it was noticed for public hearing but the public had not seen the correct plat. Ms. McLean stated that the Planning Commission could make the determination of whether or not to accept the amendments as outlined. She thought the changes appeared to be minor; however, that was hard to evaluate at this point. Ms. McLean pointed out that typically the Commissioners would have the opportunity to review it in their packet or at least as a separate document prior to the meeting. She also pointed out that it was a long meeting and it was not the fault of the applicant that they were being heard this late in the evening. Ms. McLean noted that the condominium plat is the issue and it would go back to the City Council. Therefore, the public would have the opportunity to see the revised plat and make comment. Assistant City Attorney McLean stated that legally the Planning Commission could make a determination that the changes were minimal and within the realm.

Commissioner Joyce did not believe this was much different from when they find minor changes or typos in findings of fact or conditions of approval, and modify those at the time. He thought it was clear that the change in square footage had no material effect on the design or cross the boundaries of acceptable space. It would not change any of the other parameters. Commissioner Joyce stated that it still fits the criteria of minimum. He remarked that the Planning Commission needed to make a choice. Either they get to the point of continuing any application that has a minor change or exception, or they should move this one forward.

Assistant City McLean asked if the applicant had redlines of what had changed. Mr. Drew presented a slide and explained how the spaces were connected to the residences. Commissioner Phillips asked for the total square footage. Director Erickson replied that it was a total of 600 square feet. Planner Whetstone pointed out that it only occurs on the 6th level.

Chair Strachan clarified that his only concern was for the public who had looked at the packet without any knowledge that the plat had been changed. He would not want to be in the position of having someone challenge the process. However, if Ms. McLean felt they could legally move forward, he preferred to do that instead of making the applicant come back.

Planner Whetstone offered to include the redlined portion in the City Council packet. Chair Strachan thought that was a good idea. He also wanted the City Council to clearly understand that the Planning Commission had not seen the Findings of Fact or the plat after it was amended.

Chair Strachan opened the public hearing for both the Conditional Use Permit and the Condominium Record of Survey Plat.

There were no comments.

Chair Strachan closed the public hearing.

Assistant City Attorney McLean asked if the volumetrics in the CUP would be affected by the change to the condo plat. Commissioner Thimm believed it would change the percentages. Ms. McLean understood that it was minimal but she wanted to make sure they addressed it to avoid any issues.

Mr. Drew explained that they had not changed the roof form. They simply extended the space to connect with other existing roofs. He presented a slide showing the maximum heights and pointed out that everything remains under it. Nothing extended to the ridgeline and in fact, it was 9 to 12 feet below the ridgeline. Ms. McLean asked if the roof gets bumped out. Mr. Drew answered no. Ms. McLean verified that the outside volumetrics of the building were exactly the same, and that the change was only to convert stairwell area to private area. Mr. Drew replied that it was attic space that was converted to actual square footage of unit space to connect the unit to the actual staircase exit.

Commissioner Phillips clarified that it was an interior remodel. He was told that was correct. Ms. McLean was unclear as to why the gross square footage had changed. Mr. Drew replied that it was attic space that was not part of the unit. Doug Clyde explained that the gross square footage changed because the attic space was not habitable space. Gross square footage only includes habitable space.

Commissioner Thimm asked Mr. Drew to walk them through the roof plan on page 319 of the Staff report. Mr. Drew stated that the flat roof between grid lines three and four was an existing roof line and that did not change. The portion of the flat roof to the right of grid line four, which was down at the floor level, was turned into interior space. It was the same between grid lines 10 and 11. Mr. Drew pointed out that in looking at the building elevation the roof shape had not changed at all. They simply extended over those spaces to connect to the other existing roofs to make the exiting work.

Commissioner Campbell noted that the stairwells were not shown on the plan. Commissioner Thimm asked if they were adding the whole area identified as flat roof. Mr. Drew answered yes. In doing the calculations Mr. Drew thought it was more than 600 square feet. Commissioner Thimm agreed. Mr. Drew calculated that the total difference was 600 square feet. They may have shrunk other portions of the building to achieve that. Commissioner Thimm asked if those would differ as well.

Based on the number of questions and the difficulty of making a clean motion, Chair Strachan thought it was best to continue the plat amendment. He believed it could come back as a Consent Agenda item where the Commissioners could see the final plat.

Tom Bennett, representing the applicant, asked if it would be possible to approve the plat in the form that was circulated and allow the Staff to determine that the changes are immaterial changes. Commissioner Strachan would not be opposed. Assistant City Attorney McLean requested that when this goes to the City Council they include a redline of the plat and outline all of the numbers so it is very clear.

Commissioner Thimm asked for the upper limit of the allowed square footage. Planner Whetstone stated that the upper limit based on the agreement with Talisker was 65,537 square feet for residential area. However, that does not include the ADA unit or the affordable housing units. There was also no limit to the amount of amenity space. Chair Strachan noted that it was currently at 64,965 sf. However, if they add 1200 sf it exceeds it. Mr. Drew clarified that the 64,965 sf was the net number on the plat as submitted.

Director Erickson wanted an opportunity for the Staff to carefully review the amended plat before it moves forward. Given the questions and discussion, Director Erickson preferred not to follow Mr. Bennett's suggestion and he requested that the Planning Commission continue the plat amendment this evening. Chair Strachan deferred to the Planning Director and agreed that it was better to take a cautious course of action. He preferred that it come back as a Consent Agenda item for the February 10th meeting if possible.

Commissioner Joyce referred to page 295 of the Staff report, last bullet item which stated that approximately 368 certificates of occupancy have been done and that the affordable housing obligation comes due for every 150 certificates of occupancy. Commissioner Joyce wanted to know what, if anything, would increase it to 450 certificates of occupancy. Planner Whetstone explained that they were beyond the 300 certificates of occupancy and some Cos were withheld when they reach approached the 300 on another project. In addition to this one, there are a couple of single units under construction at Red Cloud. After those three are built there was anything else except the second phase of Montage, which would probably push it over the 450.

Mr. Clyde noted that the CUP and the plat were separate applications and he asked if they could take action on the CUP. Director Erickson remarked that the CUP also had incorrect information that required modifications to make the square footage and the areas conform

MOTION: Commissioner Joyce moved to CONTINUE the conditional use permit for One Empire Pass to February 10, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to CONTINUE the One Empire Pass condominium records of survey plat to February 10, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Mr. Bennett asked if they could get a fixed date for a City Council meeting to expedite the process once the Planning Commission takes action. Chair Strachan suggested that Mr. Bennett work with the Staff.

The Park City Planning Commission Meeting adjourned at 10:15 p.m.

Approved by Planning Commission: _____