

# PARK CITY MUNICIPAL CORPORATION PLANNING COMMISSION

SANTY AUDITORIUM; PARK CITY LIBRARY  
1255 PARK AVENUE, PARK CITY



October 12, 2016

## AGENDA

**MEETING CALLED TO ORDER AT 5:30PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF September 28, 2016**

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

**STAFF BOARD COMMUNICATIONS AND DISCLOSURES**

**CONTINUATIONS**

8680 Empire Club Drive - A Conditional Use Permit for a 1,094 sf. addition to the Talisker Tower Club restaurant and expansion of the basement locker room. PL-16-03177 47  
*Planner*  
*Whetstone*  
*Public hearing and continuation to October 26, 2016*

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

Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan - PL-08-00370 49  
*Planner*  
*Astorga*  
*Consideration of Motion to Continue Public Hearing to November 9, 2016*

**ADJOURN**



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
SEPTEMBER 28, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

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

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REGULAR MEETING

**ROLL CALL**

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

**ADOPTION OF MINUTES**

September 14, 2016

MOTION: Commissioner Joyce moved to APPROVE the minutes of September 14, 2016 as written. Commissioner Thimm seconded the motion.

**PUBLIC COMMUNICATIONS**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Erickson reported that the next Planning Commission meeting on October 12<sup>th</sup> would be held in the Santy Auditorium at the Park City Library. The occupancy threshold in the Council Chambers is 80 people. On average 100 people have been attending when Treasure Hill is on the agenda. Director Erickson reported that Treasure Hill would continue to be on the agenda the first meeting of every month, which is always the second Wednesday.

Director Erickson announced that the Planning Commission would only have one meeting in December due to the holidays. There may also only be one meeting in January due to Sundance.

Chair Strachan asked about workload in the Planning Department and the wait time for applicants to get on the agenda. Director Erickson replied that the bringing items to the

Planning Commission was on track. However, building permit reviews are backed up due to the Staff workload.

Chair Strachan disclosed that his law firm represents PCMR and Deer Valley and for that reasons he would be recusing himself from the Park City Mountain Resort Development Agreement item on the agenda, as well as the MPD application amendment for Deer Valley.

### **CONTINUATIONS (Public Hearing and Continue to date specified.)**

1. Land Management Code (LMC) amendments- Various administrative and substantive Amendments to the Park City Development Code, specifically amending Land Management Code Chapter One – General Provisions- regarding Appeals and Reconsideration Process; creating standards for continuations of matters before Boards and Council; Chapter 2 – Historic Zones - Clarifying that where there are footprint restrictions, the footprint formula does not include prescriptive rights of way or roads; and when existing subdivisions are amended additional density is disfavored; Chapter 6 MPDs and Chapter 7 Subdivisions - when existing MPDs or subdivisions are re-opened or amended additional density is disfavored - Chapter 11 Historic Preservation - timing of hearing Determination of Significance applications.  
(Application PL-16-03318)

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

MOTION: Commissioner Joyce moved to CONTINUE the Land Management Code Amendments, including various administrative and substantive amendments to the Park City Development Code to October 26<sup>th</sup>, 2016. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

2. 1376 Mellow Mountain Road – Appeal of a building permit (BD-16-22329) denial based upon the Planning Directors determination of the proposed additional square footage that would exceed the maximum house size identified on the recorded plat of First Amendment to Hearthstone Subdivision. (Application PL-16-03250)

The appellant had request that this item be continued to a date uncertain. Director Erickson noted that it was noticed for a public hearing.

Vice-Chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE 1376 Mellow Mountain Road – Appeal of a building permit (BD-16-22329) denial to a date uncertain. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

## **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

### **1. Park City Mountain Resort Development Agreement Mountain Upgrade Plan and MPD Amendment (PL-14-02600)**

Chair Strachan recused himself and left the room. Vice-Chair Joyce assumed the Chair.

Planner Anya Gran reported that the Planning Department has been working with Park City Mountain Resort to make sure that Condition of Approval #4 of the MPD amendment was met. She noted that the Condition asked that they identify historically significant structures, complete an inventory and preservation plan, dedicate preservation easements, and dedicate \$50,000 towards the preservation of a mine site. Planner Grahn stated that those funds were invested in preserving the California Comstock.

Planner Grahn felt it was important to emphasize the accomplishments that this Condition of Approval and the collaboration with Park City Mountain Resort has achieved. They have been able to identify additional historic structures and inventory those structures. She pointed out that they started with a commitment for a one-time investment of \$50,000 and five years of assistance, and that has turned into a Memorandum of Understanding that provides a mechanism for continue collaboration for up to 15 years and an investment of up to \$100,000. Planner Grahn stated that through the MOU they will continue to work together and stabilize the priority list of mine sites as the funds become available. She believed they achieved something great for the community.

Kristen Williams with Vail Resorts introduced John Sail, the Mountain Planner at Park City Mountain, and Larry Moore, their legal counsel. Ms. Williams thanked Bruce Erickson, Polly Samuels McLean, Anya Grahn, Francisco Astorga, Matt Diaz and other Staff for their efforts, and stated that the work was truly unprecedented and years and years in the making. To complete what was done was truly remarkable and it created a better partnership and relationship between Vail and the City. Ms. Williams believed that the greatest pleasure that resulted is the relationship between the community and what the Friends of Ski Mountain Mining History have undertaken. She thanked Sandra Morrison,

the Elliotts, Rory Murphy, Marianne Cone and many others for their involvement with fundraising. In addition to the \$50,000 contributed by Vail, several thousand dollars have been raised.

Vice-Chair Joyce opened the public hearing.

Sandra Janich wanted to know how many buildings are impacted.

Planner Grahn presented a prioritized list of buildings that were the most in need of stabilization. Approximately 20 buildings were on the list. She noted that the number of buildings would depend on the amount of work required and the available funds.

Ms. Janich asked if there was a website with that information.

Ms. Williams stated that the work of the Friends Committee and all of the info regarding the gold sites could be found on the Historical Museum's website. She reported that the community and the City prioritized the California Comstock as the first project. Approximately \$56,000 worth of work was completed in this season. Ms. Williams thought there was a comfort level with Clark Martinez to complete the work next year when additional funds are available. Once that is completed they would move to whatever project is deemed the next priority. Ms. Williams stated that Clark Martinez has done tremendous work and she encouraged the Planning Commission to go see it.

Vice-Chair Joyce stated that he had hiked near there five days earlier and it looked great. He found it to be a huge improvement in a short period of time.

Commissioner Phillips wanted to what was left to do on the Comstock Mine. John Sail, Resort Mountain Planner, stated that the priority for this year was to stabilize the structure to keep it from falling down. Mr. Martinez rehabbed the whole back side and cleaned up the site. Sandra Morrison and The Friends have identified other projects and have a scope of work for next year. Commissioner Phillips assumed that parts of the building were falling over. He asked if there is an intent to put those parts back into place and reassemble or just to stabilize the structure and save what it still there. Mr. Sail believed the intent would evolve as they move through the process. He emphasized that the number one priority is to stabilize the structures from collapsing. He noted that Planner Grahn had submitted a report and Mr. Martinez had submitted a very detailed report of what he has found and the work he has done.

Commissioner Phillips thanked everyone involved because this is a really big deal for Park City, the citizens, The Friends and Vail. He was excited about it and looked forward to seeing what else could be saved before it crumbles.

Commissioner Thimm appreciated the enthusiasm of Vail and others for the work being done. Rather than just complying with the Condition, he felt there was a genuine appetite for saving these structures. He applauded that attitude.

Vice-Chair Joyce understood that the City and Vail were contributing money over the next ten years, and the non-profit organization with the Museum was doing fundraising. He asked about the flow of money for a project. Director Erickson stated that in the MOU, there will be two meetings each year. The first meeting will establish what projects are coming forward. When they enter a new fiscal year the City will write a check for a specified amount and Vail will match that amount. At the end of the year, a review will determine how the money was spent. Vice-Chair Joyce wanted to know what name is on the check. Director Erickson stated that Vail wrote their check to Park City Mountain Resort. The City authorized payment and Park City Mountain pays Clark Martinez. However, for the initial \$50,000, the City writes a reimbursement check back to the Resort, and the Resort pays Clark. Going forward, the MOU asks the Resort to be the contractor and the City will pay the money to the Resort.

Vice-Chair Joyce asked how the non-profit money fits in. Mr. Sail explained that it is a separate fund. When they meet bi-annually and identify the priorities, they will find out what funds are available for from the City, Park City Mountain and The Friends, and that will help them identify what work would be done that year. The Resort would be the contractor for all of the work due to liability and access agreements.

Commissioner Phillips asked why there was a maximum per calendar year. Director Erickson explained that it was how it was negotiated. For example, if the City wanted to give more in any given year, Park City Mountain would still only need to match up to their limit. The same would be true if it were reversed. He stated that it was fiscal prudence on both sides to have a minimum and maximum.

MOTION: Commissioner Suesser moved to find the applicant in compliance with the Historic Preservation Condition of Approval #4 of the PCMR Master Planned Development and Development Agreement, Mountain Upgrade Plan amendments approved on April 27, 2016, and extended on July 13, 2016 to September 28, 2016, and find that the applicant is in compliance as conditioned. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – PCMR Mountain Upgrade & MPD

1. All Findings of Fact, Conclusions of Approval, and Conditions of Approval of the

MPD Development Agreement Mountain Upgrade Plan Amendments & Conditional Use Permit dated March 25, 2015 shall continue to apply with the exception of MPD Amendment Condition of Approval No. 4 Historic Preservation as listed on the updated Condition of Approval section below.

2. Park City Mountain committed \$50,000 toward the preservation of the California/Comstock Mill. Stabilization work was completed on the California/Comstock Mill in August 2016. A completion date is not required by Condition 4.
3. The 2015 amended MPD Development Agreement requires the resort to identify and stabilize extant mining structures within its leasable area.
4. The applicant contracted SWCA Environmental Consultants (SWCA) to conduct a reconnaissance level survey of their property (aka) Historic Preservation Plan), which was completed in December 2015.
5. Following the survey, the applicant, SWCA, and the Planning Department met to create a prioritized list of endangered buildings.
6. The prioritized list of structures has been agreed to by the Park City Historical Society and Museum, the applicant, and Park City Municipal.
7. The submittal of SWCA's inventory of historic mine sites in December 2015 meets section (a) of this condition of approval.
8. The applicant entered into a Memorandum of Understanding that provides a timeline for the work to be completed on September 15, 2016, satisfying section (b) of this condition of approval.
9. The City accepted the preservation easement and licenses for the mine sites located on Vail-owned and leased property. The easement was recorded with Summit County on September 19, 2016. A license was also executed which will preserve the structures on the land leased by Vail. This satisfied section (c) of this condition of approval.
10. The first project with the initial stabilization of the California Comstock started in November 2015, and was completed in August 2016 utilizing the \$50,000 provided by the applicant. This satisfied section (d) of this condition of approval.
11. The MPD required a five (5) year fund-raising plan by the applicant to further



support stabilization of the historic structures; the plan was submitted according to the terms of the approval.

12. On April 8, 2016, Park City Mountain Resort, Park City Historical Society and Museum, and Park City Municipal announced the formation of a new group dedicated to preserving the historic mining structures located at various locations at Park City Mountain named Friends of Ski Mountain Mining History.

#### Conclusions of Law – PCMR Mountain Upgrade & MPD

1. The MPD Historic Preservation Condition of Approval No. 4 had been met;
2. The MPD Historic Preservation Condition of Approval No. 4 finding of compliance has been noticed and public hearing held in accordance with this Code.

#### Conditions of Approval – PCMR Mountain Upgrade & MPD

1. All previous conditions of approval of the 2015-approved MPD apply.
2. No documentation of the additional structures will be required at this time; however, the Silver King and King Con aerial tramway towers shall be documented in an addendum to the Historic Preservation Plan concurrent to submittal of any future development applications.

Chair Strachan returned and resumed the Chair.

2. **Land Management Code (LMC) amendments – Amendments to the Park City Development Code, specifically amending Land Management Code – Chapter 11 Historic Preservation – regarding Relocation and/or Reorientation of a Historic Building or Historic Structure. (Application PL-14-02600)**

Planner Grahn explained that the purpose of this amendment is to make sure that unique conditions are in fact unique for the relocation and/or reorientation of a historic building or structure. The intent is not to prevent the relocation or reorientation of Significant structures, but rather to make sure there are clear criteria. However, it will be more difficult to relocate Landmark structures since that would impact the National Register of Historic Places listings.

Planner Grahn noted that on July 20<sup>th</sup> the Historic Preservation Board had reviewed the proposed amendments provided in the Staff report. Following their review and input the Staff revised the amendments.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce referred to the redlined bullet point D on page 111 of the Staff report. He read the language which requires that a licensed structural engineer must certify that the historic building can successfully be relocated and that a professional building mover will move the building and keep it safe while it is being moved. He questioned why it only applied to Item 3. Commissioner Joyce asked why they were not applying the requirement for a structural engineer and a professional house mover to 100% of the requests to relocate a historic house.

Planner Grahn replied that it does apply to almost 100%, but one or two could result in a more urgent situation. As an example, if SR224 expands to a 12 lane highway and it could take out the McPolin Barn. Currently there is very little flexibility for whether or not it could be relocated, but they would want to relocate it in order to preserve the buildings. Another example would be if the barn was threatened at his current setting by a natural disaster in that location that would impact the building. If that were to occur there would be more of an urgent situation to relocate the structure. Planner Grahn stated that the unique conditions would be more than just opting to relocate the building and meeting all of the conditions.

Commissioner Joyce asked whether the professional building mover would apply in an urgent situation. Planner Grahn replied that it would depend on the situation. The building might need to be panelized in order to relocate due to a highway expansion or sink hole, whereas, Item 3 speaks more to voluntary relocations. Planner Grahn stated that a structural engineer is generally required before a building could be considered for relocation. If the Planning Commission felt it was important for additional clarification, she was willing to add bullet point D to Items 1 and 2. Commissioner Joyce stated that as written, it appeared that they were demanding the most for the least important.

Director Erickson asked if the preservation plan already requires a review by a structural engineer. Planner Grahn replied that it generally does not. However, if it is a unique situation and someone wants to voluntarily move their structure, she believed the owner or applicant would want to have a structural engineer confirm that it could be relocated successfully.

Commissioner Suesser referred to the redlined language inserted under 15-11-13 on page 110 of the Staff report. She noted that the language talks about if the relocation will abate demolition; **and** the Planning Director finds that the building is threatened in its present setting because of hazardous conditions. However, the provisions in subsection A below that has an **or** between bullet points 1 and 2. Commissioner Suesser thought they needed to make the language consistent. Planner Grahn agreed that the **and** in the language under 15-11-13 should be changed to **or**.

Commissioner Suesser pointed out that just changing and to or was not inclusive of Item 3. Planner Grahn suggested adding **or** between 1 and 1 as Commissioner Suesser suggested. However, since this addresses Landmark Structures, the intent is to clarify that a Landmark structure can only be relocated if the purpose is to abate demolition or the Planning Director and Chief Building Official find that the building is endangered at its present setting. Those are the only two conditions for moving a Landmark structure. Item 3 would not apply to a Landmark Site.

Commissioner Suesser referred to Item 3(d) on page 112 of the Staff report. She noted that unique conditions must include all of a, b, c and d, and in d, one of the following must be met. She did not feel that language made sense because (d) talks about a historic building located outside of the historic district, or a historic building that is a deterrent to a major improvement program outside of the historic district. She was unclear as to why they would have to meet one of those conditions.

Planner Grahn explained that there are historic structures located outside of the Historic Districts that might still retain their historic context. For instance, there is a cluster of historic houses on Deer Valley Drive and they help each other with compatibility. Number 3 would be outside of the Historic District but it does not relate to its context in terms of the historic integrity of the streetscape. Commissioner Suesser pointed out that if one of the two conditions under (d) must be met, it would not allow for relocation of a historic building to a new site within the historic district. Planner Grahn stated that a structure within the Historic Districts would not have to move around because it already has historic context by being in the District. They would not want the structure to be relocated because it contributes to the National Register Historic District of Residential Sites. Commissioner Suesser clarified that the amendment as proposed would not create a situation where a historic building could be moved from a historic site. Planner Grahn answered yes.

Structures within the Historic District could not be moved. She suggested that the Staff should look closer at the number of opportunities there were in the past to relocate within the District, and whether they would want to do that.

Assistant City Attorney McLean thought it was a good point that might need to be clarified. She noted that the proposed language says that only a historic building outside of the Historic District could be moved to a new site under unique conditions. The idea is that moving to a new site is the least preferred option and it needs to be a very unusual circumstance.

Commissioner Suesser asked about the Rio Grande building which was temporarily moved off its site and then moved back. Planner Grahn replied that because it was temporary the conditions would not apply. Instead, they looked at its original placement on the lot and the final location, as opposed to where it was temporarily being housed.

Commissioner Campbell asked if that would be allowed under these new proposals. Planner Grahn stated that the HPB would have to find unique conditions. Regarding the Rio Grande, the HPB would have had to find compliance with the criteria. Assistant City Attorney McLean clarified that there were two situations. One is moving within the site itself, such as the Rio Grande. Commissioner Campbell asked how the Rio Grande met any of the three criteria. Ms. McLean replied that it would not need to meet the three proposed criteria because the final resting place was still off-site. She stated that if the Rio Grande had been moved to a new site, such as City Park, the new site provision would apply. However, moving within its site, sub a) applies. Planner Grahn remarked that the criteria on page 111 would apply to buildings being relocated on an existing site. The Rio Grande would have had to meet that criteria.

Planner Grahn reminded the Commissioners that at the time the Rio Grande was relocated it only had to meet “unique conditions” and unique conditions was not defined. It was challenging for the Staff and the HPB to determine unique conditions, which is the reason for the proposed LMC revisions.

Commissioner Joyce read from page 113 of the Staff report, “The historic building or structure is deterrent to a major improvement program outside of the historic districts that will be of substantial benefit to the community”. Planner Grahn explained that they looked at what other cities do to relocate buildings. For example, in Charleston, if there is not as much density of historic buildings in a neighborhood, they allow people to relocate a historic structure if they can show that the new development on that site will have a substantial benefit to the community. She believed that in the 1990s when historic houses in Park City were relocated to accommodate the Town Bridge, it was a substantial benefit to the community. Planner Grahn noted that “substantial benefit” was not defined, but the

Staff thought it was a good option to have since there are a few buildings located outside of the historic district that have been isolated and abandoned. Director Erickson pointed out that it would be an HPB public process decision appealable to the Board of Adjustment.

Commissioner Thimm asked how substantial benefit would be defined. Planner Grahn stated that because substantial benefit is not defined, the HPB would have to find that the relocation is necessary to achieve a substantial benefit to the community. The burden would be on the applicant to demonstrate substantial benefit and the HPB would weigh it into their decision. Commissioner Thimm asked if that should be spelled out in the LMC. Director Erickson thought they could define “substantial”, but “benefit” would be an open community discussion. Commissioner Thimm stated that if a Board makes that decision, he assumed there would be a way to close a loop that is currently left open. Assistant City Attorney McLean suggested that they could include a list of examples of what might be considered substantial benefits. The list would not be inclusive, but it would be clear as to what might be considered as benefits.

Commissioner Joyce questioned whether the HPB or the BOA have the proper skill set and expertise to make that decision; particularly if the benefit is roads, tax base, affordable housing, etc. Chair Strachan thought it was clearly a policy decision for the City Council. Commissioners Phillips and Thimm agreed.

Director Erickson stated that the Planning Commission could make the recommendation that the HPB is the proper body to make a recommendation on the basis of historic integrity; but the City Council should make the determination on whether or not there is public benefit. They would also add examples of benefits. One example is that moving the structure would result in the restoration of the historic building.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments to Chapter 11 - Historic Preservation Board Design Review regarding relocation and reorientation of historic structures, as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. **7700 Stein Way – A Conditional Use Permit for an addition to the Stein Eriksen Lodge for ski lockers and guest recreational amenities, as well as improvements to the exterior pool and deck area and remodel of existing interior ski locker rooms and skier services** (Application PL-16-03176)

**4. 7700 Stein Way – Amendment to the Stein Eriksen Lodge Common Area Supplemental plat to identify additional ski lockers and guest recreational amenities as common area. (Application PL-16-03175)**

The Planning Commission discussed the plat amendment and the CUP for 7700 Stein Way at the same time. Two separate actions were taken.

Planner Whetstone hand out revised plans submitted by the applicant. She noted that the revised plan was different from the plan included in the Staff report because the applicant was proposing to reduce the size of the entertainment area and the pool deck from what was initially shown.

Planner Whetstone reviewed the application for a conditional use permit for a modification to an existing conditional use permit to add square footage. She explained that the additional square footage is residential accessory support and does not require unit equivalents. It is not support commercial, commercial or meeting space. Planner Whetstone pointed out that the applicant had two previous amendments. One was in 2009 where they expanded their support commercial for the space. The second was in 2012 where they expanded the meeting space for their convention area. The currently proposed expansion were areas for guest amenities, specific to guests and owners.

The Staff had reviewed the Conditional Use Permit application against the 15 criteria in the LMC, and found that there were no unmitigated impacts as conditions. The Staff recommended that the Planning Commission conduct a public hearing on the modification to the CUP, and consider approving the application with the following changes.

Finding #10 – The recreation amenity changes from 4,050 square feet to 3,736 square feet. The pool deck changes from 7,266 square feet to 3,560 square feet.

Findings #17 and #29 – As written, the findings shows 88-feet for the farthest setback from the eastern property line shared with Mont Cervin. That setback is increased to 108 feet. Planner Whetstone reviewed the Plat Amendment. She stated that the record of survey plat for the supplement pages was for the common area of the Stein Eriksen Lodge condominium plat. The purpose of this amendment was to memorialize the common area and show the structures on the plat. She noted that it was consistent with what was done with the SPA plat.

Planner Whetstone apologized for handing out plans that the Commissioners had not had time to review. She had only received them that day, but since it was a reduction in size she thought it was appropriate to bring them forward this evening.

Russ Olsen, the CEO of Stein Eriksen Lodge, thanked Planner Whetstone for helping them navigate through the process, particularly since multiple changes were made. He believed most of the changes had been positive from their perspective and from the neighbors' perspective. Mr. Olsen stated that when they originally approached the Planning Department to discuss this addition to their property, the first question asked was the reason behind it. He explained that in looking at the evolving demographics of the guests and the people who stay at Stein Eriksen Lodge, they realized that as the demographics have changed over the years to a younger generation, the guests want a total experience as opposed to just skiing.

Mr. Olsen stated that they looked at putting in additional guest amenities for the guests who stay at Stein Eriksen Lodge by adding an entertainment center for the younger people who come more frequently, and for the kids who come with their families. The entertainment Center would be a gathering space where younger people and families can hang out and play games. It would be the same for the pool expansion. The pool used to be an unnecessary guest amenity; however, now more and more guests look for a pool experience year-round where they can come as a family and ski in the morning and afternoon and sit by the pool in the evening. He noted that a pool is most important in the summer because the summer occupancy at Stein Eriksen has become comparable to the winter occupancy.

Mr. Olsen emphasized that the additional amenities would be strictly for Stein Eriksen guests. It would not be open to the public or bring people in from the outside.

Mr. Olsen commented on the reason for changing the size and scope of the project since the application was first submitted. He remarked that the architects and designers were given free rein to design whatever they wanted for that space at the highest level. However, when it was presented to the Board, the Board thought the plan was too grandiose and took up too much space. It was also a very expensive plan. The reduced size would achieve more what the Board had in mind and it would be expensive to build. Mr. Olsen stated that an internal analysis was done to determine what was actually needed. He pointed out that they looked at the large trees and existing vegetation, and realized that the original plan would eliminate most or all of the vegetation and trees in that area. Another reason for scaling back the project was to keep from impacting the vegetation. Mr. Olsen stated that most, if not all, of the existing trees and vegetation will remain. There are some dead and diseased trees that will be removed, but they intend to have an arborist assess them.

Mr. Olsen believed the scope of the revised plan would fit in better with the environment, and it would not disrupt any views for the neighbors or the guests at Stein Eriksen.

Chair Strachan asked for the purpose or main use of the guest viewing room. Mr. Olsen envisioned it as a place where families can gather. They plan to have a movie night. Currently they have movie nights throughout the winter and summer seasons, but it is held in a space that is not conducive as a theatre. The viewing room would allow the opportunity for movie nights. Mr. Olsen stated that during the winter season some guests want to rent a space for a Super Bowl party. Currently, there is no space conducive for having a Super Bowl party. The viewing room would be used to supplement the entertainment for the guests.

Chair Strachan asked if the viewing room could have a dual use if it was not being used for movie night, and potentially be programmed as extra conference space. Mr. Olsen replied that it could be used for conference space, but the intention is to keep the conference in the Conference Center and to use the viewing room for movies and other guest or family events. It would allow them to keep a space designated for those activities. Mr. Olsen noted that the room would seat approximately 50 people, which is a small meeting space for a typical group at Stein Eriksen.

Assistant City Attorney McLean recommended adding a condition of approval prohibiting the space from being used as meeting space, because the meeting space for Stein Eriksen is already maxed out under the 5%.

Planner Whetstone understood that the viewing room would also be used for employee training. Mr. Olsen replied that it would be used as a training facility for the Staff.

Planner Whetstone agreed with adding a condition of approval stating that the viewing room would be for the exclusive use of guests and owners. Mr. Olsen stated that they have one guest who comes every year and wants to have a Super Bowl party for people staying at Stein Eriksen. He asked if prohibiting meetings would also prohibit a Super Bowl party. Assistant City Attorney McLean replied that it would depend on the definition of meeting space. She would look for the definition while they continued their discussion.

Mr. Olsen clarified that the viewing room would not be rental space. Currently, if someone wants a Super Bowl party, Stein Eriksen finds them a space where they can view the game on TVs. He reiterated his question of whether the viewing room could be used for that type of use.

Commissioner Joyce clarified that the concern would be that the room could be used as overflow space for breakout sessions, and it would be part of a Conference offering to an organization. If that occurs, it becomes meeting space. Commissioner Joyce



explained that they were suggesting a condition of approval to allow a Super Bowl party but not programmed meeting space. Planner Whetstone replied that non-meeting space is typically non-income producing. It would not be leased or rented out.

Chair Strachan and Ms. McLean could not find where meeting space was defined in the LMC. Chair Strachan believed they could associate it with the term Conference and say that it cannot be used in conjunction with any conferences or as a conference space in and of itself. Chair Strachan informed Mr. Olsen that the condition of approval would keep them from breaking the 5% meeting space threshold of the MPD.

Director Erickson referred to the list of Residential Accessory Space examples in the MPD and suggested that they could limit the uses to that list and no other. A motion could be adjusted to say, "limited to these uses and similar, but not conference space".

Mr. Olsen wanted the language to be broad enough to allow guests who are staying there for a conference to be able to attend movie night, but not as part of the conference.

Assistant City Attorney McLean stated that in looking at the list under Residential Accessory Space, two accessory uses are within the MPD section. Residential Accessory Uses and Resort Accessory Uses. Under Residential Accessory Uses, she asked which of those uses the guest viewing area would fall under. Planner Whetstone did not believe it would be any of the uses listed. She thought it would fall under, but are not limited to such uses as common pools, saunas, hot tubs and exercise areas, and other recreation. She believed the viewing area would be "other recreation" because in the past games rooms have fit into that category. They are for guests only and are not to be part of a conference or other revenue use. It would also allow it to be used for employee training during the day.

Chair Strachan was having a difficult time fitting it into the definition of Residential Accessory Uses. Ms. McLean stated that the determination was under the Planning Commission's purview. Commissioner Joyce thought Planner Whetstone was on the right track in looking at things such as pool and exercise room. Chair Strachan agreed that it was a little closer. Commissioner Joyce pointed out that was not purposely built for a resort. They are extra common area activities for guest entertainment. He was comfortable fitting the viewing room into that category. His issue was finding a way to specifically prohibit meeting space for any reason.

Planner Whetstone suggested adding a condition stating, "The viewing room is considered residential accessory space and shall not be used as meeting space or in conjunction with a conference or meeting."

Mr. Olsen clarified that it would not prevent conference attendees from attending a movie night. Chair Strachan believed the condition would allow it as long as it was not a conference associated use. Mr. Olsen assumed a guest would be allowed to use the space for a Super Bowl party. He was told that a Super Bowl is not a conference and it would be allowed. Mr. Olsen assured the Commissioners that Stein Eriksen has sufficient conference space. He emphasized that the purpose and intent of the entertainment center is to provide a place where individuals and families can recreate.

Chair Strachan asked Planner Whetstone to fine-tune the condition of approval based on their comments.

Commissioner Phillips asked Planner Whetstone to explain the site plans that were handed out this evening versus the site plan in the Staff report. Planner Whetstone stated that the site plan in the Staff report was the original plan before the reduction. One site plan handed out this evening was the plan with the reduced pool deck and entertainment center. The redlined site plan showed the difference between the one in the Staff report and the one handed out this evening.

Commissioner Phillips felt the Planning Commission and the public needed more time to study the plans that were submitted this evening and to compare it with the plan in the Staff report. He was not comfortable moving forward until he had that opportunity. Commissioner Phillips asked if a continuance would affect the applicant's time frame.

Ron Jones, the project architect, stated that they were hoping to start on the viewing room right away. The rest of the project would begin next spring.

Chair Strachan agreed that the Planning Commission would need a new Staff report with the correct site plans before they could vote on the CUP or forward a recommendation to the City Council on the plat amendment.

Chair Strachan opened the public hearing.

Dave Novak stated that he is the property manager at Mont Cervin Condominiums, which is the adjacent property to Stein Eriksen Lodge with the buffer zone of trees. Mr. Novak was concerned about the noise level. The expansion of the spa and swimming pool created a noise issue. The expansion currently proposed would only increase the noise. Mr. Novak noted that a 9:00 p.m. closing time is posted on the entry to the pool, but it is not enforced. He knows that because his apartment is 100 feet from the swimming pool. He has been awakened at night and in the early mornings hours by the noise coming from the swimming pool area. Mr. Novak questioned how they could

enforce additional recreational space, when they do not enforce what they have now. He understood the idea of opening up more amenities, but at what cost. He wanted to know how they intend to keep the public from using those facilities when people hear about the game room in Stein Eriksen Lodge.

Mr. Olsen stated that there are security locks on all the doors and they have security rounds. Unfortunately, people do climb fences. Any time they find people who abuse the curfews they are kicked out immediately. The entertainment center will have key locks that only guests can access.

Mr. Novak disagreed because there have been many occasions where people are not asked to leave the pool area, especially at 2:00 or 3:00 in the morning. Enforcement is not happening on a consistent basis. He noted that people abusing the curfew does not happen frequently, but when it does it disturbs his sleep and it is very frustrating. Mr. Novak had his doubts about controlling noise with the additional amenities in the area.

Hope Eccles, the President of the Goldener Hirsch Inn, was not aware that Stein Eriksen was on the agenda this evening, but she was pleased to have the opportunity to speak. Ms. Eccles echoed Mr. Olsen about the need for amenities for families and guests. They are competing with Vail, Aspen, Sun Valley and Tahoe, and they need to be able to offer these amenities to attract people. Ms. Eccles stated that the importance of being able to add these amenities is essential to their business and the community. She stated that Goldener Hirsch is right next door and would be impacted, but they fully support the addition of the pool, the spa, and the viewing room.

Chair Strachan closed the public hearing.

Commissioner Joyce stated that when they look at expanding a project in the direction of something else reasonably close, it would be helpful to see exactly what is adjacent. He was disappointed that there was nothing in the Staff report with that information. He requested that future Staff reports include a picture that shows how far apart the buildings are whenever a project is expanded in a particular direction.

**MOTION:** Commissioner Joyce moved to CONTINUE 7700 Stein Way, a conditional use permit for an additional to the Stein Eriksen Lodge to October 26, 2016. Commissioner Suesser seconded the motion.

**VOTE:** The motion passed unanimously.

MOTION: Commissioner Joyce moved to CONTINUE 7700 Stein Way, Amendment to the Stein Eriksen Lodge Common Area Supplemental Plat to October 26, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

5. **7520-7570 Royal Street East – Amendment to the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision combining Lots F, G and H into one lot. (Application PL-15-02966)**
6. **7520-7570 Royal Street East – Conditional Use Permit for 34 residential units on Lot 1 of the Amendment to the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision (Application PL-15-02967)**

The Planning Commission discussed the above two items at the same time. Two separate actions were taken.

Planner Whetstone handed out three letters of public input she received after the Staff report was prepared. She also handed out a memo from the City Engineer.

Planner Whetstone reviewed the request for a conditional use permit for 34 residential units on Lot 1 of an amendment to the Plat to a re-subdivision of Lots 1 and 2 of the Silver Lake Village No. 1 Subdivision. She noted that later in the meeting the Planning Commission would be reviewing a separate request to combine parcels F, G and H of the Deer Valley Master Plan to one Parcel, Lot I. The request would not result in a change of density of the parcels but it would transfer density from Lot D, which is where two units of the existing Goldener Hirsch would be taken out to accommodate a bridge, and that density would be moved to Lot I.

Planner Whetstone reported that all three items were noticed for public hearing and a continuation to October 26, 2016.

Chris Conabee, representing the applicant, introduced John Shirley, the project architect with THINK Architecture, and Paul Schlachter with Olsen Kundig in Seattle.

Mr. Conabee recalled that the applicant came before the Planning Commission eight months ago, and the object this evening was to provide a brief overview to update the Commissioners on the layout.

Mr. Conabee started his presentation with the scale and massing of the overall development in terms of what exists and what they were proposing. He identified the

surrounding properties in the existing Silver Lake, which included the current Goldener Hirsch, The Inn at Silver Lake, Mont Cervin, Stein Erickson Lodge, Lots F, G and H, and The Chateaux at Silver Lake.

Mr. Conabee stated that when they met with the Planning Commission the last time the applicant had conducted a number of public meetings. On November 8<sup>th</sup>, there were concerns about parking and questions were raised about grocery and other sundries. There was support for the beautification of Sterling Court. There were concerns about a building height of six floors, which was later reduced to five floors. There was support for a plaza concept. On December 2<sup>nd</sup> there was support for increase in bed count, support for retaining the existing Hirsch and not looking at any restructuring of that property, support for a plaza concept. There were access concerns from Mont Cervin that spoke to safety concerns regarding heights of vehicles under the bridge. Mr. Conabee stated that on multiple occasion they also gave presentations in both digital and in-person formats to the Chateaux, Stein Eriksen Lodge, Mont Cervin, the Black Bear Lodge, the Inn at Silver Lake, and Deer Valley Resort.

Mr. Conabee that since the last meeting, as they looked at the massing and what they wanted to bring to the area, they proposed new curb and gutter, a pedestrian sidewalk to extend along Sterling Court, and mature landscaping in the parking area. He noted that Goldener Hirsch had taken on the actual master landscape plan for the entire Village at the request of the Silver Lake Village Property Association. Mr. Conabee stated that the resulting project would have no visible parking, and they would handle the master sign plan for the entire Village. He noted that one concern raised by multiple property owners was that the current wayfinding is not adequate for the area. Other Sterling site improvements include paving, landscaping, plaza space, parking, adding wayfinding signage and removal of the current trash dumpster to a different area off of Royal Street.

Mr. Conabee stated that the goal was to create a public gathering space that would be accessible from all surrounding properties. They had also looked at multiple options for slowing the transition of day skiers down Marsac. Mr. Conabee remarked that another goal was to increase the use of off-season activity, and used what was accomplished at Silver Star as an example of having common area gathering spaces. He noted that it resonated well with both the Silver Lake Plaza Association and multiple owners. Mr. Conabee stated that since this is the last parcel in Silver Lake, they expect to hear a lot of opinions and input. However, there is also a lot of opportunity.

Mr. Conabee presented an Exhibit showing the existing plat with Lots F, G and H. Another Exhibit showed those existing lots, as well as the outline of what they were proposing in a building. He explained that in order to build between those lots they had

to acquire space from the Silver Lake Village Plaza Association. That area of land was transferred to them sometime between 2004 to 2008. He indicated the existing D lot and dash line showing the existing Goldener Hirsch to give an idea of some of the problems up in Silver Lake given its age. In addition, an easement for a sewer line has been corrected. Mr. Conabee pointed to the proposed bridge easement and the plats of land they need to be transferred to their ownership in order to accommodate construction of the hotel.

Mr. Conabee stated that since the last Planning Commission meeting the applicant received approval from the HOA based on the input of the Planning Commission. There was a vote scheduled on May 23<sup>rd</sup> for the transfer of the property and bridge easement. At that meeting applicant had provided exhibits regarding density, the transfer, the size, the height, exhibits of what the building would look like, view corridor exhibits, massing, and a traffic study to confirm safety for the road. Mr. Conabee stated that an email went out from Tim McFadden and Bill Nabany stating that they did not have enough time to review it and they wanted the vote postponed. Mr. Conabee stated that the applicant met with both gentlemen on May 29<sup>th</sup>. There was a subsequent Board call a day later at which time they provided a bridge study, a sidewalk plan, and traffic study, and the proposed existing property maps. Another meeting in person was held at Gary Crocker's office and alleviated two of the three members' concerns. Mr. Conabee noted that on June 3<sup>rd</sup> the Silver Lake Village Plaza Association unanimously voted for the transfer of the property and for the bridge easement. It was confirmed in the Minutes of the September 16<sup>th</sup> meeting. Most of the comments from that meeting were positive in terms of what could be done with the plaza.

Mr. Conabee stated that when he was taught to do development he was taught to coordinate and collaborate, and to let everyone know what you are doing and how you plan to do it. He believed the Planning Commission was looking at three issues that he could not resolve as a developer. The first issue was concern over safety of the road. He had gone to great lengths to have the City Engineer look at the safety of the road. Mr. Conabee noted that the last line from the City Engineer's memo says that from the Staff's perspective, Sterling Court should function adequately with the added density and should not be a safety concern. Mr. Conabee stated that a traffic engineer from Fehr and Peers was also present this evening.

Preston Stinger, Fehr and Peers, stated that his firm had done a traffic evaluation of Goldener Hirsch looking at the safety of the roadway, particularly Sterling Court. They looked at existing conditions, as well as the existing parking lot with multiple parking stalls facing the curb and the ingress and egress. Mr. Stinger remarked that every access point on a roadway introduces conflict points. With a T-intersection there are

nine different vehicular conflict points at each entry point. He pointed out that it did not include pedestrian conflicts. Mr. Stinger remarked that with proposed development, the proposal is to relocate those parking spaces into the parking garage and to have a consolidate single access point on to Sterling Court; which reduces the 70+ conflict points that exist today, into nine conflict points with a single access. There would be four conflicting areas for pedestrians, as opposed to the 30+ pedestrian conflict points under the current conditions. Mr. Stinger emphasized that what is being proposed would increase the safety of the roadway as it exist today. He noted that the roadway width is sufficient with National Standards and it exceeds Park City Standards. Mr. Stinger pointed out that the wider the street, the higher the speed, which is also a safety concern. Narrowing the street to 20' would reduce the speeds and increase the safety.

Mr. Stinger agreed with the memo from the City Engineer. There is capacity on the roadway to handle additional traffic and it is sufficient from the standpoint of safety.

Mr. Conabee presented a slide showing the existing parking condition that can swell in the summer and winter to 80 cars. He pointed Lot F, where the snow was piled between Goldener Hirsch and Mont Cervin. He noted that Lot F is a platted building and the capacity of Lot F as platted is 22 cars. Mr. Conabee stated that combining the lots would allow for two levels of parking, 111 stalls, six accessible stalls for ADA, and controlled valet parking. He noted that they have 38 units that require 76 stalls. The excess parking is for public parking and trailhead parking. Mr. Conabee applauded the Eccles family for trying to do the right thing on behalf of the Village. He pointed out that they have retail operations at Silver Lake and a Lodge. They have a need to help assist in parking and accessing those operations. The applicants want to be good neighbors and not take away the parking to build what they need for themselves. They also need to be mindful of what the Village is asking and what they need. Mr. Conabee believed they had struck a nice balance. When the owners are not in-house and there are special events at Deer Valley, they would have that ability to park people. During the peak season it is expected that parking will be limited and public transit is encouraged.

Mr. Conabee presented a slide showing the new sidewalk configuration going down Royal Street and Sterling Court where sidewalks currently do not exist. The goal is to take pedestrians from the upper level through the plaza, across the bridge and down, so they are not using the staircase and entering Sterling Court. The Silver Lake Plaza Association felt they could invigorate the plaza while keeping it safer than its current configuration.

Mr. Conabee stated that the next issue was bridge privacy. He commented on a concern from a neighbor, and to address those concerns the architect had prepared exhibits of what the bridge would look like from that neighbor's unit. Mr. Conabee

clarified that the view and the placement of the bridge was not acceptable to that owner, and they feel that people will be looking directly into their unit. He indicated their, which is on Level 2. Mr. Conabee asked the Planning Commission to help them balance between what the Village Plaza Association and other owners have deemed what they want versus what this individual owner deems as something that does not work for himself or his investment.

Mr. Conabee noted that from the front of the bridge to the front of the Inn at Silver Lake is 127. It is 100 feet from the corner of Mont Cervin. The nearby properties between the Inn and between Mont Cervin that are window to window are approximately 26 to 32 feet. Mr. Conabee presented an exhibit of the view corridors from Mont Cervin. He had highlighted the units that were in question. Mr. Conabee stated that conversations with the owners went from a discussion about view corridors to a discussion about safety. He pointed out that the corner of the building shown was the same corner of the platted building. It had not been moved at all. He referred to the setbacks and requested feedback from the Planning Commission. Mr. Conabee indicated the Unit in question and he pointed to a photograph showing that the window is setback from the corner. He noted that by the time people look past the corner, the angle of seeing the rest of the building is completely cut off. Where they encroach into the setback cannot be seen except from across the plaza from Goldener Hirsch.

Mr. Conabee provided an update on the utilities. At the last meeting they talked about a sewer line that bisected their property. They have received permission from Snyderville Basin to move that sewer line. Mr. Conabee thanked the City Staff, the City Engineer, the Water Department, the Fire Department, and the Snyderville Basin Water and Reclamation District because all of these utilities had to be coordinated. He also thanked the neighbors for their patience when they were impacted when the water was shut off. It took a tremendous amount of coordination, and Mr. Conabee thought it spoke to the high quality of the City Staff.

Spencer Eccles, the applicant, stated that he has been privileged to be part of Park City and Deer Valley financing and development for 45 years. He and his wife stayed at the Goldener Hirsch many times in Austria, and 25 years ago they had the opportunity to buy the Goldener Hirsch Deer Valley. He purchased the lot across the street not realizing that there were three lots. He always thought it would be the area he would expand on. Mr. Eccles stated that he had reached his 82<sup>nd</sup> birthday and it was time to "fish or cut bait", which is why he was moving forward with the expansion. His family was the leader on this project and it is very important to his dream. Mr. Eccles was pleased to be able to present a project designed by a quality architect and team, and they have the approvals needed from outside parties. It is important to his family to expand the Goldener Hirsch and to make it more of an economic unit going forward in an increasingly competitive market. Mr. Eccles stated



that it was time to finish what he started out to do a long time ago. He wanted the Planning Commission to understand the background for their request, and he looked forward to doing something very special for the Silver Lake community. It will be quality and fit in nicely with all the other quality that is up there.

Chair Strachan opened the public hearing.

Tim Pack stated that he was representing Michael Stein, an owner in Mont Cervin. Mr. Pack believed that many of Mr. Stein's concerns had already been addressed. He remarked that Sterling Court is expected to handle traffic for the Inn at Silver Lake, Mont Cervin, the Silver Lake shop, and now for the proposed expansion of the Goldener Hirsch hotel. There are already four existing parking garages on this small street, and this proposal would increase it to five parking garages. Mr. Pack understood that the parking garage would be private parking and with the increase in traffic, Sterling Court will have to bear all of the burden. He appreciated that the applicant tried to address all of the safety concerns. Safety is always a concern, but the primary concern is traffic and congestion. With the expansion of this hotel and the combination of the snow in the winter months, Mr. Pack believed it would be a very congested area. He noted that the Fehr and Peers report said that the snow would be removed to the south side of Royal Street. He requested clarification on exactly where that snow would go. Mr. Pack indicated that the Fehr and Peers report also said that post hotel construction, Sterling Court would function as a typical narrow two lane residential street. Mr. Pack did not believe that post construction, a typical two-lane street would be sufficient. The new hotel and all the buildings around it require more than the bare minimum two-lane residential street. On behalf of Mr. Stein, Mr. Pack recommended further investigation on the effects that the development would have on vehicular traffic and pedestrian traffic. He thought developer was taking steps to do that, but additional study was warranted. Another recommendation was to investigate further and provide an explanation on the snow removal issue. They like the developer's plan to build the sidewalk along Sterling Court; however, it appears to only be on one side. Mr. Pack suggested a sidewalk on both sides to bear the burden of skiers and bikers year-round. He thought it would be prudent to maintain the existing setback requirements because of this issue. Mr. Pack recommended exploring whether the main entrance to the parking garage and the porte cochere could be moved from Sterling Court to Royal Street. Mr. Stein asked Mr. Pack to reiterate his appreciation of the developer's willingness to talk to the neighbors and seek their input. He also expressed appreciation to the owners for making the attempt to work with their neighbors.

Steve Issowitz with Deer Valley Resort and the Silver Lake Village Plaza Association, clarified that all of the members did receive the information for the first meeting that Mr. Conabee had mentioned. However, when the meeting was held, the President of the Inn at Silver Lake requested that they be given extra time so they could talk to owners within

the building that they had not been able to contact. Mr. Issowitz explained that for purposes of transparency and decision making they decided to extend the vote for ten days. The second meeting was held on June 3<sup>rd</sup> and the Board voted unanimously to move this ahead. Mr. Issowitz wanted everyone to understand how the neighborhood voted. He stated that when this came before the Planning Commission in February they discussed the resort support of the project, as well as what terrific neighbors the Eccles have been over the years allowing them to use their parking lot for parking lot for skier parking, conference and retail parking in the neighborhood, and for snow storage. Mr. Issowitz stated that the project has always been part of the Master Plan. Whether it was three buildings or one building, at this point in time and with the history, he believed one project with the efficiencies of garage and less ingress and egress out of three garages as opposed to one. He recalled from the last meeting that having everything come off of Sterling Court was preferred, instead of from Royal Street and the City of right-of-way. Mr. Issowitz clarified that he was representing the Silver Lake Plaza Association this evening and not Deer Valley. He noted that there are 71 residential condo owners and 29 commercial unit owners. Everyone in the area who may be affected by view of the potential project were also notified. Mr. Issowitz stated that from the entire group they only heard from the two people at the Inn at Silver Lake and from two others second-hand. He felt the traffic and safety concern had been addressed by their traffic study and by the City Engineer. He believed it created a much safer circumstance for ingress/egress, as well as pedestrians related to the bridge and the easement that the Village voted to up in. Currently everyone crosses wherever they want and getting people onto sidewalks and/or a pedestrian bridge would be a huge improvement to the area. Mr. Issowitz commented on the view issue. In a village setting everyone is affected by views because the buildings are close each other. He encouraged the Planning Commission to vote on combining the lots to permit the applicant to move forward on a CUP for the actual building. Design issues or volumetric issues will come through with the CUP. He hoped they could move forward on the lot combination.

Commissioner Joyce asked if Deer Valley had any plans to make any changes to the other parking structures or how they would adapt to the lost parking spaces.

Mr. Issowitz stated that during the summer they would have to give their guests good reason to park at Snow Park. They were talking about adding Apre ski and Apre bike options to incentivize people to park down below. The City bus system is quite robust in getting people from town to the Village area. He pointed out that there was no magical answer to create more parking. They continually talk about how to incentivize people to start from the base.

Commissioner Suesser asked if City buses currently run from Snow Park to Silver Lake, or whether they run from town. Mr. Issowitz replied that they run from the transit center to Silver Lake. Currently they do not run from Snow Park.

Russ Olsen with Stein Eriksen Lodge stated that they notified their Board and ownership about this project and their concerns were initially about height and the impact it would have on the ownership group at Stein Eriksen. Mr. Olsen stated that the more they looked at it they came to the realization that this project has been anticipated for many years and they are happy to see it finished. Mr. Olsen believed it was nice addition to the neighborhood, and while the owners will be impacted, it will finish the Village and add a more luxurious appearance from the overall finished product. Mr. Olsen clarified that the Stein Eriksen ownership supports the project and have worked closely with the Eccles and their team to ensure that any issues or concerns are mitigated. With respect to parking, Mr. Olsen stated that a plus for the Stein Eriksen management group is their association with the Chateau, which they manage across the street from the parking lot. Currently the Chateau has approximately 400 parking stalls that are highly utilized during some periods of the winter, but other times they are not. They contract with Deer Valley to provide them with overflow parking for their employees in the winter. In addition, some of the guest who will not be able to park in the parking lot will be able to park in the Chateau. Mr. Olsen noted that there will still be excess parking at the Chateau which could help alleviate some of the problems that will result from the loss of the parking lot.

Commissioner Suesser thought the Chateau was private parking and not open to the public. Mr. Olsen replied that it is open to the public and rented in the winter time. The cost is \$20 during the peak season and \$10 other times. It is currently being used as public parking and he believed it was anticipated to be used for overflow public parking.

Dave Novak, the property manager at Mont Cervin Condos for 22 years, stated that most people do not realize the history of the Silver Lake Village. It has gone through a lot of up and downs, and at one point in time Mr. Eccles was going to build 22 hotel rooms and a swimming pool. Mr. Novak thought it was important for everyone to understand the history and how the Village has been trying to thrive, but it has been an uphill battle. He hoped this new acquisition with Eccles will bolster and rekindle the retail environment they used to have up there. Mr. Novak understood this was a two-year project from April 2016 to April 2018. During that construction period a ski season will interfere with this project. He recalled that last year the Main Street construction was shut down during the Film Festival. He asked if it was possible for everyone concerned to shut down the construction of this project during the 2017-2018 ski season so they do not have to worry about safety. Mr. Novak stated that his Board had asked him to raise that question.

Chair Strachan closed the public hearing.

Assistant City Attorney stated that the Planning Commission could discuss the CUP and the plat amendment. The Amendment of the Deer Valley MPD would be contingent upon that discussion. However, as Chair Strachan mentioned earlier, he would be recusing himself from the Deer Valley MPD, and for that reason it could be a separate discussion. She pointed out that Deer Valley was not the applicant for the CUP and plat amendment.

Commissioner Campbell stated that this was a great example of how these projects can come together when people work together. He commended the applicants for reaching out to the neighbors and for addressing many of the objections that were expressed at the last meeting. Commissioner Campbell stated that his concerns had been met because the neighbors' concerns had been met.

Commissioner Suesser stated that her biggest concern was the loss of parking that is so heavily utilized all year long. Even though it has been a gift for many years, it will be a great loss for a lot of people. She requested that the applicant continue to look for options for additional parking. Commissioner Suesser liked the idea of the sidewalk. She did not understand whether or not the Sterling Court end would be the gathering space that was mentioned, but she liked that idea. She was unsure whether diverting people over the bridge if that is supposed to be a gathering area. Commissioner Suesser wanted to know whether the delivery trucks that service the hotel would also use Sterling Court or whether they would be able to access of Royal Street.

Commissioner Suesser referred to a comment about the setbacks and how that might affect the view corridors. She was still unclear on how the setbacks were being addressed.

Mr. Conabee stated that the parking requirement is 76 stalls. They will have 68 lockouts and they are building 117 stalls. Those extra stalls will be public parking. Mr. Conabee thought it was important to understand that they were trying to create vitality. This is the last chance to do something special at Silver Lake and the goal is not to have cars. They want people coming to Silver Lake to eat and to shop. The Silver Lake Plaza Association is actively talking about ways to invigorate that area. The shops that used to exist are slowly disappearing because there is no way to get up there and utilize those shops. One project cannot solve that. It needs to be a group effort and they are having active discussions about non-vehicular options.

On the issue of delivery, Mr. Conabee explained how the access for delivery trucks would be split between Sterling Court and Royal Street. There is access into the back of the hotel off of Royal Street to the right. He stated that they were trying to divide it up as much as possible to pull some of the burden off of Sterling Court.

Mr. Conabee addressed the question about gathering spaces. Mr. Schlachter stated that they had a long conversation for many months and the original concept was to put a lid on the end of Sterling Court to create a community village space. However, that was fraught with structural, access and fire issues. They left that zone as it is down below on the street, and instead tried to focus that effort on the second level. When people come off the mountain they are already on the second floor, so they tried to maintain that and draw people into the area to the south of the existing Hirsch, and then connecting to the bridge. Mr. Schlachter remarked that the bridge is an exciting opportunity to create lively outdoor space in the winter. It is their hope of connecting the existing Hirsch on the east side to the new Hirsch on the west, and the bridge would be used as the Village concept.

Mr. Conabee thought they had done a great job to have a wayfinding experience for a guest leaving Deer Valley to slow them down and engage the Village a little more, and bring the neighbors in the Village around a piece of property.

Mr. Conabee responded to the setback question. He stated that the biggest issue is that the platted building that on Lot F sits on the same property line at the 15 foot setbacks. When they go down Royal Street the 15-foot setback follows the street but the building does not. He indicated where the building comes into the setback and pushes over. He presented a 3-D model rendering that was done on-site. The measurements and dimension were done with a 3-D survey and dropped into the model. He pointed out what Mr. Stein would see out of his window. Mr. Conabee noted that if they moved the building back five feet, Mr. Stein would just see more rooftop.

Planner Whetstone asked Mr. Conabee to explain the setback variations being requested. She noted that currently the plat is 15-feet. John Shirley, the project architect, stated that they were trying to get to a 12-foot setback. On the street level they maintain a 20-foot setback as the lower level steps back and opens up more space for pedestrian access, and other elements. One level two the building overhangs the garage 5 feet, and on one corner encroaches to just over 12 feet.

Director Erickson stated that currently the City does not allow encroachment into the setback areas and setbacks are vertical planes on the property line. He thought it was important to see an exhibit of all the encroachments proposed. Mr. Conabee stated that they would provide that information with the CUP. Commissioner Joyce indicated areas where there were discrepancies between 10' and 12' and requested that it be consistent when it comes back.

Mr. Conabee pointed out that the setback issues would not affect the plat if they choose to move forward this evening.

Commissioner Thimm asked Mr. Conabee to show on the overall site plan where there is a 10' or 12' setback and the extent of it. Mr. Conabee indicated the area where there was a conflict. Mr. Shirley stated that currently the setbacks were laid out based on the MPD. Both the plat and the MPD call for a 15' setback along the south end of the property adjacent to the Mont Cervin. On the west side of the property adjacent to the Stein Eriksen Lodge is a 12' setback line. Along Royal Street there is a 20' setback requirement because there is not a garage door on the face. He pointed out that if the main entry was on Royal Street it would be 25'. Mr. Shirley stated that they were currently holding the building back to the 25' for other reasons. Along Sterling Court there is a 10, 12 and 15' line as they try to figure out what they have to apply for. On the street level everything is behind the 15' setback line. The second story, along with the bridge area and the area between the staircase and Mont Cervin, that area extends out five feet. Everything fits within a 12' setback in that area.

Commissioner Thimm stated that when they come back it will be important for the Commissioners to understand why the encroachment is so important to the design. What needed to be addressed from the Code standpoint would be helpful as well.

Commissioner Joyce liked the idea of combining the three lots. He referred to an exhibit Mr. Conabee presented earlier and thought it looked like lots and building footprints were defined. He pointed out that the applicant not only combined the lots, but they basically eradicated the footprint limits and went all the way out to the easements. He had concerns about a tunnel effect along Sterling Court and that they were making an open mouthed canyon into a closed mouth canyon. He also had concerns with the view shed for the units at the end of the court. Commissioner Joyce believed they had pushed the setbacks quite far compared to a typical combined plat amendment and he was not comfortable with how the footprint disappeared from what was originally part of the MPD and the plats. Commissioner Joyce pointed out that there would be serious discussions about snow removal and he had many questions.

Commissioner Joyce commented on the loss of parking and the potential for a shuttle service, especially for employees. He noted that there was no mention of employee parking. He wanted to understand the plan for employees and for shuttles. In his opinion, that would be a good cause value for allowing a lot combination. Commissioner Joyce would like those issues addressed when they came back, as well as what they plan to do to mitigate the traffic and parking issues for employees and residences. He liked what Stein has done to eliminate the need for their guests to have cars.

Commissioner Joyce noted that they only received the parking memo from the City Engineer this evening. He would spend more time reviewing it, but at some level he disagreed with the conclusion. He drove up there today and it is a little road. The City

Engineer described it as residential cul-de-sac, but he has never seen a 100-yard long cul-de-sac that has 200 people living at the end of it. Commissioner Joyce had concerns with snow issues and how the snow would be removed. Commissioner Joyce referred to language stating that “Goldener Hirsch will be vacating 18 spaces due to improvements in the existing garage”. Mr. Conabee replied that it was not accurate. It was from a previous plan. He explained that they had a 5% commercial entitlement that they were not using. They have other added amenities and hallways that make it larger. Commissioner Joyce was comfortable if the answer was that the language was old and did not apply.

Planner Whetstone understood that there were 18 parking spaces for the 20 condominium units in the existing Goldener Hirsch. Mr. Conabee replied that this was correct, and those 18 spaces would remain in their current location as condominium platted space.

Commissioner Joyce referred to language on page 264, “City engineer recommends that truck traffic use Marsac”. He recalled significant discussion on Empire Pass about truck safety and issues of ice and snow and coming down that road. Planner Whetstone believed that the City Engineer and the Chief Building recommend Marsac over Royal Street because there is the emergency lane for runaway trucks. She offered to confirm that with the City Engineer. Commissioner Joyce requested that the City Engineer attend the next meeting to answer questions.

Commissioner Joyce commented on the 31 lockouts and asked if a wholly owned unit could rent out two halves at the same time. Mr. Conabee answered yes. Commissioner Joyce had an issue with the LMC on this matter. Splitting lockouts creates major mitigation impacts on parking, traffic and other issues. He pointed out that the Code ignores lockouts and he thought that needed to be fixed.

Commissioner Joyce noted that a space was labeled the lounge near the pool. Mr. Conabee believed it was the area before walking out onto the pool. There would be no services. Commissioner Joyce recalled a discussion about solar at the last meeting. Mr. Conabee stated that they applied for a solar grant and it was given. He would update the Planning Commissioner at the next meeting.

Commissioner Joyce commented on the size of the meeting space and asked how they intend to use it. Mr. Conabee replied that it could be used for small conferences and wedding receptions, non-profit auction space, etc. Commissioner Joyce thought the meeting space and parking requirements are designed around the idea that people stay at a hotel for a conference. However, a number of hotels in the area do day-conferences where people drive up from Salt Lake and it affects the amount of parking. Commissioner Joyce thought they either needed to change the definitions or change the requirements for meeting space. Again, that was an LMC issue.

Commissioner Joyce stated that in looking at the bridge, plazas and the desire to drive vitality, but they have not added restaurant or bar space or other attractions to uplift the Silver Lake Village.

Mr. Conabee responded to the issues raised. In terms of combining the three lots and the tunnel effect, he noted that there is already a platted building on Lot F that is the same size, height, width and density of what is being proposed. The neighbor would not be blocked by anything more than what is potentially platted to block the view.

On the issue of snow storage, Mr. Conabee stated that no one wanted snow storage on the corner and preferred that it be moved to where it is allocated. He did not believe that Lots F, G and H should have to shoulder the burden for everything in the Silver Lake Village just because historically they did at the benefit of the owners. They were working with the City Staff and the Village to determine locations between their building and Steins for snow storage.

Mr. Conabee agreed that a lot of work still needed to be done with setbacks to present something that would be acceptable.

Mr. Conabee agreed with Commissioner Joyce's comments regarding the shuttle and they will come back with a plan.

In terms of road safety, Mr. Conabee noted that two experts and a traffic study have said the road is safe. He relied on their expertise and beyond that he had no other way to address that concern. Mr. Conabee suggested that Commissioner Joyce may have been on the wrong road when he drove up today because that road has been closed for the last two weeks for utility improvements. He might have been on the access road which is much smaller and would be a concern.

Regarding the construction schedule, Mr. Conabee explained that the utilities are being moved now was so they could start digging in the Spring as soon as the resort closes. They have been working with Deer Valley and Stein Eriksen on coordinating dirt off load. The hope is to move that on Deer Valley. However, where they are building in the Silver Lake inlet is defined as clays, and clays are great for building a retention pond. Mr. Conabee offered to provide better information once they find a solution. He did not want to put that burden on the resort because they have the responsibility to mitigate.

Mr. Conabee commented on the lockout question. He explained that they planned for the 68 lockouts to have their own stalls. The parking plan handed out to the Planning Commission accounts for those stalls.



On the issue of solar, Mr. Conabee reiterated that they were awarded a grant from Rocky Mountain Power. Solar is tricky in terms of where to put it. It is reflective so it can be a positive benefit but have negative impacts. He would provide a rendering of what it might look like.

Regarding meeting space and hotel guests, Mr. Conabee stated that people do not want outside guests on the property. Public space is defined as public space, but meeting rooms and having 400 people during a peak season is not a good combination. Mr. Conabee did not believe that was any different from the other five-star hotels in town, where those rooms are used generally in the off-season at a discounted rate for non-profits, and events such as weddings in the summer. He offered to try to find a schedule from a comparable property for the next meeting.

Mr. Conabee agreed with Commissioner Joyce's feedback regarding the bridge. However, he indicated the location of a 3,000 square foot restaurant and bar that was underutilized. The goal is to open up the existing Hirsch and get some activity on the plaza through food, music and activity to improve the vitality.

Commissioner Thimm noted that he had already given his comments regarding the setbacks. He echoed the concern about the footprints and the changes to the envelope definitions on Lots G and H. He wanted to understand why it was so important to make that type of change. With regard to traffic, he understood the reliance on the traffic study from Fehr and Peers and commentary from the City Engineer; however, that number of trips and the amount of activity was still a concern. Commissioner Thimm pointed out that they were talking about two ten-foot lanes, one, going each way, and he would like the City Engineer and the traffic consultant to look closely at what that means. Commissioner Thimm thought the continuity created for the pedestrians with the sidewalks was important and it was an excellent addition. In terms of vehicular and pedestrian conflicts, he thought the bridge could help reduce that conflict and he suggested bringing that into the analysis.

Commissioner Thimm stated that in looking at the buildings beyond the footprint, the Staff had recommended breaking down the volumetrics into three pieces. He could not see that in the plan presented and asked that it be more defined for the next meeting. Commissioner Thimm also wanted to see a materials board. With regard to the massing itself, he thought they had done a good job of looking at vertical massing strategies to break up the building face and to create scale. He thought it was important to also look at the ground floor human scale elements to create and evolve vitality. He liked the idea of using buildings to define street and sidewalks edges.

Commissioner Thimm commented on snow removal and echoed Commissioner Joyce's request for the applicant to come back with a real plan. He went a step further and suggested two plans, one for the winter months during construction and a second plan at full build out.

Mr. Conabee agreed with the comments regarding setbacks. He offered to look deeper into the traffic lanes as suggested by Commissioner Thimm. He agreed that the bridge would help with vehicular and pedestrian conflicts. Mr. Conabee commented on the volumetrics and noted that they were still struggling to get their entitlement on the site. They would try to present it in a better fashion at the next meeting. Mr. Conabee would provide a materials board for the next meeting. In terms of the human scale at the ground floor level, he agreed with Commissioner Thimm's comment about vitality. It is a combination of different elements and they were exploring the options. Mr. Conabee stated that they would coordinate with the Silver Lake Village Property Association on snow removal and come back with a proper plan.

Commissioner Phillips thought the other Commissioners had addressed most of his issues and concerns. He asked if the old footprints in the MPD were put in as guidance. Director Erickson replied that they were building pads surrounded by ski easements. He would need to review the plat to determine whether or not those were established boundary lines. Director Erickson explained that one reason the building pads in F, G, and H were set back in the northeast corner was to provide a view corridor into the Village core. He was unsure at this point whether the Goldener Hirsch project would affect that view corridor.

Director Erickson suggested that the Planning Commission ask the applicant to look at the shadow effects of the five-story building on the proposed pedestrian walkway on Sterling Court. He noted that Sterling Court was being oriented north/south, and the major building height is on the west side. He thought winter sun would have a significant effect on whether or not those spaces could be activated in accordance with the project proposal and the Owners Associations.

Director Erickson requested that the Planning Commission provide more specificity on what they want from the traffic engineer and the City Engineer. He noted that the City Engineer provided daily trips at peak, but he did not break it down by peak hour. Director Erickson pointed out that 1700 trips per day in a 24-hour period was different than 1700 trips per day plus interference from service vehicles in a two-hour arrival and departure period.

Commissioner Phillips assumed there would be proper signage for the public parking stalls. He commended applicant for a great job reaching out to the neighbors and the

resort, and for working with the Planning Staff. He thought this project was heading in the right direction.

Commissioner Phillips stated that in the future he would also be looking at the circulation corridors and the amount of window, glass and light would be flooding through there. It was important to avoid the appearance of a glowing tower.

Mr. Conabee offered to look at the pedestrian scale and the shadow effects on Sterling Court, along with a solar study, and the circulation corridors.

Chair Strachan asked if Mr. Conabee had responded to Commissioner Joyce's comment regarding employee parking. Mr. Conabee stated that he did not have an answer this evening. He would meet with management and the ownership and come back with an answer. He explained that historically Deer Valley controlled that exterior land. Deer Valley would transfer the land and they could build what they wanted. Since the last meeting they have taken steps to acquire that ground through the actual Village Plaza Association and all its members. Mr. Conabee stated that they have looked at number of Staff, number of cars, and bussing. Currently, approximately 11 cars service the hotel. With more rooms in the hotel they will be able to look at it with more sincerity and provide an answer.

Chair Strachan had nothing more to add and he echoed the other Commissioners. He emphasized that employee parking will be a primary issue because employees are the most frequent violators of a public parking plan. In terms of vitality of the bridge and pedestrian space, Chair Strachan suggested that they program the restaurant and bar differently. They should show what they plan to do with it because he was not seeing where the verve would be. The restaurant and bar are in a beautiful spot but it needs to be known to the public.

Chair Strachan stated that many of his concerns were put to rest because the neighbors agree. It is a village concept and everything is close together. However, he would be looking for an explanation to Commissioner Joyce's question on why the east corner of the building is positioned near Lots H and G, because he shares those concerns.

Commissioner Joyce stated that later in the evening the Planning Commission would have a work session to talk about night sky/dark sky issues. Compared to the surrounding buildings this project has a lot of glass floor to ceiling on every floor. Besides exterior lighting, all the interior lights in the building shine outside. It was something the applicant and the Planning Commission needed to think about for the next meeting.

Commissioner Campbell stated that as they combine the three lots into one, as the lots get filled in he did not believe they would be blocking any views. He asked Mr. Conabee to come back with something to support that so people do not think that the Planning Commission was giving them the ability to block views. Mr. Conabee offered to provide a view corridor study. He thought the history would show that the lot off was more practical because there is only a sewer line with a 20-foot sewer easement on either side. Commissioner Campbell thought it was mislabeled as a view corridor because it not really a view for anyone to anywhere. He asked Mr. Conabee to come back with a model to show that.

MOTION: Commissioner Joyce moved to CONTINUE 7520-7570 Royal Street East Amendment to the Re-subdivision of Lots 1 and 2, Silver Lake Village No. 1 Subdivision, Lot F, G and H into one lot, to October 26, 2016. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to CONTINUE 7520-7570 Royal Street East Conditional Use Permit for 34 residential units on Lot 1 of the Amendment to the Re-Subdivision of Lots 1 and 2, Silver Lake Village No 1 Subdivision, to October 26, 2016. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

7. **7520-7570 Royal Street East – Deer Valley MPD 12<sup>th</sup> Amendment to combine Lots F, G and H of the Silver Lake Community, into one development parcel and to transfer 843 square feet of residential density from Silver Lake Village Lot D to proposed Lot 1. No changes to the approve density assigned to these parcels are proposed. (Application PL-16-03155)**

Chair Strachan recused himself and left the room. Vice-Chair Joyce assumed the Chair.

Vice Chair Joyce stated that this application was restrained because the Planning Commission Continued the plat amendment on the prior item. This item was noticed for a continuance as well.

Steve Issowitz, representing Deer Valley, explained that the reason for the amendment would be to clarify a lot combination. Instead of showing an exhibit with density on

three lines, it would show the density on one line. This amendment would keep the record clean. In addition, square footage from Lot D would be transferred to Lot I.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE the 12<sup>th</sup> Amended Deer Valley Master Planned Development Amendment to October 26<sup>th</sup>, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission adjourned the regular meeting and moved into work session to discuss potential LMC Amendments regarding lighting. That discussion can be found in the Work Session Minutes dated September 28, 2016.

The Park City Planning Commission Meeting adjourned at 9:55 p.m.

Approved by Planning Commission: \_\_\_\_\_



**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
September 28, 2016**

PRESENT: Adam Strachan, Preston Campbell, Steve Joyce John Phillips, Laura Suesser, Doug Thimm.

Bruce Erickson, Anne Laurent, Polly Samuels McLean,

**WORK SESSION ITEMS**

**Land Management Code discussion of potential amendments to Chapter 5 – Architectural Review, Section 15-5-5(I) Lighting regarding lighting levels and glare, measurement, and light trespass and (M) Landscaping standards, review of existing code language and discussion of process for establishing more definitive landscaping standards.**

Community Development Director, Anne Laurent, stated that in an effort to keep the discussions ongoing for LMC amendments, she and Director Erickson would present a plan of the issues and what they plan to bring back. She believed this initial discussion would keep the meetings more efficient when they come back with redlines in a more formal format.

Ms. Laurent stated that Chapter 6 of the LMC has the general structure of what they need, and they want to clarify and bolster it, and take it to the next level of clarification to address the issues they encounter in terms of lighting and landscaping. As they talk about increasing regulation or clarification, she asked the Commissioner to consider the challenges of enforcement.

Ms. Laurent commented on their research and noted that there is a lot of information about dark sky and Best Practices Model Ordinance. She stated that Flagstaff has been working on this since 2001 and they have taken it further than most communities. Ms. Laurent remarked that Flagstaff was not the only community and she was willing to look at others. Director Erickson stated that Flagstaff was one of the only ones they found with an approximate observatory. Ms. Laurent remarked that even though they would not get into how to measure things and what levels this evening, whatever recommendations they come back with will be based on research and best practices from these industries.

Ms. Laurent identified the lighting issues as glare and trespass, shielding of the lights on steep slopes, types of lighting that are not currently addressed in the Code, the temperature of those lights, and whether or not they were over-lighting.

Ms. Laurent asked the Commissioners for their thoughts on other issues. Commissioner Phillips added Christmas lights that are used to light an entire house and yard outside of

the holiday season.

Commissioner Campbell asked if they were looking at making this retroactive, or only for new building. Ms. Laurent stated that initially they were only going to propose it for new buildings, major additions and modifications; and they would have to define minor addition.

She noted that there are some recommendations such as not influencing 25% or more of change in the current lighting. A change beyond 25% would require complete compliance.

Change of use could also trigger coming into compliance with lighting. Commissioner Campbell clarified that he asked the question because if they only apply it to new buildings it would be less effective. If they really want to make an impact it should be broader so they could go after the abusers who have done it for years. Ms. Laurent believed they could be retroactive on the issue of trespass if lighting trespasses on a neighbor's property based on the current Code. If there is a systemic problem and everyone does it, that would be a larger discussion.

Assistant City Attorney McLean stated that she had not looked specifically into lighting, and thought it could fall under a non-conforming use situation. Commissioner Campbell was willing to spend as much time as necessary. Most of Park City is built out and it is important to capture what already exists.

Ms. Laurent thought it would be helpful to identify some of the main things that cause the problem. She believed that flood lights directed off the property were a big problem. Ms. Laurent stated that even though Park City is close to being built out, people continually upgrade their landscaping and exterior, and there were many opportunities to incorporate the lighting standards into exterior upgrades. Commissioner Campbell pointed out that most upgrades are done without permits and the City never knows about it. Ms. Laurent agreed that a lot of things never get permitted and they never know unless someone complains.

Commissioner Suesser asked about the impact of interior lighting on the surrounding areas. Ms. Laurent stated that for the purposes of the Lighting Chapter, it would fall under glare and trespass. She noted that Director Erickson has looked at that issue in terms of compatibility and window sizes and reducing large expanses of glass.

Commissioner Joyce stated that this is a Park City issue and it should expand beyond the Historic District. Director Erickson replied that it would apply community wide. The standards would closely align with Summit County's Night Sky ordinance in the Snyderville Basin. The intent is to regulate to the greatest degree possible given the powers they have; and to the greatest extent possible achieve the City's energy goals. Ms. Laurent commented on mechanisms such as time limits for outdoor lighting and restrictions on motion sensors as well. All the mechanisms combined could help address anything that causes a nuisance to the neighborhood or a neighborhood.



Commissioner Thimm thought the City should take a leadership role in terms of street lights and other City lighting. Director Erickson stated that the City recently changed the street lights to LED. They were also doing a color temperature shift on the Deer Valley lights because they were too blue, meaning they were too cold. Ms. Laurent stated that LED lights should be less than 3,000 because it is a warmer light. She noted that the American Medical Association put out a position on the detriments of a very blue light.

Commissioner Thimm thought they needed to address exceptions for safety, vandalism and other reasons. It is important to have some flexibility to keep the community safe.

Director Erickson had received a letter from Noah Levine that he provided to the Commissioner as public comment. The summary of his comments related to the field lighting, particularly at Quinn's Junction. Director Erickson informed the Planning Commission that Recreation was coming forward with a master plan to double the field lights. He pointed out that sports field lighting is an issue.

Ms. Laurent stated that one strategy that has been used in lighting ordinance is to identify special uses such as service stations, outdoor recreational facilities, street lighting and parking garages; as well as commercial egress and signage for retail. Each of those are identified separately with the issues, and some have different regulations around unique situations.

Ms. Laurent noted that one challenge is to establish glare thresholds and if there is a problem the City could require the owner to change the light. She pointed out that there are different indexes by which to establish thresholds. The City already requires shielding, but they could go further and make the shield requirements stronger. Ms. Laurent stated because Enforcement works during the day they would have to establish night patrols to drive around and measure glare. Commissioner Thimm explained how lighting and glare is measured. Director Erickson commented on the need to have the regulations in place and useful for the professionals as quickly as possible because the biggest lighting impacts will occur with development at Bonanza Park and the redevelopment of Park City Mountain Resort. Ms. Laurent stated that a lighting plan would be submitted at the time of plan review and the City could take some measurements once it is installed before they sign off on the certificate of occupancy.

Commissioner Joyce was unsure of the level of initiative. He thought one should be to eliminate the obnoxious lighting, and the other is to be serious about dark sky. Director Erickson believed it was three levels; 1) eliminating the nuisances; 2) be prepared for new development to avoid making the problem worse; 3) to be serious about night sky.

Those were the three criteria that he and Ms. Laurent were working through. Ms. Laurent did not believe nuisance would be difficult because it can be addressed with

shielding, wattage, changing the type of light, etc. Commissioner Campbell remarked that the difficulty was not in fixing the nuisance, but it is difficult for the City to enforce. Ms. Laurent replied that enforcement would not be difficult if the City gets a complaint. It would be difficult if they created the perception that the City would proactively do sweeps at night to find the violations. She clarified that currently all Code enforcement is complaint based.

Commissioner Joyce suggested that a non-profit group could spread the word about responsibility so it would come from someone other than City Hall coming out as enforcement. It could be the Park City Dark Sky Initiative. Ms. Laurent stated that in terms of energy conservation, they could create an expectation that all excess lights should be turned off by 10:00. Commissioner Joyce clarified that his intent is to find a way to get people excited and motivated to do it versus feeling like they are forced to.

Commissioner Thimm noted that there was talk about hiring a landscape architect, and he asked about the possibility of hiring a lighting consultant to help them establish reasonable standards. Ms. Laurent thought it was a possibility. However, unlike landscaping which is regional, lighting did not need to be specifically adapted to park City. There is a significant amount of information available to address lighting issues.

Director Erickson stated that the list of items and he and Ms. Laurent had outlined, combined with the items the Commissioners added, represent the architecture of Code changes they would be bringing forward.

Director Erickson noted that architectural lighting is prohibited by Code, but it still occurs. Architectural lighting are lights that highlight a special feature on the exterior of the building. Commissioner Phillips felt that architecture itself is going in a direction that lends itself to wanting to show off the buildings at night. He favored limitations and restrictions for new development. Commissioner Suesser commented on the bright lighting and the amount of glass on the new Hyatt on SR224. Chair Strachan pointed out that Summit County had a night sky ordinance in place when the Hyatt was approved.

Ms. Laurent stated that night sky is a concept but there are different theories for how it gets applied. One way to apply it is to create lighting zones and lighting thresholds for those zones. A retail section would be different than a residential area. Ms. Laurent remarked that the dark sky can be met by keeping lighting on site and not having up lighting. However, it would not address glare.

Director Erickson recalled public input several months ago about the bright lights at Prospector primarily due to the new Park City Lodging building. Director Erickson read current language from the Code, "Illumination of new building features for architectural

enhancement is prohibited". That is a clear message but is it not being enforced by the Planning Department.

Ms. Laurent understood that they could not make it perfect, but they would try to make progress to address existing issues and to keep things from getting worse in the future.

She asked if the Commissioners were interested in seeing redlines based on that concept.

Commissioner Joyce wanted to see redlines, but he also wanted to see a plan for how it gets communicated to the architects and builders. Director Erickson stated that there have been discussions about using consulting funds for a PR campaign for a number of issues to get the information communicated. Ms. Laurent noted that they have been working with Linda Jager and she has good ideas on how to spread the word through social media. Ms. Laurent believed lighting was a good place to start because they will get the word out that it will be a required submittal and applications would not be reviewed without it. The challenge will be to convince people that they are serious about it.

Commissioner Thimm suggested that they should think about lighting in conjunction with signage.

Commissioner Campbell stated that if lighting sketches are required as part of the submittal, he wanted to know whether the Building Department or the Planning Department would enforce it and when it would be enforced. Director Erickson replied that the Planning Department would do the review and the enforcement would be Code Enforcement. Commissioner Campbell pointed out that people change exterior lights all the time. He personally has never had anyone ask him to turn on the exterior lights at a final CO inspection. Until they add that step they were wasting their time. Ms. Laurent stated that it was easier on commercial projects than residential because the engineer can sign off on the lighting. For residential, people do not want to engage in design professionals who can certify that something meets a certain Code. They cannot do perfect regulation but they could talk about how to do better regulation.

Commissioner Joyce noted that Ms. Laurent had used Flagstaff as an example, and he wanted to know how they make it work, or if it was working. Ms. Laurent stated that many communities treat lighting the same as noise ordinances, where they equip their police officers with the ability to measure sound and light. She stated that Park City would have to put Code enforcement on evening hours to address complaints. They would have to go out with a light meter, take readings and issue citations. The owner would have to demonstrate that it was compliant and they would have to go back and do another reading. Commissioner Campbell asked if enforcement would always be complaint driven? Ms. Laurent replied that the City is not staffed to be anything other than complaint driven.

Commissioner Suesser asked if thresholds were currently set. Ms. Laurent replied that thresholds were set for wattage of certain types of light. Currently there were no thresholds for glare. Director Erickson pointed out that some things are already in the Code, which is why he and Ms. Laurent were motivated to get this done quickly. It was different than a completely new set of Code revisions. They need to start enforcing what already exists.

Ms. Laurent explained that glare is unique because it is not just lumens. It is actually a function of the contrast between the light source and its surrounding area.

Ms. Laurent noted that the Planning Commission meetings were booked through the end of the year and it would be difficult to find time on an agenda to add the lighting amendments.

Commissioner Joyce recalled that in the past they have cancelled meetings due to Sundance for various reasons. He understood that the Commissioners could meet as long as they could find space within the City limits but away from the activity of Sundance. Commissioner Phillips agreed that it was important to meet when they have the opportunity to keep things moving forward. Director Erickson was not opposed to having an off-site meeting during Sundance. He also suggested the possibility of daytime meetings if the Commissioners could attend. There are five Wednesdays in November and they will discuss at the next meeting whether a second meeting is needed in November. If so, they could meet on the fifth Wednesday. Ms. Laurent thought they should plan to meet in January.

Ms. Laurent introduced the topic of landscaping and process. She noted that the City has hired a consultant to help with the Forestry Plan, and they would like to extend that into the standards and what they want to achieve.

Director Erickson stated that there is a xeriscape standard in the LMC and that standard is plant based. The general application of gravel is not considered xeriscaping. He explained that they were proposing to adopt an urban forestry plan, which regulates the rights-of-way and public lands. The intent is to hire the landscape architect consultant to bring that to fruition. Secondly, the landscape architect would specify drought tolerant plants, vet the current plant lists, and avoid the situations that have occurred on other projects where the plant materials were inappropriate for the location. Director Erickson stated that the global objective is to allow development to occur with minimum disruption to the natural setting.

Ms. Laurent stated that there are conscientious homeowners who are trying to do xeriscape or reduce their landscaping. The problem is that the landscaper has an idea of xeriscape and what materials they have in stock. The purpose is to create what

xeriscape is for Park City. They want to be careful about keeping it regional, and there are concerns about an appropriate look and feel for Park City from a landscape perspective. However, they also want to be practical and sustainable. Ms. Laurent remarked that they were proposing a process that would include outreach and input before they come back with recommendations. The goal would be to have something in place before the construction season next Spring.

Commissioner Joyce reiterated his previous comment about roll out and communicating with the people involved. If they are working on a plant list they would like for next year, he suggested that they talk with the nurseries because they will be putting in their orders very soon. Even if they do not have an exact list, it would be helpful to give the nurseries a heads-up on what to expect.

Director Erickson stated that a main point for selecting the landscape architect they did was that she is familiar with nursery plants and understands the variabilities in the species. He agreed that proper plant material selection is important and coordinating with the nursery suppliers was a good point.

Ms. Laurent commented on the re-seeding that private entities have to do because they did work in the right-of-way. She noted that they work with a nursey that helps them find appropriate substitutes when certain materials are not available. She advocated for having flexibility in the Code and a mechanism for approving a substitution if a specific material is not available.

Ms. Laurent asked if the Commissioners had other items to add to the list as they move forward with landscaping related to vegetation and ground covers. Commissioner Joyce asked about irrigation. Director Erickson replied that there is a standard currently in the Code that addresses the area of a lawn that can be irrigated, but it is not enforced. Commissioner Joyce thought irrigation could also address the issue of spray versus drip.

Chair Strachan called for public comment. There were no comments.

Ms. Laurent stated that they would use this same format for transportation and energy at a future date.

Commissioner Preston asked if there was consensus among the Commissioners to schedule additional meetings. Chair Strachan was not opposed to additional meetings if they could be scheduled.

Commissioner Phillips had one additional item to add to the list which was looking at areas where they could restrict how much grade could be altered. It is already

addressed in Old Town but there may be other areas where it would be appropriate.

The Work Session was adjourned.

# Planning Commission Staff Report



**Application:** PL-16-03177  
**Subject:** Tower Club CUP Phase I Amendment  
**Author:** Kirsten Whetstone, AICP, Sr. Planner  
**Date:** October 12, 2016  
**Type of Item:** Administrative - Conditional Use Permit amendment

## Summary Recommendations

Staff recommends Planning Commission conduct a public hearing and continues the hearing on the amended Tower Club Phase I Conditional Use Permit (aka Empire Club Phase I Conditional Use Permit) application to October 26, 2016, at the request of Staff.

## Description

**Applicant:** Talisker Club LLC, Brian Straight, General Manager  
**Location:** 8680 Empire Club Drive- Pod A, Lot 9 Village at Empire Pass Phase 1 Subdivision (Building One)  
**Zoning:** Residential Development (RD) District as part of the Flagstaff Annexation and Master Planned Development (MPD)  
**Adjacent Land Uses:** Deer Valley Resort, condominiums, townhouses, and vacant development parcels of the Village at Empire Pass Pod A

## Summary of Proposal

On May 17, 2016, the Planning Department received an application for an amendment to the Tower Club Phase I Conditional Use Permit (CUP) requesting approval to expand the existing Tower Club private dining area by approximately 1,094 square feet by enclosing an existing patio area, constructing a new patio, and providing approximately 1,000 square feet of basement storage space below the new patio. The building, located on Lot 9 of the Village at Empire Pass Phase One Amended Subdivision plat, is currently known as the Talisker Club.

The existing Tower Club consists of private dining, fitness, concierge, ski lockers, restrooms, circulation, storage, and children's programming services consistent with the Village at Empire Pass Master Planned Development. A total of 2,264 square feet of the 8,880 square foot building are considered private dining and a small store. The remaining areas and uses are residential accessory uses that do not require use of UEs, such as ski lockers; restrooms; mechanical; storage; pools, hot tubs, and saunas; changing rooms; administrative offices; hallways and circulation areas; lobbies; employee facilities; and other similar uses. Staff requests continuation to verify compliance with the Flagstaff Development Agreement regarding support commercial definitions and allocations.







PLANNING DEPARTMENT

## Planning Commission Staff Report

**Subject:** Treasure  
**Project #:** PL-08-00370  
**Author:** Francisco Astorga, AICP, Senior Planner  
**Date:** 12 October 2016  
**Type of Item:** Administrative – Conditional Use Permit

### Summary Recommendations

Staff recommends that the Planning Commission review Conditional Use Permit (CUP) criteria no. 8, 11, and 15 as analyzed in the staff report. Staff recommends that the Planning Commission provide input and direction. Staff recommends that the Planning Commission conduct a public hearing and continue it to the November 9, 2016 Planning Commission meeting.

### Description

**Property Owner:** Sweeney Land Company and Park City II, LLC represented by Patrick Sweeney  
**Location:** Creole Gulch and Mid-station Sites  
Sweeney Properties Master Plan  
**Zoning:** Estate District –Master Planned Development  
**Adjacent Land Use:** Ski resort area and residential  
**Topic of Discussion:** CUP Criterion no. 1 Size and scale of the location of the Site  
CUP Criterion no. 9 Usable open Space  
**Reason for Review:** Conditional Use Permits are required for development per the Sweeney Properties Master Plan. Conditional Use Permits are reviewed by the Park City Planning Commission.

### Background

The Planning Commission reviewed this application during the September 14, 2016 Planning Commission meeting. During the last meeting Staff focused on restating applicable codes for review and diagrams associated with the approved master plan, addressing the Fire Protection Plan, reviewing the proposed uses, and finally transitioning into the volumetric analysis (mass, bulk, scale, compatibility, design, site design, etc.).

The Planning Department and Planning Commission must review each of the CUP criteria when considering whether or not the proposed conditional use mitigates impacts. The focus of this staff report is to review the following criteria related to mass, bulk, scale, compatibility, design, and site design, etc., as listed below:

*8. building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;*

*11. physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;*

*15. within and adjoining the site impacts on environmentally sensitive lands, slope retention, and appropriateness of the proposed structure to the topography of the site.*

The Planning Commission is moving from discussions of the use of Unit Equivalents and support space (Conditional Use Criteria 1.) under the terms of 1986 Master Plan approval document Section III DEVELOPMENT PARAMETERS item 1: "At the time of conditional use or subdivision review, the staff and Planning Commission shall review projects for compliance with the adopted codes and ordinances in effect at the time, in addition to ensuring conformance with the approved Master Plan." The Planning Commission will make the required determinations at the completion of the entire review process.

The Planning Commission is ready to review the Conditional Use Permit criteria 8, 11, and 15 which deal with bulk, mass, scale, architectural details, and appropriateness of the proposed structure(s) to the topography of the site, etc. The Planning Commission will also review these elements for conformance to the approved Master Plan. Conditional use Permit criteria 8, 11 and 15 are interrelated and it is prudent to review them as a group.

The process for the next three (3) meetings is designed to allow the applicant to present their information relating to the criteria being reviewed under the standards of review established in the 2003 Land Management Code (the Code in effect at the time of Application). One of the conclusions the Planning Commission must make at the completion of the process is "(4) the effects of any differences in Use or scale have been mitigated through careful planning." Careful planning for mitigation of differences in use or scale requires that the mitigation effort be effective in application, that the mitigation be effective of the life of the project, and that the effects or consequences of the mitigation are non-negative.

Staff anticipates the following to take place in the next meetings:

#### October 12, 2016

- The Staff will make a short presentation regarding the status of the review process and the Criteria under review.
- The applicant will make a presentation using computer generated graphics regarding the Criteria under consideration and the proposed mitigation strategies.
- A public hearing will be conducted.
- Planning Commissioners may provide questions and comments regarding the proposed project.

#### November 9, 2016

- A Work Session will be conducted where the applicant and Planning Commission may discuss various aspects of the computer modeling had potential mitigations
- The Planning Commission will end the Work Session.
- A public hearing will be conducted.

#### December 14, 2015

- The staff will provide a staff report on the Criteria efficacy of the applicant proposed migration strategies.
- The applicant will make a presentation responding to Planning Commissions questions and comments and the staff report.
- A public hearing will be held.
- The Planning Commission may determine to continue the discussion on the Criteria or move to begin the discussion on the remaining elements of the Conditional Use Criteria and Master Plan Compliance.

#### **Analysis**

As indicated on the September 14, 2016 Planning Commission meeting, the Planning Department agrees with the findings identified by staff during the September 23, 2009 and the January 10, 2010 Planning Commission meetings. An outline consisting of summaries made over the years compiled by various City Planners assigned to work on this CUP application taken directly from staff reports and meeting minutes was presented to the Planning Commission, also on September 14, 2016. The compiled summaries/outlines mostly identified with CUP criterion no. 8 building mass, bulk, and orientation... and criterion no. 11 physical design and compatibility in mass, scale, style, design...

Staff continues to agree with the analysis made in September 2009 by Planner Cattan and after additional review, refines her conclusions as follows:

#### **Criteria 8**

- The current application complies with the maximum height elevations set forth in the Master Plan, but the design modifies existing grade well beyond the anticipated amounts shown in the exhibits of the Master Plan. The applicant submitted nine (9) sheets identifies as S.1 - S.9. These sheets consist of nine (9) cross sections throughout the proposed project which show existing grade being excavated significantly. The change in grade ranges from approximately 52 feet to 115 feet.
- Staff finds that the inefficient and excess square footage included in the project is creating adverse impacts from the building massing and bulk. The building mass and bulk is also resulting in the orientation of the buildings on the site that is inconsistent with the Master Plan.
- The current application places more massing and bulk below the existing grade. Not only is the massing placed below the existing grade, the grade is then altered dramatically creating taller building walls, taller retaining walls, and greater massing.

- By creating a lower final grade, the buildings visual impacts magnify so they are taller from redefined grade and the bulk and massing becomes larger. The pedestrian walking through the project will experience higher building walls due to the change in final grade. Also, the view from other parts of town is of building with greater massing due to the change in final grade from existing.
- The extent to which existing grade is being altered is far beyond the anticipated amount within the Master Plan and is creating greater impacts to mass and scale. The excavation grade change ranges in some parts of the site from approximately 52 feet to 115 feet.
- The Master Plan was clear that the height measurement would occur from natural grade and were within height envelopes. By modifying natural grade over 100 feet, the height envelopes do not serve the purpose for which they were created.
- Staff finds that the current design is very excessive adding over 300,000 square feet (30%) of accessory space, storage, and circulation which is creating impacts on the overall massing and bulk of the buildings. See table below:

•  
Criteria 11

- The Master Plan created an area of greater height allowances and density next to a historic neighborhood with low height and medium density. Staff acknowledges that it will be difficult to achieve a project massing that is similar to the existing neighborhood context given the previously approved density and volumetrics set forth in the Master Plan. The Master Plan anticipated the difficulty of designing higher density adjacent to the historic district. See Scale section under Major Issues in the approved Master Plan.
- Staff continues to have concerns for massing within specific buildings. The areas of largest concern from a visual massing and streetscape compatibility perspective were identified to the Planning Commission.
- The visual massing of buildings 3Bb and 5A are of concern due to the visible location of these buildings from Main Street and Heber as well as driving up Empire Avenue and Lowell Avenue.
- Staff continues to have concerns with compatibility of the development along the Empire Avenue and Lowell Avenue switchback at building 4A. There is a dramatic contrast between the project's streetscape and the adjacent residential streetscape. Staff would recommend that the applicant make this area compatible with the adjacent streetscape. The commercial entry at building 4A has heights that are not compatible with the adjacent neighborhood, e.g., the HR-1 District has a maximum building height of 27 feet from existing grade with a maximum grade manipulation around the periphery of the structure of four feet (4'). Building 4A has heights adjacent to the switchback from (final grade) of 45 feet towards the north end. The same building has building heights of 46 feet right at the entry level. The same building has a height from the main plaza/staircase of 64 feet from final grade to the top of the building.
- Staff recommends that the applicant improve the streetscape to show the entire visual experience for a pedestrian walking by the development with all portions of the development that are visible to be shown.

- In the past, the Planning Commission provided feedback regarding mass, scale, volume, compatibility, etc. The applicant's 2008/2009 changes created new and/or worsen mitigating factors rather than addressing prior Planning Commission feedback. These issues were addressed during the September 23, 2009 Planning Commission meeting and have also been reiterated during this last 2016 review. The original CUP application in 2004 for Planning Commission review indicated a total of 849,007 square feet. The updated 2008 CUP application consisted of 1,016,887 square feet.

#### Criteria 15

- The proposed design requires a very large excavation and re-grading of the entire site. The project is located on the mountain side on steep topography. The impacts to the slope and existing topography are substantial and unmitigated. The project as designed will create a very large hole on the site. The project does not step with the natural topography of the site as shown on the Master Plan. As discussed previously, staff finds the project as designed is not in compliance with the concept approved by the City Council during the 1986 Master Plan approval.
- The exhibits within the master plan showed the building volumes stepping with the existing grade with the exception on the underground garage.
- By stepping with the natural grade, there is less excavation. The exhibits within the master plan are guiding documents. The exhibits show minimal impacts on excavation.
- The excavation management plans estimates a total of 960,000 cubic yards of excavation to be relocated from the site. The plan includes moving excavated material up the mountain on a conveyor system to re-grade portions of the ski runs. The submitted plan identifies specific locations for only 415,000 cubic yards. The remaining 625,000 cubic yards are outlined in the plan but not detailed in for the volumes in any one location. No grading plan has been submitted for any of the locations. Staff is not able to determine the depth of filling in any one location and its effects on drainage, mitigating factors, etc. The proposed primary and secondary zones are all on ski runs and other slopes that contains grades that are 25% and greater. One of the secondary zones removes all of the vegetation and places fill (unknown depth) just below the Treasure Hollow and Creole Gulch ski run intersection at the top of the Sweeney Property, zoned ROS, with no areas of designated ski runs.
- The excavation management plan includes the areas on the mountain which will be re-graded. This methodology may create less construction traffic on the adjacent streets. The overall impact of excavating 960,000 cubic yards of existing earth will be a great impact to the site and the existing topography. Staff has not yet seen an analysis of the drainage and soil stability, once the excavated material is placed on site.
- There is significant mine waste on the development site. In 2009 the Park City Environmental Coordinator indicated that he was not in agreement with the applicant's environmental proposal. The development is within the Spiro Drinking Water protection zone. All contaminated materials must be handled to

meet local, state, and federal regulations. The letters written between the City's Environmental Coordinator and the applicant were attached as an exhibit on the September 23, 2009 staff report. The specifics of a proposed plan have not been submitted.

- Staff can address other concerns regarding excavation material placement areas as the 2008 addendum, Treasure Excavation Plan, does not match sheet BP-01, updated in 2009, regarding these specific exaction placement areas. Staff will prepare a complete excavation mitigation review solely focusing in this CUP criterion in the future.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet on May 11, 2016. Legal notice was published in the Park Record on April 27, 2016 and May 11, 2016 according to requirements of the Land Management Code. The Planning Commission continued this item to the July 13, 2016, August 10, 2016, September 14, 2016, and to this October 12, 2016 Planning Commission meeting.

### **Public Input**

Public input has been received by the time of this report. See the following [website](#) with public input received as of April 2016. All public comments are forwarded to the Planning Commission via the staff report link above and kept on file at the Planning Office. Planning Staff will not typically respond directly to the public comments, but may choose to address substantive review issues in subsequent staff reports. There are four (4) methods for public input to the Planning Commission:

- Attending the Planning Commission meetings and giving comments in the public hearing portion of the meeting.
- Preparing comments in an e-mail to [treasure.comments@parkcity.org](mailto:treasure.comments@parkcity.org).
- Visiting the Planning office and filling out a Treasure CUP project Comment Card.
- Preparing a letter and mailing/delivering it to the Planning Office.

### **Summary Recommendations**

Staff recommends that the Planning Commission review Conditional Use Permit (CUP) criteria no. 8, 11, and 15 as analyzed in the staff report. Staff recommends that the Planning Commission provide input and direction. Staff recommends that the Planning Commission conduct a public hearing and continue it to the November 9, 2016 Planning Commission meeting.

### **Exhibits/Links**

[Exhibit A - Public Comments](#)

[Exhibit B - Approved Sweeney Properties Master Plan \(Narrative\)](#)

[Exhibit C - Approved MPD Plans](#)

[Exhibit D - Proposed Plans – Visualization Drawings1](#)

Sheet BP-01 The Big Picture

Sheet V-1 Illustrative Plan

Sheet V-2	Illustrative Pool Plaza Plan
Sheet V-3	Upper Area 5 Pathways
Sheet V-4	Plaza and Street Entry Plan
Sheet V-5	Building 4b Cliffscape Area
Sheet V-6	Exterior Circulation Plan
Sheet V-7	Parking and Emergency Vehicular Access
Sheet V-8	Internal Emergency Access Plan
Sheet V-9	Internal Service Circulation
Sheet V-10	Site Amenities Plan
Sheet V-11	Usable Open Space with Development Parcels
Sheet V-12	Separation-Fencing, Screening & Landscaping
Sheet V-13	Noise Mitigation Diagrams
Sheet V-14	Signage & Lighting
Sheet V-15	Contextual Site Sections - Sheet 1
Sheet V-16	Contextual Site Sections - Sheet 2

[Exhibit E - Proposed Plans – Visualization Drawings2](#)

Sheet V-17	Cliffscapes
Sheet V-18	Retaining Systems
Sheet V-19	Selected Views of 3D Model - 1
Sheet V-20	Selected Views of 3D Model – 2
Sheet V-21	<i>Viewpoints Index</i>
Sheet V-22	<i>Camera Viewpoints 1 &amp; 2</i>
Sheet V-23	<i>Camera Viewpoints 3 &amp; 4</i>
Sheet V-24	<i>Camera Viewpoints 5 &amp; 6</i>
Sheet V-25	<i>Camera Viewpoints 7 &amp; 8</i>
Sheet V-26	<i>Camera Viewpoints 9 &amp; 10</i>
Sheet V-27	<i>Camera Viewpoint 11</i>
Sheet V-28	Illustrative Plan – Setback

[Exhibit F - Proposed Plans – Architectural/Engineering Drawings 1a](#)

Sheet VM-1	Vicinity & Proposed Ski Run Map
Sheet EC.1	Existing Conditions
Sheet SP.1	Site & Circulation Plan
Sheet GP.1	Grading Plan
Sheet HL.1	Height Limits Plan
Sheet HL.2	Roof Heights Relative to Existing Grade
Sheet FD.1	Fire Department Access Plan

[Exhibit G - Proposed Plans – Architectural/Engineering Drawings 1b](#)

Sheet P.1	Level 1 Use Plan
Sheet P.2	Level 2 Use Plan
Sheet P.3	Level 3 Use Plan
Sheet P.4	Level 4 Use Plan
Sheet P.5	Level 5 Use Plan
Sheet P.6	Level 6 Use Plan
Sheet P.7	Level 7 Use Plan
Sheet P.8	Level 8 Use Plan
Sheet P.9	Level 9 Use Plan

- Sheet P.10 Level 10 Use Plan
- Sheet P.11 Level 11 Use Plan
- Sheet P.12 Level 12 Use Plan
- Sheet P.13 Level 13 Use Plan
- Sheet P.14 Level 14 Use Plan
- Sheet P.15 Level 15 Use Plan
- Sheet P.16 Area, Unit Equivalent & Parking Calculations

Exhibit H – Proposed Plans – Architectural/Engineering Drawings 2

- Sheet E.1AC2.1 Buildings 1A, 1C& 2 Exterior Elevations
- Sheet E.1B.1 Building 1B Exterior Elevations
- Sheet E.3A.1 Building & Parking Garage Exterior Elevations
- Sheet E.3BC.1 Building 3BC Exterior Elevations
- Sheet E.3BC.2 Building 3BC Exterior Elevations
- Sheet E.3BC.3 Building 3BC Exterior Elevations
- Sheet E.4A.1 Building 4A Exterior Elevations
- Sheet E.4A.2 Building 4A Exterior Elevations
- Sheet E.4B.1 Building 4B Exterior Elevations
- Sheet E.4B.2 Building 4B Exterior Elevations
- Sheet E.4B.3 Building 4B Exterior Elevations
- Sheet E.4B.4 Building 4B Exterior Elevations
- Sheet E.5A.1 Building 5A Exterior Elevations
- Sheet E.5B.1 Building 5B Exterior Elevations
- Sheet E.5C.1 Building 5C Exterior Elevations
- Sheet E.5C.2 Building 5C Exterior Elevations
- Sheet E.5D.1 Building 5D Exterior Elevations
- Sheet S.1 Cross Section*
- Sheet S.2 Cross Section*
- Sheet S.3 Cross Section*
- Sheet S.4 Cross Section*
- Sheet S.5 Cross Section*
- Sheet S.6 Cross Section*
- Sheet S.7 Cross Section*
- Sheet S.8 Cross Section*
- Sheet S.9 Cross Section*
- Sheet UP.1 Concept Utility Plan*

Exhibit I – Applicant’s Written & Pictorial Explanation

- |                         |                              |
|-------------------------|------------------------------|
| I. Overview             | VII. Lift Improvement        |
| II. Master Plan History | VIII. Construction Phasing   |
| III. Site plans         | IX. Off Site Amenities       |
| IV. Special Features    | X. Material Board            |
| V. Landscape            | XI. Submittal Document Index |
| VI. Management          |                              |

Exhibit J – Fire Protection Plan (Appendix A-2)

Exhibit K – Utility Capacity Letters (Appendix A-4)

Exhibit L – Soils Capacity Letters (Appendix A-5)



[Exhibit M – Mine Waste Mitigation Plan \(Appendix A-6\)](#)  
[Exhibit N – Employee Housing Contribution \(Appendix A-7\)](#)  
[Exhibit O – Proposed Finish Materials \(Appendix A-9\)](#)  
[Exhibit P – Economic Impact Analysis \(Appendix A-10\)](#)  
[Exhibit Q – Signage & Lighting \(appendix A-13\)](#)  
[Exhibit R – LEED \(Appendix A-14\)](#)  
[Exhibit S – Worklist \(Appendix A-15\)](#)  
[Exhibit T – Excavation Management Plan \(Appendix A-16\)](#)  
[Exhibit U – Project Mitigators \(Appendix A-18\)](#)  
[Exhibit V – Outside The Box \(Appendix A-20\)](#)  
Exhibit W – Applicant’s Position Paper-Volume and Mass  
Exhibit X – Applicant’s Draft Presentation  
Exhibit Y – Applicant’s Visualizations Sheets V-21 – V-27  
Exhibit Z – Applicant’s Cross Section Sheets S.1 – S.9  
Exhibit AA – Applicant’s Computer Renderings (from applicant’s website)  
Exhibit BB – Applicant’s Photo Composites (from applicant’s website)

**Additional Exhibits/Links**

[2009.04.22 Jody Burnett MPD Vesting Letter](#)

[Staff Reports and Minutes 2016](#)

[Staff Reports and Minutes 2009-2010](#)

[Staff Reports and Minutes 2006](#)

[Staff Reports and Minutes 2005](#)

[Staff Reports and Minutes 2004](#)

[2004 LMC 50th Edition](#)

[1997 General Plan](#)

[1986.10.16 City Council Minutes](#)

[1985.12.18 Planning Commission Minutes](#)

[1986 Comprehensive Plan](#)

[1985 Minutes](#)

[1985 LMC 3<sup>rd</sup> Edition](#)

MPD Amendments:

[October 14, 1987 - Woodside \(ski\) Trail](#)

[December 30, 1992 - Town Lift Base](#)

[November 7, 1996 – Town Bridge](#)



**DATE:** October 7, 2016

**SUBJECT:** Treasure Hill Properties’ Square Footage and Volume Are Allowed and Appropriate under the Applicable Standards and Criteria

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**1. Background.**

The Planning Commission Staff Report dated July 13, 2016, recites the applicable background of the Sweeney Properties Master Plan (“SPMP”) and current Conditional Use Permit (“CUP”) Application. (*See* p. 1–2.)

In April 2016, the Applicant, MPE, Inc., requested that the Planning Commission place its CUP Application for the development of the Hillside Properties back on the Commission’s agenda and to review the Application for compliance with the applicable Land Management Code (“LMC”) and SPMP Approval. The Planning Commission held public hearings on the CUP Application on June 8, July 13, August 10, and September 14, 2016.

The topics that the Planning Commission directed Staff and MPE to address at these past hearings and at the hearing scheduled for October 12 address portions of several criteria under the Conditional Use Review Process set forth in the applicable 2003 LMC,<sup>1</sup> and in particular address the following criteria:

- 8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
- 11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; and
- 15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

The topics also touch upon several of the CUP Standards for Review, including, in particular:

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<sup>1</sup> Staff and MPE agree that the Fiftieth Edition of the LMC revised on July 10, 2003 (“2003 LMC”) applies to the CUP Application.

2. the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation; and
4. the effects of any differences in Use or scale have been mitigated through careful planning.

The topics that MPE has discussed with the Planning Commission during the previous hearings in 2016 have also included several of the conditions of the SPMP Approval, including the building height and building envelope limits established by the SPMP Approval.

The CUP Application satisfies the CUP Standards for Review, each of the criteria set forth in the 2003 LMC, and the associated conditions of the SPMP Approval, including the criteria, standards, and conditions covered by the issues addressed during the prior hearings.

Because “[a] conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use,” and because the CUP Application conforms to the conditions of the SPMP Approval and proposes additional mitigating factors to address the impacts of square footage and volume, the Planning Commission should conclude that the CUP Application meets the criteria, standards, and conditions relating to these issues. Utah Code § 10-9a-507(2)(a).

## **2. The CUP Application Complies with the SPMP and the CUP Criteria and Standards for Review Relating to Square Footage, Mass, and Volume.**

As the Applicant has demonstrated during the prior hearings and in prior submissions, the CUP Application complies with all SPMP conditions and all CUP Criteria and Standards for Review touching upon square footage, mass, and volume issues. The Applicant has likewise demonstrated, and will emphasize again at the October 12, 2016 hearing, how it has reasonably mitigated any effects of the square footage, mass, and volume of the proposed project. The Applicant developed these mitigation measures in collaboration with and at the direction of the Planning Commission and Staff during earlier phases of the application process.

### **2.1 The Planning Commission Should Honor the Directions It Has Given to the Applicant in the Past.**

The Applicant is deeply troubled by statements from current Commissioners that they do not care what the Planning Commission or former Commissioners may have said or done with respect to the current Application in prior phases and that the current Commissioners do not feel constrained by any direction the Planning Commission has given in the past. The Applicant reminds the Planning Commission that it is a continuously existing public board and that while the individuals appointed to the Commission may change, the Planning Commission itself is the same entity. The Applicant is entitled to rely upon directives from the Planning Commission regardless of who comprises it.

Statements to the effect that the Planning Commission is free to contradict any direction and instructions that it gave to the Applicant during earlier phases not only raises serious due process concerns, it erodes the public’s confidence in the process. The public and those who come before the Planning Commission should be assured that they will not be subject to the whim and

caprice of each individual Commissioner who comes and goes. If the Applicant cannot rely in good faith upon any directions or instructions it is given by the Planning Commission in the past, then the Applicant cannot be sure that responding to any current directions from the Planning Commission will be honored by the Commission in the future. That the mere change in personnel would result in a complete about-face by the Commission on a number of issues is the epitome of arbitrary and capricious action.

## **2.2 Planning Staff Previously Concluded that the CUP Application, Including the Application's Proposed Support Commercial, Complied with Density Conditions and Criteria.**

Notably, Staff concluded that the CUP Application fully complied with the applicable CUP criteria during earlier review periods, before the Applicant refined the design at the behest of and under guidance of the Staff and Planning Commission. But after expending enormous amounts of money and time to refine the project's design as requested by Staff and the Planning Commission, Staff—albeit lead now by a new, less experienced City Planner—suddenly and without explanation ignored Staff's prior findings and conclusions on criteria relating to square footage, mass, and volume.

For example, in 2005, Staff found and concluded that the "Treasure Hill CUP plans comply with the approved density." (*See, e.g.*, March 9, 2005 Staff Report p. 2.) Staff likewise concluded that "Meeting space and support commercial (10% of the total approved floor area) per Land Management Code (15-6-8.) is allowed per the MPD, in addition to the 19 UE of commercial uses. Additional square footage is allowed for back of house and other ancillary uses, such as storage, mechanical, common space, etc." (p. 7.) Thus, contrary to statements by Commissioner Joyce and others suggesting that any commercial space beyond on the 19 commercial UEs designated in the SPMP exceeds what is allowed, Staff determined more than a decade ago that the Applicant was allowed 5% of additional Support Commercial space "in addition to the 19 UEs of commercial uses" set forth in the SPMP and that such space "compl[ie]d with the approved density."

## **2.3 Planning Staff Previously Concluded that the CUP Application Complied with the Other Mass and Volume Criteria.**

Planning Staff also made a number of other important findings about conditions and criteria relating to mass and volume, including:

- "[T]he revised plans for the Treasure Hill CUP comply with the height and elevation standards approved with the Sweeney MPD";
- "The current Treasure Hill CUP plans comply with the Park City General Plan regarding location of medium density resort related development";
- "The revised Treasure Hill CUP plans are consistent with the[] heights and volumetrics" set forth in the SPMP;
- "Staff has reviewed the Treasure Hill CUP site plan for site suitability from the perspective of both the location of buildings on the site, grading, slope retention,

cliff-scape designs and the visual analysis from a variety of vantage points, . . . and finds that the project complies with the site design and site suitability criteria of the LMC Section 15-1-10.”

(*See, e.g.*, March 9, 2005 Staff Report p. 4, 5, 7, 8.)

Although Staff now takes a different position on certain of these issues, it has failed to provide any reasons for departing from its prior findings and conclusions. It is well-established that administrative determinations that contradict prior conclusions on the same issue without a rational basis are, by definition, arbitrary and capricious. Moreover, if the criteria and standards used to evaluate the project allow Staff to reach directly conflicting conclusions based on essentially the same record, those criteria are constitutionally suspect and fail to provide proper guidance in the exercise of the Planning Commission’s limited authority.

### **3. Specific Issues Raised During Past Hearings.**

In order to provide a complete record, the Applicant believes it is prudent to respond to various statements made by specific Commissioners and members of the public during prior hearings that related to issues of square footage, mass, and volume.

#### **3.1 The 2003 LMC Does Not Require an Amendment to the SPMP to Approve the CUP Application.**

Although neither Staff nor special counsel to the Planning Commission has taken the position that the CUP Application presently requires an amendment to the SPMP, a lawyer engaged by a group opposed to the CUP Application suggested that the provisions of the 2003 LMC require an amendment to the SPMP. That statement is incorrect.

The relevant provision states that “[c]hanges in a Master Planned Development which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement.” (2003 LMC 15-6-4(I).) Only “substantive” changes require the Applicant to submit to a new MPD review process.

There is no basis for concluding that the CUP Application represents a change in concept, Density, or unit type or configuration.

First, Staff has already concluded that “[t]he current Treasure Hill CUP plans comply with the clustered development concept approved with the Sweeney MPD.” (*See, e.g.*, March 9, 2005 Staff Report p. 2.) Staff’s conclusion is squarely grounded in the SPMP, which clearly contemplated a development concept like that proposed in the CUP Application.

Second, “Density” is a defined term in the 2003 LMC and refers only to UEs. Specifically, the 2003 LMC defines “Density” as “[t]he intensity or number of non-residential and residential Uses *expressed in terms of Unit Equivalent*s per acre or Lot or units per acre.” (2003 LMC 15-15-1.67 (emphasis added).) Aside from the minor issue of certain residential UEs having been shifted between the development sites at the City’s prior request (September 14, 2016 Staff Report p. 86), which is addressed below, Staff has never deviated from its prior conclusion that with respect to

the question of Unit Equivalents, the “Treasure Hill CUP plans comply with the approved density” of the SPMP (*see, e.g.*, March 9, 2005 Staff Report p. 2).

Finally, the CUP Application has not changed any “unit types or configurations” from the original SPMP because those issues were expressly reserved in the SPMP for the CUP Process. As the SPMP Staff Report provides, “[f]inal unit configuration and mix may be adjusted by future developers at the time of conditional use review.” (p. 7.)

Because the Applicant has not made any substantive changes to the development approved in the SPMP, there is no basis for requiring the Applicant to submit to a new MPD process.

### **3.2 The Site Grading and Excavation Contemplated by the CUP Application Were Contemplated by the SPMP and Are Necessary to Mitigate Other Aspects of the Project.**

The excavation proposed by the CUP Application is a function of the density allotted to the project, the site requirements imposed by the fire protection plan, and efforts to mitigate the perceived mass and volume of the proposed project. The SPMP and the attachments incorporated into the SPMP Staff Report contemplated that a significant amount of excavation would be necessary in order to cluster the density at the site selected by the City during the MPD process. Indeed, the SPMP Staff Report established building heights relative to “mean sea level” precisely because it was understood that excavation would necessarily change the existing grading at the site and that a reference point for maximum building heights that would not be affected by excavation was required. (SPMP Staff Report p.4; *id.* at 6 (“[C]ut and fill shall be balanced and distributed on-site whenever practicable”).)

The SPMP Staff Report also established that the parties to the MPD agreement understood the proposed site grading and excavation was the price of mitigating other, more important concerns, particularly the perceived size and volume of the project. As the SPMP Staff Report explains, “[a] balance between site disturbance and scale/visibility has been attained through the course of reviewing alternate concepts.” (p. 14.) The City understood in the course of the MPD process that there was a basic trade-off between excavation and grading and the perceived mass, scale, and volume of the development.

The City also recognized that basic concept during earlier phases of the CUP Application review process. Staff and the Planning Commission directed the Applicant to reduce the perceived mass and volume of the project by pushing the project back into the hillside. Of course, such revisions to the project design do not come without consequences, one of the most obvious of which is the need to excavate and re-grade to a much greater degree than otherwise.

The City also understood that the alternative development concepts considered during the MPD review process would actually result in more total excavation, re-grading, and site disturbance due to the roadways and other improvements that would be necessary to service a diffused development. As the SPMP Staff Report explains, “[t]he current concept results in considerably less site clearing and grading than any of the others presented.” (p. 14.) Additionally, each individual development parcel in a non-clustered development would require its own grading, excavation, and site disturbance. Although the cluster approach certainly results in the need to

excavate and re-grade a portion of the properties, the aggregate total of such excavation and re-grading is far less than any of the alternatives.

Indeed, the proposed development plan, because it is part of the broader strategy outlined in the SPMP Staff Report, honors the Hillside Properties far better than any of the other proposed alternatives. Rather than excavate roadways and building sites for hundreds of single-family residences, the clustered development approach concentrates the entirety of the impact from excavation and re-grading on a small portion of the hillside. But the excavation and re-grading of the development sites, upon which all of the density is clustered, is the only way that the conservation of more than 100 acres of open space is made possible.

Additionally, the Woodruff Drawings also reflected a significant amount of excavation at the site. In fact, the City's representations in its September 14, 2016 Staff Report about the existing grade in the Woodruff Drawings are erroneous. The Applicant informed the City years ago that such representations were inaccurate and misleading, yet Staff continues to perpetuate these misrepresentations in the face of clear evidence to the contrary.

While Staff and certain Planning Commissioners have questioned the Applicant's integrity concerning representations about the effect of the fire protection plan on the project design and need for excavation and re-grading of the site, Staff members who were actually involved during these phases of the CUP Application have confirmed the Applicant's claims to be correct:

The applicant worked with a consultant who specializes in fire protection plans to revise the originally submitted plans significantly to come up with a site plan, circulation system, general building and plaza layout, and other technical additions that address the Fire Department and Building Department concerns regarding these issues. **The fire protection plan and technical documents are complete to the extent that the Fire Marshall and Chief Building Official are in agreement that the site plan, circulation, building locations, access, etc. are acceptable and defensible. The technical documents spell out a wide range of conditions that have to be met and maintained throughout the life of the project in order for the project to continue to be in compliance.**

(*See, e.g.*, March 9, 2005 Staff Report p. 2 (emphasis in original).) Thus, the proposed site plan, which necessitates the contemplated excavation and re-grading, is in fact a function of the requirements of the fire protection plan, which includes detailed and specific requirements for the project.

### **3.3 Staff Has Already Identified and Approved Conditions for Mitigating the Effects of Excavation and Re-Grading.**

During earlier phases of the review of the CUP Application, Staff praised the Applicant for its extensive and detailed proposals for mitigating the effects of the excavation and re-grading. For example, Staff explained that

[t]he applicants have fairly extensive plans for the grading, retaining, and revegetation of the cut-slopes, in what is termed “cliff-scapes”. The design booklet explains this concept in detail indicating that these cliff-scapes will be a combination of natural rock, block retaining walls, exposed rock "cliffs" with varying degrees of stepping and landscaping.

(*See, e.g.*, March 9, 2005 Staff Report p. 9.) Although Staff understood that “[s]pecific conditions will be required to address this issue,” Staff certainly did not suggest that the CUP Application could not be approved due to the necessary excavation. Instead, Staff recognized that certain mitigation measures would be necessary at the time of approval. Of course, the Applicant remains open to discussing such mitigation conditions.

Indeed, certain mitigation measures are already built into the plans. For example, the vast majority of the areas of excavation will not be visible from the City since the project’s buildings will visually buffer those areas from the rest of the City. In the few areas of excavation that will be visible from the City, as the March 9, 2005 Staff Report explains, the Applicant will diligently remediate those areas with a variety of tested and proven techniques, including landscaping.

### **3.4 The “Limits of Disturbance” May Extend Beyond the Building Sites.**

It has also been suggested that because certain areas of excavation extend beyond the building sites, the CUP Application violates the SPMP or other applicable standards. That, however, is also incorrect.

Staff previously concluded that according to the submitted plans for the Hillside Properties, which include areas of disturbance and excavation outside of the specific building sites, “**all development is contained within the identified development parcels.**” (*See, e.g.*, March 9, 2005 Staff Report p. 2 (emphasis added).) Although a new, less experienced planner later concluded that the areas of excavation were outside the limits of disturbance, that conclusion is both contrary to the SPMP Staff Report and earlier staff reports which concluded the opposite. The less experienced planner never even attempted to explain how the more experienced planner’s prior conclusion was erroneous.

In fact, the less experienced planner’s conclusion is contrary to the SPMP Staff Report, which states that “**the detailed definition of ‘limits of disturbance’ [would be] deferred until conditional use review.**” (SPMP Staff Report p. 14.) Thus, the limits of disturbance are to be established as part of the CUP Application review process. This language from the SPMP Staff Report highlights that the building site area is not coextensive with the allowed limits of disturbance. **If the limits of disturbance were the same as the building site area, there would have been no need to defer defining the limits of disturbance to a subsequent process.**

Moreover, it is well-established practice at the City to permit disturbance outside of the building area limits. Numerous other development phases of the very same SPMP included disturbance outside the defined building area sites. Likewise, the City has allowed other similar developments, such as the Montage, to disturb and excavate areas outside the building area limits. It would be patently arbitrary for the City to suddenly impose a strict requirement on the Applicant



when it has routinely allowed others who are similarly situated to excavate outside the building area limits.

### **3.5 The Applicant Will Amend the CUP Application to Address the 2.2 Residential UEs at the Creole Site.**

The September 14, 2016 Staff Report concludes that “[t]he current proposal exceeds the maximum residential UEs at the Creole-Gulch site by 2.20 residential UEs” but notes that “[t]he CUP can be amended by reducing the number of proposed residential UEs at the Creole-Gulch site.” (p. 86.) The Staff Report fails to note that the additional UEs at the Creole Gulch site were a result of the Applicant shifting some density from the Midstation site to Creole Gulch site after Staff directed the Applicant to treat the two building sites as a single, unitary development. (*See, e.g.*, March 9, 2005 Staff Report p. 9 (“Staff recommends that all building/parking development associated with the proposed Treasure Mountain CUP be located on a single lot, rather than 2 parcels.”).) Nevertheless, because this is a minor point, the Applicant will amend the CUP Application as recommended by current Staff.

BJM:



# **MPD Requirements**

## **Standards for Review**

### **CUP Criteria Nos. 8, 11 & 15**

# Overview of Presentation:

- Treasure Hill Project Planning
- Treasure Hill Planning and Development Challenges
- Treasure Hill Planning Objectives
- Excavation and Cliffscapes
- SketchUp Review

# Mixed Use Destination Resort Projects:

- Warm beds
- Ski-in / Ski-out
- Pedestrian orientation
- On-site guest amenities

## MPD Approval:

“The predominant land uses envisioned at this time are transient-oriented residential development(s) with some limited support commercial. The building forms and massing as well as location lend themselves to hotel-type development. Although future developers of projects within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these will likely be geared toward the visitor looking for more of a destination-type of accommodation. The property involved in the Master Plan is directly connected to the Park City Ski Area and as such can provide ski-to and ski-from access.”

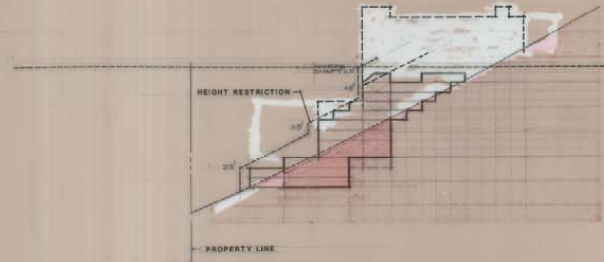
## MPD Planning Issues:

- Single Point of Vehicular Access
- Steep Slopes
- 70% Open Space within Project
- Height Limits
- Ski Run and Lift Improvements
- Fire Protection
- Neighborhood Impacts and Mitigation

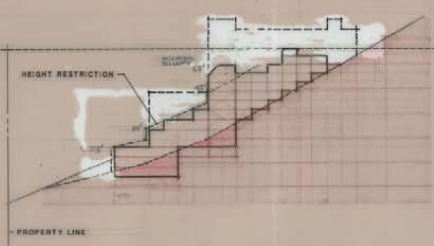
## MPD Agreement:

“...future developers of projects within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations...”

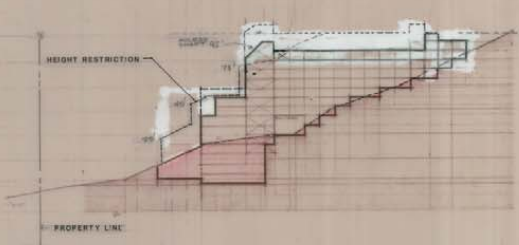




**SOUTH SECTION B**  
 NORTH SIDE 22  
 SOUTH SIDE 25  
 42' x 500' x 21,000' ± 2,000' ± 12 U.S.



**NORTH SECTION A**  
 NORTH SIDE 24  
 SOUTH SIDE 23  
 41' x 500' x 24,000' ± 2,000' ± 12 U.S.



**SECTION E**  
 NORTH SIDE 6.8  
 SOUTH SIDE 4.0  
 12.8' x 500' x 64,000' ± 2,000' ± 22 U.S.



**SECTION D**  
 NORTH SIDE 124  
 SOUTH SIDE 115  
 241' x 500' x 130,500' ± 2,000' ± 6.0-2.5 U.S.



**SECTION C**  
 NORTH SIDE 27  
 SOUTH SIDE 25  
 108' x 500' x 25,000' ± 2,000' ± 41.8 U.S.



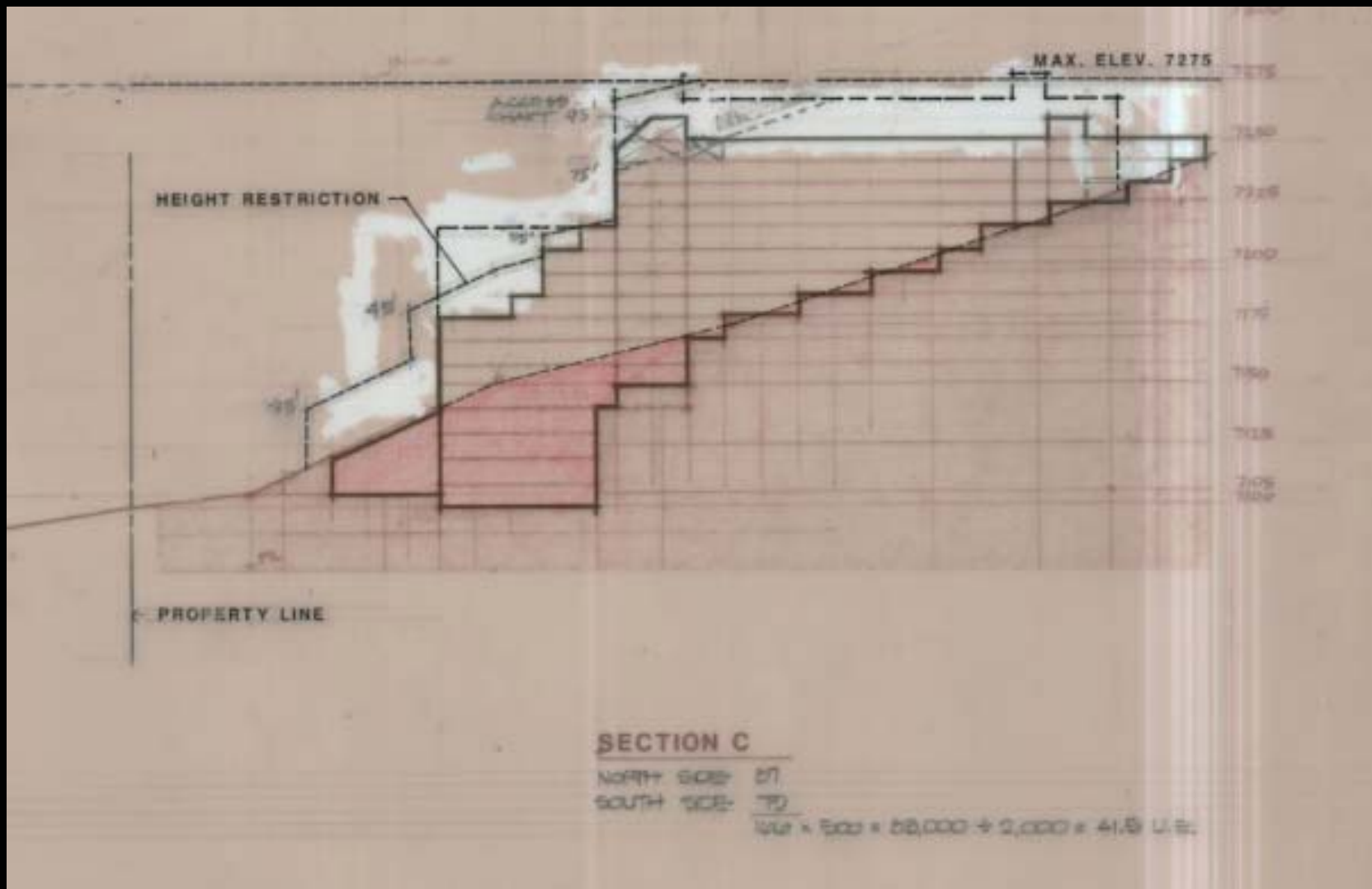
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 07 JULY 2004  
 11 JANUARY 2005  
 27 NOVEMBER 2005  
 15 SEPTEMBER 2007

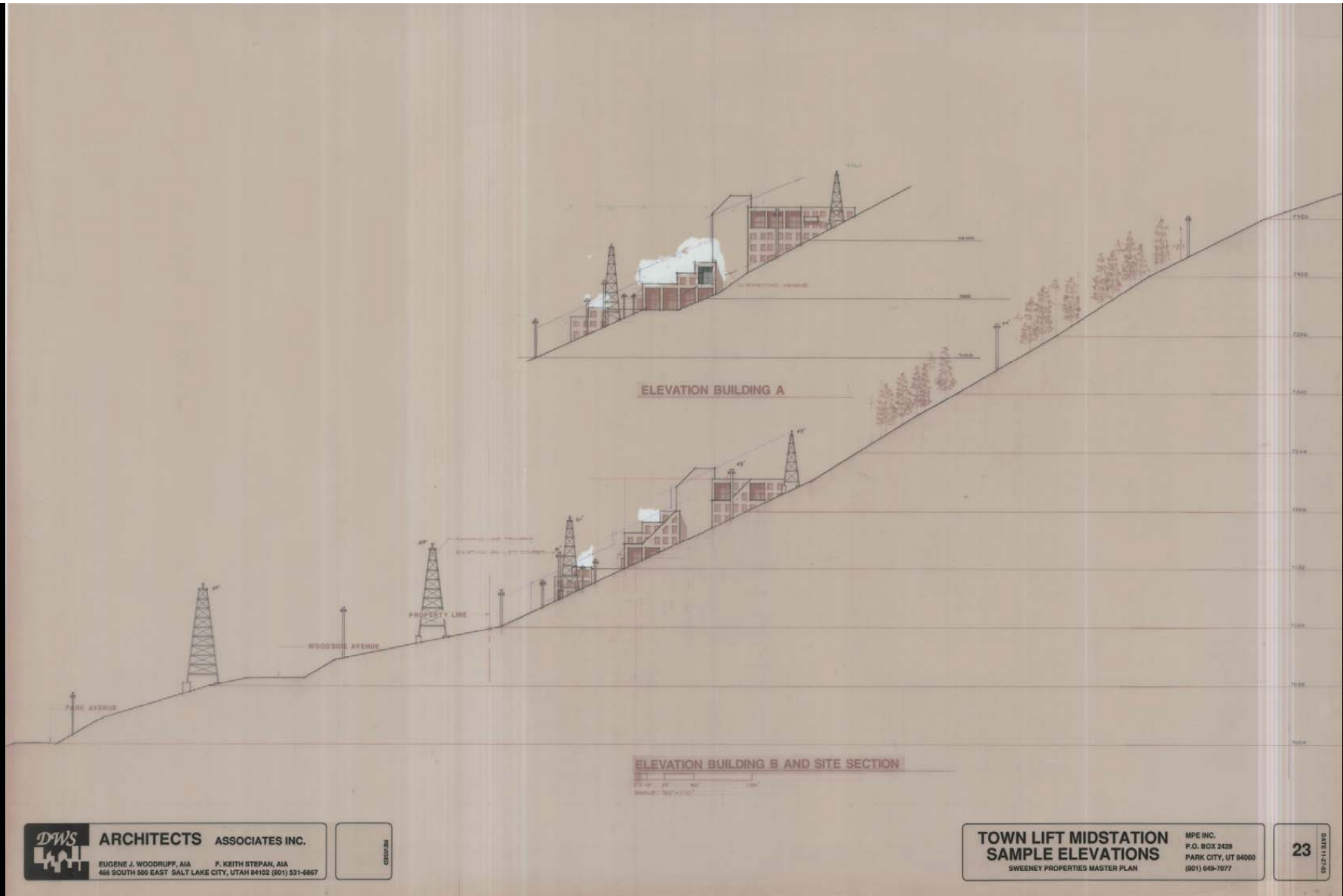
**SCHEME E**

**SWEENEY PROPERTIES MASTER PLAN**

TOWN LIFT MID STATION SITE  
 CREOLE SITE

DELAMARE, WOODRUFF, STEPAN ASSOC. INC.  
 ARCHITECTS PLANNERS





**DWS ARCHITECTS ASSOCIATES INC.**  
 EUGENE J. WOODRUFF, AIA F. KEITH STEPAN, AIA  
 465 SOUTH 900 EAST SALT LAKE CITY, UTAH 84102 (801) 231-0667



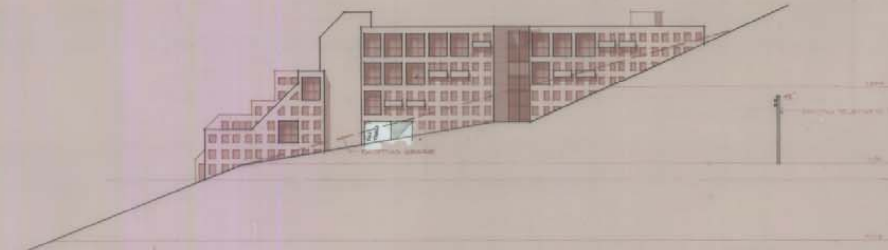
**TOWN LIFT MIDSTATION  
 SAMPLE ELEVATIONS**  
 SWEENEY PROPERTIES MASTER PLAN

MPE INC.  
 P.O. BOX 2429  
 PARK CITY, UT 84060  
 (801) 649-7077

**23**  
 DATE: 11-2-09



ELEVATION BUILDING E



ELEVATION BUILDING C



ELEVATION BUILDING D AND SITE SECTION

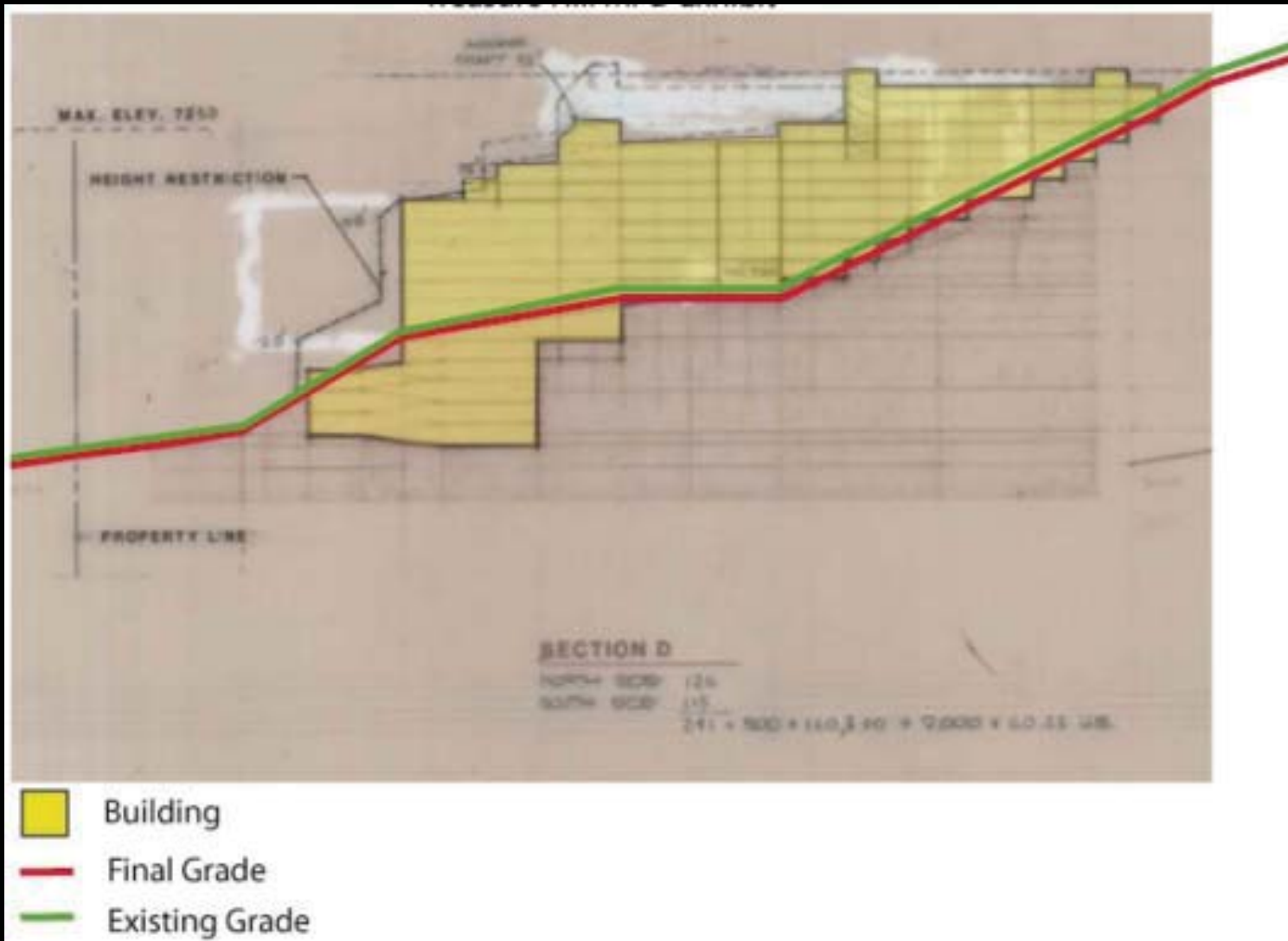
**DWS ARCHITECTS ASSOCIATES INC.**  
 EUGENE J. WOODRUFF, AIA F. KEITH STEPAN, AIA  
 466 SOUTH 500 EAST SALT LAKE CITY, UTAH 84102 (801) 531-8867

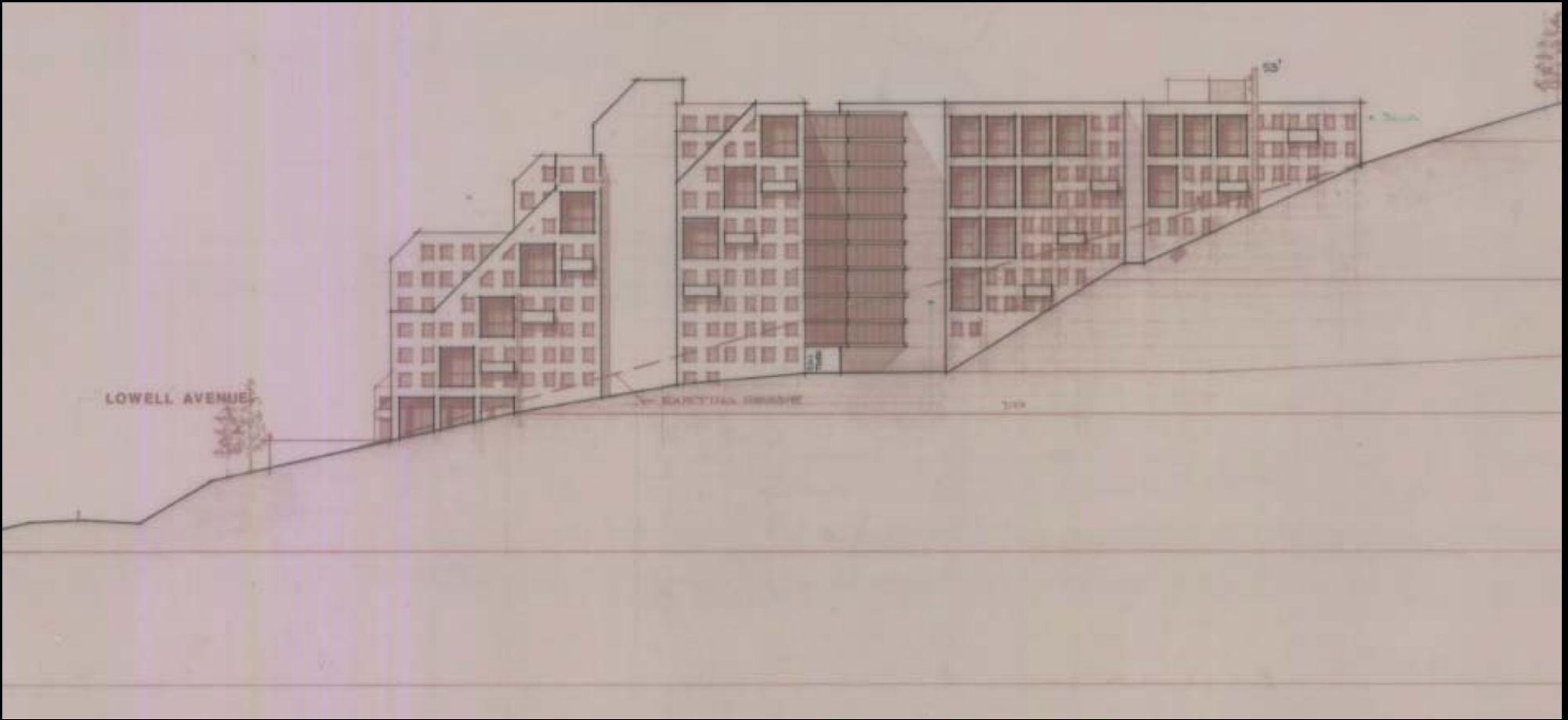


**CREOLE SITE SAMPLE ELEVATIONS**  
 SWEENEY PROPERTIES MASTER PLAN

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**24**  
 09-25-11 8:10 AM







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**V-1**  
4/12/2008

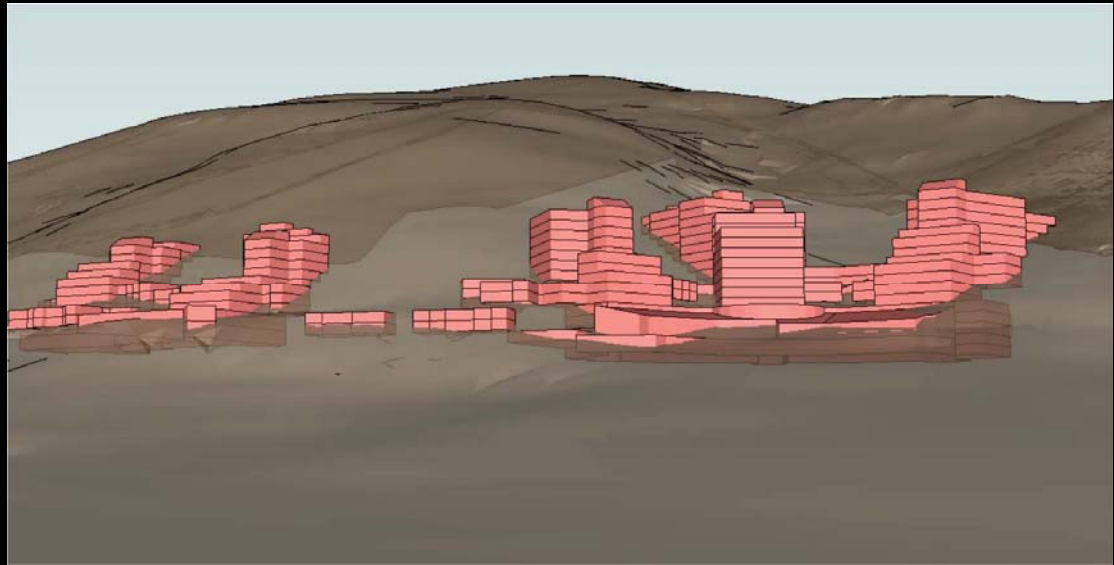
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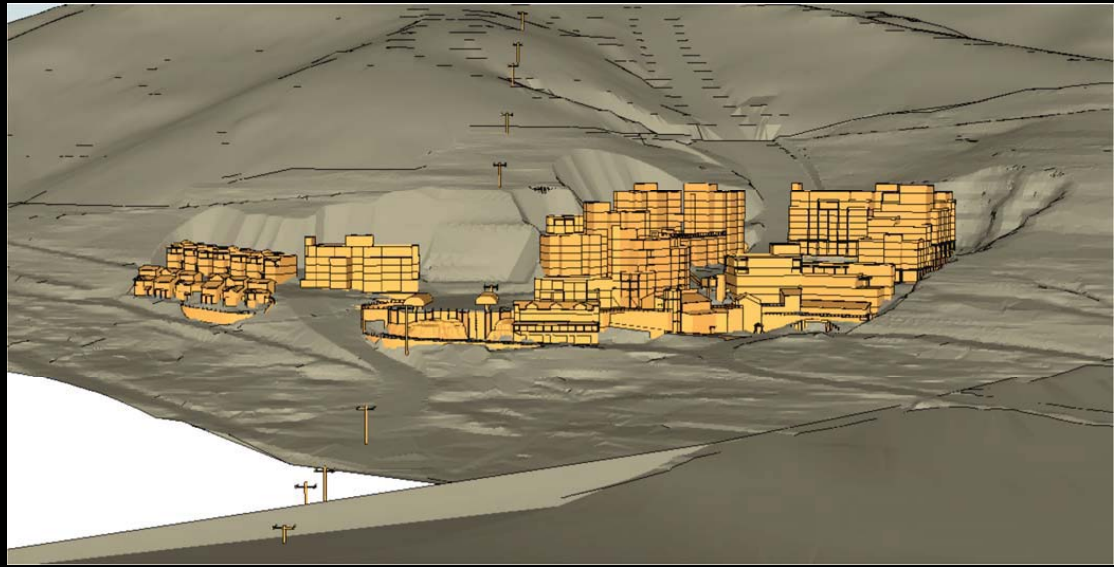
9<sup>th</sup> '09



9<sup>th</sup> Woodruff



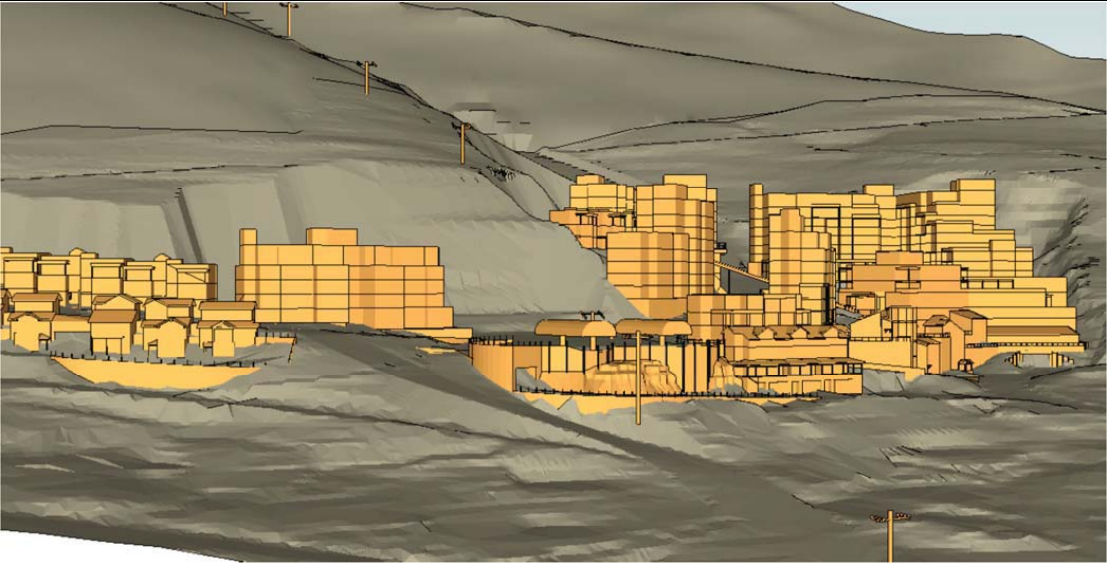
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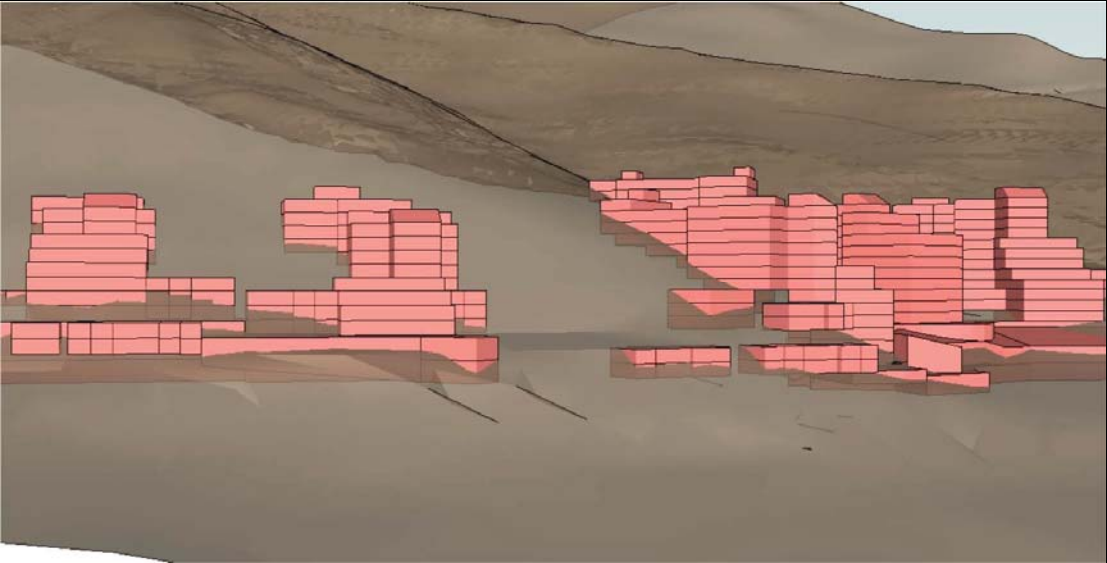
# Aerie Woodruff



# Marsac '09



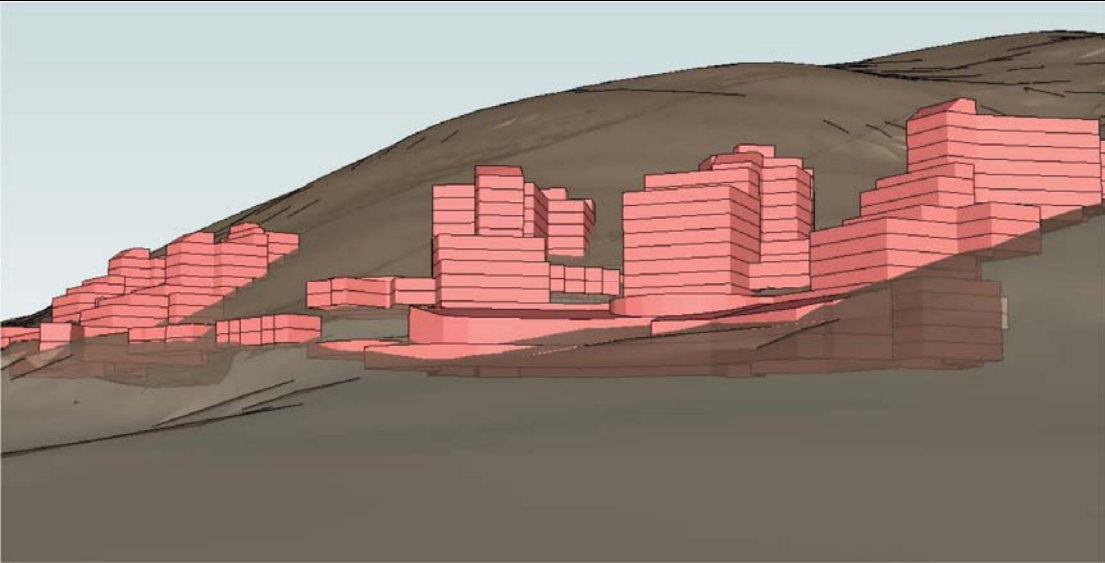
# Marsac Woodruff



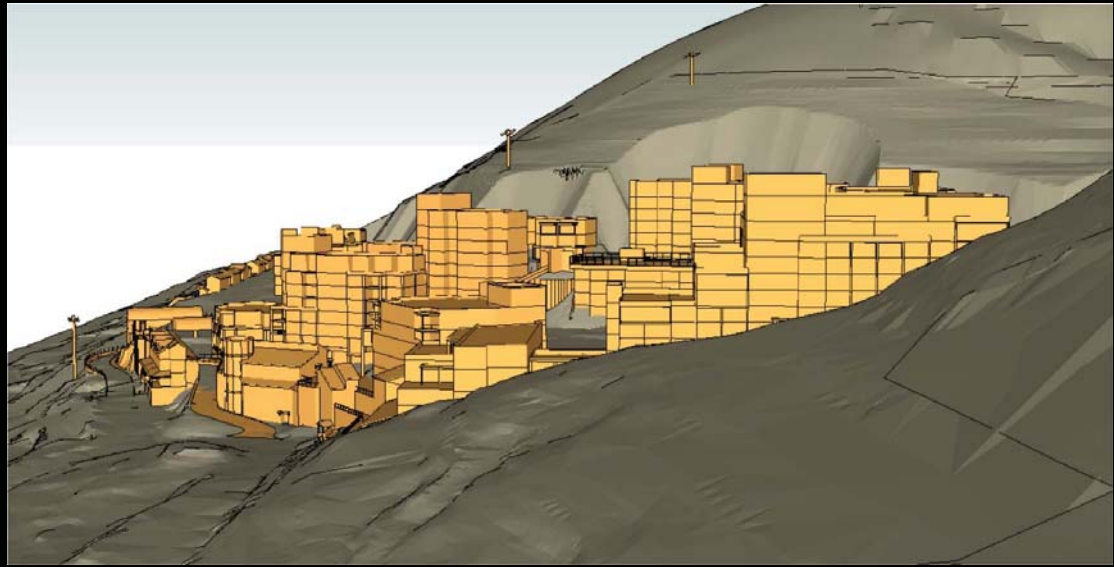
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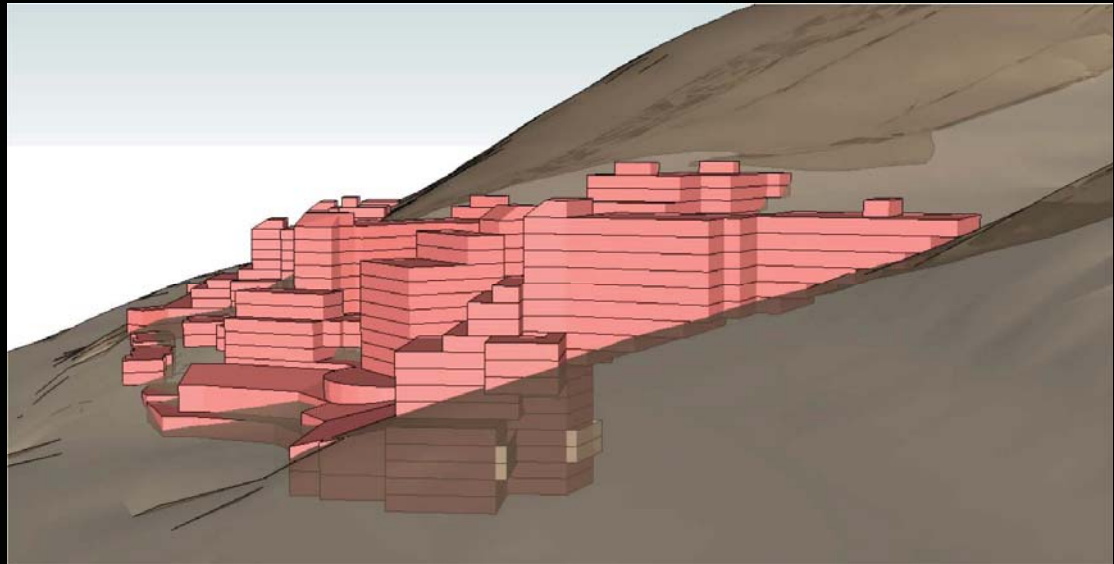
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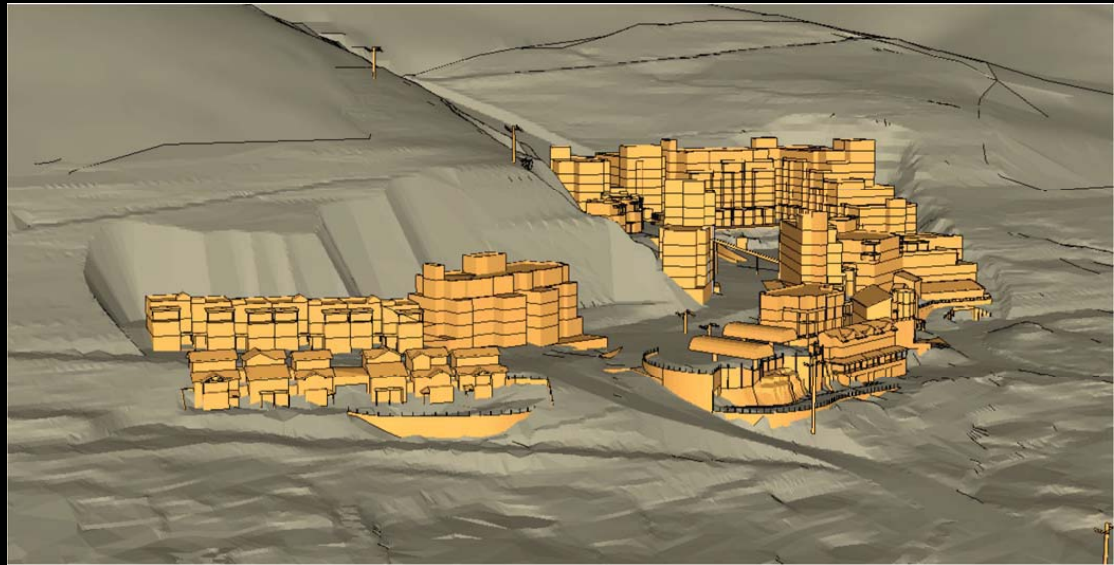
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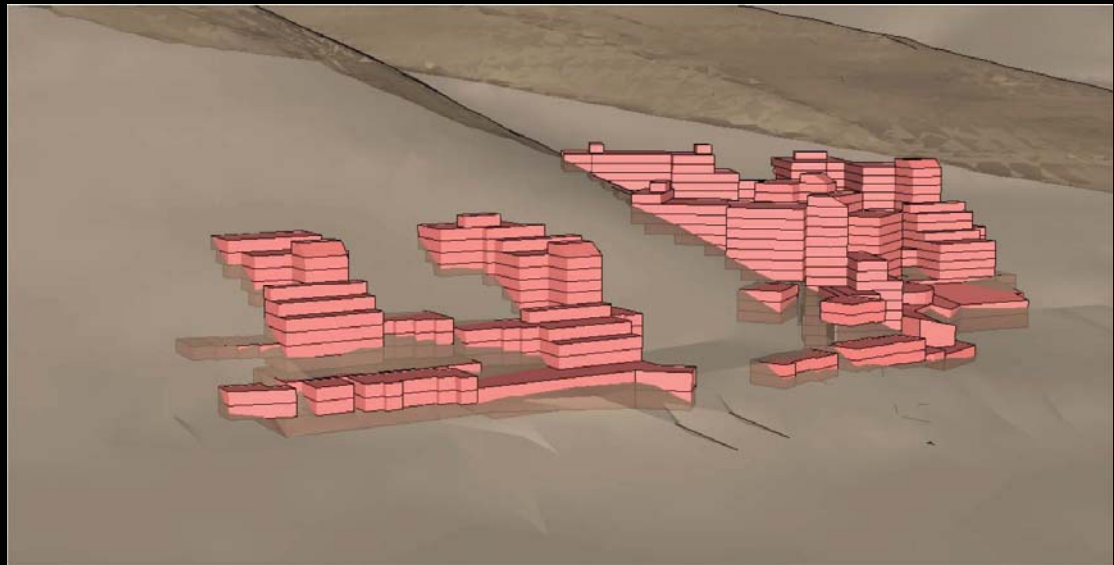
# Northstar Woodruff



# Ontario '09



# Ontario Woodruff



# Plan View '09



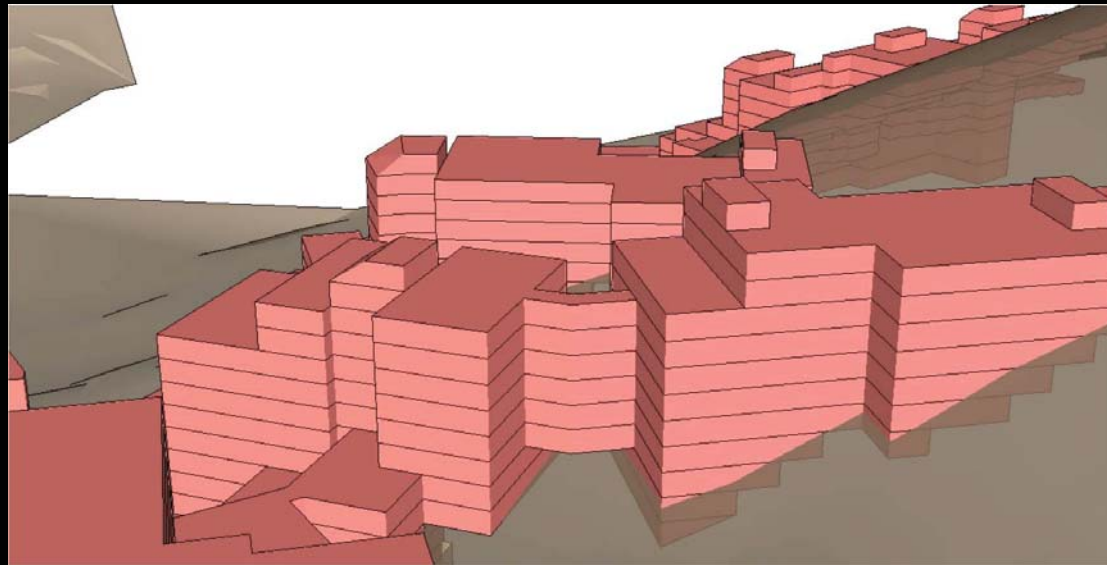
# Plan View Woodruff



# Ski Run '09



# Ski Run Woodruff



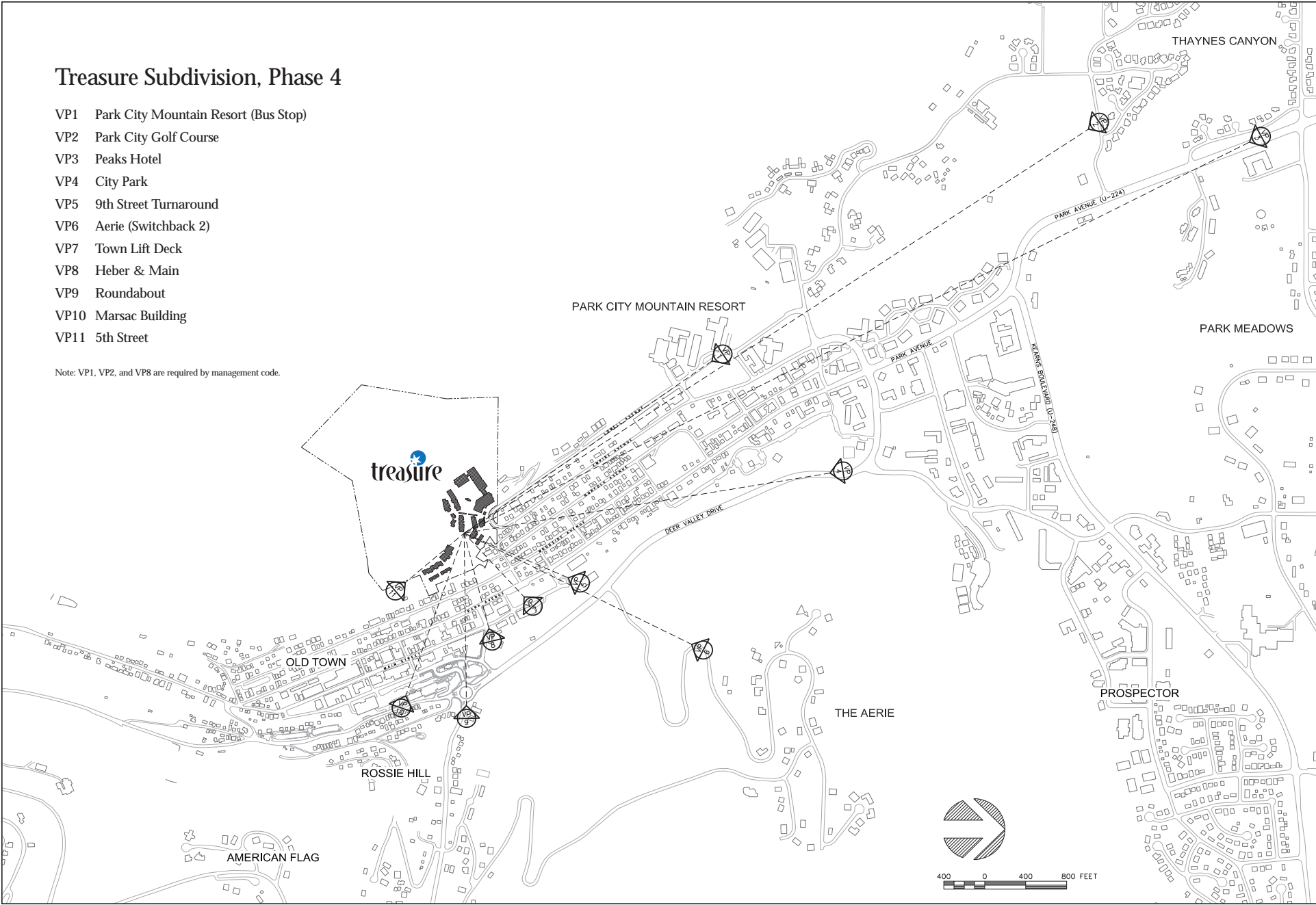




### Treasure Subdivision, Phase 4

- VP1 Park City Mountain Resort (Bus Stop)
- VP2 Park City Golf Course
- VP3 Peaks Hotel
- VP4 City Park
- VP5 9th Street Turnaround
- VP6 Aerie (Switchback 2)
- VP7 Town Lift Deck
- VP8 Heber & Main
- VP9 Roundabout
- VP10 Marsac Building
- VP11 5th Street

Note: VP1, VP2, and VP8 are required by management code.



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**V-21**  
6/12/2008



Viewpoint 1 Park City Mountain Resort



Viewpoint 2 Park City Golf Course

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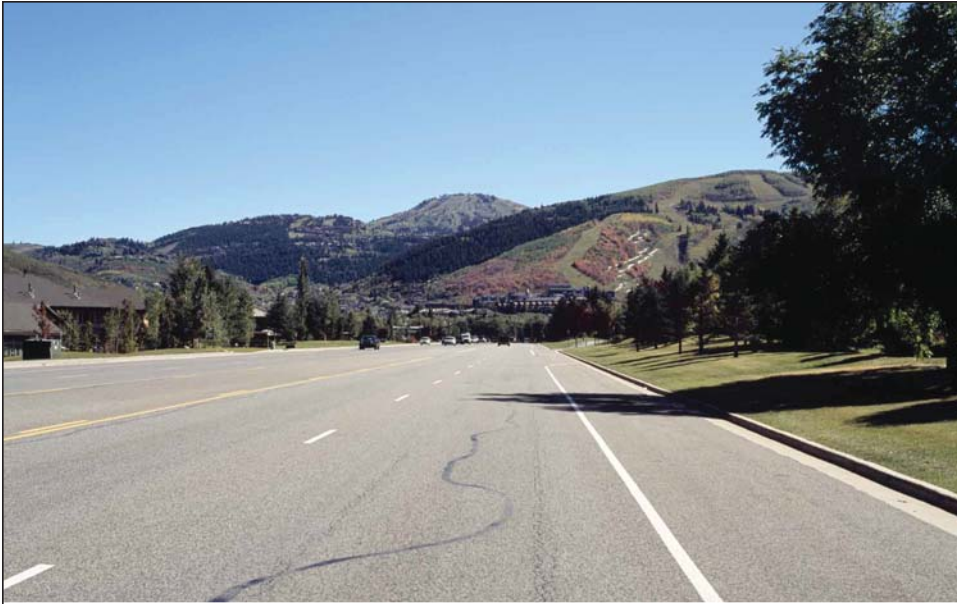
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Viewpoint 3 Peaks Hotel



Viewpoint 4 City Park

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Viewpoint 5 9th Street Turnaround



Viewpoint 6 Aerie (Switchback 2)

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Viewpoint 7 Town Lift Deck



Viewpoint 8 Heber & Main

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Viewpoint 9 Roundabout



Viewpoint 10 Marsac Building

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Viewpoint 11 5th Street

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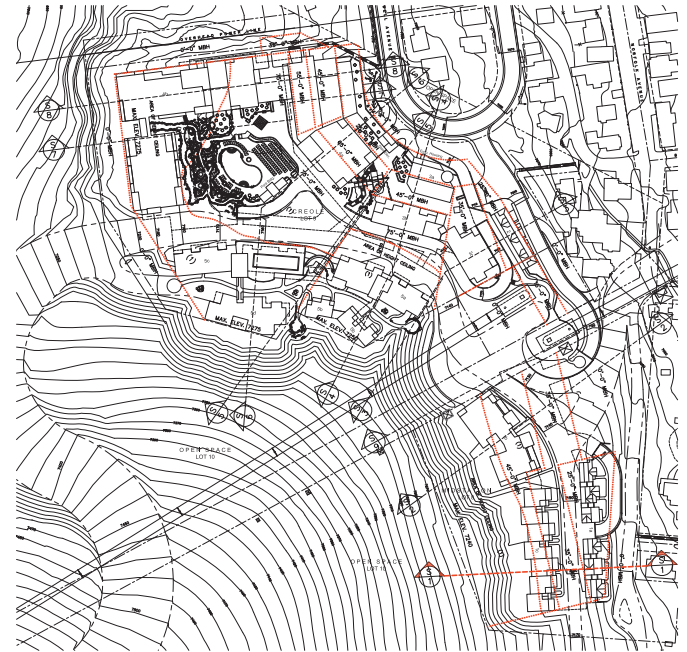


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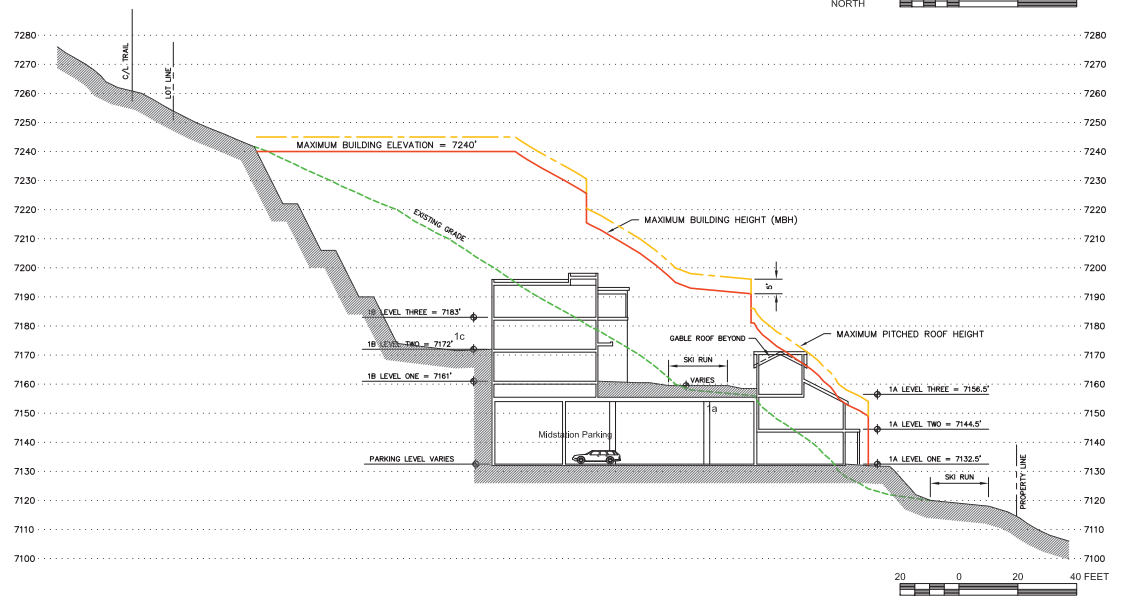
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6/12/2008



Exhibit Z – Applicant’s Cross Section Sheets S.1 – S.9



**KEY PLAN**  
NORTH  
100 0 100 200 FEET



REVISIONS:  
1/2 /200

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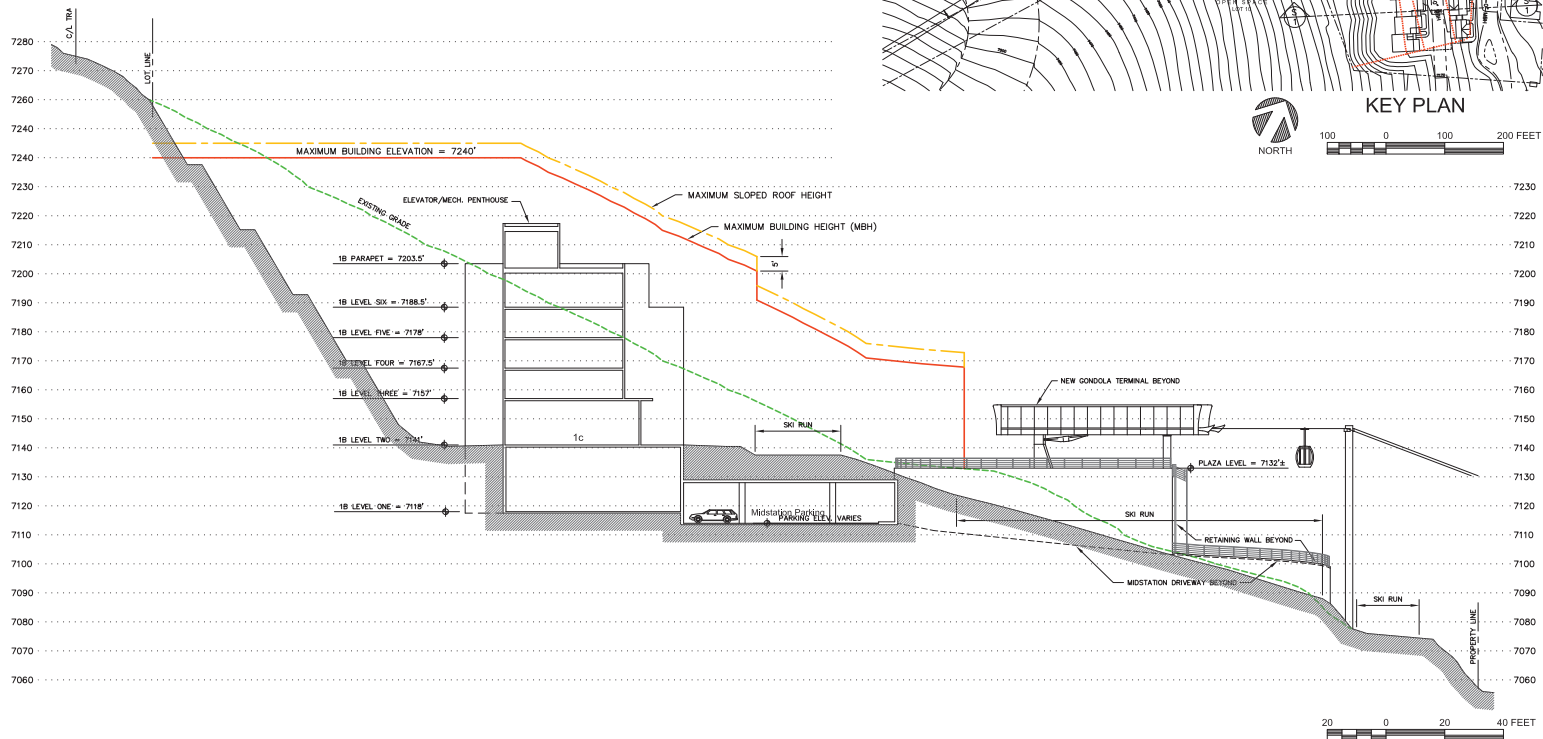
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**S 1**

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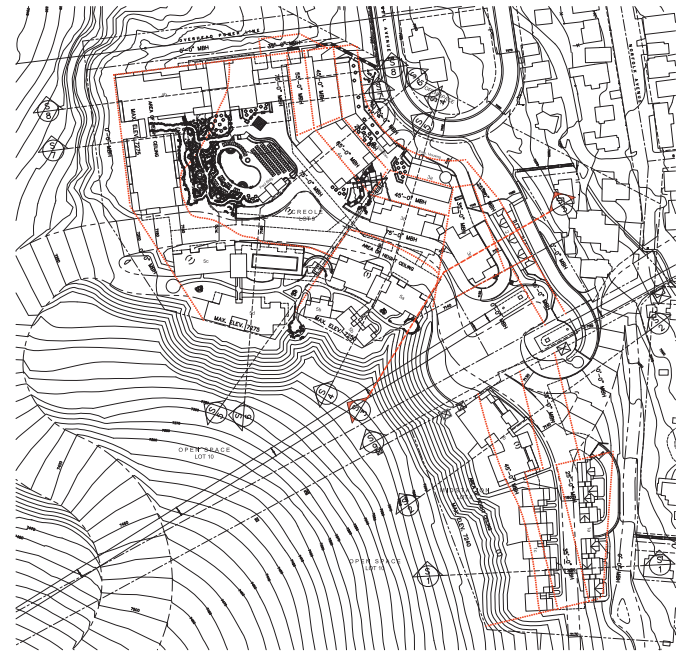
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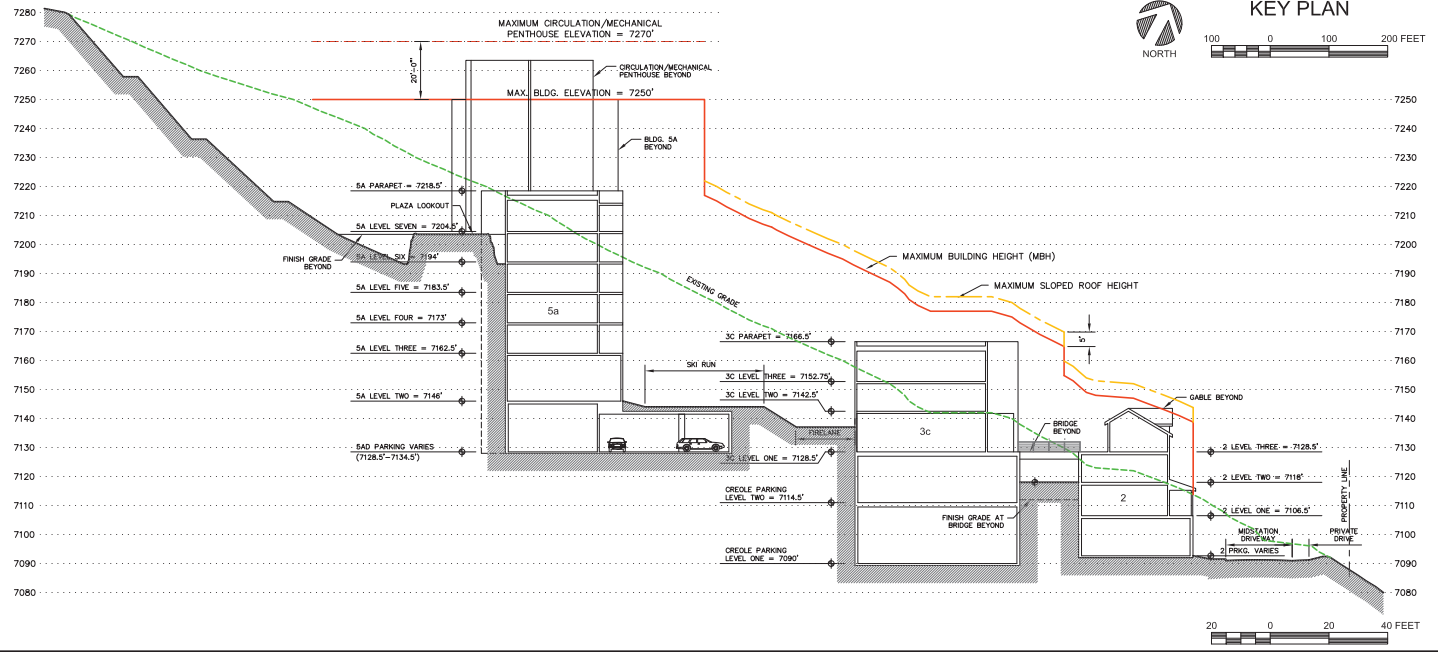
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S 2

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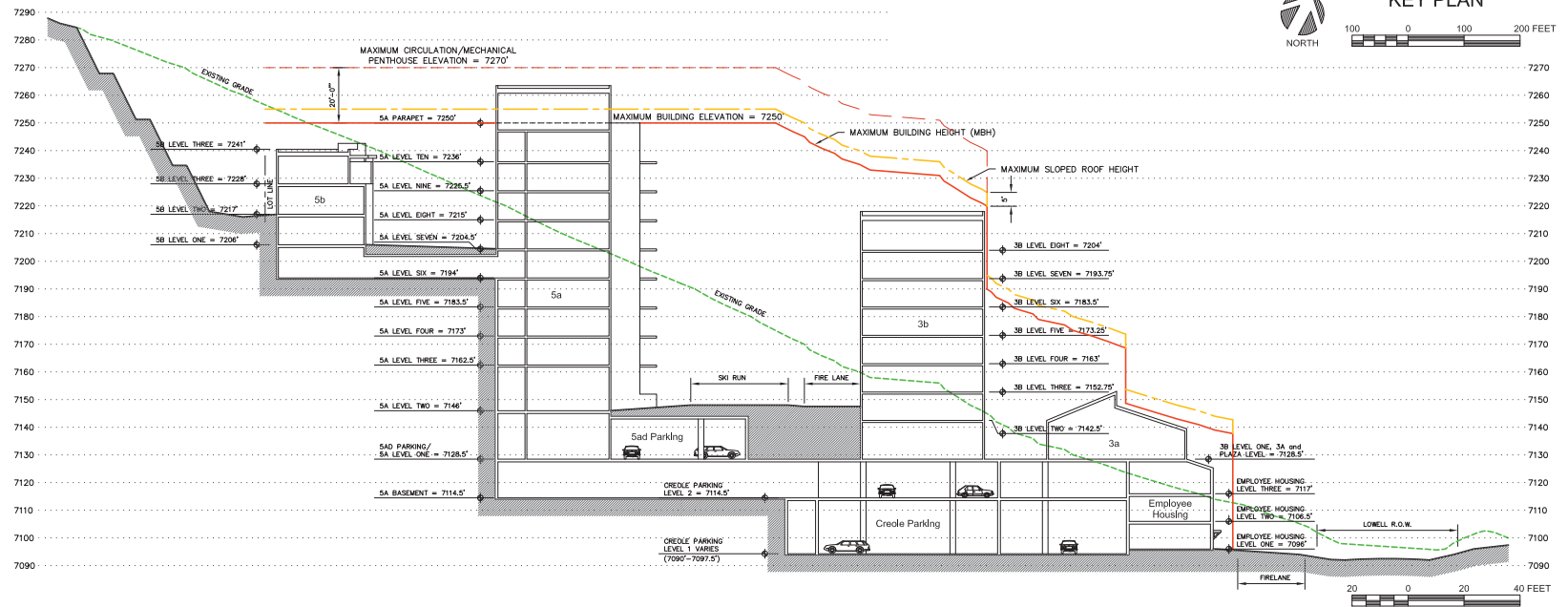
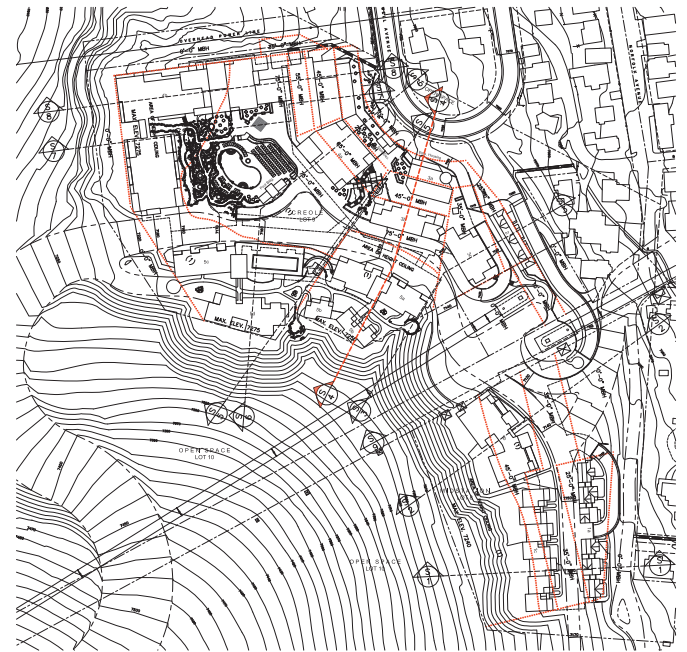
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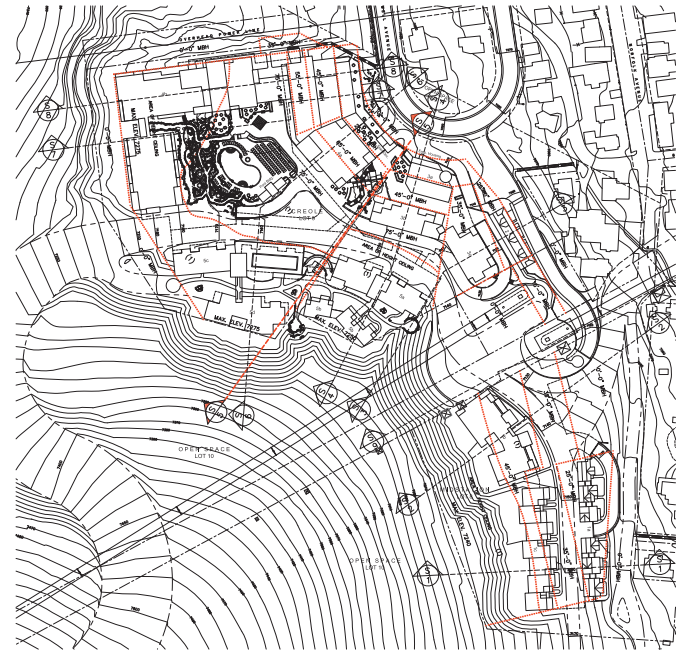
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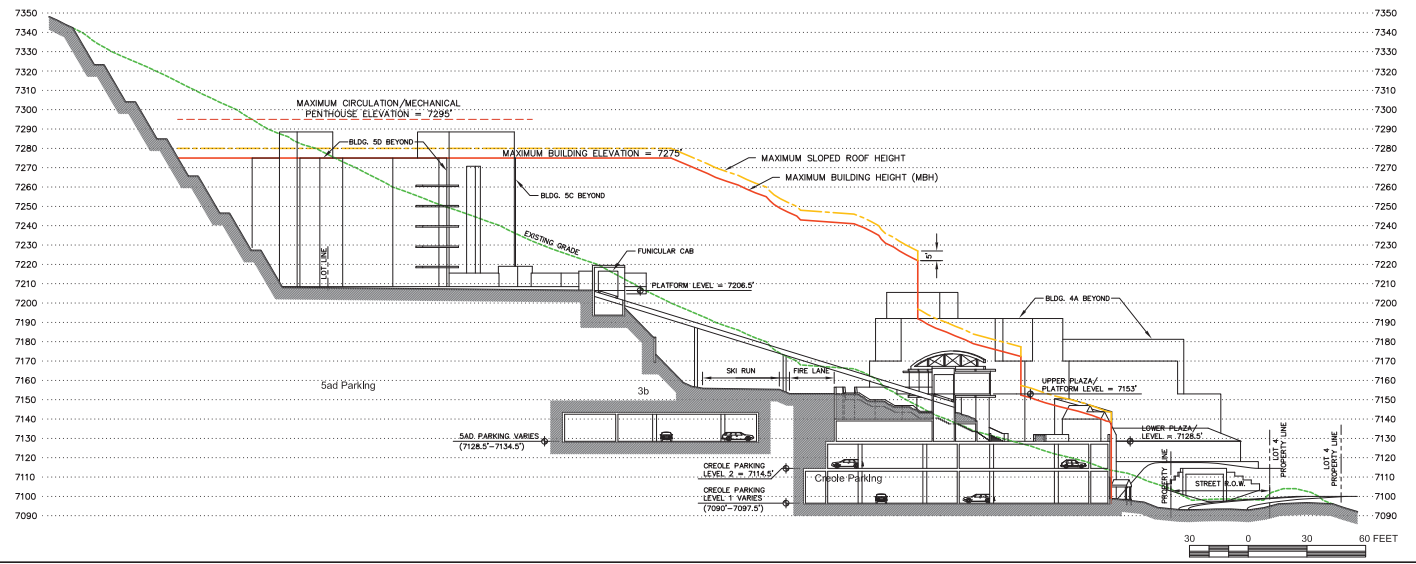
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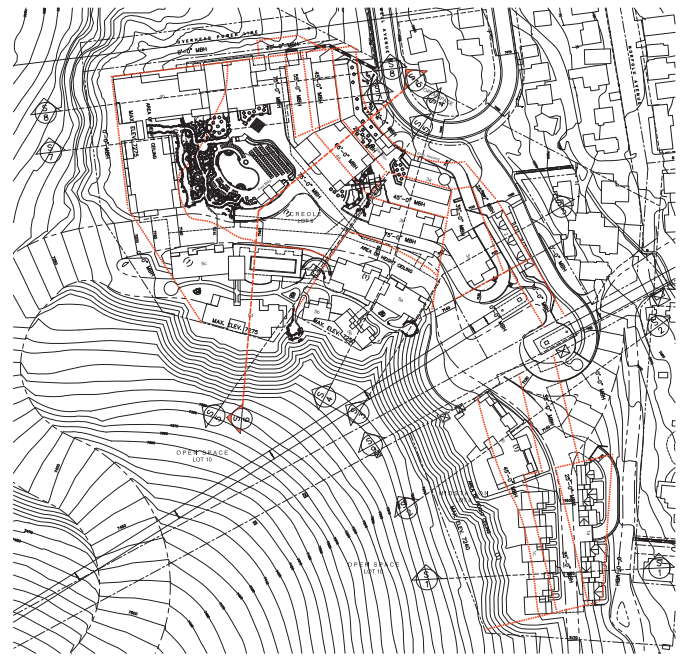
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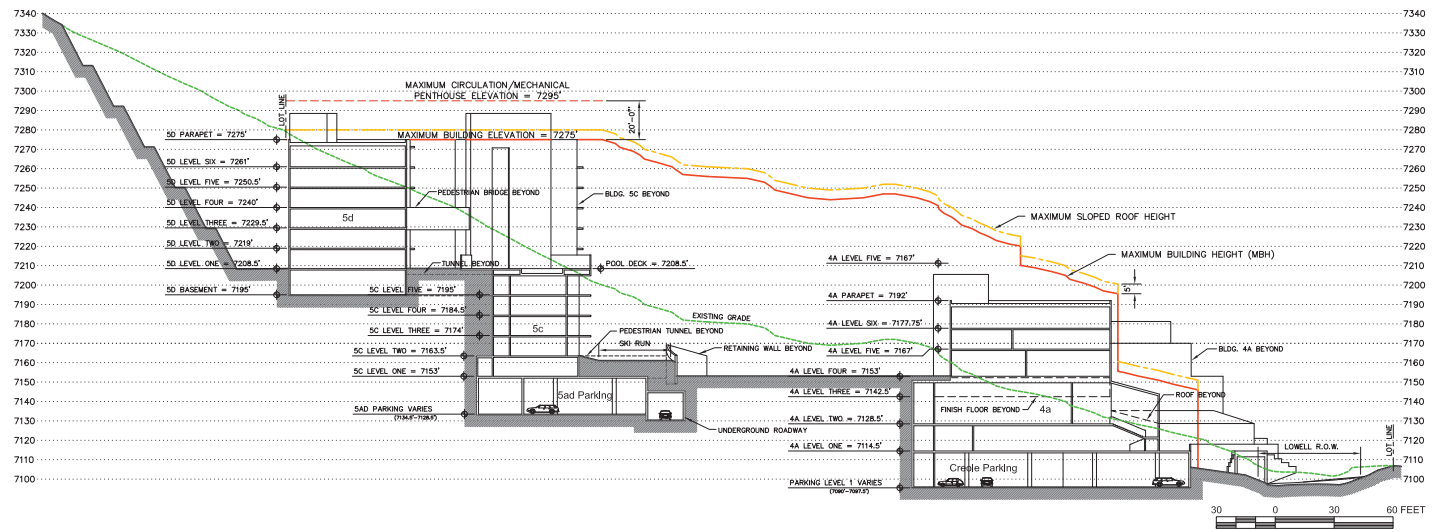
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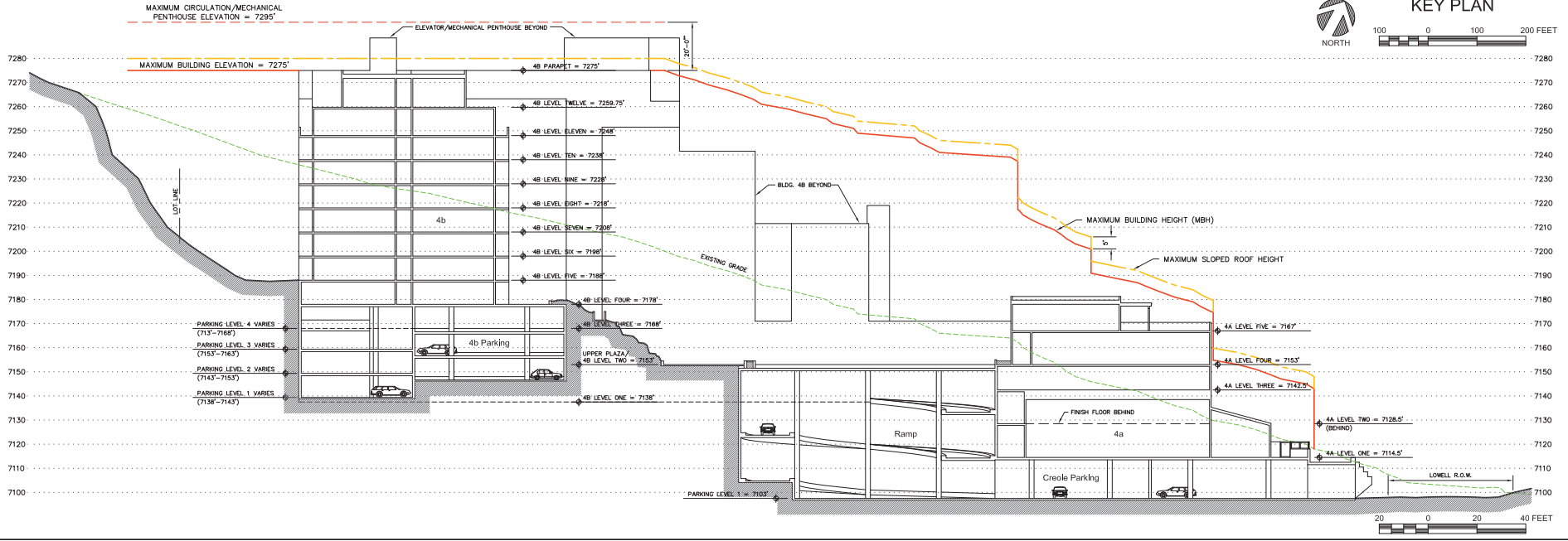
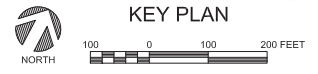
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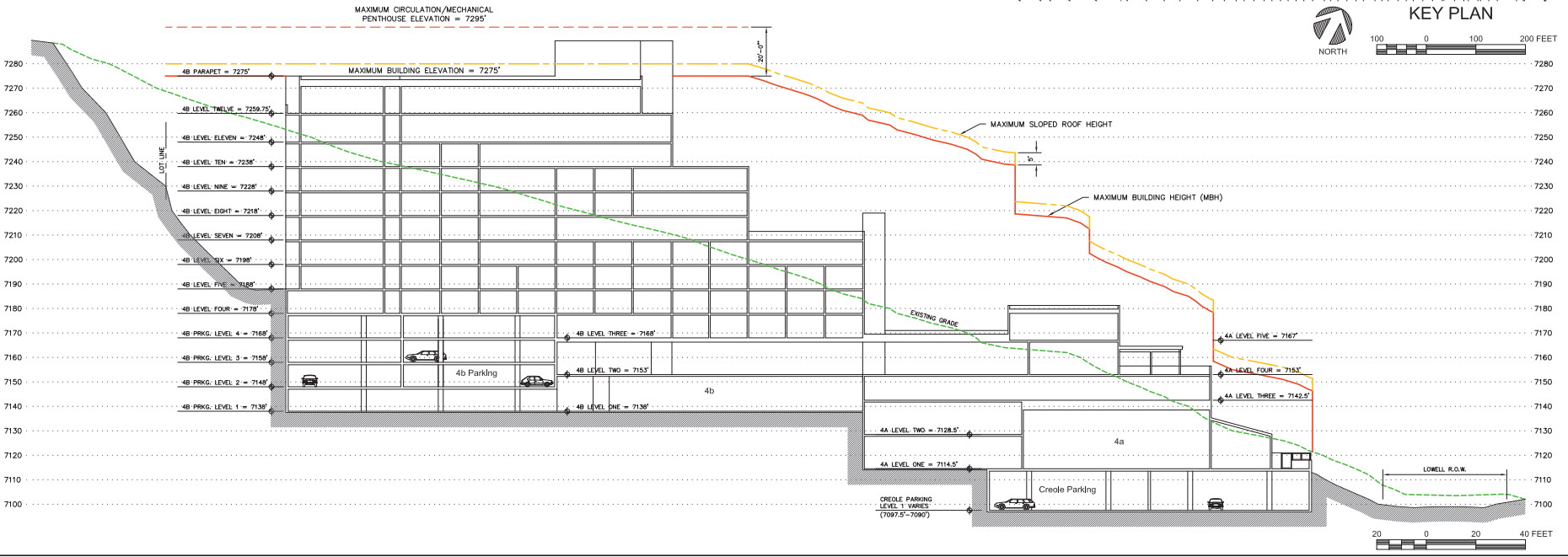
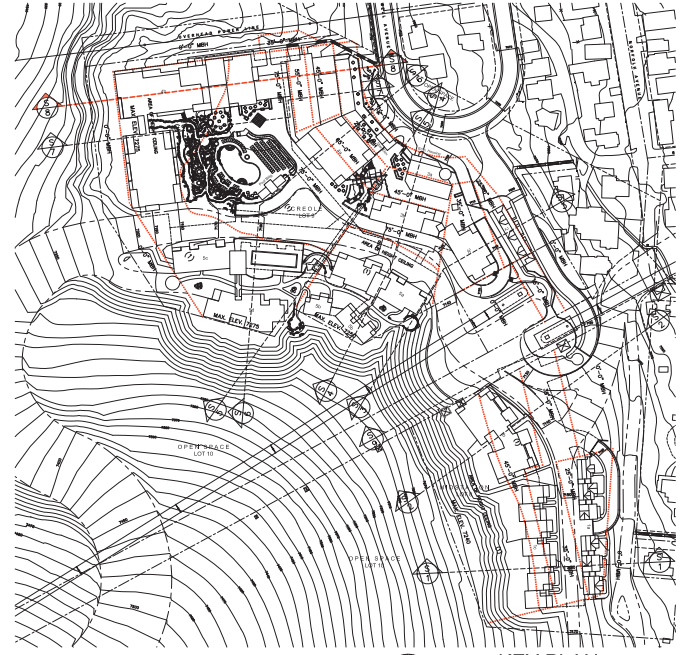
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 MPE, INC., PO Box 2429, Park City, UT 84060  
 eMail: info@treasureparkcity.com



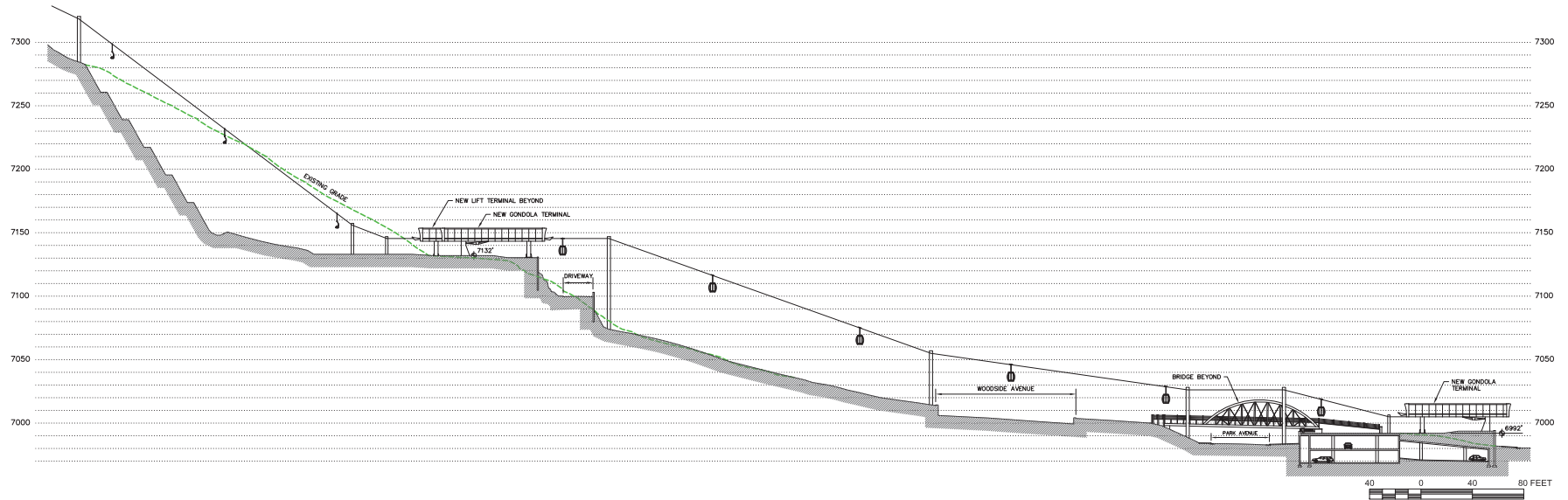
SHEET NUMBER

**S 6**  
6/12/2008









REVISIONS:  
1/2 /200

ELDRIDGE & NICHOLSON  
ARCHITECTS  
375 WEST 200 SOUTH  
SALT LAKE CITY, UTAH 84101  
(801) 384-6667



**MPE**  
INCORPORATED

Cross section  
Developed by  
MPE, INC., PO Box 2429, Park City, UT 84060  
eMail: info@treasureparkcity.com

**treasure**  
PARK CITY, UTAH

SHEET NUMBER

**S**

6/12/2008

Exhibit AA – Applicant’s Computer Renderings (from applicant’s website).  
[Building label added, also measurements shown in red taken from submitted plans]







CR-03-EmpireFrontage



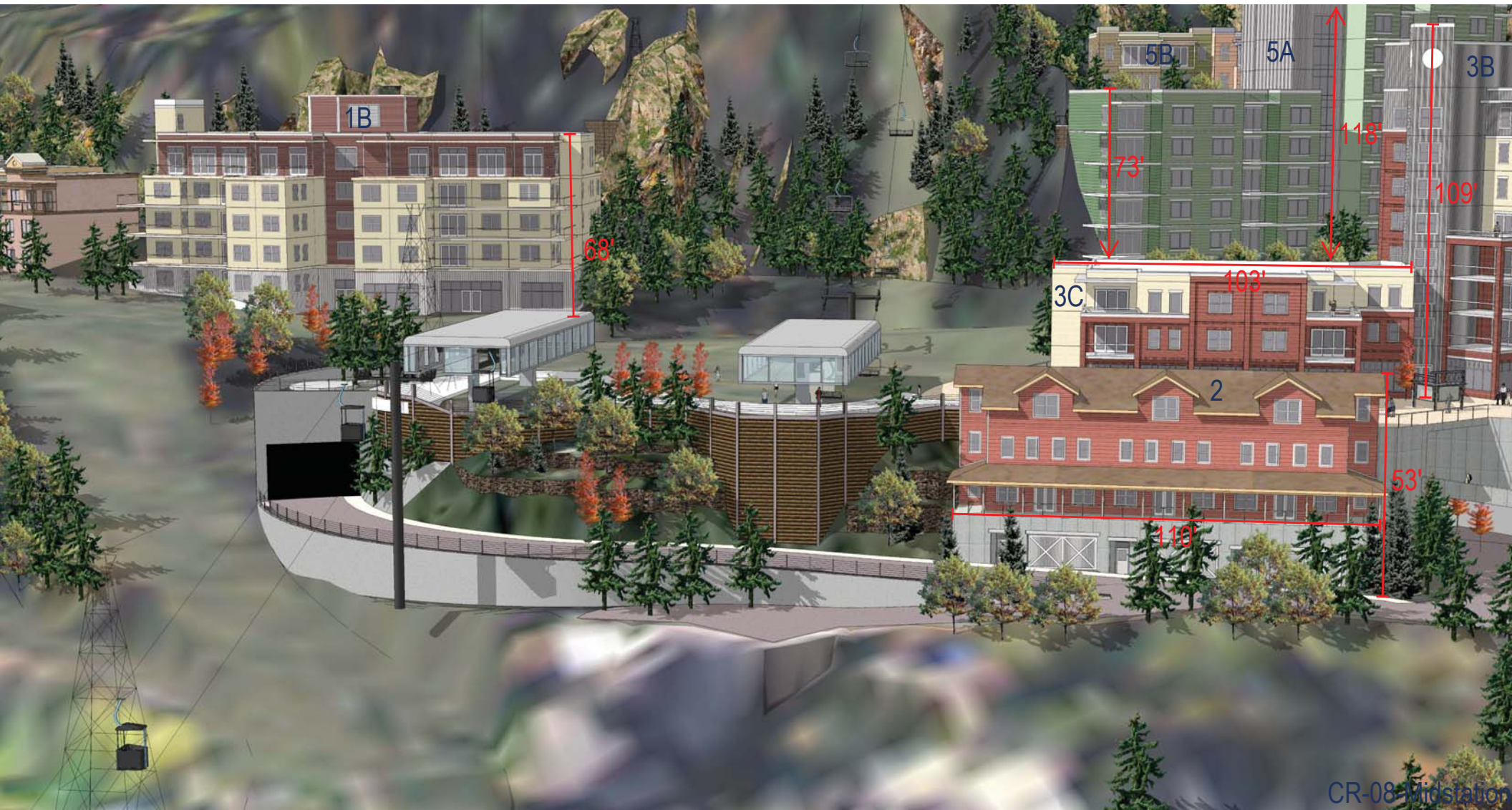




CR-06-LiftCabriolet







CR-08 Midstation



5A

5C

4A

4B



CR-10-LowellEmpireFrontage



CR-11-LookingDownOnLift







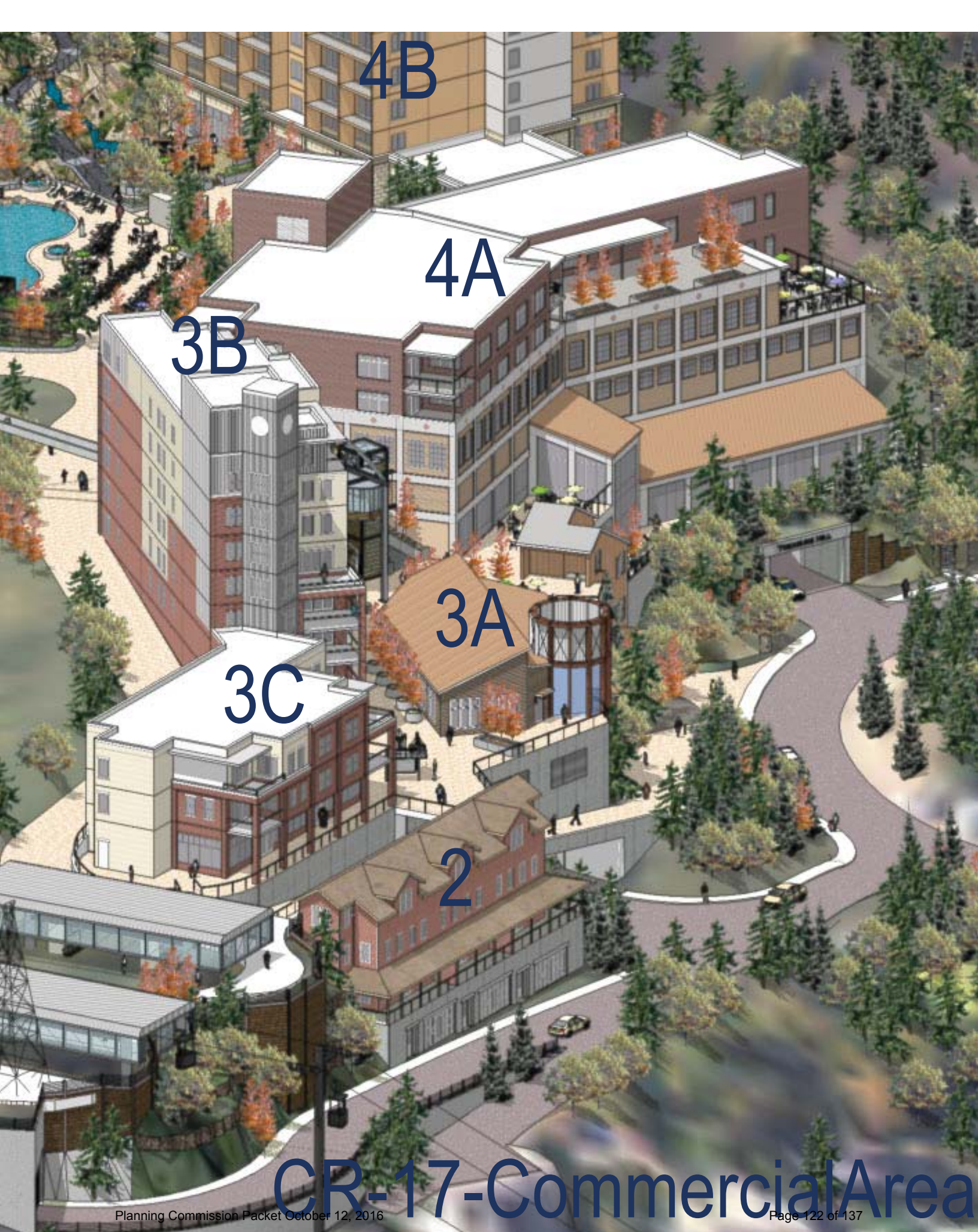
CR-14-ViewFromNorthEast



CR-15-ViewFromEast







# CR-17-Commercial Area







CR-20-1B



Exhibit BB – Applicant’s Photo Composites (from applicant’s website)

























