

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
NOVEMBER 30, 2016

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Kirsten Whetstone, Planner; Ashley Scarff, Planner; Anne Laurent, Community Development Director; Luke Cartin; Environmental Sustainability Manager; Rhoda Stauffer, Housing Program Manager; Alfred Knotts, Transportation Manager; Polly Samuels McLean, Assistant City Attorney

=====

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**

October 26, 2016

MOTION: Commissioner Joyce moved to APPROVE the minutes of October 26, 2016 as written. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

November 9 2016

Commissioner Joyce referred to page 6 of the Staff report, second paragraph from the bottom, second sentence. He thought the sentence was unclear and he did not recall having said those words. Commissioner Joyce had the same issue with the third sentence. He was unsure how to correct the sentences because he could not recall what he had actually said.

Chair Strachan suggested that they table the minutes to the next meeting and have Mary May re-listen to the tape for the exact wording. Chair Joyce stated that if the second and third sentences were stricken the rest of the paragraph reflected his intent and he was comfortable approving the minutes.

MOTION: Commissioner Phillips moved to APPROVE the minutes of November 9, 2016 as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioner Suesser abstained from the vote since she was absent from the November 9<sup>th</sup> meeting.

### **PUBLIC INPUT**

There were no comments.

### **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Planning Director Bruce Erickson reported that the next meeting was scheduled for December 14<sup>th</sup>. It will be a Treasure Hill meeting held at the Marsac Building.

Director Erickson stated that the Planning Commission would only have one meeting in January on January 11<sup>th</sup>, and it would also be a Treasure Hill meeting. It was still uncertain whether the January meeting will be held at the Santy Auditorium or the Marsac Building. Director Erickson anticipated holding the Treasure Hill meetings at the Santy Auditorium in March, April and May.

Commissioner Phillips disclosed that he has a small office in the Bonanza Park area. However, it would not affect his decision on the agenda item this evening; and if it ever became necessary, his office could be moved.

### **WORK SESSION**

#### Presentations regarding Environmental Issues, Transportation and Affordable Housing

Community Development Director, Anne Laurent, introduced Rhoda Stauffer, Luke Cartin, and Alfred Knotts. Since this was a work session, they were anxious to hear feedback from the Planning Commission regarding the three items being presented, and whether or not they were heading in the right direction.

Ms. Laurent stated that these items were the three critical goals from the City Council, and they are mentioned frequently in the General Plan. There have been discussions for several years about ways to improve the LMC to better support these critical goals.

#### Affordable Housing

Ms. Laurent stated that the first objective was to talk about the identified problem statement, which is the increasing rate of affordable housing units compared to what is

available and the market price. She remarked that the gap between the price of what is affordable at a certain AMI versus the market is widening at a very fast rate. She noted that currently there are just under 500 existing deed restricted affordable units in Park City.

The City Council has set a goal of 800 new units in the next ten years. Ms. Laurent stated that availability of land and shovel ready projects are the biggest challenges, as well as the complexity and competing interests of doing development in general.

Ms. Laurent reported that they had worked with EPS and the Blue Ribbon Housing Commission to make recommendations. Progress has been made, but further actions are needed.

Rhoda Stauffer, Housing Program Manager, stated that resolution amendments would be going to the City Council in the next 30 to 60 days. She noted that the City Council recently had a long discussion about fee waivers and agreed that any City sponsored affordable housing project has the ability to get full fee waivers from both impact and permitting fees. In addition, anyone building affordable housing has the ability to come to the City Council for partial or full fee waivers for development of affordable housing. Ms. Stauffer clarified that the waiver did not include housing obligations that come from an MPD or Annexation.

Ms. Stauffer reported on additional changes in the resolution. One is the way to calculate in-lieu fees, which would not quite double the in-lieu fee per unit. Another is that the employee generation multipliers would slightly change. Income targets would also change to better reflect what they have learned about the needs in the community.

Commissioner Joyce understood from a previous presentation that the City had set a price point for the fee in-lieu that was now outdated from a cost-of-living standpoint. He asked if an annual adjustment was being added to the changes to keep the fee in-lieu current.

Ms. Stauffer clarified that it was not actually out of date. The change was proposed after they re-examined how it was calculated. The prior method was a calculation of the difference between the affordable number to build a unit and the actual market price. They are now talking about charging closer to the actual construction cost of a unit.

Ms. Laurent explained that they were tying it to the average cost coming in as a valuation on building permits. As that number changes it would automatically change the in-lieu fee without having to amend the resolution.

Ms. Laurent thought it was important for everyone to understand the meaning of affordability. It is defined for families spending no more than 30% of their income on housing. That is the basis for setting AMI's

Ms. Stauffer stated that AMI stands for Area Median Income, and it is a factor that is calculated every year by HUD, the Department of Housing and Urban Development, to talk about affordability in communities around the United States.

Ms. Stauffer reported that the housing needs assessment was updated, which stipulates who in the community cannot find housing and what the households look like. There was a deficiency of approximately 400 rental units. Ms. Stauffer stated that rental housing has not been developed in the community for nearly 20 years, and it is clear that 400 units are needed to serve 40% to 50% of Area Medium Income. She pointed out that there are no for sale units in the community that are affordable to anyone earning 100% of AMI.

Director Erickson clarified that the affordable housing numbers Ms. Stauffer was citing only pertained to housing inside the City limits. It did not include surrounding areas.

Ms. Stauffer remarked that Park City is the job center for Summit County, and 8,000 people commute into the community from outside Summit County. They are focused on the AMI of those in the community to keep them from having to commute, rather than serve the people who already live in the Summit County and commute into the City. Ms. Stauffer stated that half of the commuters are below 60% of the AMI, which is below \$50,000 per year. The other half are above that percentage. Ms. Laurent stated that this information was important because it give them an idea of where the focus should be in terms of rental versus ownership. People below 60% are more likely to rent and those above 60% eventually want to own.

Ms. Laurent stated that the City was exploring the idea of potentially replacing the affordable Housing Master Plan Development Section of the LMC with something called a Housing Overlay Zone, where there are pre-determined “gives and gets” rather than a negotiated “give and get”. It would only apply to affordable housing. Ms. Laurent explained that when developers present bright ideas to develop affordable housing, they want some predictability on what they can develop with and without affordable housing. Currently, they are told that it depends on a number of things and they must go through a very long process to get answers. Ms. Laurent pointed out that it was a preliminary idea and they needed to look at how it would work. However, they would like to try it because it provides a framework and tailors density and the design criteria based on location and what people are willing to tolerate in their community. For developers, it would provide a known quantity in penciling a development project.

Ms. Laurent stated that the City was looking at purchasing land in the Bonanza Park area and developing affordable housing on that land is a priority. However, in recent conversation with the community about development in the Bonanza Park Area, many

questions were raised about density. There have been very good, productive community conversations. Ms. Laurent noted that there are still very polarized viewpoints on density and whether it is worth it. Another issue raised in those conversations is which is more important; housing or compatibility and not going over three stories or changing the look and feel of walking down the streetscape. She believed that the end result might not pencil for affordable, but since the City has money available to subsidize affordable housing, it allows them to better quantify and work with developers on what that subsidy might be. Additionally, the City Council would like to develop affordable housing on some City-owned properties. However, in order to that they would still need to provide a framework of what they are looking for and this might provide the opportunity to begin that framework.

Director Erickson noted that this suggestion has been benchmarked against other communities, so there are models that can be tested to see what would or would not work. Ms. Laurent emphasized that this was not the City's brain child and that it was already occurring in other communities and municipalities that were struggling with affordable housing.

Commissioner Phillips asked if they had calculated figures on how much additional housing the Housing Overlay Zone would help facilitate. He wanted to know if the Overlay Zone would apply to the same people that would be affected under the current Resolution or whether it was broadened. He recalled discussions about disbursing the costs through residential, and he was curious to know if that was ruled out or whether it was still being explored.

Ms. Laurent replied that the Housing Overlay Zone was different than the current Resolution. It would be creating a new zone that would overlay on to existing zones, and define how affordable housing would be viewed differently for that zone than any other market rate development. It would be an Overlay Zone used as an incentive for private development to do affordable housing. In some communities it does not require City funding, but given the market value of housing in Park City it still might be necessary to subsidize. However, it would help give a better idea of a reasonable subsidy level.

Ms. Laurent stated that the Resolution talks about housing obligations and it is sometimes used in development agreements. It responds to the inclusionary zoning regulations already in the LMC, which is why the two would be separate. Ms. Stauffer clarified that the Housing Overlay Zone would not replace the Housing Resolution.

Director Erickson remarked that the advantage of the Housing Overlay Zone is that it can be tailored to each of the 17 Zoning Districts, rather than a blanket like the

Sensitive Lands Overlay. Each District would receive a different set of tools to do property infill for this type of housing. It would enable the Planning Commission to target infill and neighborhood compatibility.

Commissioner Phillips asked if this would be substantial enough to spur new affordable housing. One of the problems with the MPD is that the housing required to be built is not a significant amount. In their joint meeting with the City Council, one of the issues was whether they needed to look at broadening those who have to pay into affordable housing. He asked if other changes were also being considered.

Ms. Laurent replied that this addressed the same issue, but in a different way. Rather than re-writing the affordable housing portion of the MPD, it would just change the structure. It also provides some flexibility to look at what they want to do in different parts of the City. Director Erickson stated that whatever solution they come up with, it would be benchmarked against the 800-unit goal set by the City Council. If they use this process the strategy would be to look at a plan for each zone, tailor it to the 800 units, and look at the consequences.

Ms. Laurent stated that whether or not it works would depend on the framework they give it. It is intended to make a big difference if they are willing to go big. She did not believe it would cure a market failure without some type of subsidy for a private development to do affordable housing.

Commissioner Joyce recalled saying in a previous discussion that the only people who are forced to contribute to affordable housing are those bringing forward an MPD. He pointed out that there are very few MPDs compared to the enormous number of structures being torn down, built, and rebuilt. He stated that they specifically talked about whether or not they should be looking at things outside of the MPD process as having to contribute to the affordable housing piece. Commissioner Joyce thought that related more to the Resolution rather than the Overlay if someone was building a single house. Ms. Laurent replied that he was correct. It was more of a Resolution and more about expanding the inclusionary zoning obligations.

Ms. Laurent stated that having an Overlay Zone in place and knowing where housing could go would be the first start to expanding the inclusionary obligations. It was also discussed as potentially expanding it to residential. They were not against going down that route, but they still needed to work out the details and bring the pieces together.

Director Erickson stated that the most negotiating power the Planning Commission has is an annexation. The next level is an MPD. The next level being considered would be the Planning Commission review authority of a mitigation strategy inside a Conditional

Use Permit. He believed there was the potential, but it was unclear whether or not the City would move forward on that level. Ms. Laurent pointed out that there were also functional complications in terms of existing development agreements and existing subdivisions. They did not see a lot of opportunity or impact by going that route. It was still being explored.

Commissioner Phillips asked if they anticipated additional joint meetings between the City Council and the Planning Commission. Ms. Laurent believed there would be future opportunities for joint discussions. She noted that a joint meeting was scheduled with Summit County on December 6<sup>th</sup> and affordable housing was one of the topics. They would focus on any opportunities to partner regionally.

Chair Strachan asked about the timing for bringing forth proposed LMC changes. Director Erickson replied that the Staff was given direction to bring something to the Planning Commission in the first quarter of 2017. Ms. Laurent suggested having a strategy meeting on how to do outreach and how to engage the public in a more informal setting.

Commissioner Thimm asked if they had identified any communities that have successfully implemented similar programs. Ms. Laurent replied that most of the communities are larger, more city-like environments. The challenge is that Park City is not urban but they have urban problems. How to adapt that was treading new road.

Chair Strachan asked if any communities the size of Park City had ruled it out as a bad idea. He was told that there were none that they knew of. Ms. Laurent respected the comment. They would not be offended if the Planning Commission thought it was a bad idea. She clarified that they were just looking for the tools that could be explored to address what they hear from the community.

Chair Strachan stated that when they do the outreach and get to the point of enacting LMC amendment and taking public comment, he was concerned that the first question would be whether or not they looked anywhere else to see if this works. He wanted to be able to answer yes and give specifics. Ms. Stauffer replied that Park City is part of a national network of entities that have been doing inclusionary zoning for years. It is a peer sharing network where they share information with each other about Best Practices and other things. Ms. Stauffer stated that they are constantly checking that network.

Commissioner Thimm noted that the information provided in the packet mentions a couple of thresholds in terms of percentage of AMI. It talks about the 40% to 50% threshold for the deficit in rental housing of 400. It also talks about the 8,000

commuters at 60% AMI. He asked if it would include a benchmark and process for determining what the target needs to be in terms of implementing the affordable housing initiative.

Ms. Laurent stated that they have talked about putting more definition to the critical goals and try to better define what the mix would be between rental and for sale. Ms. Stauffer stated that the assessment shows specifically what AMIs are in the most need. For 80% and above AMI there is a big need for rental housing in that category, as well as the 50% and below. It appears that the in-between is served fairly well. Ms. Laurent clarified that currently there is a very severe waiting list for rental with Mountainlands Community Housing Trust in the 40% to 50% AMI area; and their recommendation is for the City to focus on the rental.

Commissioner Joyce commented on the commitment that was made for the Park City Heights neighborhood. The hospital has come back with a second update and he believed the second phase of the hospital would be completed before the affordable housing is in. Commissioner Joyce stated that it is frustrating for the Planning Commission to put a requirement forward for affordable housing only to see it languish. Ms. Stauffer reported that they were on the cusp of releasing 14 houses for sale, and those were expected to close in the next 30 to 60 days. She believed the first round would lay the groundwork for having it go smoother in the future. I talking with the developer on what prices could be charged, they honed in on trying to keep the houses affordable. Ms. Laurent explained that based on how the development agreement was written, there are certain thresholds of when permits and certificates of occupancy can be issued. The City has the authority to hold back a certain percentage of permits and CO's if the affordable housing is not done. She pointed out that there were criteria for affordable housing but no deadlines for completing a specific number of units. The lesson learned and the recommendation from the Blue Ribbon Housing Commission is that the affordable housing portion must be completed first in a development.

### Transportation

Alfred Knotts, Transportation Manager, walked through the transportation strategies that have been presented to the community over the past few months. In addition, two sales tax initiatives were done jointly with the County. In addition to presenting the strategies to the public, they have reinforced that the strategies are consistent with the General Plan. Mr. Knotts stated that he came from the Tahoe Basin, which has the most stringent regulations in the Country. He is a firm believer in the roles that regulation and policy play. Projects and services cannot be accomplished without comprehensive planning at a project by project level.



Mr. Knotts stated that Park City is dealing with different growths, as well as growth outside of the City limits which has indirect and direct effects on Park City. They have been working with the County on how to mitigate those on a project and regional level, and it would be presented to the community itself.

Mr. Knotts presented the comprehensive approach. What they laid out to the community and reiterated with the Councils was a combination of projects, programs and services that improve the mobility and how it all fits together. Mr. Knotts pointed out that the fact that they will not build their way out of congestion was consistent with the General Plan. They would also provide active transportation and transportation demand management strategies. The last piece is to focus on the transit system. It is a very successful system and the intent is to build off of that system and provide the needed priority to the transit system. Mr. Knotts noted that currently the transit system operates in the same capacity as the single occupancy vehicle. He would provide the priority that it needs to outperform the single occupancy vehicle.

Mr. Knotts commented on road improvements and capital improvements. The primary focus will be on the main corridors and remote parking lots. The way to provide that priority to transit on the corridors is to provide dedicated transit lanes on SR224 and 248. The remote parking locations would be outside of the corridors and strategically located within and adjacent to the corridors.

Mr. Knotts had met with UDOT and the City was taking the lead on the SR248 project. It is a model he used in Tahoe both in California and Nevada where they did the projects on the State highway system with the State Highway Department Authority by passing the project management authority on to the local jurisdiction. It allows the project to be developed at a scale and context that fits the community.

Mr. Knotts noted that the County was also working on SR224. The City and the County have been working with the Blue Ribbon Committee on remote parking, and a few remote parking locations have been identified outside of the corridors. They will be looking at how to tie those into the transit system.

Mr. Knotts reported that the scope of the project for SR248 is dedicated transit lanes. Studies have been done over the last several years, and the last one completed in 2009 identified a preferred alternative. They would be moving forward with that preferred alternative, which are dedicated transit lanes. The Transportation Department will be doing public outreach and it will come back to the Planning Commission for feedback and input.

Mr. Knotts stated that as the school goes through its master planning process, they will be looking to address the access points. Currently, there are seven curb cuts and would like to address safety and other conflicts that exist at that corridor. He pointed out that there is one tunnel through that corridor, but an at-grade crossing still exists which does not resolve the entire conflict. Mr. Knotts noted that Richardson Flat is an asset they do not use. It is not very accessible and that would be part of the project. Other projects include the intersection improvements at Bonanza and 248.

Mr. Knotts remarked that the strategy for SR224 is very similar. They were looking to give transit priority through that corridor and be able to expedite service from the new Kimball Junction Transit Center that is being completed.

Regarding remote parking and where the intercept lots could exist, the Blue Ribbon Committee had talked about being able to identify the locations that complement all the markets they were trying to capture at those key points. They identified a place at the Ecker View area, and were in discussions with UDOT to be able to repurpose that. The view area is currently a layover truck stop and sleeping area. It is very accessible due to its proximity adjacent to I-80. It would allow them to capture those cars before they enter the Kimball Junction area.

Mr. Knotts stated Jeremy Ranch was another area being considered as a remote parking location. Another location was the Richardson Flat area.

Mr. Knotts stated that another strategy and something they were looking at incorporating into the LMC is Transportation Demand Management Program. It would be applied at a project by project level, and could be considered as conditions of approval. Certain levels of projects that generate a certain threshold of trips or has a certain threshold of employees would be able to develop a transportation demand management plan specific to that business or use. He anticipated coming back to the Planning Commission with proposed changes to the LMC in the first quarter of 2017.

Mr. Knotts stated that the General Plan is very explicit about what should occur when projects come forward. However, there is a big gap between how the General Plan is implemented and the LMC, and he is very eager to clean that up.

Mr. Knotts commented on minimum versus maximum versus shared parking standards. They have haphazardly applied maximum parking standards or parking reductions. The General Plan says that when those have been applied they should go back and conduct research on how it was applied. Certain projects have been approved but they have not yet done that research to evaluate whether it has been effective; and if not, what strategies or adaptive management strategies could be put in place to make them

effective. Mr. Knotts stated that there were also opportunities for shared parking and they would be looking at certain strategies. They were also working with the County on developing an overall regional transportation plan. Currently, there is a Traffic and Transportation Master Plan that was done in 2011 that needs to be updated.

Mr. Knotts stating that in the next few months he would be bringing forward LMC changes related to parking, specifically Section 9-7; and the parking ratio requirements in Section 15-3, which applies to the minimum versus the maximum versus shared parking. Section 9-7 is paid parking. As part of the parking management strategies for Old Town and the greater Park City areas, paid parking is a concept and strategy that will also be coming forward. Mr. Knotts stated that a Transportation Demand Management Ordinance or program could start off as voluntarily implemented by major existing employers, but as projects come forward, transportation demand management plans would be required at a certain level or threshold. It could be a standard condition of approval and incorporate certain mitigation measures when there are parking requirements. When parking reductions are considered the question is whether it should be applied arbitrarily or whether a straight 10% reduction should be applied. He suggested that they look at the 10% reduction and apply certain mitigation measures. A key theme would be to monitor the conditions of approval to see how they were working so they would not perpetuate past mistakes.

Mr. Knotts stated that he has spoken with Director Erickson and Ms. Laurent about requiring a traffic impact analysis and what would be the threshold to trigger the requirement. Mr. Knotts commented on other standards being applied that were outdated. One is the standard for level of service. When the level of service fails, the engineering solution is to build more capacity for the road. However, that is contrary to the General Plan which says they should not build more roads. Mr. Knotts stated that they should be looking at how to evaluate these projects on a vehicles miles traveled basis. He believed they would be working on that on a policy level.

Mr. Knotts commented on the conditions of approval, and agreed with the comment that the requirements languish. There is no tangible or direct mitigation that has a responsibility associated with it, a schedule, or when it should be completed.

Commissioner Joyce remarked that a major question when they were trying to work on the BoPa Plan was about improving the traffic flow. He did not anticipate a Bonanza Park Plan in the near future, but he suggested that they look at traffic flow through Bonanza Park as part of the traffic analysis. Mr. Knotts stated that they have developed a Bonanza Park Transportation and Parking Plan. It is in a final draft form but it has not been presented to the Planning Commission or adopted by the City Council. It supports the neighborhood plan in the General Plan. Mr. Knotts believed

the neighborhood section of the General Plan provides enough guidance about providing connectivity. The explained that they have been looking at the purchase of the Yard parcel, as well as road layouts and how to extend potentially the Munchkin Road section and Homestake.

Director Erickson noted that Prospector Avenue was also scheduled for reconstruction. He reported that working together, Planning, Transportation and Engineering they have gone to a complete streets analysis. They were enhancing bus turnouts, bike lanes, and landscaping. They were in conformance with the General Plan on that model as well. Director Erickson stated that considerable work was being done on the larger General Plan issues in that area.

Commissioner Joyce believed this was a step different than Prospector. The roads through Bonanza are fundamentally broken. Currently, everything in Bonanza Park dead-ends and they need to look at interconnecting some of the things that would either be part of an MPD, allocating land that is not currently road to become roads, or the City buying roads or building roads.

Director Erickson suggested that they have that discussion when they do their General Plan review of the Bonanza Park item on the agenda this evening. Mr. Knotts clarified that they have been using the General Plan as guidance for the connectivity and providing through arterials for that area. They also looked at the Corridor Preservation and Corridor Management Plan per an agreement with UDOT on access points and ingress/egress on SR248 as part of the Bonanza Park project. They were looking at a similar strategy with the School District.

Chair Strachan stated that as they look at the complete streets approach, sharrow lanes for bikes work well in the summer, but not as much in the winter because the roads are not plowed and the bikes cannot navigate through the slush on the side of the road. He suggested that they look at ways to make it more passable for bikes using sharrow lanes, and ways to make the City more bikable. Chair Strachan pointed out that the dedicated lanes work great because they are plowed early in the morning. He would support incorporating those practices into the budget to make the sharrow lanes as good as the dedicated lanes. Mr. Knotts stated that a cycle track also works well. They are separated by some type of a curb or median, and they would be plowed similar to the dedicated lanes. He thought there might be an opportunity to do that on Prospector; and if not, it would be something to incorporate into the design standards as a complete street. Chair Strachan did not believe Prospector needed it as much because of the Rail Trail. It was more important to keep the sharrow lanes cleared.

Luke Cartin stated that he has been in this position for three months but he is a seasoned veteran. He introduced Celia Peterson as the newest member of the sustainability team. Mr. Cartin noted that he served as a Planning Commissioner for eight years in another city and he respects what the Planning Commission does.

Mr. Cartin stated that the guiding documents for environmental sustainability are broken into three categories. The General Plan - Chapter 5 talks about everything from open space to carbon and sustainability. There were also critical priorities and resolutions that have been passed by the City Council, such as net zero and 100% renewable, as well as building standards and other pieces. Mr. Cartin remarked that his role is to make sure the City hits the goals of net zero carbon and 100% renewable electricity by 2022 for City operations and 2032 community wide. Mr. Cartin stated that net zero carbon takes into account all types of energy. These two goals are the main driver for his team.

Mr. Cartin noted that there are national resources to draw on and Park City is recognized as 100% committed by I Am Pro Snow, which is part of the climate reality project by Al Gore's group. The Sierra Club has lent their support. Unity Concerned Scientists have also provided technical pieces. There are a lot of national resources focused to help Park City achieve these goals.

Mr. Cartin noted that 100% renewable electricity is part of the net zero carbon goal. He presented a slide showing where Park City fits with some of their peer cities listed on page 131 of the Staff report. Those with a yellow dot were 80% to a carbon reduction goal and those identified with a blue mark had a net zero or a 100% goal. Park City is a leader in that nationally. Mr. Cartin stated Park City's goals are achievable and many of the other cities who set goals further out were bumping up their goals to meet Park City's goals. He remarked that the state of utilities is changing rapidly and the Country is in the middle of a transformation. The change is also occurring internationally.

Mr. Cartin reviewed a list of current steps that were being taken. They were currently under electricity negotiations with Rocky Mountain Power to achieve the 100% renewable goal. Currently, with Rocky Mountain Power it is about 60% coal fired, and that is a drastic change from what they currently do for business.

Mr. Cartin stated that they were also looking at quantifying the open space carbon sinks. They have over 8,000 acres preserved and the intent is to help quantify that. It would not change how the open space is managed, but it would add additional value. They were also looking at different ways to leverage the Land Management Code in areas that overlap the critical priorities of affordable housing and transportation. They were looking at increasing energy efficiency and renewable energy, and they were also

going after zero waste. On the zero waste side they were actually focusing on special events first because they have a large impact but they have also shown a great amount of success. The Park City Market has an 86% diversion rate, which is great when you consider the number of people who attend the event.

Mr. Cartin stated that the energy code is set at the State level. They are not able to change the values, insulation factors or any other pieces because it is set by the State Legislature. They can get around it somewhat by being more creative in the LMC. Another plan is to reach out to the community and get input from architects and builders to figure out how they can work it in and make it more authentic.

Mr. Cartin presented a graph showing the electricity use of residential within the City limits shown in red, and businesses within the City shown in blue. He pointed out that in January, February and March the residences used more electricity than all of the businesses combined. It is nearly a 50/50 split when you look at two ski areas, all the hotels, and the restaurants within the City limits. Mr. Cartin believed it was an interesting challenge and one they did not have answers for yet. They would be reaching out to the community to help solve the problem. Mr. Cartin stated that in looking at the 2022 goal and the 2032 goal, City operations are over 50% fed with renewable electricity currently. Electric buses are coming on line, and they were about to undertake an energy efficiency audit on multiple City facilities. They were moving ahead with the Rocky Mountain Power negotiations. Mr. Cartin remarked that with the potential changes in rooftop solar in Utah, he asked the City Council to send a letter to the Public Service Commission about the way the temporary tariff was written. He would also be in front of the City Council on December 8<sup>th</sup> and December 15<sup>th</sup> to follow up on the City's stances on what to do on the net metering changes proposal that will be decided sometime this summer. Mr. Cartin stated that they were looking at all options to keep that on the table as well.

Mr. Cartin reiterated that his two main goals are to meet the carbon and energy goals by 2032 for the community. He would be coming back to the Planning Commission with potential LMC changes, and to hear their comments on everything from open space to overall energy uses as they see what tools are available in the toolbox to tackle the issues.

Director Erickson remarked that at a team level they were looking at issues such as heated driveways, outdoor fireplaces, roof heating and other items that are not necessary but consume a lot of energy. Their last meeting produced 30 potential items inside the LMC that are within the purview of the Planning Commission.

Chair Strachan believed they would need good data. In looking at the graph of residential versus business use, it is easy to speculate that the residential use is higher in January and February because people are heating their driveways and turning on Christmas lights. However, it might not be the real source of the energy use. Director Erickson remarked that part of the use is driven by occupancy. It is also driven by business use. If the hotels are empty, the energy consumption drops.

Chair Strachan suggested that they get the data to drill down on where the energy consumption was really coming from and the cause. He asked if there was a way to get data on the behavioral patterns of the residential users. Mr. Cartin replied that they already have good data on a national level, Utah level and a mountain resort level. They are able to look at comparable cities and towns in the ski industry to see what they have gone after and understand where the load is. The occupancy of second homes is a big driver, but this community has shown great ways to rally around it, with the Summit Community Power Works going after the Georgetown energy prize. They took something that did not exist a few years ago, created a non-profit, and now they are one of the national leaders in energy reduction.

On the residential side, Mr. Cartin stated that the amount of LED's installed across both the east side and this side of the County has significantly reduced the overall residential electrical load. There are big wins already. However, because they are not able to set energy code, they can look at LMC changes to address the larger energy uses. Another approach is to incentivize Old Town to seal up the buildings better. Mr. Cartin remarked on the need to be creative to also make sure they take care of the existing buildings and try to incentivize the new buildings coming out. He would be coming forward with proposed changes to how the City builds facilities. The LMC will be a major piece in how to accomplish these goals.

Chair Strachan was interested in seeing the data analysis, and he requested a presentation on what they find and the behavioral patterns.

Commissioner Joyce asked if there was any hope of approaching the State to explain what Park City is trying to do and the standards they would like to include that are not part of the Utah Energy Standards. Mr. Cartin reported that several things are going on at the State Level. The Legislature is the slowest to act because of their scale and scope. He explained that the Utah energy landscape is currently undergoing drastic changes. Approximately 780 megawatts of solar will be coming on line next year in Utah. Pacific Corp., who owns Rocky Mountain Power, is shutting down 3,000 megawatts of coal. Half of their coal fleet will be off line by 2034. Mr. Cartin stated that they were looking at the best way to package their plan and send it to the State because it saves the residents of the State and the businesses money long term. He

noted that they were also working with Rocky Mountain Power to help push out some of their incentive programs. Mr. Cartin stated that because there is so much change going on this the State, both politically and market forces, that something is going to give and he wants to make sure Park City is helping to push it in the right direction.

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

Due to a conflict of interest, Chair Strachan disclosed that he would be recusing himself from the Deer Valley MPD application for 7520-7570 Royal Street East.

1. **7520-7570 Royal Street East- Deer Valley MPD 12th Amendment to combine MPD Lots F, G, and H of the Silver Lake Community, into one MPD Lot, Lot I. No changes to the approved density assigned to these MPD Lots are proposed. (Application PL-16-03155)**

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

Planner Kirsten Whetstone reviewed the request to amend the Deer Valley Master Plan to combine Silver Lake Parcels F, G and H into one Silver Lake Parcel I; as well as to transfer 843 square feet from Lot D, the existing Goldener Hirsch, over to Lot I. The amendment would reduce the unit equivalents for Lot D from 6 to 5.5785. It would increase the UEs that are allowed and allocated by the MPD on Lot I from 34 to 34.4215.

Planner Whetstone reported that the Planning Commission had reviewed this application several times. At the last meeting on November 9<sup>th</sup> there was an issue regarding the support commercial. At that time the applicant was requesting to calculate all of the support commercial for the project, and then transfer some of it to Lot D to take care of the difference between the 2,062 square feet that the Deer Valley MPD calls out as Deer Valley Master Plan Support Commercial. In addition, there was 3,993 square feet of commercial platted at the Goldener Hirsch.

Planner Whetstone noted that at the last meeting the Planning Commission requested additional information for clarification and Continued the item to this meeting. Planner Whetstone summarized the additional information she had included in the Staff report. She explained that the total building floor area at the time it was built was 24,693 square feet, minus parking and support commercial; and 5% support commercial, 5% meeting space would be 2469.3 square feet. Taking the total platted commercial of 3993 square feet and subtracting the 2,062 square feet allocation, the difference is 1,931 square feet. Planner Whetstone stated that based on the total square footage of the building, they were allowed support commercial of 2,469. The 1,931 square feet is a lesser amount, and



therefore, at some point it was correctly calculated but it was never reflected in the Deer Valley MPD. Planner Whetstone had researched previous Minutes and it was clear that they were counting the gift shop and the front desk, which is considered support commercial or residential accessory.

The Staff determined that the support commercial was correctly calculated. Planner Whetstone clarified that the applicant was no longer asking to transfer any support commercial. The new project was not asking for any support commercial and the existing Goldener Hirsch was not requesting any changes.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the 12<sup>th</sup> Amendment to the Deer Valley MPD with the findings of fact, conclusions of law and conditions of approval as stated in the Staff report.

Steve Issowits, representing the applicant, thought clarification was accurate. If the CUP and the plat amendments are approved, he would like the MPD to reflect all that.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

Commissioner Thimm was satisfied with the clarification provided.

Commissioner Suesser did not think Conditions of Approval #1 fully captured the mine hazard language in Item (L) on page 142 of the Staff report. She suggested that the condition should be revised to capture that language. Commissioner Suesser read from Condition of Approval #2 on page 148 of the Staff report, "If a single building is proposed..." She asked if one building was proposed on Lot I or whether it would be two.

Planner Whetstone explained that it was all connected with one parking garage. If they combined all the lots they were concerned about having one large building; and if that occurs, it needs to be fully articulated into sections.

Chris Conabee, representing the applicant, stated that it was a fail-safe mechanism. They were asking the Planning to approve an entire project, and under the auspice of having the MPD changed they came back with a building that looked entirely different. This is a mechanism to make sure that the building is built to represent three separate buildings. Should the project change hands or be sold before the building is built, this was a way to provide the City with a fallback should the building change.

Commissioner Suesser believed that the condition as drafted appeared to allow a single building on that one lot. Planner Whetstone replied that a single building is allowed but the design would have to be articulated to break it up.

Director Erickson addressed Commissioner Suesser's mine waste question. He clarified that the language on page 142 reads that there are no known mine hazards but once they start digging they might find some. Condition #1 is written such that if they do find mine hazards they would be required to submit a plan to remediate it.

MOTION: Commissioner Phillips moved to APPROVE the 12<sup>th</sup> Amended Deer Valley Master Planned Development based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated in the Staff report. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – Deer Valley MPD

1. The Deer Valley Master Planned Development was last amended by the Planning Commission on March 23, 2011, as the 11th Amended and Restated Large Scale Master Planned Development for Deer Valley (aka Deer Valley MPD).
2. On April 15, 2016, the City received an application requesting an amendment to the 11th Amended and Restated Large Scale Master Planned Development Permit for Deer Valley (aka Deer Valley MPD). The application was considered complete on July 18, 2016, upon final review of the utility issues associated with the MPD Lots D, F, G, and H addressed as 7570, 7520, 7530, and 7540 Royal Street East respectively.
3. Deer Valley MPD Silver Lake Community parcels known as Silver Lake Village Lots D, F, G and H are also lots of record platted with the Silver Lake Village No. 1 Subdivision recorded June 21, 1989 and the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision recorded November 8, 2011.
4. This request, being the 12th amendment to the Deer Valley MPD, is being reviewed in conjunction with a Conditional Use Permit and an amended Silver Lake Village subdivision plat for the Goldener Hirsh Inn and Residences expansion onto the subject MPD Lots.

5. These MPD Lots are located within the Silver Lake Community of the Deer Valley Neighborhood.
6. The applicant requests a 12th amendment to the Deer Valley MPD to combine the Deer Valley MPD Silver Lake Village vacant Lots F, G, and H into one Lot I and to transfer 843 square feet of residential density (0.4215 unit equivalents (UE)) from Silver Lake Village Lot D (existing Goldener Hirsh Inn) to the new Deer Valley MPD Silver Lake Village Lot I, to accommodate access and circulation between the Goldener Hirsch Inn and the future Goldener Hirsch Residences proposed Parcel I.
7. Exhibits 1, 2 and 3 to the Deer Valley MPD show in table form the residential and commercial density allocated for the various Deer Valley parcels, as well as other MPD project components.
8. The requested amendments pertain only to the Silver Lake Community- Silver Lake Village Lots D, F, G, and H shown in Exhibit 1 to the Deer Valley MPD document. There are also administrative changes to page 1 and to Exhibits 2 and 3 to correct titles and dates to reflect the "Twelfth Amended and Restated Large Scale Master Planned Development Permit". There is a note added to Exhibit 2 to clarify commercial uses for Lot D.
9. The requested amendment pertains only to the Silver Lake Community parcels (Lots D, F, G, and H). There are currently a total of 40 UEs of density allocated to these four parcels and the total density allocated to these parcels will not increase or decrease as a result of these amendments.
10. Goldener Hirsh Inn is in compliance with the allowed 6 UE of permitted density, based on a review of the approved building permit plans.
11. The transfer of 0.412 UE density from Lot D to proposed Lot I is within the Silver Lake Community and does not transfer density from lower Deer Valley to upper Deer Valley.
12. Common underground parking, a single access drive, consolidated utilities and emergency egress and fire protection, as well as interior pedestrian connections to the common plaza areas at Silver Lake Village, are beneficial site plan attributes made possible with this proposed MPD amendment.
13. Exhibit 2 of the MPD document allocates 2,062 sf of commercial space for the

Goldener Hirsch starting with the 2001 Eighth Amended MPD.

14. The Goldener Hirsch condominium plats indicate that there are 3,493 sf of commercial condominium units (restaurant, bar, lobby, and front desk area) platted and existing within the building. This support commercial includes 2,062 sf of DV MPD assigned commercial and 1,431 sf of support commercial approved with the 1988 Golden Deer (MPD) approval. An additional 500 sf of support meeting space was also approved.

15. At the time of the August 10, 1988 MPD approval, support commercial/support meeting space was based on the total floor area of the building minus the parking garage and support commercial (24,693 sf). The minutes of the 1988 Golden Deer MPD approval indicate that 3,500 sf of commercial uses were approved.

16. The total existing support commercial and support meeting space is 3,993 sf (3,493 of platted commercial floor area plus the 500 sf of common area meeting space on the second floor).

17. Deer Valley MPD Support Commercial uses allocated for Lot D (Table 2) will not change from the current 2,062 square feet. Any support commercial square footage that exists on Lot D in excess of 2,062 square feet results from the support commercial approved with the Golden Deer MPD in 1988 and the Golden Deer Condominium plats.

18. No changes are proposed to any of the existing support commercial areas within the existing building. The support commercial areas were approved in 1988 and were correctly calculated at the time of the Golden Deer MPD approval.

19. No transfer of support commercial uses from Lot I to Lot D is required or proposed and no commercial uses are proposed on Lot I.

20. A footnote will be added to Table 2 for Silver Lake Village Lot D stating that: "Commercial uses on Silver Lake Village Lot D includes 2,062 sf as allocated from this Amended and Restated Large Scale MPD, plus support commercial uses."

#### Conclusions of Law – Deer Valley MPD

1. The 12th Amended Deer Valley MPD document and Exhibits comply

with previous approvals and actions.

2. The 12th Amended Deer Valley MPD complies with all requirements of the Land Management Code regarding Master Planned Developments in Chapter 6.
3. The MPD, as amended, is consistent with the Park City General Plan. Development of resort residential properties with underground parking, located at the base of the Deer Valley Resort is consistent with the purposes, goals and objectives of the Upper Deer Valley Resort Neighborhood.
4. The MPD, as amended, does not impact the provision of the highest value of open space, as determined by the Planning Commission. There are no changes to the amount of open space provided by the Deer Valley MPD.
5. The MPD, as amended, strengthens and enhances the resort character of Park City.
6. The MPD, as amended, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible. There are no changes to existing natural features and no existing significant vegetation on the subject development parcels.
7. The MPD, as amended, is Compatible in use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility. There are no changes to allowed total density, exterior building setbacks, or building height. Surrounding buildings are of similar use, scale and mass.
8. The MPD provides amenities to the community and there is no net loss of community amenities with the proposed amendment.
9. The MPD, as amended, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed and no additional housing is required as the density is not increased.
10. The MPD, as amended, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The Deer Valley MPD has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site. No Sensitive Lands are located on the subject property.

11. The MPD, as amended, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections. Shuttle service is provided by various hotels and inns within the MPD. Future development of Lot I will provide pedestrian circulation to the Silver Lake plaza and may also provide shuttle service for guests. The City transit system has a stop at the turn out in front of the Goldener Hirsh.

12. The MPD amendment was noticed and public hearings held in accordance with this Code.

13. The MPD amendment provides opportunities for incorporation of best planning practices for sustainable development, water conservation, and energy efficient design by allowing a common parking structure, internal circulation between building masses, consolidated utilities, pedestrian access to common plazas, and utilization of shuttle services and energy efficient building design and construction.

14. The MPD amendment as conditioned addresses Physical Mine Hazards and Historic Mine Waste mitigation in compliance with the Park City Soils Boundary Ordinance.

#### Conditions of Approval – Deer Valley MPD

1. Prior to issuance of a building permit on Silver Lake Village Lot I, the property owner shall submit to the City a Physical Mine Hazards and Historic Mine Waste report. If historic mine waste is located on the site, a mine waste mitigation plan shall also be submitted in compliance with the Park City Soils Boundary Ordinance requirements and regulations as described in the Park City Municipal Code. This shall be noted on Exhibit 1 of the final executed 12th Amended Deer Valley MPD document as a footnote for Lot I.

2. If a single building is proposed on combined Lot I, the building shall be designed to be broken into more than one volumetric mass above final grade, exhibiting both horizontal and vertical articulation. Common underground parking is permitted and consolidated access is encouraged. This shall be noted on Exhibit 1 of the final executed 12th Amended Deer Valley MPD document as a footnote for Lot I.

3. Commercial uses allocated on Exhibit 2 for Lot D (Goldener Hirsch Inn) will not change from the current 2,062 square feet. Footnote #5 is added and

states, "Commercial uses on Silver Lake Village Lot D include 2,062 sf as allocated from this Amended and Restated Large Scale MPD, plus support commercial".

4. The final executed MPD document shall be recorded at Summit County within six months of the Planning Commission approval of the amendment or the approval shall be void unless a written request for an extension is submitted prior to expiration date and approved by the Planning Director.

**2. 7520-7570 Royals Street East- A 2nd 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 platted lot, Lot I and amended Lot D of the Silver Lake Village No.1 Subdivision to increase the area of skier and pedestrian easement by approximately 749 square feet. (Application PL-15-02966)**

Vice-Chair Joyce continued with the Plat Amendment until Commissioner Strachan returned to the meeting and assumed the Chair.

Vice-Chair Joyce recalled that the Planning Commission continued this item at the last meeting to make sure that all three items were in sync with the support commercial transfer, which was no longer an issue.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Second Amendment to the Re-subdivision of Lots 1 and 2, Silver Lake Village Number 1 Subdivision based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

**Findings of Fact – 7520-7570 Royal Street East - Re-Subdivision**

1. The property is located at 7520, 7530, 7540, and 7570 Royal Street East.

2. The property is in the Residential Development (RD) Zoning District and is subject to the Deer Valley Master Planned Development, as amended.
3. The subject property consists of platted Lots D, F, G, and H of the Re-Subdivision of Lots No.1 and No. 2 Silver Lake Village No. 1 Subdivision.
4. This plat amendment creates one (1) lot of record, to be known as Lot I, from three platted lots, namely Lots F, G, and H.
5. Lots F, G, and H are currently vacant, undeveloped lots. The applicant desires to construct a multi-family building on Lot I, consistent with the Deer Valley MPD and subject to an approved Conditional Use Permit.
6. These Lots are currently utilized as temporary parking for Silver Lake Village and Deer Valley Resort. The parking is roughly paved and not striped and depending on the level of parking management can accommodate 60 to 100 vehicles.
7. Per the existing plat, Lot D consists of 10,082 sf of fee simple lot area and 5,122 sf of pedestrian and skier circulation and easement area. Lot D is amended to reflect the as-built condition of the building by increasing the skier and pedestrian circulation easement by 749 sf and decreasing the fee simple area by the same amount. An easement for the bridge connection is proposed on a portion of Lots D and I and over Sterling Court. Amending Lot D will result in 9,333 sf of fee simple area and 5,871 sf of skier easement.
8. Per the existing plat, Lot F consists of 8,766 sf of fee simple area and 6,622 sf of pedestrian and skier circulation and easement area.
9. Per the existing plat Lot G consists of 7,772 sf of fee simple area and 8,581 sf of pedestrian and skier circulation and easement area.
10. Per the existing plat Lot H consists of 7,879 sf of fee simple area and 11,166 sf of pedestrian and skier circulation and easement area.
11. Lot I is proposed to consist of 50,786 sf (1.166 acres) with platted utility and access easement areas.
12. The fee simple areas of Lots F, G, and H are to be owned by the applicant. Transfer of ownership of the easement areas around Lots F, G, and H was approved by the Silver Lake Village Owner's Association on June 3, 2016. Easement area around Lot D will continue to be owned by the Silver Lake Village



Owner's Association.

13.A condominium plat, known as Mount Cervin Villas, was recorded on Lot F, as Phase 2 of the existing Mount Cervin Condominiums, which were constructed on Lot E. Lot E, is not part of this plat amendment and the Mount Cervin Condominiums are not owned by this applicant. Mount Cervin Villas were never constructed.

14.The applicant will vacate the Mount Cervin Villas condominium plat on Lot F (which they also have title to) with recordation of this plat amendment or with recordation of a new condominium plat for the Goldener Hirsch Inn CUP.

15. A condominium plat for the multi-unit residential building proposed on Lot I, subject to the Goldener Hirsch Inn CUP, is required prior to individual sale of any units.

16.A condominium plat, known as Golden Deer Condominiums, was recorded on Lot D, as the existing Goldener Hirsch Inn. The condominium plat was amended in 2007 to add 272 sf to the restaurant. A second amended Golden Deer Condominium plat will be submitted for review and approval to memorialize amendments proposed with the Goldener Hirsch Inn Conditional Use Permit, including converting two existing residential units (843 sf) into common area to accommodate the proposed bridge connection to the multi-unit residential building proposed on Lots F, G, and H.

17.The plat amendment combines Lots F, G, and H, and the associated pedestrian and skier circulation easement areas, into one (1) 1.166 acre (50,786sf) lot of record, to be known as Lot I and associated utility, skier and pedestrian circulation easement areas.

18.The plat amendment provides a bridge easement for the proposed bridge connecting Lot D to proposed Lot I across Sterling Court, a private street.

19.There are no minimum or maximum lot sizes in the RD District.

20.Silver Lake Village No. 1 Subdivision was approved by City Council on April 20, 1989 and recorded at Summit County on June 21, 1989.

21.Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision was approved by City Council on October 5, 1989 and recorded at Summit County on November 8, 1989.

22. Multi-family buildings are allowed in the RD District, subject to requirements of the Deer Valley MPD, as amended.

23. Access to the property is from Royal Street East, a public street, and Sterling Court, a private street.

24. Public utility and access easements, as required by the City Engineer and other service providers, consistent with the final utility plan for the Goldener Hirsch Inn Conditional Use Permit shall be shown on the plat prior to recordation.

25. The final mylar plat is required to be signed by the Snyderville Basin Water Reclamation District to ensure that requirements of the District are addressed prior to plat recordation.

26. Snow storage area is required along Royal Street East due to the possibility of large amounts of snowfall in this location.

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

#### Conclusions of Law – 7520-7570 Royal Street East – Re-Subdivision

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

#### Conditions of Approval – 7520-7570 Royal Street East – Re-Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of

City Council approval. If the plat is not recorded within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to expiration and an extension is granted by the City Council.

3. A ten foot (10') wide public snow storage easement is required along the Royal Street East frontage of the property and shall be shown on the plat prior to recordation.

4. Easements, as required by the City Engineer and other utility service providers, and consistent with the final approved utility plan for the Goldener Hirsch Inn Conditional Use Permit, shall be shown on the plat prior to recordation, including but not limited to; placement of utility structures, boxes and transformers, storm water detention, and an approved fire plan.

5. Modified 13-D sprinklers are required per the Chief Building Official and shall be noted on the plat.

6. All requirements of the Snyderville Basin Water Reclamation District shall be satisfied prior to recordation of the plat and/or noted on the plat.

7. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the Lot or within easement areas on the property.

8. The final utility plan must address storm water detention on the Lot, or within the easement areas.

**3. 7520-7570 Royal Street East- Conditional Use Permit for 34 residential units on Lot I of the Amendment to the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision. (Application PL-15-02967)**

Neither the Staff nor the applicant had comments or a presentation. The Commissioners had no comments or questions.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to APPROVE the Goldener Hirsch Inn Conditional Use Permit based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 7520-7570 Royal Street East – CUP

1. The property is located at 7520-7570 Royal Street East with access proposed off of Sterling Court, a private street.
2. The property is zoned Residential Development subject to the Eleventh Amended and Restated Large Scale Master Planned Development, aka Deer Valley MPD, as amended.
3. On October 16, 2015, the applicant submitted a request for a Conditional Use Permit for an expansion of the existing Goldener Hirsch Inn located at 7520-7570 Royal Street East.
4. This Conditional Use Permit is subject to approval of the proposed 12th Amended and Restated Large Scale Deer Valley Master Planned Development Permit, submitted on April 27, 2016, for concurrent review. The MPD amendment application requests to combine Silver Lake Village Lots F, G and H into one Lot I and to transfer 843 sf of residential uses (0.4215 UE) from Lot D to Lot I. Lot D would be reduced to 5.5785 UE of residential uses.
5. This Conditional Use Permit is subject to approval of the Second Amended Re-Subdivision of Lots No.1 and No. 2 Silver Lake No. 1 Subdivision plat amendment, submitted on October 16, 2016, for concurrent review. The plat amendment application requests combination of Silver Lake Village Lots F, G, and H into one lot, Lot I.
6. The 1.17 acre Lot I is currently vacant undeveloped land that has been used as a temporary parking lot for Silver Lake Village and Deer Valley Resort for thirty years or more. This property provides approximately 60 temporary parking spaces (depending on the level of parking management) on a roughly paved surface.
7. The Deer Valley MPD assigns a total of 34 UE to Silver Lake Village Lots F, G and H and 6 UE to Silver Lake Village Lot D.
8. The Twelfth Amendment to the Deer Valley MPD notes that Lot D is assigned 2,062

square feet of commercial area plus support commercial uses.

9. Lot D is the location of the existing Goldener Hirsch Inn. The Hirsch currently has a total of 11,104 sf of residential floor area (20 separate units). The DV MPD allocated 6 UE of residential density (12,000 sf). The existing building also contains 3,493 sf of platted commercial floor area, based on the Golden Deer Condominium and First Amended Golden Deer Condominium plats. This support commercial (restaurant, bar, lounge, gift shop, front desk, etc.) consists of 2,062 sf of DV MPD assigned commercial and 1,431 sf of support commercial approved with the 1988 Golden Deer (MPD) approval. An additional 500 sf of support meeting space was also approved.

10. At the time of MPD approval support commercial/support meeting space was based on the total floor area of the building minus the parking garage and support commercial (24,693 sf). A total of 4,532 sf of support commercial/support meeting space was permitted (2,062 sf from DV MPD and 2470 sf based on the building floor area).

11. The total existing support commercial and support meeting space in the Goldener Hirsch Inn is 3,993 sf (3,493 of platted commercial floor area plus the 500 sf of common area meeting space on the second floor). No changes are proposed to the commercial areas.

12. The MPD does not assign commercial to Lots F, G, and H (aka Lot I). These Lots are allowed support commercial calculated per the LMC at the time of approval of the CUP. The applicants are not proposing support commercial with this permit.

13. On October 16, 2015, the Planning Department received a complete application for a Conditional Use Permit (CUP) requesting approval for a total of 68,843 sf (34.4215 UE) of residential uses, for 38 residential units ranging in size (area) from 570 to 2,379 square feet. The total residential floor area includes the 843 sf (0.4215 UE) transferred from the existing Inn (on Lot D) and the 68,000 sf (34 UE) entitled with the Deer Valley MPD for Lots F, G, and H, per the proposed 12th Amended Deer Valley MPD.

14. The project has a total of 31 lockouts associated with the 38 units to facilitate the viability of existing hotel operations. The lockout unit floor area is included in the total unit area and the parking calculations.

15. The proposed building is oriented towards Sterling Court and generally has a north/south axis. The site is broken into more than one volumetric mass in order to

match the scale of the surrounding buildings. The north building contains sixteen units ranging from 2,180 to 2,265 sf. and an ADA unit on the ground floor. The center building contains six units of approximately 2,000 to 2,379 sf and includes the lobby and amenities. The south building contains sixteen units comprised of eight 570- 588 sf hotel rooms and eight units of approximately 1,808 sf to 2,205 sf

16.The total proposed building area is 154,578 square feet. Included in the total area, in addition to the 68,843 square feet of residential units, are approximately 8,300 square feet of residential accessory uses (recreation amenities, business center, workout area, etc.); 22,878 square feet of circulation, back of house, restrooms, etc.), 3,398 square feet of support meeting space, a 2,162 square foot required ADA unit as common area, and 49,077 sf of parking garage (in addition to the 68,843 square feet of residential units). This area is exclusive of any unenclosed porches, decks, and patios.

17.No UE are required for residential accessory uses, support meeting space, back of house area, or the parking garage. No support commercial uses are proposed with this Conditional Use Permit.

18.The Deer Valley MPD does not require open space on this parcel as the unit equivalent formula is used for density calculations.

19.Building Height allowed per the Deer Valley MPD is 59' (plus 5' to 64'), provided that the peak of the roof does not exceed USGS elevation 8186'. The base elevation is identified as USGS elevation 8122'. The proposed building does not exceed USGS elevation 8186' to the highest part of the roof.

20.The proposed building is similar in physical design, mass, and scale to surrounding buildings and while different than surrounding structures in terms of architectural style, design, and character, the proposed building has elements that provide a continuity and compatibility of design for the Silver Lake Village. By incorporating similar design elements and materials, as required by the Deer Valley Design Review Board, the applicant has worked to make the building compatible with surrounding structures in terms of style, design, and detailing. By reducing the amount of glazing, reworking the balcony design, and provided additional building articulation, particularly along Royal Street, the revised building is more compatible with the general architectural theme of the Village while providing a more updated and fresh style to the area. The proposed design does not detract from the overall architectural character of the area.

21.Final design approval by the Deer Valley Architectural Review Board is a

requirement of the Deer Valley MPD.

22. Parking requirements are based on the size and number of residential units. A minimum of 76 spaces are required for the number and sizes of proposed units. A total of 110 parking spaces are proposed within an underground parking garage. Thirty-four extra parking spaces will be available for flexible use for public parking and overflow.

23. The Goldener Hirsch will continue to meet the parking requirements for the remaining residential units with existing underground parking under the Goldener Hirsch Inn building. A hotel managed shuttle service is proposed to reduce traffic trips. Guest parking will be managed through valet service within the parking structure.

24. A final utility plan, including location and details for storm water facilities and dry utilities, to be located on the property, in addition to all other utilities, will be provided with the building permit plans for final approval by the City Engineer, SBWRD, and the Fire District.

25. Sterling Court provides access, including emergency access, to the project from Royal Street East. There is a fire code compliant turn around area at the southern end of the Court. Enhanced fire protection and emergency access for the west side of the property were coordinated with the adjacent property owner (Stein's) and will be reflected on the final utility and fire protection plans to be submitted with the building permit plans.

26. Enhanced pedestrian pathways along the eastern property line are proposed, as well as pedestrian pathways and outdoor plazas between the spa pool area and the recreation area and ski locker rooms.

27. Natural vegetation on the southern portion of the site includes native grasses and shrubs.

28. Four existing buildings in the Silver Lake Village area with access off of Sterling Court (Goldener Hirsch, Royal Plaza, The Inn, and Mt Cervin) generally have a north-south orientation and are similar in height and scale to the proposed building as designed with vertical and horizontal articulation and massing broken into three main components.

29. The Land Management Code allows for 20' setbacks along Royal Street (25' for front facing garage), 12' side setbacks, and 15' rear setbacks. The proposed building

has a 20' setback along Royal Street, a 15' setback along Sterling Court (a private street) (per the subdivision plat), a 12' setback along the west side property line and a 15' rear setback adjacent to the Mt. Cervin property line. The Planning Commission may alter interior setbacks within the Deer Valley MPD at the time of review of the associated plat amendment.

30. All exterior lights and signs must comply with the applicable Park City ordinances and code. Exterior lights must be identified on the building permit plans and shall be down-directed and shielded. No additional signs are proposed with this permit. Approval of a sign permit is required prior to installation of any new regulated signs.

31. A condominium plat and condominium declaration to identify private, common, and limited common areas shall be recorded prior to sale of any unit.

32. The Deer Valley MPD is not subject to the requirements of the Sensitive Lands Overlay.

33. The site is within the area subject to the City's Urban Wildland Interface Ordinance for fire prevention.

34. On January 13, 2016 the Planning Commission discussed the proposal, conducted a public hearing, and continued the item to February 24, 2016.

35. On February 24, 2016 the public hearing was continued to a date uncertain. There was no public input provided at the hearings on January 13th or February 24th, 2016.

36. Staff received public input from a neighboring property owner in May expressing safety concerns with the driveway access onto Sterling Court; the height of the proposed sky bridge blocking views; and potential pedestrian conflicts with service vehicles, cars, and emergency vehicles if access is permitted on Sterling Court instead of Royal Street East.

37. The project was on hold until August 2016 for the applicant to resolve ownership and utility issues.

38. Staff maintained contact with the property owner and upon receipt of revised plans and contacted this neighbor to set up a meeting to discuss the above mentioned safety concerns.

39. The applicant provided a traffic and safety analysis of the project on September 20, 2016 for inclusion in the Planning Commission packet.



40. On September 28, 2016, the City Engineer provided a memo addressing the safety and adequacy of Sterling Court and made a finding that Sterling Court should function adequately with the added density and should not be a safety concern.

41. Legal notice was published in the Park Record and on the Utah Public Notice Website on September 9, 2016 and the property was re-posted on September 14, 2016 for the September 28, 2016 hearing. Courtesy mailing was provided to the property owners within 300' of the property.

42. The Conditional Use Permit application was reviewed for consistency with the Park City General Plan.

43. The applicant stipulates to the conditions of approval.

#### Conclusions of Law – 7520-7570 Royal Street East - CUP

1. The CUP is consistent with the Deer Valley Master Planned Development, as amended and the Park City Land Management Code.
2. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approval – 7520-7570 Royal Street East - CUP

1. The plans and application for a Building Permit must be in substantial compliance with the plans reviewed by the Planning Commission on November 30, 2016.
2. This Conditional Use Permit is subject to approval of the proposed 12th Amended and Restated Large Scale Master Planned Development Permit and the Re-Subdivision of Lots No. 1 and No. 2 Silver Lake No. 1 Subdivision plat.
3. Prior to building permit issuance the amended subdivision plat for Silver Lake Village to combine Lots F, G, and H into one lot of record, shall be recorded at Summit County. The plat shall identify the 15' setbacks along Sterling Court.
4. Prior to building permit issuance a final landscape plan shall be reviewed and approved by the Planning and Building Departments.

5. Prior to building permit issuance the plans shall be approved by the Deer Valley Architectural Review Board.

6. The final landscape plan shall comply with the City's Wildland Urban Interface Ordinance for defensible space and fire prevention. Drought tolerant landscaping and water conservation measures shall be used per requirements in the LMC.

7. All conditions of approval of the Deer Valley Master Planned Development, as amended, apply to this project.

8. A Construction Mitigation Plan shall be submitted at the time of Building Permit application. The Plan shall include a regulation for construction traffic, including how excavated materials will leave the site. Downhill truck traffic is required to use Marsac Avenue, a State Highway, rather Royal Street, a residential city collector street due to the location of an emergency run-away truck ramp off Marsac Avenue, unless otherwise authorized by the City Engineer and Chief Building Official. The CMP shall address closure dates due to Special Events, as well as other items requested by the Chief Building Official.

9. All exterior lights and signs must comply with applicable Park City ordinances and codes.

10. Exterior lighting must be identified on the building permit plans and shall be downdirected and shielded. Any existing, non-conforming exterior lighting shall be brought into compliance with the current LMC requirements.

11. Approval of a sign permit is required prior to installation of any regulated signs.

12. A final utility plan shall be provided with the building permit application for final approval by the City Engineer, SBWRD, and the Fire District prior to building permit issuance.

13. A final fire protection plan must be submitted to and approved by the Chief Building Official and Fire District prior to Certificate of Occupancy.

14. Sterling Court meets the minimum width of 20' for emergency access. No parking is permitted along the Court and curbs shall be painted and/or signed to clearly mark the 20' fire lane.

15. As common area, the required ADA unit may not be sold. A residential unit must be

rented in conjunction with the ADA unit unless the ADA unit is included in the total residential UE.

16. All exterior mechanical vents and extrusions shall be painted to match the exterior siding materials.

17. Exterior mechanical equipment shall be screened to mitigate for any mechanical factors that might affect people and property off-site.

18. Standard Project Conditions of Approval apply to this project.

19. Storm water system must retain the first flush of a storm as defined by the State of Utah. Storm water system shall be shown on the final utility plan.

20. Above ground dry utility facilities shall be located on the property.

21. Pool and plaza hours are limited from 7AM to 10PM and compliance with the Park City noise ordinance is required.

22. Applicant shall submit a report and evidence of noise, disturbance, and activity complaints on and off-site, including the resolution of any complaint matters, to the Planning Commission one year from issuance of Certificate of Occupancy. Staff will provide an update to the Planning Commission. The Commission may add additional Conditions of Approval to meet the Conditional Use Permit requirements for mitigation of noise, based on the report and evidence of complaints.

23. Outdoor activities on the Plaza, including outdoor dining and outdoor events, require compliance with the Land Management Code, including approval of administrative Conditional Use permits, if applicable.

**4. 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. (Application PL-16-03177)**

Planner Whetstone requested that the Planning Commission conduct a public hearing and continue this item to December 14, 2016.

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

MOTION: Commissioner Joyce moved to CONTINUE the Tower Club CUP Phase I Amendment to December 14, 2016. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

5. **8200 Royal Street East – Third Amendment to Stag Lodge, Phase 1 Condominium Plat to convert what is currently designated as Common Area to Limited Common Area to allow construction of a new deck.**  
**(Application PL-16-03202)**

Planner Ashley Scarff reviewed the application for the Third Amendment to the Stag Lodge, Phase 1 Condominium Plat, specifically for Unit 10, at 8200 Royal Street East. The purpose of the condominium plat amendment is to convert an area currently designated as common owner to limited common ownership, which would allow for the extension of an existing deck that lies outside of the main level living room of Unit 10. No other units in the condominium would be affected as part of the proposed amendment.

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

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation for the Third Amended Condominium plat for the Stag Lodge, Phase I, Unit 10, located at 8200 Royal Street East, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

**Findings of Fact – 8200 Royal Street East**

1. The property is located at 8200 Royal Street East, Unit 10.
2. The property is located within the Residential Development (RD) District and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).

3. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size, as long as the project maintains 60% or more of open space. In the case of Stag Lodge Phases I-IV, the developer utilized the number of units with no size restriction instead of the unit equivalent formula.

4. Stag Lodge Phase I condominium plat was approved by City Council on January 10, 1985 and recorded at Summit County on March 4, 1985.

5. The First Amended Stag Lodge Phase I plat was approved by City Council on June

6, 2002 and recorded at Summit County on January 17, 2003. The First Amendment replaced sheets 2, 3, 4, 5, and 6 (of 6) of Stag Lodge Phase 1, and converted areas of Limited Common and Common Ownership to Private Ownership.

6. The Second Amended Stag Lodge Phase I plat was approved by City Council on July 1, 2004 and recorded at Summit County on May 25, 2005. The Second Amendment affected sheets 2, 4, and 5 (of 6) of Stag Lodge Phase 1, and converted Common Ownership Area to Private Ownership in order to reflect as-built conditions of units that had been combined by removing interior Common walls that separated them.

7. On June 6, 2016, an application was submitted to the Planning Department for the Third Amended Stag Lodge Phase I condominium plat for Unit 10, to convert what is currently designated as Common Ownership area to Limited Common Ownership area to allow for the extension, and appurtenant use of, an existing deck outside of Unit 10's main-level living room. The application was deemed complete on October 7, 2016.

8. A conversion of Ownership from Common to Limited Common (and vice-versa) does not require that a plat amendment be recorded; however, the applicant requested that the change be recorded to ensure that the deck area is appurtenant to Unit 10 and to the exclusion of other units.

9. The consent of 2/3 or more of the Unit Owners is required and 100% supported the conversion.

10. The amendment will not affect the overall number of residential units and at least 60% of open space is maintained.

11. The proposed amendment and deck extension will not increase the existing building footprint, or amount of Private Ownership area.

12. The proposed plat amendment does not increase the parking requirements for this unit.

13. The findings in the analysis section are incorporated herein.

Conclusions of Law – 8200 Royal Street East

1. There is good cause for this amendment to the condominium plat.
2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended condominium plat is consistent with the Deer Valley Master Planned Development, 11th Amended and Restated, which is most current at time of application.
4. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
5. Approval of the condominium plat amendment, subject to the conditions of approval below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 8200 Royal Street East

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation.
2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the record of survey will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All other conditions of approval of the Stag Lodge Condominium record of survey plats as amended and the Deer Valley MPD shall continue to apply.
6. 1401 & 1415 Kearns Blvd., 1415, 1635, 1665, 1685, & 1705 Bonanza Dr., 1420 & 1490 W Munchkin Rd., – Bonanza Park North East Master Planned

**Development (MPD) Pre-Application determination in the General Commercial (GC) District. Project consists of a mixed-use development containing commercial space on the first floor and office or residential uses on the upper levels. Project includes surface parking and one level of underground parking. (Application PL-15-02997)**

Planner Francisco Astorga reported that this item was a pre-application for a master planned development for the Bonanza Park East Master Plan, which is a small section of the entire Bonanza Park neighborhood, consisting of 9 parcels. This pre-application was previously before the Planning Commission on May 11<sup>th</sup>, July 27<sup>th</sup>, August 24<sup>th</sup> and October 11<sup>th</sup>. Some of those dates were simple Continuations, and the others involved presentations and a review of the application.

Planner Astorga stated that the pre-application was recently modified to reflect some of the comments and concerns that were raised by the Staff and the Planning Commission, and some of the percentages have changed. The Staff and the applicant were prepared to review those specific items if requested by the Planning Commission. Planner Astorga emphasized that this was a pre-application for a master planned development. Issues such as height exceptions, reduced setbacks, findings regarding open space calculations, and all of the development standards of the master planned development will be addressed at the time of the full MPD application. Planner Astorga stated that a pre-application does not vest any densities or heights and it does not reduce setbacks. It simply allows the applicant to present their preliminary conceptual plan to the Planning Commission and the public, and to have a productive discussion in preparation for the MPD application submittal.

Planner Astorga noted that Rory Murphy and Craig Elliott, representatives for the applicant, were present to answer questions. The applicant did not intend to give a full presentation this evening; however, if requested, they were prepared to review some of the exhibits.

Planner Astorga had received a response from the applicant addressing the goals and objectives of the General Plan and regarding the specific Bonanza Park neighborhood section. Planner Astorga stated that the General Plan is not an enforceable document. The role of the General Plan is to guide the LMC regarding the goals, objectives and policies.

Planner Astorga commented on the revisions to the plan. The most significant change was the amount of commercial, including the office/business, and an increase in the residential. He noted that the Planning Commission would have time to discuss that more specifically at the time of the full MPD. He reiterated that the numbers are not vested with the pre-application.

Planner Astorga noted that this item was continued from the October meeting. The Staff requested that the Planning Commission conduct a public hearing. As a courtesy, letters were sent to property owners within 300 feet of the project. In addition, six signs were posted throughout the project.

The Staff was prepared to provide finding for specific items that have been identified, and to finalize the conceptual preliminary pre-application stage so the applicant could move forward and submit the full MPD application.

Rory Murphy, representing the applicant, thanked the Planning Commission and Staff for their efforts and comments to help them design an appropriate re-development for the project location. Mr. Murphy stated that the applicant heard very clearly the concerns raised by the Commissioners, the public and the Staff regarding the heights, the proposed uses, the location and extent of open space, and the need for additional affordable housing within the project. Mr. Murphy understood that those issues would need to continue to be addressed as the project enters the MPD phase.

Mr. Murphy commented on the affordable housing element that the City has labeled as one of its three critical priority items. He noted that the applicant has built two affordable housing projects in advance of the CUP application, and that effort should be recognized and encouraged. The 1440 Empire project is currently providing housing for 48 workers. The Clock Tower project currently houses 32 workers. He was not aware of any other landowner who has done that.

Mr. Murphy stated that in the pre-application process they voluntarily increased their project requirement to 20% of the total units that would be decided to workforce housing. He believed this was a unique position for a landowner to take and reflected the comments and concerns of the Staff and Planning Commission on this very important issue.

Mr. Murphy addressed uses. They have shown what appears to be an inordinate amount of commercial use on the plan; and they heard comments from the Staff and the Planning Commission to that effect. Mr. Murphy explained that the reason they continue to show that in buildings A and B, is a desire to include the Sundance Institute and the Kimball Arts Center as part of this proposal. He clarified that neither organization had committed to the site and both were undertaking feasibility studies to determine the best direction for their organizations. However, they have expressed interest in the site and the applicant is continuing to show the two buildings as commercial as a placeholder for those organizations should they choose to move forward with this applicant. Mr. Murphy stated that if an agreement is not reached with these organizations, they would likely move in the direction of residential in that area.



Mr. Murphy noted that another pertinent comment was the extensive retail shown in the other buildings, and they have reduced that considerably from the earlier proposals to be limited in scope and prevent empty store fronts.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Campbell thought this process was a great example of the coordination they were trying to do for projects like this. The applicant listened and made substantive changes based on what they heard. He thanked them for listening.

Commissioner Thimm echoed Commissioner Campbell. He found it refreshing to see the plan evolve through their review over the past months. Commissioner Thimm referred to the 20% affordable units and asked if there was a targeted AMI for those units. Mr. Murphy stated that the City directs the AMI and they would be meeting with Rhoda Stauffer and Anne Laurent.

Commissioner Thimm commented on the applicant's responses that were included in the Staff report. One talks about limiting nightly rentals and he asked if those numbers were defined. Mr. Murphy replied that it would be addressed at the MPD phase. They heard the comment and wanted to acknowledge that it was part of their thinking moving forward. He stated that the affordable units would be limited in nightly rental, and they were continuing to discuss other buildings or areas that might also fall into that category.

Commissioner Thimm referred to discussion in the Staff report about the design and the idea of eclectic massing. As the design evolves, he would encourage that to continue so they end up with something that can become a fabric of the overall neighborhood rather than having a themed community.

With respect to sustainability, Commissioner Thimm understood from the comments that there is not a plan to go through a recognized level of certification. In previous meetings they talked about LEED ND, and the answer seemed to be that this project would comply with the basic minimum standards of the Energy Code. Commissioner Thimm questioned how that measures up with the idea of the goal of maximum environmental sustainability. He believed that matching up with the minimum Energy Code was a low bar.

Mr. Murphy remarked that the LEED directives are solid and should be followed. However, his personal feelings about the LEED program is that you pay someone to tell them to do what they should already be doing. Mr. Murphy thought the City ordinance was specific and encompassing, and they would take that as far as the City wants to go. If the City Code is not good enough, they would take into consideration any comments from the Commissioners and Staff on that issue. Mr. Murphy clarified that his comments regarding LEEDS was his personal opinion. He admired the system itself, but he was not impressed with how it is administered.

Craig Elliott, representing the applicant, stated that he has LEED certified people in his office and they are capable of doing that if necessary. He explained that in the past they have followed other programs such as the National Green Building Standard, which is an ANSI Code. They have also done Energy Star projects which also have additional components. They are tied into development parcels that include the site and overall development. Mr. Elliott stated that they would come back at the next stage with the approach they plan to take and how it will be applied. He noted that all of the projects they were doing exceed the minimum standards they are required to meet as an office. Mr. Elliott believed the revised site plan would start to show their thinking on some of the environmental issues. It was a beginning point, but he included it in this phase so everyone would understand that they were headed in that direction. They would come back with an answer on those pieces.

Commissioner Thimm thought the National Green Building Standard was an appropriate platform for the residential side of the project. In going through this process, he asked if there was a way to stipulate that the Planning Commission would expect that sustainability and energy conservation would go beyond the minimum code requirements. Assistant City Attorney stated that the Commissioners could express that wish, but it needs to be tied to the MPD criteria. Once they move past the pre-MPD process, the Planning Commission could look at those criteria to determine whether or not that could occur.

Mr. Murphy stated that the applicant would voluntarily agree to that as a condition of approval.

Commissioner Joyce stated that he also enjoyed watching the project change based on their feedback, and how it has improved. However, he struggles with the process of a pre-application for an MPD because they try to find compliance with the General Plan, but the General Plan does not have a lot of detail and they are not allowed to ask the applicant for details. Commissioner Joyce stated that from a General Plan standpoint, the area as it currently exists is the vision of what it is supposed to be, which is light industrial and commercial to serve the people who live there, and residential for people to live there. He pointed out that talking about removing the gas station, a coffee shop, a car wash, a

market, and an urgent care center is opposite from what they were initially trying to protect. Those are the services for the day to day life of the people who live there. Commissioner Joyce understood that the applicant has tried to accommodate as much as possible and they cannot preserve everything. Part of the challenge is that this project is 1/18<sup>th</sup> of Bonanza Park. It is the first part and he looks at it as precedent setting. Taking it to an extreme, he tries to envision having 18 of this same type of proposal, which could result in eliminating grocery stores, drug stores, etc. His concern for the character of the neighborhood is that theoretically it could become 18 times what this applicant was proposing to build. They could end up with residential and commercial that is different than what was intended to serve the locality.

Commissioner Joyce clarified that he has had issues since they first saw this pre-application, and he continues to have issues. He appreciated that the applicant was making an effort to try to address those issues, but he still had concerns about the purpose statement of that neighborhood. It was easy to imagine that if they trample on it, it would keep occurring lot by lot as Bonanza Park is developed. He anticipated seeing a number of proposals in the near future.

Commissioner Joyce noted that the applicant was asking for additional density, four and five stories, and reduced setbacks for the Frontage Protection Zone. After listening to the work session presentation regarding traffic problems, he was concerned about exacerbating the existing problems at the hub where Bonanza, SR248 and SR224 all come together. Commissioner Joyce liked their proposals for affordable housing, and their plan for non-profits and other things, but as a Planning Commission they have to decide whether those items are worth giving extra density or height and setbacks. As they fight through traffic problems, it is difficult for him to add density beyond the significant amount that is already vested.

Commissioner Joyce stated that given the loose state they were in with the pre-application for an MPD, he did not have a good reason to hold up the process. However, as they get into the full MPD process, he would be looking for anything the applicant could do to address the nature of that neighborhood, the density and the height. He pointed out that whatever answers are given, he would be multiplying it times 18.

Mr. Elliott explained that the applicant worked diligently to keep the gas station in the area, but they wanted five times the amount of site area that they have today. Mr. Elliott stated that the applicant spent a lot of money and time working out a solution for the Urgent Care, but they chose to buy the Pizza Hut. They are working with the owner of Anaya's Market to find a better location. Mr. Elliott remarked that there is an expectation locally and with the ownership group to find ways to solve those problems.

He pointed out that the ownership group has spent a lot of time and money trying to work on solutions, but they do not always get to make the decisions.

Mr. Murphy appreciated Commissioner Joyce's comments, and they would continue to work on those issues. If individual Commissioners have a vision, he encouraged them to express their vision in writing and submit it to Planner Astorga, who would pass it on to them. Mr. Murphy understood what Commissioner Joyce was saying and that it might not work for him right now. However, as time goes on, if it articulates itself and he shares it with them, they will listen.

Commissioner Phillips stated that he agreed with all the comments and he was trying to keep an open mind on both sides. He was looking forward to getting into the details and being able to analyze the project.

Chair Strachan noted that this was a pre-MPD application and they were only looking for General Plan Compliance. The applicant has a long way to go and finding compliance with the General Plan was in no way a thumbs up or thumbs down action. He expected to talk a lot about height and setbacks. He remarked that these were the most detailed plans he had ever seen in a pre-MPD and he appreciated their efforts. However, he found some of the plans to be troubling and he anticipated having significant discussions.

Chair Strachan stated that this biggest issue was whether or not to allow nightly rentals. He was unsure how they could make it the type of live/work neighborhood that the General Plan envisions if they allow nightly rentals, because will be condominiumized and used during the holidays, and sit vacant the remainder of the year. That is not conducive to neighborhoods and they would not want it to happen in that area.

Chair Strachan stated that another issue is affordable housing. He believed the applicant was on the right track and he thanked Mark Fischer for building the Empire and Rail Central first. They would like all developers to build the affordable housing first and then build the market rate units. He would expect that to happen in this proposal. Chair Strachan would be looking for a condition of approval in the end that requires affordable housing to be built first because it does languish as mentioned earlier, and the affordable units never get built.

Chair Strachan was satisfied with the answers to the green standard issues that Commissioner Thimm had raised. He would also be looking closely at bike and pedestrian paths. In their letter, the response from the applicant was that there would be strong pedestrian bike paths, but it was unclear what that meant.

Chair Strachan was bothered by the prospects for Anaya's Market. The two examples given were the clinic and the gas station that moved away. He did not want the same result for Anaya's. Chair Strachan stated that there are ways of building goodwill in the community and ways to make the community like the project. He suggested that doing more than what the market might direct to keep Anaya's in its current location may build a great deal of goodwill and get them farther than they might otherwise get if Anaya's goes away.

Chair Strachan agreed with the comments stated by his fellow Commissioners. He thought the Findings of Fact were appropriate and did not need to be amended. Chair Strachan believed the pre-MPD met the general requirements of the General Plan.

Director Erickson read the drafted motion in the Staff report requesting that the Planning Commission make a finding of preliminary compliance with the purpose of the General Commercial District and General Plan of the Bonanza Park East Master Plan Pre-application, located at 1401 & 1415 Kearns Boulevard, 1415, 1635, 1665, 1685 & 1705 Bonanza Driver, 1420 & 1490 West Munchkin Road, based on the Findings of Fact and Conclusions of Law.

MOTION: Commissioner Phillips made a motion to Find Compliance with the General Plan as stated above by Director Erickson. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – Bonanza Park North East MPD Pre-application

1. The subject property is located at 1401 & 1415 Kearns Boulevard, 1415, 1635, 1665, 1685, & 1705 Bonanza Drive, 1420 W. & 1490 W. Munchkin Road.
2. The subject site contains 224,801 square feet (approx. 5.16 acres).
3. The subject site consists of nine (9) separate parcels/lots.
4. The property is located within the GC District.
5. Land Management Code (LMC) § 15-6-4 outlines the following process for a MPD Pre-Application.
6. The MPD Pre-Application is intended to allow the applicant to have an opportunity to present the preliminary concepts; provide an opportunity for the Planning Commission to give preliminary input on the concept; and to allow the

public to be given an opportunity to comment on the preliminary concepts so that the applicant can address neighborhood concerns.

7. The Planning Commission is to review the preliminary information to identify issues on compliance with the General Plan and is to make findings that the project initially complies with the General Plan.

8. The MPD Pre-Application does not vest any densities, layouts, heights, setback exceptions, etc. It focuses on identifying conceptual issues of compliance with the General Plan and Zoning.

9. The proposed MPD Pre-Application consists of seven (7) separate buildings identified as Bldg. A - G.

10. The proposed gross floor area is approximately 276,494 sf.

11. Proposed Bldg. A is approximately 54,357 gross floor area with 4 stories (including lower level due to grade change).

12. Proposed Bldg. B is approximately 49,251 sf. gross floor area with 4 stories.

13. Proposed Bldg. C is approximately 16,640 sf. gross floor area with 3 stories.

14. Proposed Bldg. D is approximately 63,346 sf. gross floor area with 4 & 5 stories.

15. Proposed Bldg. E is approximately 49,184 sf. gross floor area with 4 & 5 stories.

16. Proposed Bldg. F is approximately 24,076 sf. gross floor area with 3 stories.

17. Proposed Bldg. G is approximately 19,637 sf. gross floor area with 4 stories.

18. The proposal consists of the following uses:

- a. Residential: 104,357 sf. (52.18 UEs).
- b. Business (Office): 4,371 sf. (4.37 UEs).
- c. Commercial: 87,986 sf. (87.99 UEs).
- d. Residential affordable housing: 20,390 sf.
- e. Circulation: 47,461 sf. formerly 50,124 sf.
- f. Mechanical: 11,929 sf. formerly 11,333 sf.

19. The proposal consists of an underground parking area with two (2) access points.

20. The proposal consists of 355 parking spaces, 271 underground parking stalls plus 84 surface parking stalls.

21. The proposed MPD pre-application would also require the re-platting of the nine (9) lots/parcels.

22. While the proposal provides mixed-use development opportunities for locals to live and work, the City should be reviewing additional studies at MPD stage regarding the long term effects, including the possible effects of gentrification.

23. At this stage the proposal shows a total of 97 residential units, consisting of 23 on-site affordable housing units ranging from approximately 432 to 1,166 sf. and 74 market rate units ranging from approximately 372 to 3,703 sf.

24. The applicant is to provide projected Nightly Rental numbers, residential unit specifics, etc., at the MPD Stage. The Planning Commission may limit the amount of nightly rentals during the MPD review.

25. The applicant in their future MPD Application is to keep in mind and demonstrates placemaking and authenticity by emphasizing human scale, infusion of design elements representative of residents' diverse roots, contemporary design, etc.

26. The MPD application is to address green design and strive towards a goal of maximum environmental sustainability.

27. The current application complies with requirements by the Transportation Planning Department and the City Engineer regarding reducing friction on Kearns Boulevard and Bonanza Drive.

28. The future MPD/CUP application would have to show a more defined character than the current dominant architectural styles within the District.

29. Several Conditional Use Permits need to be submitted concurrently with the full MPD application.

30. The applicant shall apply for a Plat Amendment/Subdivision application concurrently with the full MPD application.

31. The minimum setback around the exterior boundary of an MPD is twenty five feet (25') for parcels one (1) acre in size.

32. The Planning Commission may decrease the required perimeter Setback to the zone Setback if it is necessary to provide desired architectural interest and variation.

33. The applicant proposes the following setbacks:

- a. 68 ft. from Kearns Blvd. (Bldg. A & C)
- b. 40 ft. from Bonanza Dr. (Bldg. A)
- c. 48 ft. from Bonanza Dr. (Bldg. B)
- d. 40 ft. from Bonanza Dr. (Bldg. G)
- e. 25 ft. from Bonanza Dr. (Bldg. F)
- f. 30 ft. from Munchkin Rd. (Bldg. D, E, & F)
- g. 100 ft. from east neighboring site (Bldg. C)
- h. 15 ft. from east neighboring site (Bldg. D)

34. While the proposal complies with the GC District (zone) setbacks, once the MPD application is submitted and deemed complete, the Planning Commission would have to make the findings for such setback reduction from the required 25 ft. for sites that are one (1) acre or bigger to the applicable zone setbacks.

35. The FPZ indicates that any construction within the FPZ located 30 to 100 ft. from the ROW/property line requires Planning Commission review through a filed CUP application.

36. The applicant has not submitted such FPZ CUP application.

37. Conditional Use Permit for construction within the Frontage Protection Zone application is to be submitted concurrent with the full MPD application.

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

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

40. Once the MPD application is submitted, the Planning Department will be able



to provide a thorough review of the height as specified on the LMC MPD section and will be able to make a recommendation to the Planning Commission.

41. The applicant shall submit their Subdivision/Plat Amendment application concurrently with the MPD application to ensure that these road requirements and design standards are met. If the applicant does not bring the Subdivision/Plat Amendment application concurrently with the full MPD staff would then recommend that these standards plus any other applicable requirements be reviewed during the full MPD process.

42. The applicant is to submit TDM strategies to be proposed during the full-MPD application.

43. The development must address the pre-development versus post-development detention of storm water onsite to be addressed at MPD application.

44. A traffic study will be required to further understand the developments impacts to the surrounding street and intersection network to be addressed at MPD application.

45. A utility plan for the proposal has not yet been submitted by the applicant.

46. Snyderville Water Reclamation District, Park City Municipal Corporation's (PCMC's) Department of Public Utilities and Building Department, and Park City Fire Marshall, are unable to comment but would provide comments after such plan is submitted for review prior to any formal approvals including a full MPD by the Planning Commission.

47. The applicant has been made aware that they need to reach out to the Water Reclamation District, Department of Public Utilities, Building Department, and Park City Fire District, separately to ensure compliance with their approval process.

48. The applicant has also been made aware that they are responsible of coordinating the efforts of the various review entities including the City, Water Reclamation District, etc.

49. The Department of Public Utilities request to identify at this time, that there are concerns with water supply, delivery, fire flow, pressure, demands (as provided by the Fire Marshall), etc., throughout the entire project based on the massing

and number of stories being proposed that may exceed existing zoning requirements.

50. The Department of Public Utilities requests that the utility plan to be submitted to the City for review also include how the utility system affects the neighborhood and the City. The utility plan to be submitted shall provide industry standards and shall be detailed enough for the Department of Public Utilities as well as other review entities to have them provide a full thorough review.

51. Park City's Environmental Regulatory Program Manager indicated that the subject property is located within the Park City Landscaping and Maintenance of Soils Cover Ordinance (Soils Ordinance).

52. All soil generated as part of development must either remain on site or be disposed of at an approved disposal facility.

53. Final landscaping must meet Soils Ordinance Requirements.

Conclusions of Law – Bonanza Park North East MPD Pre-Application

1. The Bonanza Park East Master Planned Development (MPD) Pre-Application plans to be located at 1401 & 1415 Kearns Blvd., 1415, 1635, 1665, 1685, & 1705 Bonanza Dr., 1420 & 1490 W Munchkin Rd. within the General Commercial (GC) Zone, comply with the Park City General Plan and are consistent with the purpose statements of the General Commercial (GC) District.

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

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



## Francisco Astorga

---

**From:** Clay Stuard <claystuard@gmail.com>  
**Sent:** Monday, November 28, 2016 7:21 PM  
**To:** Francisco Astorga; Bruce Erickson  
**Subject:** East BoPa Pre-MPD Application Comments

- 1) The proposed project contains to many square feet, and adjacent streets and intersections will fail.
- 2) The proposed building heights substantially exceed the allowed zone height limit and will create a "canyon effect" along Bonanza Drive.
- 2) If approved, this project will establish a ruinous precedent for similar overly intense redevelopment in the 120 acre Bonanza Park GC zone.
- 3) The proposed building heights will block views to the Natural Setting from a significant Park City Entry Corridor. The placement of tall buildings in the Frontage Protection Zone on Kearns Blvd as presumptuous at best and demonstrates a blatant disregard for the spirit of the Frontage Protection Zone Ordinance.
- 4) The proposed project will displace affordable commercial and retail space for small, local businesses. The loss of one of two public gas stations is critical.
- 5) Contaminated soils will be disturbed during excavation and transport, causing damage to adjacent properties and residents and to surrounding areas, and potentially harm storm drains and streams from runoff.
- 6) My recent conversations with the developer's representative suggested that only two buildings would have a 4th level and that none would have a 5th level and that Building "C" would be removed in its entirety and become a park/onsite repository for contaminated soils. These changes would have substantially reduced the total project square footage and the detrimental effects this project will have on view sheds and traffic congestion. The elimination of Building "C" would have greatly improved view sheds from Kearns Blvd and provide meaningful Open Space to this project. It is for these reasons I have patiently waited for these changes to emerge and did not comment during the last public hearing. None of those changes are reflected in the current plans.

For the reasons stated above, I urge the planning commission to reject the application as currently proposed. I am unfortunately out of town and cannot attend Thursday's public hearing.

Best regards,  
Clay Stuard  
Park Meadows Resident



## Louis Rodriguez

---

**From:** Mary Olszewski <maryolsz@comcast.net>  
**Sent:** Wednesday, November 30, 2016 3:32 PM  
**To:** Louis Rodriguez  
**Subject:** BOPA Triangle

Dear Planning Commission.

I urge you to reject applications as stated for the BOPA Triangle.

The recycle center is a community focused project. It brings the citizens together, and relates to all of us as stewards of the planet.

I am perplexed that the Planning Department sets height limitations, and then allows heights above that which it has zoned. Why? It appears that your values are less than firm.

The tendency to renege on height limits and obscure the mountains is an affront to me and the residents. When private entities buy parcels they are well aware of height limitations.

Sincerely,

Mary Olszewski

Sent from my iPad



## Francisco Astorga

---

**From:** PSHart <pshart8763@gmail.com>  
**Sent:** Wednesday, November 30, 2016 11:48 AM  
**To:** Francisco Astorga  
**Subject:** BoPa Nov 30th meeting...

Francisco,

I am writing you regarding the preliminary MPD BoPa East report. I have looked at and read some of the information on this proposed project.

While looking over the site plans, site suitability, landscape, and Elevation plans dated July 27, 2016 it's difficult to visualize the scale of the project. I would love to see adding the building dimensions in feet and inches as well as adding Elevation renderings that include colored floor/levels- colors showing what each level proposed use is. (using the same color codes from the Area Plans 121-124 drawings) The color code reference would give a good Elevation picture to what the levels are being designed for: commercial, office, housing, mechanical or circulation. With building height in feet and inches all could help visualize what the 4 story Bldg A or the 5 story Bldg E street view might look like from the Park Meadows 4way traffic light heading south to Bonanza. (35' plus 5-8' towers??)

The Bldg E residential Life Cycle housing upper levels appear will be seen from all directions in town, as well as Bldg D. When I look at the Elevation drawings- they mostly show a blue sky background. Could you please show what our new view over Bldgs A,E,& D will look like from the Wells Fargo corner facing Maverick, Anayas, and KAC. Will there be any remaining views of the resorts/ski runs?

In one of the reports BoPa compares Bonanza to the Snow Creek neighborhood. I do not see how they claim a similarity between the two developments- other than both are in the FPZ. Snow Creek has a lengthy setback from 248, and their natural grade sits below road 248, and the buildings aren't 4-5 levels high. The city built single family Snow Creek cottages are far better situated than the proposed multi use 4-5 story residential units amongst our backdoor corridor to and from historic old town. I can't imagine that Bonanza is anything like Snow Creek, and through my eyes, BoPa is not a model for being in balance with nature.

I cry thinking we all shall forever lose views of Park City Resort, Deer Valley, Iron Mountain and Park West, while we drive, walk, bike, or bus to work and play along Kearns, Bonanza Drive, Sidewinder, Ironhorse Dr, and Deer Valley Drive.

Respectfully,  
Pam Hart  
a Park City resident